

Board of Trustees
Academic and Student Affairs Committee
May 3, 2021, at 9:00 am
Zoom Meeting

Revised
4/30/2021

The public is invited to view the meeting on YouTube. The link to the Board of Trustees YouTube page can be found the Board website: <https://www.maine.edu/board-of-trustees/>

AGENDA

9:00-9:20 am

Executive Session

The Academic and Student Affairs Committee will enter Executive Session under the provision of: 1 MRSA Section 405 6-A

Following the Executive Session, the Committee will reconvene the Public Meeting to take action on the following items:

9:20-9:25 am

Tab 1 [Tenure at Time of Hire, Professor of Electrical and Computer Engineering, UM](#)

9:25-9:40am

Tab 2 [Academic Program Proposal: BS in Business Administration in Sports Management, UM](#)

9:40-9:55 am

Tab 3 [Academic Program Proposal: MS in Data Science, USM](#)

9:55-10:10 am

Tab 9 [UMPI Academic Restructuring](#)

10:10-10:25am

Tab 8 [UMFK Academic Restructuring](#)

10:25-10:30 am

Tab 6 [Unified Catalog Update](#)

10:30-10:40 am

Tab 7 [Faculty Governance Council Update](#)

10:40-10:50 am

Tab 5 [Unified Accreditation Update](#)

10:50-11:00 am

~~**Tab 4** [Data Governance Update](#)~~ WITHDRAWN

Tab 14

[Student Health Insurance Update](#)

11:00-11:10 am

Tab 10 [Programs For Examination \(PFE\) Update](#)

11:10-11:40 am

Tab 11 [Proposed Changes to Board Policy 501 - Student Conduct Code](#)

11:40-11:45 am

Tab 12 [Faculty Representative Discussion](#)

11:45-11:50 am

Tab 13 [Student Representative Discussion](#)

Items for Committee decisions and recommendations are noted in red.

Note: Times are estimated based upon the anticipated length for presentation or discussion of a particular topic. An item may be brought up earlier or the order of items changed for effective deliberation of matters before the Committee.

University of Maine System
Board of Trustees

AGENDA ITEM SUMMARY

NAME OF ITEM: Tenure at Time of Hire, Professor of Electrical and Computer Engineering, UM

INITIATED BY: Lisa Marchese Eames, Chair

BOARD INFORMATION:

BOARD ACTION: X

BOARD POLICY:

Board Policy 310: Tenure

UNIFIED ACCREDITATION CONNECTION:

N/A

BACKGROUND:

The University of Maine has requested that Dr. Vijay Devabhaktuni be awarded tenure at the rank of full Professor, effective June 7, 2021 in accordance with Board of Trustee Policy 310. This coincides with his appointment as professor of electrical and computer engineering and chair of the Department of Electrical and Computer Engineering. Dr. Devabhaktuni was selected after an extensive international search and rigorous evaluation process. He holds a Ph.D. in electrical engineering from Carleton University, Ottawa, Canada. This recommendation has the full support of the Department of Electrical and Computer Engineering peer committee.

Items in italics are for Board of Trustees only in a supplemental publication.

- Board Policy 310 - Tenure
- *Brief abstract of candidate*

TEXT OF PROPOSED RESOLUTION:

That the Academic and Student Affairs Committee, approves the following resolution to be forwarded for Board of Trustee approval at the May 24, 2021 Board Meeting.

That the Board of Trustees approves tenure at the rank of Professor to Dr. Vijay Devabhaktuni with tenure to be effective June 7, 2021.

4/22/2021

University of Maine System
Board of Trustees

AGENDA ITEM SUMMARY

NAME OF ITEM: New Academic Program Proposal: Bachelors of Science in Business Administration in Sport Management

INITIATED BY: Lisa Marchese Eames, Chair

BOARD INFORMATION:

BOARD ACTION: X

BOARD POLICY:

305.1 Program Approval, Review, and Elimination Procedures

UNIFIED ACCREDITATION CONNECTION:

As outlined in the Guiding Principles and pursuant to UMS Board Policy 212 and the UMS Statement on Shared Governance, faculty from each of the Universities participated in the review of this proposed program.

BACKGROUND:

The University of Maine is seeking permission to offer a Bachelor of Science in Business Administration in Sport Management. This is a collaborative degree that addresses important economic and workforce development opportunities locally and statewide, and beyond. The new major allows for collaboration across academic and non-academic units, including stakeholders on and off campus. The proposal outlines the goal to collaborate, not compete, with the major at the University of Southern Maine, “in the spirit of the UM System’s newly launched Unified Accreditation initiative.” Examples include cross-listing courses, shared opportunities for practical experiences, and potential joint sports-related international student trips.

The proposal was reviewed at all appropriate faculty and administrative levels at USM, UM, and UMA and was reviewed and subsequently recommended by the Chief Academic Officers Council. Dr. Robert Placido, Vice Chancellor of Academic Affairs recommended the program to the Chancellor. Chancellor Malloy signed his approval of the MSDS on April 5, 2021.

TEXT OF PROPOSED RESOLUTION:

That the Academic and Student Affairs Committee approves the following resolution to be forwarded to the Consent Agenda for approval at the Board of Trustees meeting on May 24, 2021.

That the Board of Trustees accepts the recommendation of the Academic and Student Affairs Committee, and approves the creation of a Bachelor of Science in Business Administration in Sport Management for the University of Maine.

4/22/2021



**Vice Chancellor for
Academic Affairs**
15 Estabrooke Drive
Orono, ME 04469

Tel: 207-973-3211
Fax: 207-581-9212
www.maine.edu

Date: April 5, 2021

To: Dannel Malloy, Chancellor
University of Maine System (UMS)

From: Dr. Robert Placido, VCAA *RAP*

Regarding: UM Academic Program Proposal: B.S. in BA in Sport Management

The University of Maine

University of Maine
at Augusta

University of Maine
at Farmington

University of Maine
at Fort Kent

University of Maine
at Machias

University of Maine
at Presque Isle

University of
Southern Maine

Please find the attached program proposal from the University of Maine (UM) to offer a B.S. in Business Administration in Sport Management (BSSM). The attached material includes letters of support from President Joan Ferrini-Mundy and Executive Vice President for Academic Affairs and Provost (EVPAA), John Volin, as well as the full program proposal. Because USM already has a BSSM program, we asked UM's academic leaders to further examine opportunities for collaboration. EVPAA Volin's response letter is included and I believe the letter satisfies our request because the two programs will serve two distinct student interests and UM will partner with USM on delivering some of the courses of both programs.

The proposed UM BSSM was reviewed and recommended by the Chief Academic Officers Council (CAOC). The CAOC reviewed and recommended the proposal to me on March 4, 2021. I also recommend this program for your approval.

I approve	I do not approve for the reasons listed below	Additional information needed for a decision	Action
✓			Approval of UM BSSM

Dannel Malloy
Chancellor Dannel Malloy

APR 6 2021
Date

Academic Program Request

Pro forma Statement

Executive Summary

Sport Management programs in the USA are not meeting the current need for these professionals. In 2019, Maine institutions conferred 44 degrees in Sport Management this year, while there are 394 current sport-related job postings in Maine. The New England region conferred 773 Sport Management degrees, with 11,939 current sport-related job postings. Also, The University of Maine is home to Maine's only Division 1 collegiate athletics program which recently received a \$90 M gift from the Alfond Foundation to be invested in UMaine athletic facilities and programs. The addition of Sport Management, collaborating with the University of Southern Maine, will offer a world-class experience for student athletes and other interested students to train in core business skills while developing industry-specific knowledge in partnership with UMaine athletics. We anticipate strong student demand for this program and will offer an experiential education in connection with professional opportunities with USM and collegiate athletics operations at UM.

	Academic Year			
	2022	2023	2024	2025
Projected Enrollment	40	80	120	160
Revenue				
Estimated Tuition	\$785,400	\$1,570,800	\$2,346,200	\$3,141,600
Other Revenue (All Fees)	\$74,080	\$148,160	\$222,240	\$296,320
Total Revenue	\$859,480	\$1,718,960	\$2,568,440	\$3,437,920
Expenses				
--New FTE Faculty	1	0	0.5	0
Total New Faculty Salary +Ben	\$184,800	\$0	\$92,400	\$0
Total Supplies (M&O, Cap)	0	0	0	0
Total New Staff + Ben	\$184,800	\$184,800	\$277,200	\$277,200
Net	\$674,680	\$1,534,160	\$2,291,240	\$3,160,720

*Assume tuition is 50% resident, 50% non-resident @ 30 SCHs using 2020-21 tuition/fee revenue figures.

Office of the Executive Vice President
for Academic Affairs & Provost



5703 Alumni Hall, Suite 201
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Fax: 207.581.1633
umaine.edu

Date: March 31, 2021

To: Dr. Robert Placido, VCAA
University of Maine System

Dannel Malloy, Chancellor
University of Maine System

From: Dr. John C. Volin, Executive Vice President for Academic Affairs and Provost
University of Maine

Dr. Joan Ferrini-Mundy, President of the University of Maine and the University of Maine at
Machias

RE: Response to 3.30.21 memo "Regarding: Program Request – BS in BA Sport Management"

Thank you for the opportunity to address the points raised in your March 30, 2021 memo regarding our program request to initiate a BS in Business Administration in Sport Management.

The University of Maine is committed to adhering to the principles in the letter dated September 29, 2020. These principles take into account the programs already offered, in whole or in part, at other UMS universities and, within unified accreditation, permit universities in the system to propose new academic programs that fit their distinctive missions. Indeed, starting in November 2019 we reached out to our colleagues at USM, which offers a Sport Management degree, to discuss ways to strengthen our collaboration not only to support our unique strengths and foci in sports management, but also to explore synergies that would result in strengthening both programs. To this end, former UMaine Associate Dean Nic Erhardt met with USM Sport Management faculty, Dean Jo Williams, Heidi Parker, and Emily Newell, a number of times in early 2020 to discuss potential areas of collaboration. In particular, these conversations were focused on the distinctive features of the two programs as well as opportunities for collaboration outside of the course offerings in the Maine Business School (MBS).

From these initial meetings it was determined that: 1) USM's program was focused on semi-professional/professional sport, while the MBS program would be oriented around the NCAA Division 1 sport programs; this would leverage UMaine's position as the only D1 program in Maine; 2) USM has a number of course offerings that our UMaine students could choose as potential electives for MBS sport management; and 3) MBS, leveraging our D1 status and the explicit support of the UMaine athletics program, has proposed a practicum for students, giving "boots on the ground" experience working in sport management that we will make available to USM students interested in taking a practicum as an elective for their program. This practicum will be offered both in Orono and at athletic venues in Portland.

Given these distinctive foci, there is a great opportunity for UMaine and USM to market their sport management programs together and to enhance their ability to draw students across Maine as well as from out-of-state. Sport Management is a field that has had strong growth nationwide for a number of years, and all indications are that it will continue to increase and remain in high demand. For instance, last year there were 44 sport management BS degrees awarded in Maine, while there were an estimated 394 available job openings in the region. Since 2017, USM has ranged between 61 to 68 majors in sports management. We believe that, through collaboration and with our specialized areas of strength, we can increase the number of majors at both universities and help meet the demand in this growing field.



Vice Chancellor for
Academic Affairs
15 Estabrooke Drive
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Date: 30 March 2021

To: Dr. John Volin, Executive Vice President for Academic Affairs and Provost
University of Maine

Dr. Joan Ferrini-Mundy, President
University of Maine

From: Dr. Robert Placido, VCAA
University of Maine System

The University of Maine

Dannel Malloy, Chancellor
University of Maine System

University of Maine
at Augusta

Regarding: Program Request – BS in BA Sports Management

University of Maine
at Farmington

Thank you for submitting a request to create a BS in Business Administration with a Major in Sport Management (SM). I have reviewed the request and other historic documentation with the Chancellor. We want to congratulate your faculty on the initiative and commitment they have shown in developing this program.

University of Maine
at Fort Kent

Recall that the Chancellor made a commitment to the Board of Trustees at the September 2020 meeting to only seek approval of new academic programs that are not duplicative or competitive. My September 29, 2020 Memo to Presidents on Unified Accreditation Principles in Academic Program Review and Approval

University of Maine
at Machias

Repeated this commitment. These directives make clear our intention to use unified accreditation as a means to improve program quality and use our public resources more efficiently, and every program proposal should clearly demonstrate how unified accreditation principles were considered in its development.

University of Maine
at Presque Isle

University of
Southern Maine

We have placed this proposal in pending status. I would like to invite you and your team to look one more time for ways to collaborate. For instance, could collaboration eliminate the need for a new faculty? Are there marketing opportunities that could be leveraged with UM and USM? I understand UM's SM program would primarily be for your Division 1 athletes and students who live locally. Since you intend to serve local students, could you conceive of an agreement for USM to have the right of first refusal for non-local students, or perhaps UM could have a cap on non-local students? We are looking for your creativity to strengthen your program, serve our students, use existing resources more efficiently, and do no harm to other UMS Universities.

Given the collaborative spirit shown by the talented faculty you mentioned in your proposal, I have every confidence you can amend the proposal. We look forward to seeing your additional thinking before final submission to the Chancellor.

Office of the Executive Vice President
for Academic Affairs & Provost



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TO: JOAN FERRINI-MUNDY, PRESIDENT
FROM: JOHN C. VOLIN, EXECUTIVE VICE PRESIDENT FOR ACADEMIC AFFAIRS AND PROVOST
SUBJECT: PROPOSAL FOR BACHELOR OF SCIENCE IN BUSINESS ADMINISTRATION WITH A MAJOR IN SPORT MANAGEMENT
DATE: JANUARY 8, 2021
CC: KIMBERLY WHITEHEAD, VICE PRESIDENT AND CHIEF OF STAFF

The Maine Business School proposes a Bachelor of Science in Business Administration with a major in Sport Management.

Rationale

The BSBA with a major in Sport Management is a collaborative degree that addresses important economic and workforce development opportunities locally and statewide, and beyond. The major allows for collaboration across academic and non-academic units, including stakeholders on and off campus. The proposal outlines the goal to collaborate, not compete, with the major at the University of Southern Maine, "in the spirit of the UM System's newly launched Unified Accreditation initiative." Examples include cross-listing of courses, shared opportunities for practical experiences and potential joint sport-related international student trips. The recent Harold Alfond Foundation grant support for Athletics may also provide opportunities for students in this major.

This proposal has the support of the Maine Business School faculty, Executive Dean of the Maine Business School, Undergraduate Program Curriculum Committee, and Program Creation and Reorganization Review Committee of the Faculty Senate. I fully support the creation of the BSBA with a major in Sport Management.

APL X-P.1 "Academic Program Approval", Section I "Approval of Undergraduate Majors, graduate degree programs, and advanced certificates of study", Step 3. "University of Maine System (UMS) Evaluation" is the relevant section of the University of Maine System Administrative Practice Letters. An excerpt of the policy indicates "After completion of the campus program evaluation process, University of Maine System evaluation is initiated by submission of the proposal by the university President to the Vice Chancellor for Academic Affairs who will acknowledge receipt of the document and distribute the proposal electronically to members of the Chief Academic Officers Council (CAOC)."

Please let me know if you have any questions or if there is any additional information you require.

With your approval, my office will transmit the proposal to the UMS Office of Academic Affairs.

Maine Business School



5723 Donald P. Corbett Business Building
Orono, Maine 04469-5723
Tel: 207.581.1968
Fax: 207.581.1930
umaine.edu/business

December 1, 2020

To: Provost John Volin

From: Dean Faye Gilbert

Re: Request to offer the BSBA in Sport Management

The purpose of this memo is to support the request of the faculty in the Maine Business School (MBS), as approved by the Faculty Senate, to offer a Bachelor of Science in Business Administration (BSBA) with a major in Sport Management.

The benefits and reasons for providing this degree at the University of Maine at this time include:

1. The BSBA at UMaine with a major in sport management is a collaborative degree with UMaine Athletics personnel intending to teach courses. Further, conversations with faculty from the University of Southern Maine indicated opportunities for collaboration with benefits from sharing practicum experiences with their students at UMaine athletic events and vice versa. It is hoped that once approved, UMaine and the University of Southern Maine could share online courses offered to students in both programs as well.
2. The Alford Foundation just awarded a significant sum to support athletics at UMaine, and this degree will counterbalance that investment.
3. We are a Division 1 Athletics Program, and the BSBA in Sport Management assists top athletes who seek this degree with their athletic experiences here.
4. The BSBA degree prepares students for *any* position in business and then emphasizes sport management in the major courses. As such, career prospects for students include openings in this field and any job that requires a Bachelor of Science in Business Administration.
5. In sport management in Maine, there were 44 degrees awarded last year with 394 job openings. This figure may have changed with the pandemic but should be back on track in 2021.
6. Sport and Outdoor Industry Management are closely related and support efforts in Maine for economic development and workforce development.
7. We anticipate growing this program to 100 undergraduate majors within the next four years. That growth would include net new student-athletes selecting UMaine, transfer students, and current business students choosing this major instead of others. Sport

Submitted By:Jason Harkins

Dec 1, 2020

Jason Harkins (Dec 1, 2020 22:21 EST)

Jason Harkins, Ph.D.

Date

Associate Dean; Associate Professor of Management

Susan Myrden

Dec 2, 2020

Susan Myrden (Dec 2, 2020 12:21 EST)

Susan Myrden, Ph.D. Associate Professor of Marketing

Date

Muralee Das

Dec 2, 2020

Muralee Das (Dec 2, 2020 20:50 EST)

Muralee Das, Ph.D. Assistant Professor of Management

Date

Approved By:Faye W Gilbert, Ph.d.

Dec 4, 2020

Faye W Gilbert, Ph.d. (Dec 4, 2020 10:14 EST)

**Faye Gilbert, Ph.D. Dean of the Maine Business School;
Professor of Marketing**

Date

John Volin

1/8/21

John Volin, Ph.D.

Date

Executive Vice President for Academic Affairs & Provost

Joan Ferrini-Mundy

1/12/21

Joan Ferrini-Mundy, Ph.D.
President

Date

The Opportunity

The professional sport industry is worth over \$530 billion and \$1.3 trillion globally (Table 1). This multifaceted industry offers a range of career opportunities. [Learn.org](#), drawing on US Bureau of Labor Statistics, noted in three sport-related career fields (PR Specialists, Postsecondary Education Administrators, and Administrative Services Managers) 2018 median salaries ranged from \$60,000 to \$96,180.

Table 1
Sports & Recreation Industry Statistics and Market Size Overview

	Amount	Units	Year/Season	Source
Estimated Size of the Entire Sports Industry, U.S.	539.7	Bil. US\$	2018	PRE
Estimated Size of the Global Sports Industry	1.3	Tril. US\$	2018	PRE
Annual Company Spending for Sports Advertising, U.S.	38.8	Bil. US\$	2018	PRE

Source: Plunket Research

In 2014, the market was worth about \$60.5 billion, and is expected to increase to \$73.5 billion by 2019 (Forbes). The job growth in North America in Sport Management-related professions for 2016-2026 is estimated at 10 percent. The US Bureau of Labor Statistics reports that coaches and scouts should enjoy employment growth of 13 percent during the decade of 2016-2026. Agent and business manager positions in the sport market are expected to grow 5 to 9 percent. A recent five-year projection study by Price Water House Cooper suggests that the professional sports market in North America will grow at a compound annual rate of 3.5 percent across the four segments analyzed, from \$63.9 billion in 2015 to \$75.7 billion in 2020. The report indicates growth in various areas, including:

- Gate Revenues – estimated \$18.3 billion in 2015 to a projected \$20.8 billion in 2020.
- Media Rights – estimated \$16.3 billion in 2015 to a projected \$21.3 billion in 2020.
- Merchandise – estimated \$13.8 billion in 2015 to a projected \$14.8 billion in 2020.
- Sponsorship – estimated \$15.5 billion in 2015 to a projected \$18.7 billion in 2020.

Burning Glass Analysis. Sport Management programs in the USA is not meeting the current need for these professionals. A Burning Glass tech query by UMaine's Office of Institutional Research and Assessment suggests that Maine institutions conferred 44 degrees in Sport Management this year, while there are 394 current sport-related job postings in Maine. The New England region conferred 773 Sport Management degrees, with 11,939 current sport-related job postings. Nationally, there were 10,217 degrees in Sport Management conferred, with 174,426 sport-related job postings. This analysis demonstrates a clear unmet need for Sports Management graduates in all three geographical areas (see Table 2).

A Sport Management major offered by the University of Maine, housed within the Maine Business School, would create a range of key opportunities for the great state of Maine.

1. **Tradition.** Maine has a long history of sport-related activities in all seasons of the year, from recreational to competitive team sports, and at all levels, from K-12, to collegiate, to professional. Linking a Sport Management major with four seasons of sport and recreation is a natural fit.
2. **Workforce.** Sport Management is a national and global multi-faceted industry. A Sport Management degree can lead to job placements locally, nationally, and internationally. The degree would support job placements by Maine students within the state of Maine that would otherwise be mostly filled by out of state applicants.
3. **Careers.** Careers in Sport Management vary widely, from opportunities in professional sports organizations, private companies and non-profit organizations. They include managing local sport and fitness facilities, community high-school and college athletic programs, sports-related indoor and outdoor recreations and services, careers in sports-related marketing and retail, and sports agencies and franchises. A Sports Management degree can lead to jobs in parks, camps and recreation, and tourism. Many of the jobs in sport-related fields are also highly transferable to non-sport fields. According to Learn.org, examples of career areas pursued by graduates from a Sports Management degree may include:

- Public relations
- Facility management
- Fundraising
- Broadcasting
- Sporting goods sales
- Sporting goods manufacturing
- Sports agency
- Promotion and development administration
- Sports information management
- Professional and amateur sport organizations
- Collegiate athletics
- Sport event management
- Coaching
- Promotion experts
- Sports economists

Sources: [learn.org](https://www.learn.org/sports-management-degrees) and [sports-management degrees](https://www.sports-management-degrees.com)

7. **The Need Locally and Regionally.** Maine has a unique four-season geography and way of life with an associated range of sport and recreation businesses. The ski industry in Maine is an excellent example of the need for Sport Management majors in our state and the surrounding region. According to the National Ski Areas Association, twenty ski areas operated in Maine during the 2018-2019 season (nsaa.org). In 2017, 1.3 million visitors came to Maine to ski with an economic impact of \$300 million (Mainebiz.biz). The Bureau of Labor Statistics shows the ski industry employing several thousand people annually. Maine's Youth Summer Camps also need Sport Management majors. Each summer, thousands of children from all over the US come to Maine for the traditional outdoor wilderness camp experience. The Maine Camp Experience (mainecampexperience.org) represents a community of 36 premier summer camps. Each year more than 20,000 campers experience Maine summer camps through their organization, creating more than two million alumni. Another organization MaineCamps.org represents more than 120-member camps. In a 2012 article, The Portland Press Herald reported that 330 summer camps in Maine generated \$332 million for Maine's economy, which included over 500 full-time positions and over 10,500 seasonal positions. Other local and regional organizations in need of Sport Management majors include:

- Maine Red Claws
- Madison Square Garden
- Boston Celtics
- Octagon, Inc
- US Olympic Committee
- Tri-Maine
- Shamrock Sports Group
- USM Athletics Department
- Portland Pirates
- ESPN
- New England Patriots
- New Balance
- Portland Seadogs
- NCAA
- Aura 360
- International Tennis Hall of Fame
- USA Hockey
- TD Garden
- Oxford Plains Speedway
- Gorham Parks & Recreation Department
- Boston Bruins
- Tri-for a-Cure
- USTA New England

9. **Enrollment Projections.** MBS currently offers a Sport Management course as an elective (BUA490 experimental topic through face-to-face and online modalities). We have offered this course four times over the last five years, with almost 160 students taking the class. The course usually has a waitlist when we offer it. Anecdotally, students attending open houses and accepted students have been asking questions about a major in Sport Management. Moreover, UMaine has over 430 student-athletes, of which roughly 30 percent (129) are Business Majors. UMaine Athletics also employs over 70 fulltime staff members with a high turnover that are seeking degrees. We also anticipate a number of non-business major student athletes to change their major into Sport Management.

In order to calculate projected enrollments for Sport Management, we assume our incoming first-year enrollment will remain stable at 300 students. As a conservative estimate, we anticipate roughly 13 percent of new students, student-athletes, and staff members, or 40 individuals in each cohort, to pursue a major in Sport Management. This estimation seems reasonable and consistent with other institutions suggesting an average size of Sport Management programs of about 150 students. However, we do expect some degree of cannibalization from our other majors (estimated at 5 percent). Yet we anticipate a net gain overall once the major has matured after four years. We hope to grow this major by 40 students each year to reach a total of 160 students by year four (see Table 3 below).

Table 3
Projected Growth in Declared Sport Management Majors Compared to other Majors

	Year	Sport Mgmt	Mgmt*	Marketing*	Finance*	Accounting*	Total Enrollment	Net gain/loss
Fall 2018		-	375	266	240	130	1011	-
Fall 2021	1 st	40	356	253	228	124	1001	-10
Fall 2022	2 nd	80	356	253	228	124	1041	+30
Fall 2023	3 rd	120	356	253	228	124	1081	+70
Fall 2024	4 th	160	356	253	228	124	1121	+110

* Declared Majors and projection - Fall 2018 data from Office of Institutional Research and Assessment

Sport Management Curriculum Working Proposal

A 15-credit Sport Management major would leverage existing and new courses to offer a flexible degree with a core foundation in Sport Management with electives offered in Park Recreation and Tourism, and Kinesiology and Physical Education, and Communication.

Sport Management Major Proposal

Prof. Das		Prof. Myrden		Prof.
Fall	Spring	Fall	Spring	Fall or Spring
MGT490 Sport Mgmt BUA325 BUA325	BUA330 BUA626	BUA 371 (service) BUA 375 (retail)	MKT490 Sport Mkt BUA 371 BUA 371 (online?)	MGT490 Sport Practicum

Sport Management MBS Electives

Prof. Carter		Prof. Lu	Mr. Ralph
Fall	Spring	Fall or Spring	Fall or Spring
BUA382 (CB) BUA382 (CB) BUA 374 (Sales)	BUA382 (CB) BUA 374 (sales)	MGT500 Sport Analytics (online?)	MGT490 Sport Ethics

Prerequisites: Junior Standing. BUA325 for SprtMgt; BUA270 for SprtMKT; BUA325 for SprtOrg.; Sport Analytics – Senior Standing.

 Email viewed by Faye W Gilbert, Ph.d. (faye.gilbert@maine.edu)

2020-12-03 - 1:50:44 AM GMT- IP address: 66.102.8.1

 Document e-signed by Faye W Gilbert, Ph.d. (faye.gilbert@maine.edu)

Signature Date: 2020-12-04 - 3:14:22 PM GMT - Time Source: server- IP address: 66.66.190.104

 Agreement completed.

2020-12-04 - 3:14:22 PM GMT



Vice Chancellor for
Academic Affairs
15 Estabrooke Drive
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Tel: 207-581-5842
Fax: 207-581-9212
www.maine.edu

Date: 30 March 2021

To: Dr. John Volin, Executive Vice President for Academic Affairs and Provost
University of Maine

Dr. Joan Ferrini-Mundy, President
University of Maine

From: Dr. Robert Placido, VCAA
University of Maine System

The University of Maine

Dannel Malloy, Chancellor
University of Maine System

University of Maine
at Augusta

Regarding: Program Request – BS in BA Sports Management

University of Maine
at Farmington

Thank you for submitting a request to create a BS in Business Administration with a Major in Sport Management (SM). I have reviewed the request and other historic documentation with the Chancellor. We want to congratulate your faculty on the initiative and commitment they have shown in developing this program.

University of Maine
at Fort Kent

Recall that the Chancellor made a commitment to the Board of Trustees at the September 2020 meeting to only seek approval of new academic programs that are not duplicative or competitive. My September 29, 2020 Memo to Presidents on Unified Accreditation Principles in Academic Program Review and Approval

University of Maine
at Machias

Repeated this commitment. These directives make clear our intention to use unified accreditation as a means to improve program quality and use our public resources more efficiently, and every program proposal should clearly demonstrate how unified accreditation principles were considered in its development.

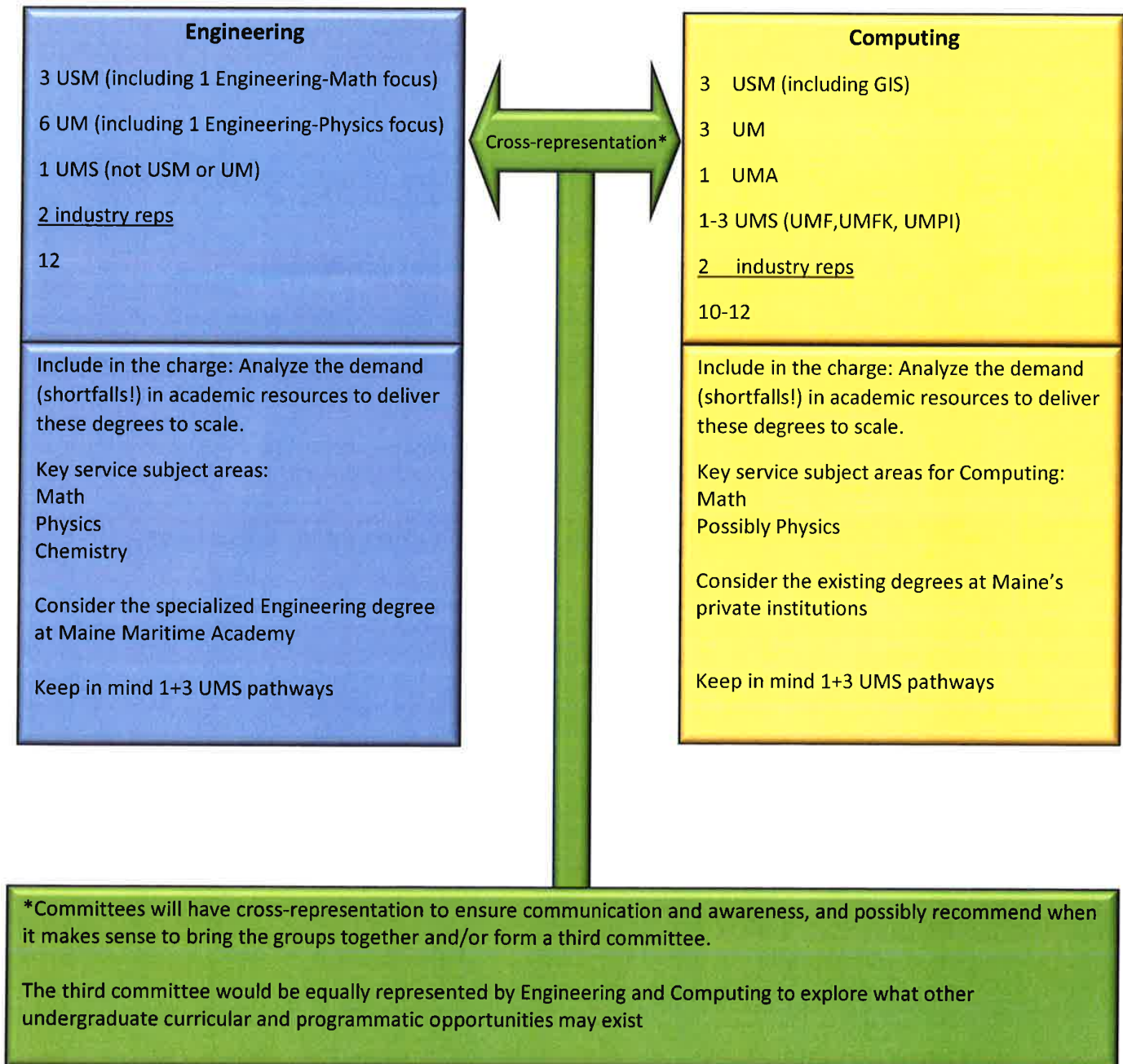
University of Maine
at Presque Isle

University of
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We have placed this proposal in pending status. I would like to invite you and your team to look one more time for ways to collaborate. For instance, could collaboration eliminate the need for a new faculty? Are there marketing opportunities that could be leveraged with UM and USM? I understand UM's SM program would primarily be for your Division 1 athletes and students who live locally. Since you intend to serve local students, could you conceive of an agreement for USM to have the right of first refusal for non-local students, or perhaps UM could have a cap on non-local students? We are looking for your creativity to strengthen your program, serve our students, use existing resources more efficiently, and do no harm to other UMS Universities.

Given the collaborative spirit shown by the talented faculty you mentioned in your proposal, I have every confidence you can amend the proposal. We look forward to seeing your additional thinking before final submission to the Chancellor.

MCECIS notes • April 5, 2021

Makeup of the Undergraduate Programs Working Committees

University of Maine System
Board of Trustees

AGENDA ITEM SUMMARY

NAME OF ITEM: New Academic Program Proposal: Masters of Science in Data Science, USM

INITIATED BY: Lisa Marchese Eames, Chair

BOARD INFORMATION:

BOARD ACTION: X

BOARD POLICY:

305.1 Program Approval, Review & Elimination Procedures

UNIFIED ACCREDITATION CONNECTION:

As outlined in the Guiding Principles and pursuant to UMS Board Policy 212 and the UMS Statement on Shared Governance, faculty from each of the Universities participated in the review of this proposed program.

BACKGROUND:

The University of Southern Maine (USM) is seeking permission to offer a Master of Science in Data Science (MSDS). This is a multidisciplinary, involving existing and proposed courses at USM primarily from Computer Science and Statistics, with additional support from Business and optional concentrations in Business Analytics, Geographic Information Systems, Public Health, in addition to Computer Science and Statistics. Courses will be delivered on campus and in hybrid formats. As described in the included proposal from USM, the MSDS is designed to appeal primarily to undergraduate majors with an interest in computing and data analytics, along with working professionals involved in analytics.

The proposal was reviewed at all appropriate faculty and administrative levels at USM, UM, and UMA and was reviewed and subsequently recommended by the Chief Academic Officers Council. Dr. Robert Placido, Vice Chancellor of Academic Affairs recommended the program to the Chancellor. Chancellor Malloy signed his approval of the MSDS on April 5, 2021.

TEXT OF PROPOSED RESOLUTION:

That the Academic and Student Affairs Committee approves the following resolution to be forwarded to the Consent Agenda for approval at the Board of Trustees meeting on May 24, 2021.

That the Board of Trustees accepts the recommendation of the Academic and Student Affairs Committee, and approves the creation of a Masters of Science in Data Science for the University of Southern Maine.

4/22/2021



**Vice Chancellor for
Academic Affairs**
15 Estabrooke Drive
Orono, ME 04469

Tel: 207-973-3211
Fax: 207-581-9212
www.maine.edu

Date: April 5, 2021

To: Dannel Malloy, Chancellor
University of Maine System (UMS)

From: Dr. Robert Placido, VCAA *RP*

Regarding: USM Academic Program Proposal: M.S. in Data Science

The University of Maine

University of Maine
at Augusta

University of Maine
at Farmington

University of Maine
at Fort Kent


University of Maine
at Machias

University of Maine
at Presque Isle

University of
Southern Maine

Please find the attached program proposal from the University of Southern Maine (USM) to offer a M.S. in Data Science (MSDS). The attached material includes letters of support from President Glenn Cummings and Provost and Executive Vice President for Academic and Student Affairs (PEVPAA), Jeannine Uzzi, as well as the full program proposal. Because UM already has a MSDS program, we asked USM's academic leaders to further examine opportunities for collaboration. President Cummings response letter is included and I believe the letter satisfies our request because the two programs will serve two distinct student interests and USM will partner with UM on delivering some of the courses of both programs. The MSDS also has a cross-department interdisciplinary structure, which strengthens the program through internal collaboration.

The proposed USM MSDS was reviewed and recommended by the Chief Academic Officers Council (CAOC). The CAOC reviewed and recommended the proposal to me on February 4, 2021. I also recommend this program for your approval.

I approve 	I do not approve for the reasons listed below	Additional information needed for a decision	Action
			Approval of USM MSDS


Chancellor Dannel Malloy


Date

Academic Program Request**Pro forma Statement**

Executive Summary The University of Southern Maine proposes a 30-credit hour **M.S. in Data Science** program that is multidisciplinary, involving existing and proposed courses primarily from Computer Science and Statistics, with additional support from the UM MBA and concentrations in Business Analytics, Geographic Information Systems, Public Health, and Cybersecurity, in addition to Computer Science and Statistics. Courses will be delivered on campus and in hybrid formats. The program will appeal primarily to those with undergraduate degrees in computing and data analytics, along with working professionals involved in analytics. Nonetheless, we are interested in recruiting students from a variety of backgrounds. The degree provides a valuable opportunity for face-to-face graduate education serving students in or near southern Maine. USM is embedded in the economic and demographic hub of Maine, with direct daily access to a nearby student population and diverse workforce. Students in this degree will have extensive opportunities for industry collaboration, internships, and work placements.

	Academic Year			
	2021	2022	2023	2024
Projected Enrollment, full time students (part time students)	5 (5)	10 (10)	15 (15)	20 (20)
Revenue				
Estimated Tuition, Full time (Part time student tuition)	\$31,575 (\$15,788)	\$63,150 (\$31,575)	\$94,725 (\$47,363)	\$126,300 (\$78,930)
Other Revenue to University				
Total Revenue	\$31,575 (+\$15,788) = \$47,363	\$63,150 (+\$31,575) = \$94,725	\$94,725 (+\$47,363) = \$142,088	\$126,300 (+\$78,930) = \$205,230
Expenses				
FTE Faculty (Reallocated Line)	1	1	1	1
2 Graduate Assistantships	\$42,630	\$42,630	\$42,630	\$42,630
Supplies (M&O, Cap)	\$70,000 (server, will seek philanthropy to support)	\$5,000 (marketing)	\$5,000 (marketing)	\$5,000 (marketing)
Total Expenses	\$112,630	\$47,630	\$47,630	\$47,630
Net	-\$65,267 (\$4,733 with gift of server)	\$47,095	\$94,458	\$157,600



Office of the Chancellor
15 Estabrooke Drive
Orono, ME 04469

Tel: 207-973-3205
www.maine.edu

Dannel P. Malloy
Chancellor

March 9, 2021

To: Dr. Glenn Cummings, President
University of Southern Maine

Dr. Jeannine Uzzi, Vice President of Academic Affairs/Provost
University of Southern Maine

The University of Maine

From: Dannel Malloy, Chancellor, University of Maine System

University of Maine
at Augusta

Regarding: Program Request – MS Data Science

University of Maine
at Farmington

Thank you for submitting a request to create a MS in Data Science. I have reviewed the request and other historic documentation with VCAA Placido. I want to congratulate your faculty on the initiative and commitment they have shown in developing this program.

University of Maine
at Fort Kent

University of Maine
at Machias

Recall that I made a commitment to the Board of Trustees at the September 2020 meeting to only seek approval of new academic programs that are not duplicative or competitive. My September 29, 2020 Memo to Presidents on Unified Accreditation Principles in Academic Program Review and Approval repeated this commitment. These directives make clear our intention to use unified accreditation as a means to improve program quality and use our public resources more efficiently.

University of Maine
at Presque Isle

University of
Southern Maine

University of Maine
School of Law

I understand USM's program was originally developed a number of years ago. Since then, a MSDS was implemented by UM and a BSDS by UMA, with their collaborative components creating a 4+1 pathway. Before resubmitting this proposal, I would like to invite you and your team to re-engage in this process to collaborate with the existing programs. It occurs to me that with a strong UM program and 4+1 with UMA, there may be an opportunity for revision that would strengthen some of the USM proposal elements. For instance, would this collaboration eliminate the need for a new faculty? Are there marketing opportunities that could be leveraged with UM and UMA? Do enrollment estimates change?

Given the collaborative spirit shown by the talented faculty you mentioned in your proposal, I have every confidence you can amend the proposal to embed your interdisciplinary ideas into the already established Data Science collaboration between UMaine and UMA. I look forward to seeing the revised proposal.



April 7, 2021

Dr. Robert Placido
Vice Chancellor for Academic and Student Affairs
University of Maine System
15 Estabrooke Drive
Orono, ME 04469

Dear Vice Chancellor Placido:

The University of Southern Maine (USM) is pleased to submit a new Program Proposal to the University of Maine System.

The Faculty and Staff of the Departments of Computer Science and Mathematics and Statistics at the University of Southern Maine (USM) have developed a program proposal for an M.S. in Data Science. This proposal is a multidisciplinary involving courses from Computer Science and Statistics, Business Analytics, Public Health, and Geographic Information Systems in response to the growing demand for Data science professionals needed both in Maine and nationally.

You will note in our proposal that courses from the Maine MBA (BUA and MBA classes) are already included in the USM MS in Data Science: these are all UM courses. The degree also includes courses in GIS and will take advantage of the developing System partnerships in GIS. USM Professor of Computer Science Bruce MacLeod sits on the UM Data Science Committee. In addition to sharing courses with UM and utilizing GIS partnership, USM will capitalize on its exiting partnership in cybersecurity with UMA to create accelerated pathways from UMA's computer information systems and data science undergraduate programs into USM's existing master's in computer science and proposed master's in data science.

The enclosed Program Proposal has been unanimously recommended by the USM Graduate Council, the USM Faculty Senate, and has the full support of Provost Jeannine Uzzi. Attached you will also find a joint statement of support written by UM and USM which references benefits to both institutions, including providing the most flexibility for students, the unique resources each institution offers, and the opportunity to enhance and support growth in Maine.

The Program Proposal for the Masters of Science in Data Science at USM has my unequivocal support.

I request that the enclosed Program Proposal be moved directly to the Board of Trustees for approval.

Sincerely,

Glenn A. Cummings
President

ENC.

CC: Provost Uzzi
Dean Qualls
File

P.O. Box 9300, Portland, ME 04104-9300
PHONE (207) 780-4480, TTY (207) 780-5646, FAX (207) 780-4561
www.usm.maine.edu

A member of the University of Maine System



April 6, 2021

Dr. Glenn Cummings
President
University of Southern Maine
93 Falmouth Street
Portland, ME 04104

Dear President Cummings:

The University of Southern Maine (USM) is pleased to submit a new program proposal to the University of Maine System.

The Faculty and staff of the Departments of Computer Science and Mathematics and Statistics at the University of Southern Maine (USM) have developed a program proposal for an M.S. in Data Science.

The enclosed Program Proposal has been unanimously recommended by the Graduate Council and the Faculty Senate at USM.

I am pleased to forward this Master of Science in Data Science to you with my full support.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Uzzi", is positioned above the printed name.

Dr. Jeannine D. Uzzi
Provost and Vice President for Academic Affairs

ENC.

cc: Jeremy Qualls, Dean, CSTH
File

Affirmation for Collaboration and Summary of Differences Between USM MS in Data Science Proposal and UM MS in Data Science and Engineering Program January 2021

Overview

A rapidly growing regional and national demand for qualified data scientists has spurred the development of two new program proposals for MS degrees. The University of Southern Maine is proposing a master's program in data science, while the University of Maine's MS degree and certificate programs in Data Science and Engineering were recently approved. We believe there is room for both of these programs within Maine's higher education environment. Each program is distinctive in structure and pedagogical approach. There is some necessary cross-over between the two, but this does not create redundancy so long as the USM program remains in-person or hybrid and the UM program adheres to in-person or online instruction. The UM program is available both online and on campus and the USM degree provides a valuable opportunity for face-to-face graduate education serving students in or proximal to southern Maine. It is our contention that the state will be well served if both programs proceed.

Colleagues at the University of Southern Maine and the University of Maine agree with this cooperative approach. The University of Maine MS proposal notes: "The University of Southern Maine (USM) is also developing a Data Science graduate program proposal . . . We believe the two programs can share some course offerings as a way to obtain the most benefit from resources, while providing the most flexibility for students. We expect that two strong programs in Data Science will help in the formation of shared projects, with team members distributed between the two universities" (p. 7). UM's program has already been approved and USM proposed program is being presented to the Board of Trustees.

Both USM and UM will benefit from resident data science expertise. The presence of a community of dedicated data science faculty and graduate students on campuses will provide a resource for other students and researchers to grow ideas and projects in this emergent field. Each campus brings unique opportunities and resources to the table. USM is embedded in the economic and demographic hub of Maine, and as such has direct daily access to a nearby student population. Further, there are extensive opportunities for industry collaboration, internships, and work placements. The University of Maine, as the system's flagship campus, houses a larger and more diverse academic research community, numerous doctoral programs, and more funding. Collaboration and cooperation between programs at these two uniquely positioned institutions will leverage resources and opportunities for both. If well-planned collaborations are extended into other University System campuses, there is significant potential for future service to other resource-challenged regions of the state. We suggest that the program we propose, in collaboration with colleagues elsewhere in the system, will provide opportunities, support, and an educated workforce to enhance and support growth in Maine.

	MAT 210 – Business Statistics MAT 220 – Statistics for Biological Sciences MAT 282 – Statistical Inference MAT 380 – Probability and Statistics <i>Computer Science</i> COS 160 – Structured Problem Solving: Java COS 184 – Python Programming	prerequisites will be required to take <u>foundation courses</u> that will count toward the degree. All students must have at least a college level statistics course as a prerequisite to taking the foundations course in statistics.
Entry Requirements	Transcripts CV Personal statement GPA of 3.0 + Three recommendations Applicants whose first language is not English are required to submit TOEFL or IELTS scores.	Transcripts Resume Essay Contact information for three recommenders GPA of 3.0 + <u>TOEFL</u> or <u>IELTS</u> scores (TOEFL minimum of 80 or IELTS 6.5.) – Waived for native English speakers and students graduating from an English-speaking or <u>ESL</u> programs.
Primary Recruitment	Greater Portland Area: many of these students want F2F classes and are looking for collaboration with USM faculty	Greater Orono area and online
Program Content	15 credits of required courses with a focus on the statistical, mathematical, and software aspects of Data Science. 9 credits in domain of interest and then thesis/capstone option	Different degree options are available, but in general terms: 12 credits of required Foundation and Practicum courses, 12 credits from at least four of five Theme Areas, and an optional thesis or capstone project. Remaining credits from foundation courses, theme areas, or domain specializations to reach 30 credits.
Projected Enrollments	2020-2021 – 2021-2022 – 5 2022-2023 – 10 2023 -2024 – 15 2024-2025 –	2020-2021 – 10 2021-2022 – 17 2022-2023 – 25 2023 -2024 – 30 2024-2025 – 30

1/27/2021

Master of Science in Data Science
University of Maine System Program Proposal
University of Southern Maine
2020

Information Systems, Public Health, in addition to Computer Science and Statistics. Courses will be delivered in several modalities, including online and on campus.

The M.S. in Data Science should appeal primarily to undergraduate majors with an interest in computing and data analytics, along with working professionals involved in analytics. Nonetheless, we are interested in recruiting students from a variety of backgrounds. For example, USM offers a B.S.B.A. degree in Business Analytics. Although many of those students may choose an M.B.A. program if they wish to pursue graduate school, some of them may seek an M.S. program. Similarly, USM offers a minor in game design studies, and some students in that program may be interested in graduate school in data science. Accelerated pathways are planned for students who do not have the prerequisite background in Mathematics or Computer Science. Furthermore, the University of Maine at Augusta recently launched a B.S. in data science, which should increase interest in graduate analytics programs and further develop a community of practice.

B. General Program Goals

1. To provide high quality opportunities for postbaccalaureate education in data science, particularly to residents of Maine
2. To strengthen ties within the USM community and with local businesses, state and federal government agencies, nongovernmental organizations, and the education community
3. To build a stronger intellectual climate within USM and the Greater Portland area
4. To enhance knowledge, technical skills, and tools that can be applied immediately in the workforce
5. To fill demand for data science professionals in all sectors and industries

C. Specific Student Outcomes

Upon successful completion of the program, students will be able to:

1. collect, prepare, visualize, and analyze data,
2. interpret results in an interdisciplinary context,
3. use critical thinking skills and apply knowledge and methods when analyzing real world problems and developing state-of-the-art solutions,
4. communicate findings effectively to key stakeholders,
5. formulate and lead teams that can integrate the essential body of knowledge to produce solutions to real world problems,
6. understand and take into account ethical concerns associated with data collection, and
7. develop a strong sense of community identity, gaining perspectives by belonging and actively contributing to the scientific community.

are offered online or on campus. UM offers a M.S. in Information Systems (online or campus), in Spatial Informatics (online), and in Spatial Information Science and Engineering (campus).

The new M.B.A. program also includes a concentration in Business Analytics, which is 33 credits. Students take 8 core M.B.A. courses, with 3 electives in Business Analytics. Furthermore, students applying to the M.B.A. are required to have taken coursework in accounting, economics, finance, marketing, and management. Thus, it is likely to target a different audience than the M.S. in Data Science. Nonetheless, there is opportunity for students enrolled in the M.B.A. and the M.S. to take courses offered in the other program, providing greater flexibility.

USM and UMA recently launched a joint M.S. in Cybersecurity. That program is more focused on protection of computer networks and defense against cyberattacks. Nonetheless, opportunities may exist for collaboration in coursework as both programs develop.

USM currently offers a graduate certificate in data science and a data science track within the M.S. Statistics program. The 15-credit certificate targets nonmatriculated students who wish to learn more about the methodologies of data science. Although similar to the proposed degree, the track within the statistics program focuses more on the prescriptive and predictive aspects of analytics. This new program offers more options to students because it draws courses from a range of disciplines.

Similar programs within Maine

The University of New England offers a M.S. in Health Informatics (36 cr, \$730 per cr hr), a more focused offering that aligns with their expertise in the health professions.

Online programs exist as well (Table 1). Tuition costs range from \$22,572 to \$44,400.

Table 1. Sample of online M.S. programs in New England that offer degrees in data science or related fields.

Institution	MS program	Number of required credits	Tuition (per credit)	Total (not counting fees)
Southern New Hampshire University	Data Analytics	36	\$627	\$22,572
Bay Path University (MA)	Applied Data Science	36	\$880	\$31,680
Boston University	Applied Business Analytics	48	\$925	\$44,400
Boston University	Computer Information Systems – Data Analytics concentration	40	\$925	\$37,000
Merrimack College	Data Science	32	\$915	\$29,280

The most recent development in graduate programs in data sciences and related fields is the Roux Institute, which is affiliated with Northeastern University. They intend to launch their programs in Fall 2020. However, little information about their graduate degrees is available

We propose two sample itineraries for completing the prerequisite courses in one calendar year.

	<u>Itinerary One</u>	<u>Itinerary Two</u>
Fall Semester	MAT 152 Calculus A	COS 184 Python Programming
Spring Semester	COS 160 Structured Problem Solving: Java	MAT 220 Statistics for Biological Sciences
Summer Term	MAT 210 Business Statistics	MAT 152 Calculus A

Some qualifying prerequisite courses for the M.S. in Data Science program are not prerequisites among themselves and may, therefore, be taken simultaneously thereby reducing the duration of this prerequisite period in an applicant's timeline. Many of the above courses are offered online, asynchronous, which provides more flexibility for incoming students from other disciplines.

Conditional admission status may be granted to students who do not fully meet these requirements but who have a good working knowledge of statistical methods. Upon successful completion of preparatory coursework, the student will be granted regular admission status.

Students who are currently enrolled at USM may apply for admission any time after attaining junior standing by applying directly to the Office of Graduate Admissions. Additional requirements include copies of all transcripts, current vitae, a personal statement, a GPA of 2.75 or better, and two letters of recommendation.

Applicants not currently enrolled at USM may apply directly to the Office of Graduate Admissions. Additional requirements include copies of all transcripts, current vitae, a personal statement, a GPA of 3.0 or better, and three letters of recommendation. Submission of GRE scores is optional. Applicants whose first language is not English are required to submit TOEFL or IELTS scores.

Application Deadlines

The program has a rolling admission policy. However, deadlines for candidates seeking financial support are March 15 for fall semester and October 15 for spring semester. Students applying to the graduate program by January 15 are eligible to apply for a tuition waiver for the next academic year.

General plan of study

Students will take 5 required courses (15 credits), and then they may choose from one of six tracks or concentrations: Business Analytics, Computation, Geographic Information Systems (GIS), Public Health, Prescriptive Analytics, and Predictive Analytics. Students complete 3 courses (9 credits) in each track. Finally, students complete a capstone project that involves a practicum (3 credits) or a thesis (6 credits).

A. Courses

Course descriptions are provided in Appendix A.

COS 571	Advanced Database Systems	campus
COS 572	Artificial Intelligence and Data Mining	campus
COS 582	Design and Analysis of Computing Algorithms	campus

Geographic Information Systems Track (choose 3)

Number	Title	Modality
GEO 540	Digital Mapping	campus
GEO 605	Remote Sensing	online
GEO 608	GIS Applications I	campus
GEO 618	GIS Applications II	online

Public Health Track (choose 3)

Number	Title	Modality
MPH 535	Introduction to Epidemiologic Research	campus
MPH 545	Applied Biostatistical Analysis	campus
MPH 650	Public Health Research and Evaluation	campus
MPH 677	Regression Models in Health Sciences	campus
STA 501	Ethical Issues in Biostatistics	online
STA 580	Applied Statistical/Biostatistical Methods	campus

Prescriptive Analytics Track (choose 3)

Number	Title	Modality
STA 561	Deterministic Models in Operations Research	campus
STA 562	Stochastic Models in Operations Research	campus
STA 563	System Modeling and Simulation	campus
STA 564	Queuing Networks	campus

Predictive Analytics Track (choose 3)

Number	Title	Modality
STA 581	Statistical Quality Control	campus
STA 582	Introduction to Longitudinal Data Analysis	campus
STA 583	Sample Survey Design and Analysis	campus
STA 584	Advanced Design and Analysis of Experiments	campus
STA 585	Linear Models and Forecasting	campus
STA 586	Predicting Modeling with Big Data	campus
STA 588	Introduction to Statistical Data Mining	campus
STA 589	Survival Analysis	campus

strengthening graduate education in general at USM. Furthermore, undergraduates in STEM fields and business would have another option for pursuing graduate education in the region.

V. Program Resources

A. Personnel

Faculty involved in the M.S. Data Science program are listed below.

Matthew Bampton, Ph.D.
Professor of Geography

Muhammad El-Taha, Ph.D.
Professor of Operations Research

Bruce MacLeod, Ph.D.
Associate Professor of Computer Science

James Suleiman, Ph.D.
Associate Professor of Management Information Systems

Ahmad Tafti, Ph.D.
Assistant Professor of Computer Science

Vinton Valentine, Ph.D.
Director of USM GIS

Weston Viles, Ph.D.
Assistant Professor of Mathematics and Statistics

Erika Ziller, Ph.D.
Assistant Professor of Public Health

1. Vita of faculty

Curriculum vitae for these faculty are included in Appendix B.

2. Specific effect on existing programs of faculty assignments in new program

Many courses that will be included in the M.S. Data Science program currently exist and are taught regularly. Thus, faculty assignments already include those courses. New courses will be covered by existing faculty. One faculty member will coordinate the graduate program, and such work will be counted as part of their service commitment to the university.

B. Current Library Acquisitions Available for New Program

A search of journal holdings at USM indicated access to 668 journals in computer science or in data science specifically (computer science journals and specific data science journals). In addition to journals, USM students have access to Interlibrary Loan services on

VI. Total Financial Consideration**A. Estimate of Anticipated Cost and Anticipated Income of the Program for Five Years****1. Revenue**

	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
Number of full time students	5	7	8	9	10
Number of part time students	5	10	15	20	25
Total number of students	10	17	23	29	35
Total credit hours for full time students (15 cr/year)	75	105	120	135	150
Total credit hours for part time students (7.5 cr/year)	37.5	75	112.5	150	187.5
Tuition revenue (\$421/cr in state rate)	\$47,362	\$75,780	\$97,882	\$119,985	\$142,087

2. Expenses

	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
New tenure track faculty (\$90,000 salary + \$47,880 benefits teaching 50% in graduate program)	\$68,940	\$68,940	\$68,940	\$68,940	\$68,940
Graduate assistantships (2 @ \$15,000 stipend + \$6315 tuition waiver)	\$42,630	\$42,630	\$42,630	\$42,630	\$42,630
Initial costs to launch program	\$5,000				
Hardware for virtualization	\$70,000				
New course development	\$25,000				
Total expenses	\$211,570	\$111,570	\$111,570	\$111,570	\$111,570

3. Net revenue

	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
Net revenue	-\$164,208	-\$35,790	-\$13,688	\$8,415	\$30,517

B. Detailed Information on First-Year Costs, Including:**1. New Personnel requirements (including employee benefits)**

The university has hired one new tenure track faculty member in Computer Science. To run a competitive search, we offered \$90,000 in salary, with \$47,880 in benefits. The budget includes 50% of this cost because the faculty member would teach approximately 50% in the graduate program in Data Science. The remainder of the workload would include undergraduate courses, so the graduate program will not bear the full cost of the hire. The program plans to seek to hire an additional faculty member in the future.

Appendix A. Course Descriptions

Required Courses

Mathematics for Data Science

In this course, we explore the mathematical concepts that support the discipline of data science: from the first principles of method development through the implementation and model assessment process. Particular domains include linear algebra, graphs/networks, optimization and numerical analysis, and probability. As a result of this course, students will have gained the foundational skills to develop a conceptual framework for approaching data analysis problems and for identifying feasible methods to solve them. That is, to use mathematics as a guide for understanding and devising data science methodology.

Machine Learning

The basic theory, algorithms, and applications of Machine Learning are covered in this course. Students will develop an understanding of learning theory, supervised and unsupervised learning algorithms, and reinforcement learning techniques. The course will also explore recent practical applications of machine learning.

Computing for Data Science

This course focuses on a practical introduction to the algorithms and problem solving techniques needed for managing data using the python programming language. Students will learn how to use software tools for analyzing, visualizing and managing data including panda, numpy, matplotlib, and git. The examples used in the course are from actual problems in the field. A final project, based on a student's own work or research, will be a key part of this course.

Statistical Learning

Bridging the gap between statistics and machine learning, the methods of statistical learning provide a structured approach to solving classification and prediction problems. This course focuses on the concepts, principles, and methods of statistical learning that are fundamental to unsupervised and supervised learning in modern data analysis problems. Topics include advanced regression, kernel smoothing and regularization, support vector machines, model assessment and validation, principal components analysis and K-means, and graphical models in high-dimensional contexts.

Introduction to Data Science

This is an introductory course in data science. It will cover a full technical pipeline from database management to data analytics and the final data product. Topics include data manipulation at scale, machine learning and data mining algorithms, statistical modeling, information visualization, and special topics chosen from text mining and social network analysis. After completing this course, students will be able to work with large datasets and perform predictive analytics using a range of tools. Course projects will include cleaning, processing, and analyzing data at scale, along with formal technical writing with appropriate data visualizations.

Electives

Business Analytics Track

BUA 601 Data Analysis for Business

This course familiarizes students with how to utilize data to inform organizational decision making. In doing so students will learn to identify business problems, then learn how to differentiate types of big data, then propose a research question, think critically about which statistical processes and applications will yield insights from the data, such that students are able to inform organizational

the project life cycle, including developing the charter, plans, and justification; outsourcing and other procurement decisions; management of scope, time, cost, quality, personnel, and risk; and the critical role of communications inside and outside the project. Experts from industry will present case studies of success and failure. Prerequisite: previous bachelor's degree and COS 420 or COS 430. Cr 3.

COS 558 Database Systems

Study of the methods and principles of database management systems (DBMS). Topics addressed include DBMS objectives and architecture, data models, data definition and manipulation languages (in particular, SQL) and providing internet access to databases. The entity-relationship and relational models are emphasized and their use required in a design project. Prerequisite: graduate standing. Cr 3.

COS 571 Advanced Database Systems

This course covers advanced, post-relational database systems such as object-oriented databases, XML database technologies, integration of different technologies such as LINQ, object oriented interfaces to XML and integration with the object-oriented technology. Object-oriented topics include developments from industrial standards such as ODMG and Java Data Objects, query languages such as OQL, Java database technology, object-relational systems and language integrated queries such as LINQ. Object-oriented interfaces to XML include DOM, LINQ to XML, LINQ to XSD, as well as other industrial developments. The course includes hands-on experience with advanced database management systems such as db4 and Objectivity, LINQ, and object-oriented interfaces to XML. The requirements include object-oriented software and database development projects, and a term paper. Normally offered once every two years. Prerequisite: Permission of the instructor. Cr 3.

COS 572 Artificial Intelligence and Data Mining

An introduction to the underlying concepts and applications of intelligent systems. Topics include heuristic search techniques, pattern matching, rule-based systems, computer representations of knowledge, and machine learning and data mining techniques. Course work includes regular labs and larger projects. Students will learn to conduct research in artificial intelligence and will complete a modest research project. Typically offered once every two years. Prerequisite: COS 350 or permission of instructor. Cr 3.

COS 582 Design and Analysis of Algorithms

Techniques for designing algorithms, such as divide-and-conquer, greedy method, dynamic programming, and backtracking are emphasized and illustrated. Many problems of practical importance are covered, including minimum spanning tree, single source shortest path, traveling salesperson, and graph search. The concepts of NP-completeness are also considered. Prerequisite: graduate standing. Cr 3.

Geographic Information Systems Track

GEO 540 Digital Mapping

Students are exposed to the latest digital survey gear and integrated techniques with applications in geoscience, geography, and environmental science. Instrumentation includes both static and real-time kinematic GPS (global positioning system) and autolock servo-driven electronic total station. Detailed precision survey data are combined with geo-referenced maps and imagery in GIS software. Prerequisites: introductory course in GEY, GEO, or ESP, and additional 200-level course in any of the above areas. Cr 4.

GEO 605 Remote Sensing

Theory and techniques of image processing and analysis for remotely sensed digital data acquired from airplane and satellite platforms. Topics include image enhancement and classifications, spectral

STA 501 Ethical Issues in Biostatistics

This course examines a variety of ethical controversies in biotechnology, medicine, and the environment. It also examines the major ethical principles in conducting biomedical research including ethical aspects related to the production and use of biomedical statistical analyses. Cr 2.

STA 580 Applied Statistical/Biostatistical Methods

Basics in distribution theory (focus on CLT and sampling distributions); standard one-, two-sample problems (both parametric and nonparametric); one-, two-way ANOVA; estimation and testing theory (focus on normal theory and the principles of likelihood), various chi-square tests (Wald, Likelihood ratio, and Score tests); and analysis of contingency tables. Prerequisites: MAT 153 and MAT 282. Cr 3.

Prescriptive Analytics Track**STA 561 Deterministic Models in Operations Research**

Formulation and analysis of deterministic models in operations research, linear programming, integer programming, project management, network flows, dynamic programming, non-linear programming, game theory, and group projects on practical problems from business and industry. Prerequisite: MAT 152 or MAT 295 or permission of instructor. Cr 3.

STA 562 Stochastic Modeling in Operations Research

Formulation and analysis of stochastic models in operations research, Markov chains, birth-death models, Markov decision models, reliability models, inventory models, applications to real world problems, and group projects on practical problems from business and industry. Prerequisite: MAT 281 or MAT 380 or permission of instructor. Cr 3.

STA 563 System Modeling and Simulation

Basic simulation methodology, general principles of model building, model validation and verification, random number generation, input and output analysis, simulation languages, applications to computer and communication networks, manufacturing, business, and engineering will be considered, and group projects on practical problems from business and industry. Prerequisite: MAT 281 or MAT 380 or permission of instructor. Cr 3.

STA 564 Queuing Networks

Queuing and stochastic service systems, birth-death processes, Markovian queues, open and closed Jackson networks, priority queues, imbedded Markov chain models, optimal control and design, stochastic scheduling, applications to computer and communication networks, manufacturing, business, and engineering will be considered, and projects on practical problems from business and industry. Prerequisite: MAT 281 or MAT 380 or permission of instructor. Cr 3.

Predictive Analytics Track**STA 581 Statistical Quality Control**

Methods and philosophy of statistical process control, control charts for variables, control charts for attributes, CUSUM and EWMA control charts, some other statistical process control techniques, process capability analysis, and certain process design and improvements with experimental design. Prerequisite: MAT 282. Cr 3.

STA 582 Introduction to Longitudinal Data Analysis

This is an introductory course on how to use statistical techniques to analyze longitudinal (repeated

Appendix B. Curriculum Vitae of Faculty

- Bampton, M., Kelley J. Kelley, A. Jones, M & Bigelow, G. 2017. Little Ice Age Catastrophic Storms and the Destruction of a Shetland Island Community. *Journal of Archaeological Science*. 87:17-29
- Harris, D. E., Aboueissa, A., Walter, K., & Bampton, M. 2014. Predictors of Food Insecurity in Lewiston, Maine: A Community-Level Analysis. *Journal of Hunger & Environmental Nutrition*. 9:1:96-112
- Harris, D. E., Bampton, M. B., & Aboueissa, A. M. 2013. Two methods that define the scale of obesogenic environments: A case study of Lewiston-Auburn, Maine. *Journal of Hunger & Environmental Nutrition*, 8:1:11-21
- Bampton, M. 2012. Addressing misconceptions, troublesome knowledge and threshold concepts in GIScience education. In Unwin, D., Tate, N. J., Foote, K. E., & DiBiase, D. *Teaching Geographic Information Science and Technology in Higher Education*. Wiley, NJ.
- Harris, D. E., Whatley Blum, J., Bampton, M. O'Brian, L. 2011. Location of Food Stores Near Schools Does Not Predict the Weight Status of Maine High School Students. *Journal of Nutrition Education and Behavior* 43: 4: 274-278.
- Swanson, M. & Bampton, M. 2009. Integrated Digital Mapping In Geologic Field Research: An Adventure-Based Approach To Teaching New Geospatial Technologies In An REU-Site Program. In Whitmeyer, S. J., Mogk, D. W., and Pyle, E. J. *Field Geology Education: Historical Perspectives and Modern Approaches*. Geological Society of America Special Paper 461: 117 - 133.
- Harris, D. Bampton, M., Mosher, R., Gupta, S., & McAnneny, C. 2006. GIS-based Analysis of Harp and Hooded Seal Sighting Locations on shore in the Southern Gulf of Maine. *Journal of Interdisciplinary Mathematics*.
- Steinberg, M., Height, C., Mosher, R., and Bampton, M. 2006. Mapping massacres: GIS and state terror in Guatemala. *Geoforum*, 37: 1: 62-68
- Bampton, M. 2002. Deforestation and Siltation: A Historical and Ecological Look. *Cross-Grained and Wiley Waters: A Guide to the Piscataqua Maritime Region*. Randall, Portsmouth, NH.
- Bampton, M. 2002. Linking Location and Space to Process using Precision Mapping. *Archeologia e Calcolatori* 13: 171-178
- Bampton, M. & Mosher, R. 2000. A GIS Driven Regional Database of Archaeological Resources for Research and CRM in Casco Bay, Maine. In *Computing Archaeology for Understanding the Past: Computer Applications and Quantitative Methods in Archaeology. Proceedings of the 28th CAA Conference, Lubljana April 2000*. 139-142.
- Bampton, M. 1999. From Social Conflict to Environmental Change: Colonial Forestry's Impact on New England's Piscataqua Drainage Basin. *Historical Geography*. 27:193-211.
- Bampton, M. & Flyg, P. 1999. Field mapping the Ahu Ra'ai, La Pérouse Area, Rapa Nui (Easter Island). In *New Techniques for Old Times: Computer Applications and Quantitative Methods in Archaeology. Proceedings of the 26th CAA Conference, Barcelona, March 1998*. 146-152.
- Bampton, M. 1998. Anthropogenic transformations; Biography of Sir Arthur George Tansley; Dams and Reservoirs; Urban Geology; Arroyos and Wadis; Alluvium. In

- A New Collaborative Model for Geospatial Technology Education and Workforce Studies in a Rural Region. NSF ATE 0802417 \$450,000. (Johnson, Bampton, & Szakas)
- Digital Mapping, Geographic Information System (GIS) Database Construction and Geospatial Analysis of Regional Strike-slip Shear Zone Deformation. NSF REU Program 0647779. \$459,397. (Swanson & Bampton)
- Digital Mapping and Strain Analysis of Deformed Veins and Intrusions: A Detailed Structural Analysis of Strike-slip Shearing Deformation Combining Traditional Field Methods, Global Positioning Systems, Total Stations, and Geographic Information Systems. NSF REU 0647779. \$250,000 (Swanson & Bampton).
- A GIS Curriculum for Five University of Maine System Campuses. NSF CCILI 0126639. \$360,000 (Bampton, McAnney, Hobbins, Weigel, & Szakas)
- Digital Mapping and Strain Analysis of Deformed Veins and Intrusions. NSF REU 0353601. \$200,000 (Swanson & Bampton).
- Mapping a Pennsylvania Archaeological Site. The Pennsylvania State University. \$2,000. (Bampton).
- Combining GIS, GPS, and Electronic Total Stations in the Field and Environmental Sciences for the Undergraduate Science Curriculum. NSF DUE 9950822. \$99,985 (Bampton & Swanson).
- A Laboratory for Undergraduate GIS Education. NSF DUE 9750859. \$41,625 (Bampton, Kartez & Swanson).

ONLINE RESOURCES

- Mapping Food Insecurity in Cumberland County, Maine. 2011. Wallace, D., Gray, C., Lapping, M., Bampton, M., Small, R., Wolff, E., Burk, A., Weber, T., & White, B.
<http://muskie.usm.maine.edu/mappingfood/>
- Digital Atlas of Maine. In collaboration with Cadwallader, M., Desmond, J., Neely, s., Tranes, M., Youngs, T., Gammon, M., Heath, J., Lessard, J., & Valentine, V. Updated annually since 2002. <https://usm.maine.edu/gis/digital-atlas>

PROFESSIONAL PRESENTATIONS (* denotes student collaborators)

Conference Papers

- Bampton, M., & *Farrell, D. 2019. Linking Multi-Decadal Climate Trends, Natural Disasters, and Human Resilience in the North Atlantic during the Little Ice Age. AAG Meeting, Washington, DC.
- Bampton, M., Kelley, J. & Kelley, A. 2018. A case study of hyperlocal variation in Shetland Island storm survivability during the LIA. AAG Meeting, New Orleans, LA.
- Bampton, M., Kelley, J. Kelley, A. Jones, M & Bigelow, G. 2017. Little Ice Age Catastrophic Storms and the Destruction of a Shetland Island Community. AAG Meeting, Boston, MA.
- Bampton, M. Szakas, J., & Dearden, B. 2010. A preliminary concept map of GIS misconceptions. AAG Meeting, Washington DC.
- Johnson, T., Bampton, M. Markow, D., Colgan, C., Gregory, C., & Hood, S., Education for a Rural Geospatial Workforce: The Maine Experience. Teaching with GIS in Higher Education. 2010 ESRI Education User Conference. San Diego.

- Bampton, M., & Hamilton, N. 1994. Changing Environments of the Casco Bay During the Holocene. Meeting Maine Geological Society.
- Bampton, M., & Harrington, F. 1994. The Environmental Impacts of Mercantilism in the Piscataqua Basin. Meeting Eastern Historical Geographers Association, Halifax, NS.
- Bampton, M., & Harrington, F. 1994. Changing Places: Social and Ecological Transformations in 17th Century New England. Conference on New England Archaeology, Sturbridge, ME.
- Bampton, M., & Harrington, F. 1994. Environmental Consequences of New England's Earliest Entrepôts. Meeting of the Society of Historical Archaeologists, Vancouver, BC.
- Bampton, M., & Hamilton, N. 1994. A Method of Data Retrieval for the Impecunious Environmental Scientist. 1994 AAG Annual Meeting, San Francisco, CA. With N. Hamilton.
- Bampton, M., & Hamilton, N. 1993. Coastal Management Planning: Geoarchaeology in the Service of Society. 1993 AAG Annual Meeting, Atlanta, GA.

Posters & Published Abstracts

- Bampton, M. 2013. Creating and Implementing a Concept Inventory-Based Diagnostic Tool to Improve Undergraduate GIS Education Part II. Transforming Undergraduate Education in STEM: Building a Community to Transform Undergraduate STEM Education. AAAS/NSF, Washington, DC.
- Bampton, M., Szakas, J. Johnson, T. McAnney, C. McCourt, M., Dearden, B., Wang, C., & Hobbins, D. 2011. Creating and Implementing a Concept Inventory-Based Diagnostic Tool to Improve Undergraduate GIS Education Part I. Transforming Undergraduate Education in Science, Technology, Engineering, and Mathematics. AAAS/NSF, Washington, DC
- *Agopian, S., *Bedoian, L., Swanson, M. T., and Bampton, M. 2010. Precision Digital Mapping To Illustrate Geologic Events On Richmond Island, Casco Bay, Maine. NEGSA Meeting, Baltimore, MY.
- *Babcock, L. N., *Lipiec, E., Bampton, M., & Swanson, M. T. 2010. Kriging As A Tool For Interpreting Structural Data: Exploring Spatial Analysis Of Complex Folding On Seguin Island, Maine. NEGSA Meeting, Baltimore, MY.
- *Collins, M. D., *Lee, A., Swanson, M. T., & Bampton, M., 2010. Left-Lateral Mega Kink Band Structures Of Casco Bay, Maine. NEGSA Meeting, Baltimore, MY.
- *Braudy, N., *Kay, S., Swanson, M. T., & Bampton, M. 2010. High-Resolution Techniques For Extracting Structural Detail In Fault Zone Exposures At Richmond Island, Cape Elizabeth, Maine. NEGSA Meeting, Baltimore, MY.
- *Laskowski, A., *Hashimoto, K., Swanson, M. T., Bampton, M., 2010. Precision Digital Mapping Of Granitic Dikes With Implications For Intrusive Processes In Transpressional Shear Zones: An Example From Ragged Island, Casco Bay, Maine. NEGSA Meeting, Baltimore, MY.
- *Kohli, A., Bampton, M. & Swanson, M. 2009. Spatial Analysis of Modified F2 Fold Structures on Seguin Island, Maine. NEGSA Meeting Portland, ME.

- *Bates, A. K., Byars, H. E., Mccurdy, K., Swanson, M. T., & Bampton, M., 2006. Digital Mapping of Pseudotachylyte in the Harbor Island Fault Zone, East Muscongus Bay, Midcoast Maine. NEGSA Meeting, Camp Hill, PA.
- *Betka, P., Swanson, M. T., & Bampton, M., 2006. Digital Mapping Techniques Used to Correlate Left Lateral Shear with the Emplacement of the Waldoboro Pluton, Muscongus Bay, Maine. NEGSA Meeting, Camp Hill, PA.
- *Spaulding, A., Ofsevit, A., Byars, H. E., Bampton, M., Mosher, R., & Swanson, M. T., 2006. Geodatabase: the next Step in Data Management? NEGSA Meeting, Camp Hill, PA.
- *Duwe, J., Rich, J., Robinson, T., Bampton, M., Swanson, M. T., 2006. 3d Virtual Outcrop: Conception, Construction and Application. NEGSA Meeting, Camp Hill, PA.
- *Wanless, S. & Bampton, M. 2005. Integrated Precision Digital Mapping of the Harbor Island Fault, Muscongus Bay, Maine. AAG Meeting, Denver.
- Bampton, M. Hobbins, D. McAnneny, C. Szakas, J. & Wiegel, B. 2004. Building a GIScience Curriculum Integrating Five Disciplines Across Five Campuses in Maine. Invention and Impact: Building Excellence in Undergraduate Science, Technology, Engineering and Mathematics. AAAS/NSF, Washington DC.
- *Castle, N., *Heffron, E., *McCoog, M., Swanson, M. & Bampton, M., 2004. Strain Analysis of Syntectonic Granite Intrusions East of the Norumbega Fault Zone at Pemaquid Point, Mid-coast Maine. Geol. Soc. Amer. Abstracts w/ Programs
- *Doyle, J., *Kiser, B., *Newton, M., Swanson, M., & Bampton, M. 2004. Syntectonic Granites and Transpressional Deformation at Pemaquid Point, Mid-coast Maine. Geol. Soc. Amer. Abstracts w/Programs
- *Land, A., Swanson, M., Bampton, M., & Davis, S., 2004. Alternate Z-value Surface Analysis of Fabric Orientation in Regional Transpression Related to Dextral Norumbega Shearing, Mid-coast Maine. Geol. Soc. Amer. Abstracts w/Programs
- *McBride, M. *Witcoski, J, Swanson, M. & Bampton, M. Integrated Precision Digital Mapping and Spatial Analysis of Colonial Pemaquid State Historic Site. AAG Meeting, Philadelphia, PA.
- *McBride, M., *Taylor, C., *Witcoski, J., Bampton, M., and Swanson, M. 2004. New Techniques for Digital Mapping of Outcrop Structures at Pemaquid Point, Maine. Geol. Soc. Amer. Abstracts w/Programs.
- Swanson, M. & Bampton, M. 2004. Precision Digital Techniques for Mapping Multi-scale Outcrop Structure: an Integrated GIS-based Approach. Geol. Soc. Amer. Abstracts w/ Programs,
- *Berry, L., *Cooper, J., *Weiss, H., Bampton, M. & Swanson, M., 2003, Integrated precision digital mapping techniques for structural geology in Casco Bay, Maine, Geol. Soc. Amer. Abstracts w/Programs,
- *Jansyn, S., *Szafranski, J., *Stone, S., Swanson, M. & Bampton, 2003, Syntectonic granite intrusions and the Norumbega fault system, Casco Bay, Maine, Geol. Soc. Amer. Abstracts w/ Programs.
- *O'Kane, A., *Melendez, C., *Beal, H., Swanson, M. & Bampton, M., 2003, Strain analysis of syntectonic granite intrusions deformed by Norumbega shearing, Casco Bay, Maine, Geol. Soc. Amer. Abstracts w/ Programs,
- *Swanson, M., *Francis, B., *Cooper, J. & Bampton, M., 2002, All-digital outcrop mapping at Hiram Falls, Saco River, Maine, Geol. Soc. Amer. Abstracts w/ Programs.

Urban and Economic. NESTVAL Meeting 1993, Keene, NH.
 Discovery and Encounter: The Columbian Experience NESTVAL Meeting 1992, Portland, ME.

FIELD TRIPS

'The Way Life Should Be': Reality, Myths and the Landscapes of Maine. AAG Annual Meeting 1998, Boston, MA.
 Geoarcheology Course. Earth Systems Science Program, Phippsburg, ME, October, 1993. With Nathan Hamilton.
 Collecting Paleoenvironmental and Archeological Data for the GIS Mapping of Casco Bay. Maine Audobon Society, Crescent Beach, ME, July, 1993. With Nathan Hamilton

WORKSHOPS

Metadata in the Morning Maine GIS User Group Meeting, June 2009, Castine, Maine. With Gretchen Heldmann.
 Repositioning MEGUG: An Open Discussion. Maine GIS User's Group Meeting, Fort Kent. September 2006.
 Managing and Supporting GIS: A GIS Workshop for Instructional Technologists, Librarians and GIS Specialists. Co-Hosted By NITLE and Trinity University, San Antonio Texas. March 2006.
 The Gulf of Maine: Some New Maps. USCG State Boating Law Administrators' Workshop. Wakefield, MA. April 2006.
 Maine Geographic Alliance Summer Institute 2000, Orono, Maine. Sustainability Issues Along the Sandy River & Monhegan Island. Maine Geographic Alliance, Advanced Summer Institute. University of Maine, Farmington. (July - August, 1998)
 Maine Geographic Alliance Summer Workshop 1995, Wolfe's Neck, ME (August 1994).
 Kayaks, Science and the Environment of Casco Bay. Maine Environmental Education Association Annual Meeting. With Jeff McEvoy and Mark Swanson. (April 1995).
 Maine Geographic Alliance Summer Workshop 1994, Bar Harbor, ME (June-July 1994).
 Earth Systems Science Teachers Laboratory Workshop, Gorham ME (October 1993).
 Maine Geographic Alliance Summer Workshop 1993, Bar Harbor, ME (June-July 1993).

PROPOSALS EVALUATED

NSF Panel GSS December 2019, Washington DC.
 Panelist NSF CCILI Program, July 2005, Washington DC.
 Panelist NSF CCILI Program, April 2001, Washington DC.
 17/11/00 NSF Division of Undergraduate Education.
 4/1/94 NSF Proposal Cultural Anthropology Program.

EDITORIAL WORK

Editorial Board *The Northeastern Geographer*. 2008
 Editorial Board *The Professional Geographer* 2006 - 2008
 Editorial Board *Environmental Management* 1997-2002
 Manuscript Reviewer *Geographic Information Systems: Concepts and Practice* Kang-tsung Chang, McGraw Hill.
 Manuscript Reviewer *Antipode*

Maine GIS User Group 2004 – 2007
 Maine GIS Executive Council Training Sub-Committee (chair) 2006 – 2008
 Maine GIS User Group Education Coordinator 2006 – 2007
 Maine Marine GIS Specialty Group 2007 - 2008

TEACHING

Classes Taught

Maps and Math
 Introductory Physical Geography
 Introductory Geology
 Geography of Maine
 Social and Ecological Constructions of Place
 Regional North America
 Regional Western Europe
 Environmental Issues and Choices
 GIS Applications I
 GIS Applications II
 Research Applications in GIS
 Social Transformation of Nature/Holocene Environments
 Remote Sensing
 Modeling Human/Environment Interaction
 Physical Geography of the Urban Environment
 History and Philosophy of Geographic Thought

Field schools taught

2020 GIS & Exploration in Greenland
 2011 Field Mapping and GIS in Shetland
 1998 - 2009 Field Mapping and GIS in Casco Bay (with Mark Swanson)
 1994 - 1996 Field Mapping and GIS in Casco Bay (with Mark Swanson)
 1993 Geoarcheology of Casco Bay (with Nathan Hamilton)

2001-03	University of Southern Maine	and Statistics Director, Graduate Program in Statistics
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Non-Academic

2006-Present	Provided statistical consulting to several companies on health related issues and products. Also provided consulting on call center management to a health care company.	
2000-01	Provided unpaid consulting for Portland citizens to asses the risk to surroundings from blasting at Dragon Concrete Plant.	
1980-82	Statistical Analyst with Arabia Insurance Co.	
1992	Consulting with National Semiconductor on Wafer output rates	
1994	Consulting with National Semiconductor on improving manufacturing processes	
1997/1998	Consulting with Fairchild Semiconductor on inventory control problems	
1987-98	Consulting: several business and industry projects including US Department of Labor	

Educational Background

Years	Institutions	Degrees Awarded
1987	North Carolina State University, (Operation Research)	Ph.D.
1980	American University of Beirut (Statistics)	M.S.
1978	Haigazian College, Beirut (Mathematics)	B.S.

Sample Consulting Projects

- Socioeconomic Status as a Determinant of Anti-Tumor Necrosis Factor Therapy in Patients with Rheumatoid Arthritis (RA) in the Consortium of Rheumatology Researchers of North America (CORRONA) Database
- Switching and Drug Survival Analysis of Infiximab and Other Biologics among RA patients
- Analysis of NARCOTIC among Crohns patients based on TREAT (Therapy, Resource, Evaluation,and Assessment Tool) Registry Database.
- Statistical Analysis on Use of Any-TNFs Based on RA Patient Record Database

- El-Taha M, “Invariance of Workload in Queueing Systems” *Queueing Systems: Theory and Applications*, 83, pp. 181-192, (2016).
- B. Maddah, and El-Taha M, ”Selective Trunk with Multi-Server Reservation” *Advances in Operations Research*, (2016)
- Clark M, and El-Taha M, “Some Useful Properties of Log-Logistic Random Variables for Health Care Simulations”, *International Journal of Statistics in Medical Research*, 4, pp.79-86(2015).
- El-Taha M, “Sample-Path Analysis of Queues with Batch Arrivals” *Computers and Industrial Engineering*, 70, pp.98-106 (2014).
- El-Taha M, “Theory of Probability, Basics and Fundamentals”, *Encyclopedia of Social Network Analysis and Mining*, Editors: Reda Alhajj, Jon Rokne, Invited Submission. (2014).
- Fisher M, Hochberg M, El-Taha M, Kremer J, Peng C, , Greenberg J “Smoking, Smoking Cessation, and Disease Activity in a Large Cohort of Patients with Rheumatoid Arthritis” *The Journal of Rheumatology*, 39, pp.904-909(2012)
- M. El-Taha, “Sample-Path Analysis of Single-Server Queues with Multiple Vacations”, *ISRN Applied Mathematics*. Published online, (2011).
- Anandarajah AP, El-Taha M, Peng C, Reed G, Greenberg J and Ritchlin CT “The Association between Focal Erosions and Generalized Bone Loss in Psoriatic Arthritis” *Annals of the Rheumatic Diseases*, 70, pp.1345-1347(2011)
- B. Maddah, L. Moussawi, M. El-Taha, and H. Rida “Dynamic Cruise Ship Revenue Management” *European Journal of Operations research (EJOR)*, 207, pp.445-455,(2010)
- B. Maddah, M. El-Taha and R. Abou Tayeh “Optimal allocation of Servers and Processing Time in a Load Balancing System” *Computers and Operations Research*, 37, pp.2173-2181(2010)
- M. El-Taha, “PASTA and Related Results”, *Wiley Encyclopedia of Operations Research and Management Science*. Invited, published online, (2010).
- M. El-Taha ”Departure Process in a Mixed Fork-Join Synchronization Network” *Computers and Mathematics with Applications*, 57 pp. 1272-1279 (2009)

- F. Mrad, E. Khayat, M. El-Taha, and K. Kelly, "PC-Based Instrumentation: Statistical System Error Calculator" IQM2001 Symposium: Intelligent Quality Management and Metrology, pp.940-948 (2001)
- M. El-Taha, and J. Heath, "Traffic Overflow In Loss Systems with Selective Trunk Reservation", *Performance Evaluation*, 41, 4, pp 295-306 (2000)
- M. El-Taha, "Parameter Estimation in a Right-Truncated Gamma Distribution", *American Statistical Association, 1998 Proceedings of the Statistical Computing Section*, pp 183-188, (1999)
- D. Clark, and M. El-Taha, "Generation of Correlated Logistic-Normal Random Variates for Medical Decision Trees", *Methods of Information in Medicine*, 37, pp 235-238, (1998)
- M. El-Taha, Stidham Jr., and R. Anand, "Sample-Path Insensitivity of Symmetric Queues in Discrete-Time" *Nonlinear Analysis, Theory, Methods and Applications* (Proceedings of the Second World Congress of Nonlinear Analysts, Athens,) 30:1099-1110, (1997)
- M. El-Taha, and J. Heath, "Overflow Traffic in Closed Queueing Models", *Stochastic Models*, 12, pp 493-506 (1996)
- M. El-Taha, "Pathwise Rate-Stability for Input-Output Processes", *Queueing Systems*, 22, pp 47-63 (1996)
- M. El-Taha, and S. Stidham Jr., "Sample-Path Stability Conditions for Multiserver Input-Output Processes", *Journal of Applied Mathematics and Stochastic Analysis*, 7, pp 437-456 (1994)
- S. Stidham Jr., and M. El-Taha, "Sample-Path Techniques in Queueing Theory", *Advances in Queueing*, pp 119-166 (1994), editor: Dshalalow
- M. El-Taha, and S. Stidham Jr., "Sample-Path Analysis of Stochastic Discrete-Event Dynamic Systems", *Discrete Event Dynamic Systems*, 3, pp 325-246 (1993)
- M. El-Taha, "MVU Estimation in a Shifted Gamma Distribution with Shape Parameter a Known Integer", *Communication in Statistics: Simulation and Computation*, 22, pp 831-843 (1993)
- S. Stidham Jr., and M. El-Taha, "A Note on Sample-Path Stability Conditions for Input-Output Processes", *Operations Research Letters* 14, pp 1-7 (1993)

- Anandarajah AP, Greenberg J, **El-Taha M**, Reed G, Peng C, Ritchlin CT. The relationship between erosions and osteoporosis in patients with psoriatic arthritis. *Arthritis and Rheumatism* 2008;58(9):S366-S367.
- Dabbous O, Kremer J, Rambharose J, **El-Taha M**, Reed G, Tang B, et al. Infliximab, etanercept, and adalimumab switchin in patients with rheumatoid arthritis in the consortium of rheumatology researchers of North America (Corrona) database. *Annals of the Rheumatic Diseases* 2007;66:167-167.
- Dabbous O, Kremer J, **El-Taha M**, Reed G, Tang B, Thompson H, et al. Socioeconomic status as a determinant of Anti-TNF alpha therapy for rheumatoid arthritis patients: CORRONA database. *Arthritis and Rheumatism* 2006;54(9):S61-S62.
- Dabbous O, Kremer J, **El-Taha M**, Reed G, Tang B, Arjunji R, et al. Infliximab, etanercept and adalimumab switching in patients with rheumatoid arthritis in the consortium of rheumatology researchers of North America (CORRONA) database. *Arthritis and Rheumatism* 2006;54(9):S705-S705.
- Dabbous O, Kremer J, **El-Taha M**, Reed G, Tang B, Thompson H, et al. Socioeconomic status as a determinant of Anti-TNF alpha therapy for rheumatoid arthritis patients: CORRONA database. *Arthritis and Rheumatism* 2006;54(9):S61-S62.

Technical Reports on Research/Consulting Projects.

- Socioeconomic status as a determinant of anti-tumor necrosis factor therapy in patients with rheumatoid arthritis (RA) in the Consortium of Rheumatology Researchers of North America (CORRONA) Database. (with Cheng Peng), 2006.
- Analysis on use of NARCOTIC among Crohn's patients based on TREAT (Therapy, Resource, Evaluation, and Assessment Tool). (with Cheng Peng) 2006
- Switching and drug survival analysis of use Infliximab and other biologics among RA patients. (with Cheng Peng) 2006.
- Statistical Analysis on use of any TNF inhibitors based on RA Patient Record Database. (with Cheng Peng) 2006
- Disease activity among RA patients who have received TNF inhibitors and discontinued therapy. (with Cheng Peng) 2007.
- Statistical Analysis of the switchers problem Remicade Switchers Analysis for ACR07 (with Cheng Peng) 2007.

- A review of “A Batch Arrival Queue with Second Optional Service and Reneging During Vacation Periods” by YMonita Baruah, Kailash C Madan, and Tillal Eldabi. (2014).
- A review of “Queue Size Distribution and Capacity Optimum Design for N-policy $\text{Geo}^{\lambda_1, \lambda_2, \lambda_3}/G/1$ with Setup Times and Variable Input Rate” by Yingyuan Wei, Miaomiao Yu, Yinghui Tang, and Jianxiong Gu. (2014).
- A review of “Reflecting Brownian Motion in Two Dimensions: Exact Asymptotics For the Stationary Distribution” by J.G. Dai and Masakiyo Miyazawa. (2013)
- A review of “The single server vacation queueing model with geometric abandonment” by Spiros Dimou, Antonis Economou, Demetrios Fakinos (2012)
- A review of “Continuity of the $M/G/c$ queue” by Lothar Breuer (2009)
- A review of “A fluid model with upward jumps at the boundary” by Vidyadhar Kulkarni and Keqi Yan (2008)
- A review of “ Structural interpretation and derivation of necessary and sufficient conditions for delay moments in FIFO multiserver queues” by Alan Scheller-Wolf and Rein Vesilo (2007)
- A review of “Asymptotic Analysis of Complex, Markov-Modulated Computer and Communication Systems” by J. Sztrik, Mathematical Reviews (2004)
- A review of “Analysis and Computation of the Joint Queue Length Distribution in a *FIFO* Single-Server Queue with Multiple Batch Markovian Arrival Streams”, by H. Masuyama and T. Takine, Mathematical Reviews (2004)
- A review of “Sojourn times in a processor sharing queue with service interruptions, by R. Nunez-Queija” Mathematical Reviews (2001)
- A review of “Tail probabilities of low-priority waiting times and queue lengths in *MAP/GI/1* queues, by Vijay Subramanian and R. Srikant” Mathematical Reviews (2001)
- A review of “On the number of refusals in a busy period, by Perkoz, Erol A. ” Mathematical Reviews (1999)
- A review of “The superposition of alternating on-off flows and a fluid model, by Palmowski, Zbigniew and Rolski, Tomasz” Mathematical Reviews (1998)

- Traffic Overflow In Loss Systems with Selective Trunk Reservation, *Department of Mathematics and Statistics, University of Maine at Orono* (1997)
- Fluid Versions of Little's Formula and Extensions, *Department of Mathematics and Statistics and Department of Electrical Engineering, University of Massachusetts at Amherst* (1996)
- Sample-Path Stability Conditions for Multiserver Input-Output Processes, *Department of Operations Research, University of North Carolina, Chapel Hill* (1994)
- Sample-Path Analysis of Queues, (Five lectures seminar,) *Department of Operations Research, University of North Carolina, Chapel Hill* (1994)
- Sample-Path Analysis of Stochastic Discrete-Event Dynamic Systems, *Systems Research Center, University of Maryland*, (1991)
- On Sample-Path Analysis of Queues, *Department of Mathematics, AT&T Bell Labs*, (1989)
- Performance Analysis of Multichannel Local Area Networks, *Department of Performance Analysis, AT&T Bell Labs*, (1989)

Selected Conference Presentations

- A General Workload Conservation Law with Applications to Queueing Systems. *The Institute of Operations Research and Management Science (INFORMS) Meeting*, November 13-16, 2016, Nashville, TN.
- Invariance of Workload in Multi-Server Systems *The Institute of Operations Research and Management Science (INFORMS) Meeting*, October 6-9, 2013, Minneapolis.
- Sample-Path Analysis of Queues with Batch Arrivals. *The Institute of Operations Research and Management Science (INFORMS) Meeting*, November 13-16, 2011, Charlotte.
- Served as Session Chair in the above conference
- Attended a day long workshop on the MINDSET Project, Charlotte NC, November 2011.
- Organizing committee of a day long summer immersion workshop for MTC. (The committee organized and led the presentations during the day)

- A New Concept of Pathwise Stability Conditions for Multiserver Input-Output Processes, *INFORMS National Conference*, Los Angeles, (1995)
- Overflow Traffic in Closed Queueing Models, Fourth International Conference on Advances in *Communications and Control: Telecommunications/ Signal Processing*, Greece, (1993)
- Sample-Path Analysis of Two Symmetric Queues, *Second ORSA Telecommunications Conference*, Florida, (1992)
- Approximate Analysis of Multiserver Queueing Models with Ranked Servers, *The 22nd Annual Pittsburgh Conference on Modeling and Simulation* (1991)
- Minimum Variance Unbiased Estimation in the Truncated Gamma Distribution *ORSA/ TIMS National Conference* , Philadelphia, (1990)
- A Queueing Model for Multichannel Communications Networks, *ORSA/TIMSNational Conference*, Las Vegas, (1990)
- Time Averages and Asymptotic Distributions, *ORSA/TIMS National Conference*, St. Louis, (1987)

Abstracts Presented (and Published) at EULAR or ACR Conferences

-EULAR is The European League Against Rheumatism

-ACR is American College of Rheumatology

- *The Relationship between Erosions and Osteoporosis in Patients with Psoriatic Arthritis.* by Allen Anandarajah, **Muhammad El-Taha**, Cheng Peng, George Reed, Jeffrey Greenberg and Christopher Ritchlin , 2008, Eular.
- Socioeconomic Status as a Determinant of Anti-Tumor Necrosis Factor α Therapy in Patients with Rheumatoid Arthritis in the Consortium of Rheumatology Researchers of North America (CORRONA) Database Omar Dabbous, MD, MPH; Joel Kremer, MD; **Muhammad El-Taha**, PhD; George Reed, PhD; Boxiong Tang, MD, PhD; Heidi Thompson, MS, MBA; Ramesh Arjunji, PhD; Mirza Rahman, MD, MPH (2006)
- Infliximab and Etanercept Switching in Patients With Psoriatic Arthritis: Findings from the Consortium of Rheumatology Researchers of North America (CORRONA) Database. Mirza Rahman, MD, MPH; Joel Kremer, MD; **Muhammad El-Taha**, PhD; George Reed, PhD; Ramesh Arjunji, PhD; Boxiong Tang, MD, PhD; Heidi Thompson, MS, MBA; Omar Dabbous, MD, MPH (2006)

- Optimal Allocation of Servers in Multichannel queueing Systems with Heterogeneous Servers, (1991)
- Sample-Path Insensitivity of Some Symmetric Queues and Related Results, (1990)
- Queueing Models for the Performance Analysis of Multichannel Local Area Networks with Ranked Servers, (1990)

Professional Service

- External reviewer and evaluator of a candidate for promotion to Associate professor at the American University of Beirut (AUB) Lebanon, 20015.
- On the editorial board of *Queueing Models and Service Management (QMSM)*
- On the editorial board of *The Open Operational Research Journal (TOORJ)*
- On the editorial board of *Open Statistics and Probability Journal (TOSPJ)*
- On the editorial board of *American Journal of Operations Research*
- On the editorial board of *Industrial Engineering and Management*
- On the editorial board of *International Journal of Business Analytics (IJBAN)*.
- External reviewer of a PhD thesis on “Performance Analysis of a Probabilistic Re-Entrant in an Environmental Stress Testing Operation” Multimedia University, (2006)
- External examiner of Masters thesis: *Optimal Control of Queues-Case Illustrated-State of the Art*, Cairo University (2005)
- External reviewer and evaluator of a candidate for promotion to full professor at King Saud University, Saudi Arabia, 2004.
- Member, Global organizing committee of International Federation of Nonlinear Analysts for WCNA-96 conference
- Contributed to a proposal by EPSCOR on acquiring an OC-3 link
- Referee for *Production and Operations Management*
- Referee for *European Journal of Operational Research*

Community Service

- Founding member of the Middle Teachers Circle (*MTC*) in Southern Maine. The goals of *MTC* are to engage middle school math teachers in mathematical problem solving and involve them in an ongoing dialogue about math with students, colleagues, and professional mathematicians; to provide guidance and materials to middle school math teachers that will enable them to promote open-ended problem solving as a way of learning, thinking about, and practicing math in their classrooms; and to provide a forum to empower middle school math teachers to implement the mathematical practices in the Common Core State Standards for Mathematics.

Special Recognition Awards

- Faculty Senate Award for Excellence in Scholarship (2017), University of Southern Maine.
- Received *CAS* outstanding Teacher Scholar Award, 2005.
- Awarded (with S. Stidham) the “1999 Best Publication Award” by the Applied Probability section of *INFORMS* (the Institute of Operations Research and Management Science). The award recognizes the most outstanding contribution to the field of Applied Probability.
- Faculty Senate Award for Excellence in Scholarship (1999), University of Southern Maine.
- Faculty Senate Research Grant, University of Southern Maine, 1992
- Matching Fund Grant for Computer Equipment, *Bath Iron Works*, (1991)
- Summer Research Fellowship, University of Southern Maine, 1988
- Outstanding Teaching Assistant Award, North Carolina State University, 1986
- Omega Rho, the International Operations Research Society
- Phi Kappa Phi, honor society

Membership in Professional Societies

- Institute for Operations Research and the Management Sciences (*INFORMS*)
- Applied Probability Group

- Provided several services in my capacity as Department chair and graduate Program Director.
- Member, Graduate Committee, 9/1/1988-2000
- Chair, Equipment Committee, 9/1/1994-1999
- Coordinator, Mathematics Department Colloquium 9/1/1996-1999
- Member, Equipment Committee, 9/1/1993-5/31/1994
- Member, Faculty Senate, 1997/1998, 2013/2014 and 2014/2015
- Representative, CAS Committee on Tenure and Promotion 9/1/1993-5/31/96
- Member, Graduate Program in Statistics Evaluation Committee, 9/1/1990 - 5/31/1992
- Member, Graduate Program in Statistics Restructuring Committee, Spring 94
- Member, Search Committee, 9/1/1988 - 5/31/1989, 9/1/1995 - 5/31/1996
- Chair, Textbook Review Committees for several multi section courses including MAT 211, MAT 212, and MAT 120
- Member, Faculty focus group on the three semester calendar, Summer 1989
- Member, Several Masters Theses Committees

9/1992-5/2000	Associate Professor, Department of Computer Science, University of Southern Maine, Portland
9/1986-9/1992	Assistant Professor, Department of Computer Science, University of Southern Maine, Portland
6/1981-6/1982	Senior Operations Analyst, Chase Manhattan Bank, Internal Consulting Group, New York, NY

Grants and Research Projects:

Fall 2008-Spring 2016 (PI) MoTECH : (Mobile Technology for Community Health) is a collaborative project with Ghana Health Service, Columbia University and Grameen foundation that uses text messages and voice to notify pregnant women about good health practices and appointments. In addition, this project developed an information system designed to improve the timeliness, accuracy, and utility of information required by district managers, supervisors, and frontline health workers. MoTeCH has been in operation in the northeast region of Ghana since Summer 2010. Recent work on MoTeCH involves software development to support larger scale applications and different health domains.

Fall 2014-Spring 2016 (PI) CIMS: (Mobile Technology for Community Health) The CIMS is an MCDI funded research project that provides operational support for elimination campaigns that reduce and eliminate Malaria from Bioko Island in Equatorial Guinea.

Fall 2014-Spring 2016 (Co-PI) Health Data Research Cluster, USM An MEIF funded project involving USM's Computer Science Department and the Muskie School of Public Health to enhance USM's capabilities to tackle big data problems in health care delivery, financing, and population health. Our work focuses on efficiently processing large quantities of using new technologies for distributed data representation and analysis, algorithms for heterogeneous data linkages, systems integration with real-time data sources, and data interpretation based on machine learning algorithms.

Fall 2009-December 2012 (PI) CRHDS for NEHSI: is an IDRC funded project for the design and development of a health and demographic application that supports research on the Nigerian National Health Information System. The project, based in Cross River Nigeria, is done in collaboration with faculty at the University of Calabar, Nigeria.

2008-December 2011 OMEVAC : Research and software development to replace paper based data collection instruments for clinical trials in low-resource countries with mobile applications software. The goal is to have researchers and field workers use handheld devices to directly enter clinical trial information. Ultimately, this would reduce the logistical challenges related to paper handling and digitalization.

2006-2009 Research Computing Group, University of Southern Maine: Responsible for identifying strategic directions for computing research at USM. Lead member of an interdisciplinary team of Marine research scientists and computer scientists who are developing data models and mapping software to characterize the biodiversity of the Gulf of Maine ecosystem.

2004-2008 Makerere University, Kampala Uganda: Development of data entry systems using handhelds. Co-Principal investigator in a software project that involved developers from Norway, Uganda, and the United States.

- MacLeod, Bruce, James Phillips, Allison Stone, Aliya Walji, John Koku Awoonor-Williams
2012 “The Architecture of a Software System for Supporting Community-based Primary Health Care with Mobile Technology” *Online Journal of Public Health Informatics*, Vol 4 No 1 (2012)
- Hartsock, Brian, MacLeod, Bruce, Roberge, David and Asangansi, Ime 2011 “Software Extensibility Strategies for Health and Demographic Systems in Low-Income Countries” Proceedings of IEEE Global Humanitarian Technology Conference, Seattle WA.
- Bawah, Ayaga A., James F. Phillips, Martin Adjui, Maya N. Vaughan-Smith, Bruce B. MacLeod, and Fred N. Binka. 2009. “Immunizations, poverty and child survival in Kassena-Nankana District of northern Ghana.” *Scandinavian Journal of Public Health* February 2010 vol. 38 no. 1 95-103.
- Klungsoyr, Jorn, Thorkild Tylleskar, Bruce MacLeod, Paul Bagyenda, Weiqin Chen, Peter Wakholi. 2008. "OMEVAC - Open Mobile Electronic Vaccine Trials, an interdisciplinary project to improve quality of vaccine trials in low-resource settings.", Proceedings of 1st International Conference on M4D Mobile Communication Technology for Development, Karlstad University. Sweden.
- Klungsoyr, Jorn, Peter Wakholi, Bruce MacLeod, Alberto Escudero-Pascual, Neal Lesh. 2008. "OpenROSA, JavaROSA, GloballyMobile - Collaborations around Open Standards for Mobile Applications.", Proceedings of 1st International Conference on M4D Mobile Communication Technology for Development. Karlstad University. Sweden.
- Binka, Fred N., Ayaga A. Bawah, James F. Phillips, Abraham Hodgson, Martin Adjui, Bruce MacLeod. 2007. “Rapid achievement of the child survival Millennium Development Goal: Evidence from the Navrongo Experiment in northern Ghana.” *Tropical Disease and International Health* Volume 12, Issue 5 Page 578-593, May 2007.
- MacLeod, Bruce and James Phillips, 2001 “Next generation Data Systems for Longitudinal Health and Demographic Studies” paper presented at the National Academy of Sciences workshop on “Leveraging Longitudinal Data”, Washington DC, July, 2001.
- Ngom, Pierre, Fred N Binka, James F Phillips, Brian Pence, and Bruce MacLeod 2001 “Demographic surveillance and health equity in sub-Saharan Africa” *Health Policy and Planning* 16: 337-344.
- MacLeod, Bruce. 2001. Results of collaboration fostered by a network technical working group, 1st INDEPTH conference in Tanzania, 2000 and at the second INDEPTH conference in South Africa, 2001
- Phillips, James F, MacLeod, Bruce B., Pence, B. 2000 “The Household Registration System: Computer Software for the Rapid Dissemination of Demographic Surveillance Systems”, *Demographic Research* [online] 2, : <http://www.demographicresearch.org/Volumes/Vol2/6>
- Binka, Fred N., Ngom, Pierre, James F. Phillips, Kubaje Adazu, and Bruce B. MacLeod. 1999. "Assessing population dynamics in a rural African society: The Navrongo Demographic Surveillance System," *Journal of Biosocial Science*, Vol 31, Issue 3.
- MacLeod Bruce, James F. Phillips., and Fred Binka. 1996 “Sustainable Software Technology Transfer : The Household Registration System” in *Encyclopedia of Microcomputers*, Vol 17, Editors Allen Kent and James Williams, Marcel Dekker, Inc, New York.

- MacLeod, Bruce, June 2010, Guest Lecturer for the Electronic Mobile Data in Health Research Ph.D course at the Bergen Summer Research School on Global Development Challenges, Bergen Norway.
- MacLeod, Bruce, December 2009 "Mobile Technology for Community Health (MoTECH) A Technical Perspective" Presentation at the Bill and Melinda Gates Foundation, Seattle WA.
- MacLeod, Bruce, Jorn Klungsoyr, 2008. "EpiHandy, JavaRosa and Mobile Computing for Public Health", 2nd International Conference for Application of Mobile Computing Devices in Global Health. Center for Disease Control, Atlanta, Georgia
- Franks, Richard, Bruce MacLeod, David Briggs, Lewis Incze, Nicholas Wolff, Dynamic Approach to Integrating Oceanographic and Biogeographical Data in the Gulf of Maine'. Ocean Biodiversity Informatics Conference, Dartmouth, Nova Scotia, October 2007.
- MacLeod, Bruce, 2006, "Technical Innovations and Reducing DSS Cost", 6th Annual General Meeting of the INDEPTH network, Ouagadougou, Burkina Faso
- MacLeod, Bruce, 2005, "Improving Data Quality at DSS Sites", 5th Annual General Meeting of the INDEPTH network, Durban, South Africa
- MacLeod, Bruce, James Phillips, 2002 "Appropriate Software Technology for Longitudinal Health Studies" paper presented at a workshop on Software Generation at the International Conference on Software Reuse. Austin, Texas, April, 2002.
- Phillips, James F. and Bruce B. MacLeod. 1998. "The Household Registration System: Computer software for the rapid dissemination of demographic surveillance systems," paper prepared for the Team Residency on Longitudinal Community-Based Health Research (LCHR), Bellagio, Italy February 2-8, 1998.
- Phillips, James F., Fred Binka, Pierre Ngom, and Bruce MacLeod. 1997. "The Navrongo Demographic Surveillance System in northern Ghana: A resource for experimental studies in health and family planning," paper presented at the IUSSP Seminar on Methods for the Evaluation of Family Planning Programme Impact, Jaco, Costa Rica (May 14-16).
- Binka, Fred N., Pierre Ngom, James F. Phillips, Kubaje Adazu, and Bruce B. MacLeod. 1997. "Assessing population dynamics in a rural African society: The Navrongo Demographic Surveillance System," paper presented at the IUSSP General Population Conference, Beijing, China (October 11-17).
- MacLeod, Bruce. Results of collaboration established by an INDEPTH technical working group at the "Strengthening Ties: The Agincourt field site in its African Context" conference, April 1997, London School of Tropical Medicine, London England.

2001 – 2002	Cap Gemini Ernst & Young Global Operate Americas <i>Consultant – Division of Telecommunications, Media & Networking</i> Development, implementation and management of middleware and datawarehousing solutions for Sprint Corporation in Overland Park, Kansas.
1998 – 2001	University of Colorado – Colorado Springs <i>Assistant Professor, MIS</i> Taught several MIS courses and administered and managed the Oracle Academic Initiative for the School. Obtained hardware donations from Oracle corporation.
1996 – 1998	Saint Louis University <i>Assistant Professor, MIS</i>
1992 – 1996	University of Georgia <i>Research/Teaching Assistant</i>
1989 – 1992	International Business Machines <i>Operation Systems Specialist</i>

Research and Teaching Experience

Works in progress	Suleiman, J, (2018) “Business school mission analysis using latent Dirichlet allocation,” data collected, targeting Academy of Management Learning & Education – July 2019 Suleiman, J, (2018) “The impact of resources and institutional brand on MBA enrollments,” data collected, analysis in progress, targeting Journal of Business Education – Aug 2019
Grants	Co-Applicant (2019) Credentialing Maine Adults for Transition into Careers in Information Systems and Computing – UMS Collaborative Program Support Fund (Principal – Harlan Onsrud, UMaine) (\$66,280 – under review). Co-Applicant (2018) UMS Initiative Grant – Undergraduate Data Science, UMA (Principal – Joseph Szakas, UMA) (\$155,000) Principal Investigator (2017-2018) UMS Initiative Grant – Masters in Data Science (\$40,000).

Watson, H. J. Aronson, J., Hamilton, R.H., Iyer, L., Nagasundaram, M., Nemati, H., Suleiman, J. (1996) "Assessing EIS benefits: A survey of current practices," *Journal of Information Technology Management* Vol. 7, Issue 2 (refereed).

Suleiman, J. (1995) Instructor's manual to accompany the object-oriented approach: Concepts, modeling, and system development, Boyd & Fraser Publishing Company (not refereed).

Watson, R., Suleiman J. (1994) "Groupware: A gateway to organizational memory," *Groupware Report*, Vol. 3, Issue 1 (not refereed).

Proceedings

Chinn, S., Heiser, R., Suleiman, J. (2008), "Emotional responses to computer-based training materials in education," *America's Conference on IS (AMCIS)* – August 14-17, 2008

Suleiman, J., Voyer, J. (2005) "When the project champion exits: The Maine Learning Technology Initiative," *Proceedings of the 2005 Eastern Academy of Management Conference*, May 11-14, Springfield, Massachusetts. (refereed)

Suleiman, J., Evaristo, R., Kelly, G., (1999) "Coordinating and facilitating distributed JAD," *BIS'99 Proceedings of the 3rd International Conference on Business Information Systems*, Springer Verlag, London

Presentations (no proceedings)

Suleiman, J., Voyer, J. (2004) "When the project champion exits: The Maine Learning Technology Initiative," *The LL. Bean/Lee Surace Colloquium*, University of Southern Maine, October 20, 2004.

EIS and strategy: Match or mismatch with Singh, S.J., Hamilton, R.H., Rupp, W. R., presented at *Georgia Conference on Strategy* 1993.

Teaching Experience

Teaching Awards USM School of Business Outstanding Teacher, 2009, 2015
USM Faculty Senate Award for Excellence in Teaching, 2004

Member: Search Committee – Director For institutional Research (Fall 2009 – Fall 2010)
 Member: School of Business General Education Task Force (Spring 2008).
 Associate Editor, Global Information Systems: International Conference on Information Systems (ICIS) 2007, 2010.
 Chair: NEASC Accreditation Standard 4.1 (Spring 2009-Fall 2009) Undergraduate Majors and Minors.
 Implementation Manager: Digital Measures Software (Spring 2007).
 Member: Leadership Committee Subgroup #2 – Accreditation and Standards Team (Spring 2007).
 Senior Research Associate: Maine Center for Business and Economic Research (Summer 2003 – present). Projects include:

- Lead Researcher: Analysis of Long Term Disability Quoting Activity at Unum Provident
- Consultant: Maine Labor Force Analysis Database
- Participant: Proposal to Maine PBC for assessing the efficacy of their Entrepreneurship television series.

Chair: Quantitative Curriculum Task Force (Spring 2006).
 Member: School of Business Core Curriculum Task Force (Spring 2006 – Fall 2007).
 Member: School of Business Dean's Search Committee [Spring 2005 – Spring 2006 (two searches)].
 Member: USM Classroom Improvement Committee (Spring 2006 – Fall 2006).
 Member: USM Core Curriculum Committee (Spring 2005).
 Participant: School of Business Strategic Vision Dialog (Spring 2005).
 Guest Editor, International Journal of Information Security and Privacy – special call for cases (2007-2008).
 Reviewer(text): Huber, et. al., Business Information Systems (1st ed.) 2004.
 Reviewer(text): Horstman and Girard, Unnamed Java Textbook (1st ed.) 2004.
 Reviewer(text): Watson, Database Management, Wiley (4th ed.) 2003.
 Reviewer(text): Barua and Kanona, Strategic Perspectives on Information Technology, Prentice Hall (1st ed.), 2002.

Ad Hoc Reviewer

Sample Journals

Journal of Global Information Technology Management
 MIS Quarterly
 International Journal of Information Security and Privacy
 Information Systems Research

Conferences

Americas Conference on IS (AMCIS)
 Eastern Academy of Management (EAoM)
 Hawaii International Conference on Systems Science (HICSS)
 International Conference on IS (ICIS)
 North American Case Research Association (NACRA)

Additional Education & Certificates

2016	Practical Machine Learning, Johns Hopkins University, Certificate (Coursera)
2016	Visiting Student, Center for Computational Visualization, University of Texas Austin, USA
2012	Summer School on Image Processing, Technical University of Vienna, Austria
2001	Enterprise Oracle DBA Part 1A: Architecture and Administration, Oracle Education Center, Malaysia
2001	Enterprise Oracle DBA Part 1B: Backup and Recovery, Oracle Education Center, Malaysia
2001	Enterprise Oracle DBA Part 2: Performance Tuning, Oracle Education Center, Malaysia

Honors and Awards

2017	NVIDIA GPU Grant, NVIDIA.
2016	Best Reviewer Award, The Society of Digital Information and Wireless Communications (SDIWC). URL: https://sdiwc.net/best-reviewer-award.php
2016	3rd Place (with Dr. A. Baghaie), Larry Hause Student Poster Competition, IEEE.
2015	GE Healthcare Honorable Mention Award, UWM Student Poster Competition.
2015	Travel Award, 11th International Symposium on Visual Computing (ISVC).
2014	Travel Award, 10th International Symposium on Visual Computing (ISVC).

Educational Interests and Accomplishments

Teaching Assistant

CS 595	Capstone Project	University of Wisconsin-Milwaukee
CS 557	Introduction to Database Systems	University of Wisconsin-Milwaukee
CS 361	Introduction to Software Engineering	University of Wisconsin-Milwaukee
CS 250	Introductory Computer Programming	University of Wisconsin-Milwaukee
CS 240	Introduction to Engineering Programming	University of Wisconsin-Milwaukee

Publications

Google Scholar profile: <https://scholar.google.com/citations?user=NxeXUqwAAAAJ&hl=en>

Selected Peer-Reviewed Journal and Conference Papers

- [1] **Tafti AP**, Soundararajan K, Yan S, Sohn S, Liu H, Kremers WK, Lewallen D, Taunton M, Maradit Kremers H. Deep learning computational vision to autonomous localization of knee joint space in plain radiographs. AMIA 2020 Informatics Summit.
- [2] Yan S, **Tafti AP**, Sagheb E, Fu S, Sohn S, Ngufor C, Chaudhary V, Liu H, Kremers WK, Lewallen D, Taunton M, Maradit Kremers H. With or without knee total knee arthroplasty? Deep learning-powered strategy to detect TKA in plain radiographs. 2020 9th Annual International Congress of Arthroplasty Registries.
- [3] Yan S, Sagheb E, Fu S, Sohn S, Kremers WK, Chaudhary V, Liu H, Lewallen D, Taunton M, Maradit Kremers H, **Tafti AP**. Give me a knee radiograph, I will tell you where the knee joint area is: a deep convolutional neural network adventure. 2020 Clinical Orthopaedics and Related Research Journal (Under Review)
- [4] Yan S, Sagheb E, Fu S, Sohn S, Kremers WK, Chaudhary V, Liu H, Lewallen D, Taunton M, Maradit Kremers H, **Tafti AP**. DeepTKAClassifier: Brand Classification of Total Knee Arthroplasty Implants using Deep Convolutional Neural Networks. ISVC 2020 (Under Review)
- [5] Wang Y, Zhao Y, Therneau TM, Atkinson EJ, **Tafti AP**, Zhang N, Amin S, Limper AH, Khosla S, Liu H. Unsupervised machine learning for the discovery of latent disease clusters and patient subgroups using electronic health records. Journal of Biomedical Informatics. 2020 Feb 1;102:103364.
- [6] **Tafti AP**, Fu S, Khurana A, Mastorakos GM, Poole KG, Traub SJ, Yiannias JA, Liu H. Artificial intelligence to organize patient portal messages: a journey from an ensemble deep learning text classification to rule-based named entity recognition. In 2019 IEEE International Conference on Bioinformatics and Biomedicine (BIBM) 2019 Nov 18 (pp. 1380-1387). IEEE.
- [7] **Tafti AP**, Crowson C, O'Neill K, Myasoedova E, Liu H, Sinicrope P, Davis J. Deep Learning Social Media Analysis Demonstrated Gender-Specific Disparity in Side Effects from Rheumatoid Medications. In Arthritis Rheumatology 2019 Oct 1 (Vol. 71). 111 RIVER ST, HOBOKEN 07030-5774, NJ USA: WILEY.
- [8] Sinicrope P, Symons D, **Tafti AP**, Patten C, Bock M, Tilburt J, Crowson C, Myasoedova E, Davis J, O'Neill K. "It Felt Like I Was Walking on Rocks" Patients Share First Symptoms of RA. Arthritis Rheumatology 2019 Oct 1 (Vol. 71). 111 RIVER ST, HOBOKEN 07030-5774, NJ USA: WILEY.
- [9] **Tafti AP**, Wang Y, Shen F, Sagheb E, Kingsbury P, Liu H. Integrating word embedding neural networks with PubMed abstracts to extract keyword proximity of chronic diseases. IEEE BHI 2019, 2019.
- [10] **Tafti AP**, McCoy R, Zhang N, Chen D, Camp JJ, Bartholmai B, Yu Z, Holmes D, Liu H, Limper A, Ngufor C. Anomaly Detection in Noisy Chest X-rays Using an Ensemble Deep Convolutional Neural Network. C-MIMI 2019.

- [26] **Tafti AP**, Kirkpatrick AB, Holz JD, Owen HA, Yu Z. 3DSEM: A 3D microscopy dataset. *Data in Brief*. 2016 Mar 1;6:112-6.
- [27] Zhao M, Luo H, **Tafti AP**, Lin Y, He G. A Hybrid Real-Time Visual Tracking Using Compressive RGB-D Features. In *International Symposium on Visual Computing 2015 Dec 14* (pp. 561-573). Springer, Cham.
- [28] **Tafti AP**, Hassannia H, Piziak D, Yu Z. Selibcv: a service library for computer vision researchers. In *International Symposium on Visual Computing 2015 Dec 14* (pp. 542-553). Springer, Cham.
- [29] **Tafti AP**, Kirkpatrick AB, Alavi Z, Owen HA, Yu Z. Recent advances in 3D SEM surface reconstruction. *Micron*. 2015 Nov 1;78:54-66.
- [30] **Tafti AP**, Hassannia H, Borji A, Yu Z. Computer Vision as a Service: Towards an Easy-To-Use Platform for Computer Vision Researchers. *CVPR Workshop*. 2015.
- [31] **Tafti AP**, Hassannia H, Yu Z. siftservice. com-Turning a Computer Vision algorithm into a World Wide Web Service. *arXiv preprint arXiv:1504.02840*. 2015 Apr 11.
- [32] Bardosi Z, Granata D, Lugos G, **Tafti AP**, Saxena S. Metacarpal Bones Localization in X-ray Imagery Using Particle Filter Segmentation. *arXiv preprint arXiv:1412.8197*. 2014 Dec 28.
- [33] **Tafti AP**, Kirkpatrick AB, Owen HA, Yu Z. 3D microscopy vision using multiple view geometry and differential evolutionary approaches. In *International Symposium on Visual Computing 2014 Dec 8* (pp. 141-152). Springer, Cham.
- [34] **Tafti AP**, Maarefdoust R. Digital Images Encryption in Spatial Domain Based on Singular Value Decomposition and Cellular Automata. *International Journal of Computer Science and Information Security*. 2013 Apr 1;11(4):121.
- [35] Malakooti MV, **Tafti AP**, Naji HR. An efficient algorithm for human cell detection in electron microscope images based on cluster analysis and vector quantization techniques. In *Digital Information and Communication Technology and it's Applications (DICTAP), 2012 Second International Conference on 2012 May 16* (pp. 125-129). IEEE.
- [36] **Tafti AP**, Janosepah S. Digital images encryption in frequency domain based on DCT and one dimensional cellular automata. In *International Conference on Informatics Engineering and Information Science 2011 Nov 14* (pp. 421-427). Springer, Berlin, Heidelberg.
- [37] **Tafti AP**, Malakooti MV, Ashourian M, Janosepah S. Digital image forgery detection through data embedding in spatial domain and cellular automata. In *Digital Content, Multimedia Technology and its Applications (IDCTA), 2011 7th International Conference on 2011 Aug 16* (pp. 11-15). IEEE.

Book Chapter

- [1] **Tafti AP**, Hassannia H. Active Image Forgery Detection Using Cellular Automata. In *Cellular Automata in Image Processing and Geometry 2014* (pp. 127-145). Springer, Cham.

- IEEE International Conference on Health Informatics (ICHI 2019).
URL: http://www.ieee-ichi.org/2019/systems_pc.html
Role: Program Committee
- KDD Big data-as-a-Service: Algorithms, Architecture, and Applications in Healthcare Informatics. KDD 2017.
URL: <https://www.kdd.org/kdd2017/workshops>
Role: Organizer
- Computer Vision-as-a-Service Special Track. ISVC 2016.
URL: http://www.isvc.net/wp-content/uploads/2018/04/16_ST4.pdf
Role: Organizer

Selected GitHub Contributions

- **bigNN**: an open-source big data toolkit focused on biomedical sentence classification.
URL: <https://github.com/bircatmcri/bigNN>
- **MCIndoor20000**: a fully-labeled image dataset to advance indoor objects detection.
URL: <https://github.com/bircatmcri/MCIndoor20000>

Selected Software-as-a-Service (SaaS) Implementation

- **SeLibCV**: an easy-to-use and high available service library for computer vision researchers.
URL: <http://selibcv.net>

Selected Scientific Talks Available on YouTube

- “3D Surface Modeling of Microscopic Objects”. Marshfield Clinic. Marshfield, USA. 2017.
URL: <https://www.youtube.com/watch?v=rCCVJ0slY8o>
- “Data Mining Biomedical Literature in the Cloud”. Marshfield Clinic. Marshfield, USA. 2015.
URL: <https://www.youtube.com/watch?v=p1HTnhZfOM8&t=9s>

Grant Reviewer

- UW Institute for Clinical and Translational Research.
URL : <https://ictr.wisc.edu>
- Catalyst Grant Program at UWM Research Foundation.
URL : <https://uwmrf.org>

Professional Memberships and Societies

American Medical Informatics Association (AMIA) Member	2019 - Present
Society for Imaging Informatics in Medicine (SIIM) Member	2019 - Present
Association for Computer Linguistics (ACL) Member	2019 - Present
Institute of Electrical and Electronics Engineering (IEEE) Member	2016 - Present

Research Interests and Accomplishments

I am an Assistant Professor of Biomedical informatics and Associate Consultant I (AC I), working in the Division of Digital Health Sciences and Kern Center for the Science of Health Care Delivery at Mayo Clinic, with deep passion for improving health informatics with better patient diagnosis, prognosis, and treatment using artificial intelligence (AI) and machine learning (ML) algorithms combined with multiple clinical data (e.g., medical images, clinical notes, radiology reports, and EHRs). My research interests broadly lie in AI, Data Science, and Deep Learning Computational Vision and their application in Health Informatics. I earned my BSc, MSc, and PhD all in Computer Science, and since then, I have been on a quest to explore and solve problems that are “worth it” and have the most positive impact on people’s lives. I have solid background in computer science, with an extensive research experience in AI-powered descriptive and predictive modeling, image and text analytics, and big data processing to find solutions to a diverse set of problems in healthcare, ranging from 3D-2D medical image analysis to autonomous object localization, segmentation, and clinical prediction, as it has been already illustrated by my publication records. I have been actively collaborating with multidisciplinary team of investigators to build AI-enabled models in different clinical settings, such as Orthopedics, Gastrointestinal diseases, Chronic pain treatment and management, and Cardiovascular diseases.

***Note:** I am an US Permanent Resident, I mean a Green Card holder, and I am ready to relocate.

VINTON J. VALENTINE

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Pavri, F., A. Dailey, and V. Valentine. 2011. Integrating multispectral ASTER and LiDAR data to characterize coastal wetland landscapes in the northeastern United States. *Geocarto International* 26(8):647-661.

Millette, T.L., Argow, B.A., Marcano, E., Hayward, C., Hopkinson, C.S., and V. Valentine. 2010. Salt Marsh Geomorphological Analyses via Integration of Multitemporal Multispectral Remote Sensing with LIDAR and GIS. *Journal of Coastal Research* 26(5):809-816.

Pavri, F. and V. Valentine. 2008. *Image Processing and Analysis for Salt Marsh Plant Community and Habitat Mapping: Plum Island Estuary, MA*. Final Report for Massachusetts Office of Coastal Zone Management, 65 pp.

Pavri, F. and V. Valentine. 2008. *IDRISI Image Processing Software Modules*. Prepared for Massachusetts Office of Coastal Zone Management, 32 pp.

Valentine, V.J. 2004. Geomorphometric Indicators of Tidal Marsh Condition. Abstract in *Proceedings of U.S. EPA Environmental Monitoring and Assessment Program (EMAP) Symposium 2004*, Newport, RI, 3-7 May 2004.

Cavatorta, J. R., M.E. Johnson, C.S. Hopkinson, and V. Valentine. 2003. Patterns of sedimentation in a salt marsh-dominated estuary. *Biological Bulletin* 205:239-241.

Johnson, M.E., J. R. Cavatorta, C.S. Hopkinson, and V. Valentine. 2003. Importance of metabolism in the development of salt marsh ponds. *Biological Bulletin* 205:248-249.

Valentine, V. 2002. *Scrub-Shrub/Emergent Wetland Ecotone Migration along Delaware Tidal Rivers in Response to Relative Sea-Level Change, Natural Impacts, and Human Modifications*. Ph.D. Dissertation. Newark, DE: Graduate College of Marine Studies, University of Delaware.

Valentine, V., R. Knecht, and A. Miller. 1998. *Geographically-based Technologies: The Application of GIS and Remote Sensing to Coastal Issues*. Proceedings of Sea Grant Workshop, Newark, DE, 11-12 May 1998. Newark, DE: University of Delaware.

Valentine, V. 1994. *The Arctic Environmental Protection Strategy: A Comparison with the Approach of the UNEP Regional Seas Programme*. M.M.A. Major Paper. Kingston, RI: University of Rhode Island.

PUBLIC PRESENTATIONS

ORAL PRESENTATIONS

Argow, B.A., T.L. Millette, E. Marcano, C. Hayward, C.S. Hopkinson, and V. Valentine. 2009. "Quantitative Distribution of Geomorphic Features across the Great Marsh, MA, via Integration of Multi-Temporal Multispectral Remote Sensing with Lidar and GIS." Geological Society of America Annual Meeting, Portland, OR, 20 October 2009.

Pavri, F. and V. Valentine. 2008. "Salt Marsh Plant Community and Habitat Mapping in coastal Massachusetts." Association of American Geographers Annual Meeting, Boston, MA, 18 April 2008.

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Pavri, F., V. Valentine, A. Dailey, and G. Mueller. 2009. "Characterizing Maine's coastal wetlands using linked hyper and multi-spectral satellite data." Association of American Geographers Annual Meeting, Las Vegas, NV, 26 March 2009.

Hopkinson, C., V. Valentine, J. Morris, and R. Torres. 2004. "Geomorphometric Patterns of Tidal Marsh Development and Degradation." Fourth Annual All-Estuarine and Great Lakes Environmental Research Centers (EaGLes) Meeting, Duluth, MN, 30 September 2004.

Valentine, V., C. Hopkinson, R. Torres, and J. Morris. 2003. "Geomorphometric Indicators of Tidal Marsh Condition." Third Annual All-Estuarine and Great Lakes Environmental Research Centers (EaGLes) Meeting, Bodega Bay, CA, 4 December 2003.

Valentine, V. and V. Klemas. 1997. "Water Quality Monitoring at the Delaware National Estuarine Research Reserve (NERR)." Third Coordinating Conference for Delaware Estuary Program, Newark, DE, 29 October 1997.

GRANTS AND AWARDS

Team Member, Health Informatics Research Cluster, USM Maine Economic Improvement Fund (MEIF), 2016-17

Member, Observational Health Data Sciences and Informatics (OHDSI) GIS Working Group, 2016-17

Project Director, "Arctic Conference and Maritime Boundaries," USM Center for Collaboration and Development, 2016-17

Team Member, "The State of Rural Health in Maine," Maine Health Access Foundation, 2015-16

Team Member, MMCRI CORE TREMR, Maine Cancer Foundation, 2015-16

GIS Lead, "Baseline Assessment for Northeast Regional Ocean Planning," Woods Hole Oceanographic Institution, 2014-16

GIS Lead, "Economic Impact Assessment for Pittsboro, NC Conservation Ordinance Project," North Carolina Forest Service, 2014-15

Co-Principal Investigator, "GeoTechnology Learning Collaboratory (GLC): Disseminating NASA's imaging technology and knowhow to middle and high school STEM and social studies teachers," NASA Maine Space Grant Consortium Higher Education Innovation in STEM Education Cooperative Agreement, 2014-15.

Co-Investigator, "Center for Sustainable Solutions: Linking Research to Action to Shape Maine's Changing Landscape," University of Maine subcontract with NSF Funding, 2009-14.

Co-Principal Investigator, "Developing Distance Courses in Remote Sensing to enhance Maine's capacity in NASA's space-based imaging technologies," NASA Maine Space Grant Consortium Education and Seed Research Program Grant, 2009-10.

VINTON J. VALENTINE

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Workshop on Regional Monitoring Protocol for Tidal Wetland Restoration in the Gulf of Maine,
Participant, 2004
Falmouth Coastal Resources Working Group, Unofficial Observer, 2004-2005
Wetlands Journal, Reviewer, 2004
American Geophysical Union (AGU) Book Series, Reviewer, 2003
Biological Bulletin, Reviewer, 2003
Regional Forum on Monitoring and Assessment of Tidal Wetlands, Participant, 2003
National Sea Grant Workshop on Geographically-based Technologies: The Application of GIS
and Remote Sensing to Coastal Issues, Rapporteur, 1998
National Committee on Digital Cartographic Data Standards, Observer, 1985-1987

PUBLICATIONS

In Review or Revision:

Weston D. Viles, Juliette C. Madan, Hongzhe Li, Jason H. Moore, Margaret R. Karagas, and Anne G. Hoen. "Information content of high-order associations of the human gut microbiota network" In Review

Louis-Emmanuel Martinet, Mark A. Kramer, **Weston D. Viles**, Nathan Perkins, Elizabeth Spencer, Catherine J. Chu, Sydney S. Cash, and Eric D. Kolaczyk. "Robust dynamic community tracking with applications to human brain functional networks" Resubmitted

Jie Zhou, **Weston D. Viles**, Boran Lu, Zhigang Li, Juliette C. Madan, Margaret R. Karagas, Jiang Gui, and Anne G. Hoen. "Estimating Microbial Interaction Network: Zero-inflated Latent Ising Model Based Approach" In Review

Jie Zhou, Anne G. Hoen, Susan Sumner, Susan McRitchie, Wimal Pathmasiri, Juliette C. Madan, **Weston D. Viles**, Margaret R. Karagas, and Jiang Gui. "Model selection for Gaussian graphical model" In Review

In Print:

Prakash Balachandran, Eric D. Kolaczyk, and **Weston D. Viles** (2017) "On the propagation of low-rate measurement error to subgraph counts in large, sparse networks" *Journal of Machine Learning Research* 18(61): 1-33

Weston D. Viles and A. James O'Malley (2016) "External information in community detection" *Joint Statistical Meetings Proceedings*, Chicago: American Statistical Association

Weston D. Viles, Cedric Ginestet, Ariana Tang, Mark A. Kramer, and Eric D. Kolaczyk (2016) "Percolation under noise: detecting explosive percolation using the second largest component" *Physical Review E (PRE)* 93: 052301

Peter C. Horak, Stephen Meisenhelter, Yinchun Song, Markus E. Testorf, Michael J. Kahana, **Weston D. Viles**, Krzysztof A. Bujarski, Andrew C. Connolly, Ashlee A. Robbins, Michael R. Sperling, Ashwini D. Sharan, Gregory A. Worrell, Laura R. Miller, Robert E. Gross, Kathryn A. Davis, David W. Roberts, Bradley Lega, Sameer A. Sheth, Kareem A. Zaghloul, Joel M. Stein, Sandhitsu R. Das, Daniel S. Rizzuto, Barbara C. Jobst (2017) "Interictal epileptiform discharges impair word recall in multiple brain areas" *Epilepsia* 58(3): 373-380

Devin M. Parker, Laura Schang, Jared R. Wasserman, **Weston D. Viles**, Gwyn G. Bevan, and David C. Goodman (2016) "Variation in utilization and need for Tympanostomy tubes across England and New England" *Journal of Pediatrics* 179: 178-184

Ramesh C. Gupta and **Weston D. Viles** (2012) "Statistical inference for the extended generalized inverse Gaussian distribution" *Journal of Statistical Computation and Simulation* 82(12): 1955-1972

Ramesh C. Gupta and **Weston D. Viles** (2011) "Roller-coaster failure rates and mean residual life functions with application to the extended generalized inverse Gaussian model" *Probability in the Engineering and Informational Sciences* 25(1): 103-118

In Preparation:

Weston D. Viles, Anne G. Hoen, Juliette C. Madan, and Margaret R. Karagas. "Multionic information percolation for immune-related disease prediction"

Jie Zhou, Anne G. Hoen, **Weston D. Viles**, Juliette C. Madan, Margaret R. Karagas, and Jiang Gui. "Model identification for high-dimensional latent Ising model with applications to microbiome data"

Weston D. Viles and A. James O'Malley. "Constrained community detection in social networks"

Prakash Balachandran, **Weston D. Viles**, and Eric D. Kolaczyk. "Exponential-type inequalities involving ratios of the modified Bessel function of the first kind and their applications"

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<https://usm.maine.edu/public-health/erika-ziller-phd>

EDUCATION

- 2012 **PhD, Public Policy**
 Muskie School of Public Service, University of Southern Maine, Portland, ME
 Dissertation: *Health Insurance Stability among Rural Children Following Public Coverage Expansions*
- 1998 **MS, Health Policy & Management: Health Policy Concentration**
 Muskie School of Public Service, University of Southern Maine, Portland, ME
 Capstone: *The Experience of Children in State-Sponsored Health Insurance Programs*,
 presented at 1999 American Public Health Association annual meeting
- 1994 **BA, Social Work *summa cum laude***
 University of Southern Maine, Portland, ME

POSITIONS

- 2018 – **Chair & Assistant Professor, Public Health**
Director, Maine Rural Health Research Center
Muskie School of Public Service
 University of Southern Maine, Portland, ME
- 2013 – 2018 **Practice Faculty, Public Health**
Muskie School of Public Service
 University of Southern Maine, Portland, ME
- 1997 – 2018 **Senior Research Associate (2010-2018)**
Deputy Director, Maine Rural Health Research Center
Muskie School of Public Service
 University of Southern Maine, Portland, ME
 Research Associate (1/01 – 8/10)
 Research Analyst (3/98 – 12/00)

Mar 2018	Scientific Reviewer, Pilot Projects, Northern New England Clinical and Translational Research Network
Aug 2018	Nominating Committee, Editorial Board, <i>Journal of Rural Health</i>
May 2018	Scientific Reviewer, Pilot Projects, Northern New England Clinical and Translational Research Network
2013 – 2018	Editorial Board Member, <i>Journal of Rural Health</i> (Secretary 2015 - 2018)
2016 – 2018	Stakeholder Engagement and Education Core Co-Lead, Maine Lung Cancer Coalition
Dec 2017	Scientific Reviewer, Pilot Projects, Northern New England Clinical and Translational Research Network
Jul 2017	Grant Reviewer, State Health Access Reform Evaluation (SHARE) program, Robert Wood Johnson Foundation
2015 – 2016	Conference Planning Committee, 2016 National Association of Rural Mental Health Conference, Portland, ME
2013 – 2014	Conferencing Planning Committee, SQL Saturday, Portland, ME
2013	Subject Matter Expert, <i>The Feasibility of Using Electronic Health Data for Research on Small Populations</i> , report prepared by the Urban Institute for the Assistant Secretary for Planning and Evaluation (ASPE)
2004 – Current	Reviewer: <i>Health Affairs</i> , <i>Health Services Research</i> , <i>Journal of Rural Health</i> , <i>Journal of Healthcare for the Poor & Underserved</i> , <i>Inquiry</i> , <i>Medical Care</i> & <i>Journal of Rural Mental Health</i>

Department and University Service

2018 – 2019	Search Committee Chair, Assistant Professor in Public Health
2018 – Current	Faculty Advisor, Maine Policy Scholars Program
2018 – Current	MPH Admissions Committee, Chair
2018 – Current	Public Health Representative, USM Graduate Council
2018 – Current	CMHS Leadership Team
2018 – 2019	CMHS Title III Planning Committee
2018 – 2019	Search Committee Chair, Assistant Professor in Public Health
2018 – 2019	Search Committee Member, Research Analyst, Cutler Institute
2017 – 2018	MPH Academic Affairs & Admissions Committee
2014 – Current	Institutional Review Board Member
2018	CMHS Research Committee
2018	Doctorate in Nursing Practice Program Revision Planning Workgroup
2018	Search Committee Member, CMHS Internship Coordinator
2017 – 2018	Co-Lead, Bachelor of Science in Public Health (BSPH) program development
Mar 2017	Selection Committee, Maine Policy Scholars

- 2017-2019 **Co-Lead, Tracking and Evaluation Core: *Northern New England Clinical and Translational Research Network***
 Funding: *Maine Medical Center (via National Institutes of Health)*
 A five-year, \$20 million NIH Clinical and Translational Research (CTR) Network grant to fund a joint program between Maine Medical Center Research Institute, the University of Vermont, and the University of Southern Maine to develop and sustain a clinical and translational research infrastructure improving rural and community health for residents of Vermont, New Hampshire and Maine.
 Budget: \$1,500,000 (total project budget \$20,000,000)
- 2018 – 2019 **Principal Investigator, *Tracking Health Care Access in Maine***
 Funding: *Maine Health Access Foundation*
 This study uses survey data to monitor health care access among Maine adults.
 Budget: \$18,711
- 2017 – 2018 **Principal Investigator, *Advancing Health Equity in Maine***
 Funding: *Maine Health Access Foundation*
 This study used secondary data and prior research to document health disparities among vulnerable Maine residents, including racial/ethnic minorities, LGBTQ+ individuals, veterans, persons with disabilities and tribal populations.
 Budget: \$50,000
- 2016 – 2019 **Principal Investigator, *The Health Care Cost of Elder Abuse***
 Funding: *U.S. Department of Justice*
 This project linked elder abuse administrative data with Medicare and Medicaid claims to study the patterns of health care use among adults receiving protective services.
 Budget: \$329,000
- 2015 – 2018 **Principal Investigator, *Assessing the Affordable Care Act (ACA) in Maine***
 Funding: *Maine Health Access Foundation*
 This study used survey data to understand changes in health care access and insurance since the Affordable Care Act (ACA).
 Budget: \$42,500
- 2016 – 2018 **Principal Investigator, *Maine Lung Health Study***
 Funding: *Maine Medical Center via Maine Cancer Foundation (with cost-sharing from USM's Maine Economic Improvement Fund)*
 A qualitative study with 50 rural Maine residents at risk of lung cancer to explore their perspectives on lung cancer risk, screening, and health care provider relationships.
 Budget: \$135,000

- 2009 – 2011 **Principal Investigator, State Health Access Program (SHAP) Evaluation**
 Funding: *Maine Governor's Office of Health Policy and Finance*
 Evaluation of the State Health Access Program (SHAP) grant awarded to the State of Maine by the Health Resources and Services Administration to expand health insurance coverage to Maine residents.
 Budget: \$120,120
- 2007 – 2008 **Co-Principal Investigator, Expanding Rural Health Insurance Coverage: How Do Reforms Stack Up?**
 Funding: *Office of Rural Health Policy, HRSA, U.S. DHHS*
 This study used the Medical Expenditure Panel Survey to update estimates of rural insurance coverage and how reform strategies may differentially affect rural residents.
 Budget: \$165,000
- 2006 – 2007 **Co-Principal Investigator, Employment Transitions & Insurance Coverage of Rural Residents**
 Funding: *Office of Rural Health Policy, HRSA, U.S. DHHS*
 This project used the Medical Expenditure Panel Survey to determine the relationship between employment changes and health insurance status among rural residents.
 Budget: \$165,000
- 2006 – 2007 **Co-Principal Investigator, Rural-Urban Differences in Access to Children's Mental Health Services**
 Funding: *Office of Rural Health Policy, HRSA, U.S. DHHS*
 This study used data from the Urban Institute's National Survey of America's Families to compare the use of mental health services by rural and urban children, age 6 to 17, relative to their need for mental health care, family income, and insurance status.
 Budget: \$150,000
- 2005 – 2006 **Co-Principal Investigator, Financial Impact of Mental Health Services on Rural Residents**
 Funding: *Office of Rural Health Policy, HRSA, U.S. DHHS*
 This project used the Medical Expenditure Panel Survey to compare rural-urban financial burden for mental health service use.
 Budget: \$150,000
- 2004 – 2005 **Co-Principal Investigator, Uninsured Rural Families**
 Funding: *Office of Rural Health Policy, HRSA, U.S. DHHS*
 This project used the Medical Expenditure Panel Survey, to compare the family-level health insurance coverage status of rural and urban households.
 Budget: \$150,000

- 1999 – 2000 **Project Director, *Prescription Drug Use and Expenditures by the Rural Elderly***
Funding: *Office of Rural Health Policy, HRSA, U.S. DHHS*
This project used the 1996 Medical Expenditure Panel Survey to study rural-urban differences in medication use and out-of-pocket spending for Medicare recipients.
- 2000 – 2004 **Principal Investigator, *MaineCare Child Surveys***
Funding: *Maine Department of Human Services*
This project surveyed the families of CHIP and Medicaid enrollees and disenrollees to identify beneficiary needs, satisfaction, and reasons for participation.
- 2000 **Project Director, *MaineHealth Access Project: Consumer Focus Groups***
This study included focus groups with low-income uninsured adults in Maine to understand their health care needs and preferences for new program design.
- 1998 – 2000 **Project Director, *Patterns of Health Coverage for Rural and Urban Children***
Funding: *Office of Rural Health Policy, HRSA, U.S. DHHS*
This project used the Census Bureau's 1993 Survey of Income and Program Participation (SIPP) to study uninsured spells among rural and urban children.

PEER-REVIEWED PUBLICATIONS

(Underlined names indicate student co-authors)

BOOK CHAPTERS

Submitted

Ziller E, Jonk Y. (in press). Paying for health care: Health Insurance Coverage and Affordability Challenges among Rural Elders. *Handbook on Rural Aging*. Lenard Kaye, ed.

Published

Ziller E. Access to Medical Care in Rural America. In: Warren JC, Smiley KB, eds. *Rural Public Health: Best Practices and Preventive Models*. New York: Springer Publishing Company; 2014:11-28.

Kilbreth E, Ziller E. Children's Health Policy: Promising Starts, Disappointing Outcomes. In: Morone JA, Ehlike D, eds. *Health Politics and Policy*. 5th ed. Independence, KY: Cengage Learning; 2014.

- Talbot JA, **Ziller E**, Szlosek D. (2017). Mental Health First Aid in rural communities: Appropriateness and outcomes. *Journal of Rural Health*, 33(1):82-91.
- Talbot JA, Coburn A, Croll Z, **Ziller E**. (2013). Rural considerations in establishing network adequacy standards for qualified health plans in state health insurance exchanges. *Journal of Rural Health*, 29(3):327-35.
- Ziller E**, Lenardson J, Coburn A. (2012) Health care access and use among the rural uninsured. *Journal of Health Care for the Poor and Underserved*, 23(3):1327-1345.
- Thomas J, **Ziller E**, Thayer D. (2010). The cost of defensive medicine in the United States. *Health Affairs*, 29(9), 1578-1584
- Ziller E**, Anderson N, Coburn A. (2010). Access to rural mental health services: Service use and out-of-pocket costs. *Journal of Rural Health*, 26(3), 214-224.
- Yousefian A, **Ziller E**, Swartz J, Hartley D. (2009). Active living for rural youth: Addressing physical inactivity in rural communities. *Journal of Public Health Management and Practice: Special Issue on Rural Public Health*, 15(3), 223-231.
- Ziller E**, Coburn A, Anderson N, Loux S. (2008). Uninsured rural families. *The Journal of Rural Health*, 24(1), 1-11.
- Hartley D, **Ziller E**, Loux S, Gale J, Lambert D, Yousefian A. (2007). Mental health encounters in Critical Access Hospital emergency rooms. *Journal of Rural Health*, 23(2): 108-115.
- Ziller E**, Coburn A, Yousefian A. (2006, Nov/Dec.). Out-of-pocket health spending and the rural underinsured. *Health Affairs*, 25(6), 1688-1699.
- Ziller E**, Coburn A, McBride T, Andrews C. (2004). Patterns of individual health insurance coverage, 1996-2000. *Health Affairs*, 23(6): 210-221.
- Coburn A, McBride T, **Ziller E**. (2002). Patterns of health insurance coverage among rural and urban children. *Medical Care Research and Review*, 59, (3): 272-292.

COMMENTARY

- Ziller E**, Coburn A. (2018). Health equity challenges in rural America. *Human Rights*, 43(3), 10-12.

REPORTS AND BRIEFS (SELECTED)

(Underlined names indicate student co-authors)

- Ziller E**, Burgess A, Thayer D. (2020). *Health Care Use and Access among Rural and Urban Nonelderly*

- Ziller E**, Leonard B. *Access to Health Care Services for Adults in Maine*. Augusta, ME: Maine Health Access Foundation and University of Southern Maine, Muskie School; October 2016.
- Ziller E**, Croll Z, Coburn A. *Health Insurance CO-OPs: Product Availability and Premiums in Rural Counties*. Portland, ME: University of Southern Maine, Maine Rural Health Research Center; October 2016.
- Coburn A, Griffin E, Thayer D, Croll Z, **Ziller E**. *Are Rural Older Adults Benefiting from Increased State Spending on Medicaid Home and Community-Based Services?* Portland, ME: University of Southern Maine, Muskie School of Public Service, Maine Rural Health Research Center; June 2016.
- Lenardson J, Gale J, **Ziller E**. *Rural Opioid Abuse: Prevalence and User Characteristics*. Portland, ME: University of Southern Maine, Muskie School of Public Service, Maine Rural Health Research Center; May 2016.
- Talbot J, Szlosek D, **Ziller E**. *Adverse Childhood Experiences in Rural and Urban Contexts*. Portland, ME: University of Southern Maine, Muskie School of Public Service, Maine Rural Health Research Center; April 2016.
- Talbot JA, Szlosek D, & **Ziller E**. *Implications of Rural Residence and Single Mother Status for Maternal Smoking Behaviors*. Portland, ME: University of Southern Maine, Muskie School, Maine Rural Health Research Center; October 2015.
- Ziller E**, Lenardson J, Coburn A. *Rural Implications of Medicaid Expansion under the Affordable Care Act*. Minneapolis, MN: State Health Access Reform Evaluation; February, 2015.
- Talbot JA, **Ziller E**, Lambert D, Szlosek D. *Mental Health First Aid in Rural Communities: Goodness of Fit, Implementation and Outcomes*. Portland, ME: University of Southern Maine, Muskie School of Public Service, Maine Rural Health Research Center; February 2015.
- Lenardson J, Griffin E, Croll Z, **Ziller E**, Coburn A. *Profile of Rural Residential Care Facilities: A Chartbook*. Portland, ME: University of Southern Maine, Muskie School of Public Service, Maine Rural Health Research Center; May 2014.
- Talbot J, **Ziller E**, Lenardson J, Hartley D. *Implications of Rurality and Psychiatric Status for Diabetic Care Use among Adults with Diabetes*. Portland, ME: University of Southern Maine, Muskie School of Public Service, Maine Rural Health Research Center; May 2014.
- Lenardson J, **Ziller E**, Coburn A. *Rural Residents More Likely to Be Enrolled in High Deductible Health Plans*. Portland, ME: University of Southern Maine, Muskie School of Public Service, Maine Rural Health Research Center; May 2014.
- Ziller E**. *Health Insurance Coverage of Low-Income Rural Children Increases and Is More Continuous*

ME: University of Southern Maine, Muskie School of Public Service, Maine Rural Health Research Center; June 2009.
<http://muskie.usm.maine.edu/Publications/rural/pb/Rural-Urban-Health-Care-Access.pdf>

Lenardson J, **Ziller E**, Coburn A, & Anderson N. *Profile of Rural Health Insurance Coverage: A Chartbook*. Portland, ME: University of Southern Maine, Muskie School of Public Service, Maine Rural Health Research Center; June 2009.
<http://muskie.usm.maine.edu/Publications/rural/Rural-Health-Insurance-Chartbook-2009.pdf>

Ziller E, Coburn A. *Private Health Insurance in Rural Areas: Challenges and Reform Options*. Portland, ME: University of Southern Maine, Muskie School of Public Service, Maine Rural Health Research Center; April 2009.
<http://muskie.usm.maine.edu/Publications/rural/pb/Rural-Private-Health-Insurance.pdf>

Ziller E, Coburn A. *Rural Coverage Gaps Decline Following Public Health Insurance Expansion*. Portland, ME: University of Southern Maine, Muskie School of Public Service, Maine Rural Health Research Center; February 2009.
<http://muskie.usm.maine.edu/Publications/rural/pb/Rural-Public-Health-Insurance.pdf>

Lambert D, **Ziller E**, Lenardson J. *Rural Children Don't Receive the Mental Health Care They Need*. Portland, ME: University of Southern Maine, Muskie School of Public Service, Maine Rural Health Research Center; January 2009.

Ziller E, Anderson N, Coburn A. *Rural Adults Face "Parity" Problems and Other Barriers to Appropriate Medical Care*. Portland, ME: University of Southern Maine, Muskie School of Public Service, Maine Rural Health Research Center; November 2008.

Lambert D, **Ziller E**, Lenardson J. *Use of Mental Health Services by Rural Children*. Portland, ME: University of Southern Maine, Muskie School of Public Service, Maine Rural Health Research Center; July 2008.
<http://muskie.usm.maine.edu/Publications/rural/WP39/Rural-Children-Mental-Health-Services.pdf>

Morris L, Loux S, **Ziller E**, Hartley D. *Rural-Urban Differences in Work Patterns among Adults with Depressive Symptoms*. Portland, ME: University of Southern Maine, Muskie School of Public Service, Maine Rural Health Research Center; March 2008.
<http://muskie.usm.maine.edu/Publications/rural/wp38Depression-Employment.pdf>

Yousefian A, **Ziller E**, Swartz J, Hartley D. *Active Living for Rural Youth*. Portland, ME: University of Southern Maine, Muskie School of Public Service, Maine Rural Health Research Center; February 2008.
<http://muskie.usm.maine.edu/Publications/rural/pb37/ActiveLiving.pdf>

Ziller E, Coburn A, Anderson N, Loux S. *Rural Families More Likely to be Uninsured and Have Different Sources of Coverage*. Portland, ME: University of Southern Maine, Muskie School of Public

Ormond C, **Ziller E**, Richards M. *Living in the Community: Voices of Maine Consumers*. to the Plan Development Work Group for Community-Based Living with funding from the Center for Health Care Strategies. Portland, ME: University of Southern Maine, Muskie School of Public Service, Institute for Health Policy. July 2001.

Kilbreth E, **Ziller E**. *Report by the Maine Department of Human Services to the 119th Maine Legislature Related to Methods to Increase Access to Health Care for Low-income Maine People*. Portland, ME: University of Southern Maine, Muskie School of Public Service, Institute for Health Policy; May 2001.

Ziller E. *An Evaluation of Maine PrimeCare Member Services by Medical Office Staff*. Report prepared under contract with Bureau of Medical Services, Maine Department of Human Services; 2000.

Ziller E. *Consumer Satisfaction with the Maine PrimeCare Program: A Survey of Four Counties*. Report prepared under contract with Bureau of Medical Services, Maine Department of Human Services; 2000.

Ziller E. *Primary Care Providers' Assessment of the Maine PrimeCare Program*. Report prepared under contract with Bureau of Medical Services, Maine Department of Human Services; 2000.

Coburn A, **Ziller E**. *Designing a Prescription Drug Benefit for Rural Medicare Beneficiaries: Principles, Criteria and Assessment*. Columbia, MO: Rural Policy Research Institute, P2000-14, University of Missouri; October 2000.

Ziller E, Leighton A. *Rural Hospital Transitions: Appalachia County, Kentucky*. Case report prepared for the U.S. Department of Agriculture; October 2000.

Ziller E. *Access to Community Health: Results of Consumer Focus Groups*. Report to MaineHealth, Inc. Portland, ME: University of Southern Maine, Edmund S. Muskie School of Public Service, Institute for Health Policy; May 2000.

PRESENTATIONS (SELECTED)

(Underlined names indicate student co-authors; *Indicates presenting author in co-authored presentations)

INVITED PRESENTATIONS

Ziller E. *MaineCare: Medicaid in Maine*. Presentation at the 2019 Legislative Policy Forum on Health Care sponsored by the Maine Development Foundation and the Maine Healthcare Access Foundation. Augusta, ME. February 6, 2019.

PEER-REVIEWED RESEARCH PRESENTATIONS

Ziller E.* Rural-Urban Differences in Youth Smoking Reductions. Lightning Talk: USM Research & Scholarship Symposium, Portland, ME. March 29, 2019.

Ziller E.* *What is Rural, Anyway?* Panel presentation with Bennett K,* Borders T,* Holmes M,* Kozhimannil K* at the National Rural Health Association Annual Meeting, Atlanta, GA. May 9, 2019.

Ziller E,* Waterston L,* Elbaum Williamson M.* *Smoking Stigma as a Barrier to Lung Health: Lessons and Responses from the Maine Lung Cancer Coalition*. Oral presentation at the Maine Public Health Association Annual Conference. Augusta, ME. October 16, 2018.

Ziller E,* Talbot JA, Thayer D, Burgess A. *Opioid-Related Visits to Rural Emergency Departments*. Oral presentation at the National Rural Health Association Annual Meeting, New Orleans, LA. May 10, 2018.

Ziller E,* Talbot JA, Elbaum Williamson M, Hansen A, Croll Z, Byrne B. *Maine Lung Health Study: Rural Mainers at Risk*. Oral presentation at the National Rural Health Association Annual Meeting, New Orleans, LA. May 10, 2018.

Fairfield K, Black A, Lucas F, Murray K, **Ziller E,*** Korsen N, Waterston L, & Han P. *Regional Lung Cancer Incidence, Stage, Mortality, Smoking and Rurality*. Oral presentation at the National Rural Health Association Annual Meeting, New Orleans, LA. May 10, 2018.

Talbot J,* Elbaum Williamson M,* **Ziller E.*** *Smoking, Lung Cancer, and the Health Care System: Views from Rural Mainers at Risk*. Oral presentation at the Maine Public Health Association annual conference. October 17, 2017.

Ziller E,* Lenardson J, Burgess A. *Health Care Access among Publicly Insured Rural Children*. Oral presentation at the National Rural Health Association Annual Meeting. Minneapolis, MN. May 12, 2016.

Ziller E,* Lenardson D, Coburn A. *Delay, Forego, Strategize: Affordability of Medical Care among Rural Adults*. Oral presentation at the National Rural Health Association Annual Meeting, Philadelphia, PA. April 14, 2015.

Talbot JA, **Ziller E,*** Lambert D, Szlosek D. *Mental Health First Aid in Rural Communities*. Oral presentation at the National Rural Health Association Annual Meeting, Philadelphia, PA. April 14, 2015.

Ziller E,* Lenardson, J, Coburn A. *Rural Implementation and Impact of Medicaid Expansions*. Oral presentation at the National Rural Health Association Annual Meeting, Louisville, KY. May 9, 2013.

Ziller E, Talbot J, Lenardson J, Paluso N, Daley A. Rural-Urban Differences in the Decline of Adolescent Cigarette Use. Poster presented at the National Rural Health Association Annual Meeting, New Orleans, LA. May 9, 2018.

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University of Maine System
Board of Trustees

AGENDA ITEM SUMMARY

NAME OF ITEM: Data Governance Update

INITIATED BY: Lisa Marchese Eames, Chair

BOARD INFORMATION: X

BOARD ACTION:

BOARD POLICY:

UNIFIED ACCREDITATION CONNECTION:

Alignment of course coding details supports a common course catalog and enables student registration across UMS institutions.

BACKGROUND:

The University of Maine System established a Data Governance Program in 2017 to protect and leverage data assets to benefit all UMS institutions and stakeholders. The mission of the program is to improve consistency, integrity, and access for the use of data.

Rachel Groenhout, Director of Institutional Data Management, will give a brief update on projects that directly impact Academic and Student Affairs.

4/22/2021

University of Maine System
Board of Trustees

AGENDA ITEM SUMMARY

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NAME OF ITEM: Unified Accreditation Update

INITIATED BY: Lisa Marchese Eames, Chair

BOARD INFORMATION: X

BOARD ACTION:

BOARD POLICY:

UNIFIED ACCREDITATION CONNECTION:

BACKGROUND:

During the September 15-16, 2019 Board of Trustee meeting, Chancellor Dannel Malloy recommended that UMS universities begin a process to unify their accreditations. The Board concurred and the New England Commission on Higher Education has been kept apprised throughout each subsequent step, including a March status report. Dr. Jeff St. John, Associate Vice Chancellor for Strategic Initiatives will give a brief update on the unified accreditation project and process to date.

4/22/2021

University of Maine System
Board of Trustees

AGENDA ITEM SUMMARY

NAME OF ITEM: Unified Catalog Update

INITIATED BY: Lisa Marchese Eames, Chair

BOARD INFORMATION: X

BOARD ACTION:

BOARD POLICY:

UNIFIED ACCREDITATION CONNECTION:

In keeping with the Guiding Principles for Unified Accreditation, UMS will seek to provide access to more collaborative (multi-university) academic programs.

BACKGROUND:

Dr. Jeff St. John, Associate Vice Chancellor for Accreditation and Strategic Initiatives will give a brief update on the Unified Catalog initiative.

University of Maine System
Board of Trustees

AGENDA ITEM SUMMARY

NAME OF ITEM: Faculty Governance Council Update

INITIATED BY: Lisa Marchese Eames, Chair

BOARD INFORMATION: X

BOARD ACTION:

BOARD POLICY:

UNIFIED ACCREDITATION CONNECTION:

As outlined in the Guiding Principles and pursuant to UMS Board Policy 212 and the UMS Statement on Shared Governance, faculty will retain all rights to academic freedom and shared governance.

BACKGROUND:

To facilitate and formalize the establishment of a unifying System-wide mechanism for shared governance, the Chancellor convened the university faculty senate/assembly leaders to meet with him, and members of his senior staff, in January 2020.

At that meeting, the faculty leaders agreed that during these nascent stages of a unified approach to shared governance the seven senate/assembly presidents, with the Vice Chancellor of Academic Affairs (VCAA) participating in an ex-officio capacity, would form a UMS Faculty Governance Council to address issues of multi-university academic and curricular policy and programming.

The shared system of governance structure should be viewed as a faculty-to-faculty process that includes an active governing body with sufficient autonomy to assure institutional integrity and to fulfill its responsibilities of program development consistent with the missions of the participating institutions. Carolyn Dorsey, Associate Vice Chancellor for Academic Affairs, will brief the Academic and Student Affairs Committee of the Board of Trustees on progress to date.

4/22/2021

University of Maine System
Board of Trustees

AGENDA ITEM SUMMARY

NAME OF ITEM: UMFK Academic Restructuring

INITIATED BY: Lisa Marchese Eames, Chair

BOARD INFORMATION:

BOARD ACTION: X

BOARD POLICY:

UNIFIED ACCREDITATION CONNECTION:

In keeping with the Guiding Principles for Unified Accreditation, UMS will seek to provide access to more collaborative (multi-university) academic programs and processes.

BACKGROUND:

President Hedeon of the University of Maine at Fort Kent will provide an overview of the UMFK restructuring proposal.

TEXT OF PROPOSED RESOLUTION:

That the Academic and Student Affairs Committee approves the following resolution to be forwarded to the Consent Agenda for Board of Trustees approval at the May 24, 2021 Board meeting:

That the Board of Trustees approves and ratifies the UMFK Academic Restructuring proposal to go into effect June 1, 2021.



23 University Drive
Fort Kent, ME 04743-1292

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www.umfk.edu

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April 15, 2021

To: Robert Placido, Vice Chancellor of Academic Affairs

From: Deb Hedeon, UMFK President and Provost

RE: UMFK Academic Structure Effective 2021-2022

The University of Maine at Fort Kent is requesting approval of an academic structure that aligns with the administrative changes of combining the President and Provost as one position in 2019-2020.

Two Dean positions. It is important to have two Dean positions (not AFUM members) that have administrative authority of faculty performance, evaluations, and decision-making responsibilities. The combination of the President and Provost position has created a flat administrative structure with limited due process for faculty. The Dean positions provide faculty with another level of faculty performance and evaluation feedback.

Division Dean salaries have been part of the budget since 2019-2020.

Four Unit Chair positions. Behavioral Science, Natural Sciences, Humanities and Professional Studies Unit Chairs are AFUM members. Nursing, Dean serves as Unit Chair required for CCNE accreditation.

Proposed Academic Structure Effective 2021-2022. Approved by Faculty Assembly 1-20-2021.
President and Provost

Two Divisions

Dean, Nursing, Behavioral Science & Allied Health Division

Nursing Unit Chair – Dean serves as Unit Chair, Accreditation Requirement

Behavioral Science Unit Chair

Dean, Arts & Sciences and Professional Studies Division

Natural Sciences Unit Chair

Programs Leads – Biology, Environmental Studies, Forestry,
Conservation Law Enforcement

Humanities and Professional Studies Unit Chair

Programs Leads – Rural Public Safety, Business,
Computer Applications/Cybersecurity, English, French, BAS



2020-2021 Revised Pilot Academic Structure

President and Provost

Two Divisions

Dean, Nursing, Behavioral Science & Allied Health Division

Nursing Unit Chair

Behavioral Science Unit Chair

Interim Dean, Arts & Sciences and Professional Studies Division

Natural Sciences Unit Chair

Programs Leads – Biology, Environmental Studies, Forestry,
Conservation Law Enforcement

Professional Studies Unit Chair

Programs Leads – Rural Public Safety, Business,
Computer Applications/Cybersecurity

Arts & Humanities Unit Chair

Program Leads – English, French, BAS

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2019-2020 Pilot Academic Structure

Interim President and Provost

Two Divisions

Dean, Nursing, Behavioral Science & Allied Health Division

Program Coordinators – Nursing and Behavioral Science

Interim Dean, Arts & Sciences and Professional Studies Division

Natural Sciences Unit Chair

Program Coordinators – Biology, Environmental Studies, Forestry,
Conservation Law Enforcement

Professional Studies Unit Chair

Program Coordinators – Rural Public Safety, Business,
Computer Applications/Cybersecurity

Arts & Humanities Unit Chair

Program Coordinators – English, French, BAS

2018-2019 Academic Structure

President

Vice President for Academic Affairs

Four Divisions

Chair of Arts & Humanities Division

Program Coordinators – English, French, BAS

Chair of Natural & Behavioral Sciences Division

Program Coordinators – Behavioral Science/Social Science, Biology, Forestry

Director of Nursing Division

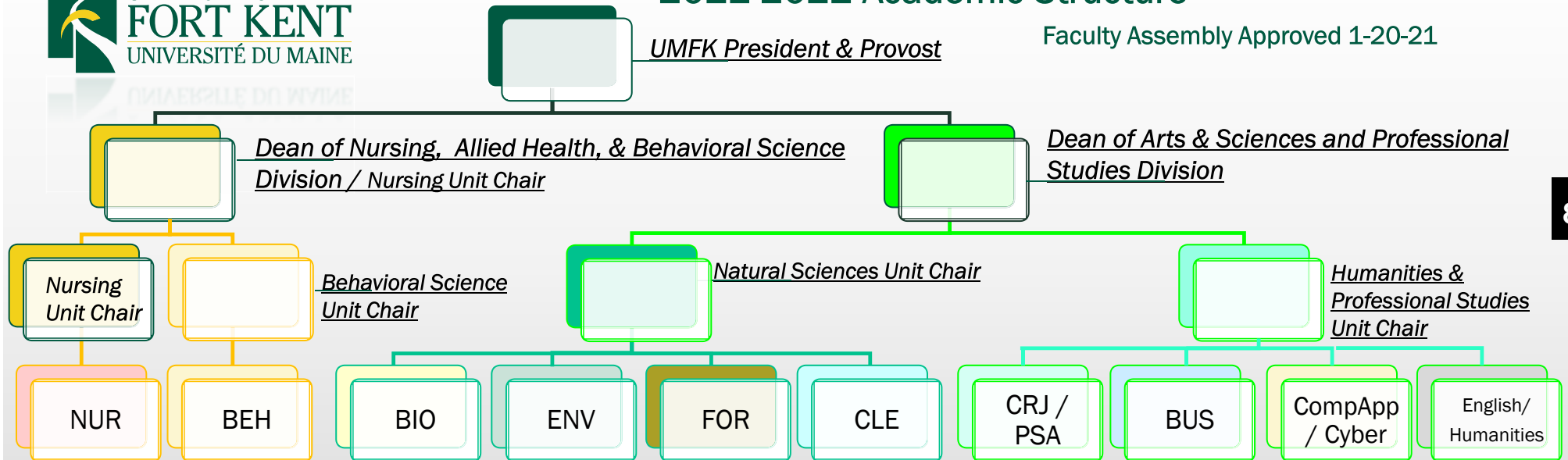
Chair of Professional Studies Division

Program Coordinators – Business, Rural Public Safety, Conservation Law Enforcement,
Computer Applications/Cybersecurity



2021-2022 Academic Structure

Faculty Assembly Approved 1-20-21



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University of Maine System
Board of Trustees

AGENDA ITEM SUMMARY

NAME OF ITEM: UMPI Academic Restructuring

INITIATED BY: Lisa Marchese Eames, Chair

BOARD INFORMATION:

BOARD ACTION: X

BOARD POLICY:

UNIFIED ACCREDITATION CONNECTION:

In keeping with the Guiding Principles for Unified Accreditation, UMS will seek to provide access to more collaborative (multi-university) academic programs and processes.

BACKGROUND:

President Rice of the University of Maine at Presque Isle will provide an overview of the UMPI restructuring proposal.

TEXT OF PROPOSED RESOLUTION:

That the Academic and Student Affairs Committee approves the following resolution to be forwarded to the Consent Agenda for Board of Trustees approval at the May 24, 2021 Board meeting:

That the Board of Trustees approves and ratifies the UMPI Academic Restructuring proposal to go into effect July 1, 2021.

4/22/2021

To: Chancellor Dannell Malloy

From: President Raymond Rice, University of Maine at Presque Isle

Topic: Proposal to Establish a new academic unit: “College of Degree Completion and Credentialing”

Date: January 26, 2021/ April 13, 2021 (revised)

Overview

This is a request to establish a new unit, the “College of Degree Completion and Credentialing” (CDCC) at the University of Maine at Presque Isle. The College will be led by a concurrently established new administrator, the “Dean of Competency-Based and Degree Completion Programs” (see attached document for further details). This position will hold a dual reporting line, both to the President of UMPI and to the Vice Chancellor of Academic Affairs (or appropriate designee), and will be responsible for the development, oversight, and delivery of CBE undergraduate and graduate level programming as well as credentialing programming utilizing a competency-based platform. The individual will oversee current CBE programming established by UMPI as well as develop majors and other credentials from other UMS institutions for nationwide delivery through UMPI’s YourPace platform. The individual will be responsible for recommending processes and procedures for revenue sharing and curricular oversight among all partnering institutions. Approximately 1/3 of the individual’s workload will be assigned to UMS administration, which will include reporting to the Vice Chancellor in regards to competency based education initiatives and developments at a national as well as regional level; serving on the Micro-credential Committee of the Associate Vice Chancellor and facilitating in the development of initiatives both within a CBE modality and in other modalities; working with appropriate academic administrators to develop CBE programming across the UMS; and assist in providing appropriate competency-based accreditation documentation to the UMS. The individual will also serve as a University and UMS liaison to Academic Partnerships and its marketing of CBE programming. This individual will also represent both UMPI and the UMS to the Competency Based Education Network (C-BEN), a national network of over 100 institutions, employers, and experts committed to developing the potential of competency-based learning to ensure that education and training is more flexible, responsible, and valuable. C-BEN is a recognized national leader in providing curriculum quality framework, programmatic design, and assessment within the competency learning environment; UMPI has been a member of the organization since 2015 as part of a national cohort of institutions made possible through a Lumina Foundation grant. UMPI’s president currently serves as a member of C-BEN’s Executive Board. See <https://www.cbenetwork.org/> for further information.

UMPI will provide the organizational structure, staffing, and instructional design support for the development and delivery of CBE programming for the UMS. The staffing of this unit will be supported solely by revenue generated by CBE programs both at UMPI and across the UMS.

UMPI began work in the CBE modality four years ago with a single program (Business Administration). Since the initial semester offerings, enrollment has grown from under 2,000 credit hours per annum to over 7,000 projected (FY22), the biggest growth achieved by the institution either through modality or program during that time period. As detailed below, the YourPace programming now includes 6 undergraduate majors (with 3 more planned to be available within the next 18 months) and 1 graduate

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program. UMPI is reaching capacity both in terms of campus human resources and available academic programming. More importantly, given the experience, and, just as importantly, the accreditation approval within a unified environment, that UMPI now maintains provides for the opportunity to expand this modality to additional UMS campuses within academic programs specific to those institutions. This would be a critical component toward reaching UMS goals of providing degrees and certificates to individuals with some college but no degrees within the State of Maine but also within a national context, as the CBE modality is recognized, first and foremost, as a degree-completion, workforce-oriented platform.

Competency-Based Education: As defined by C-BEN, competency-based education CBE is a flexible way for students to get credit for what they know, build on their knowledge and skills by learning more at their own pace, and earn high-quality degrees, certificates, and other credentials that help them in their lives and careers. CBE focuses on what students must know and be able to do to earn degrees and other credentials. Progress is measured by students demonstrating through valid, reliably assessed learning objectives that they have acquired knowledge and skills required to earn degrees or other credentials in a particular academic discipline or field of study, regardless of the amount of time spent. In such a model, learning often occurs within a fully (totally) asynchronous environment within programmatic modules that address specific learning objectives. Modules are often “bundled” together into what appear on transcripts as traditional course “credits.” Students can move at their own pace within each module and often pay flat subscription rates rather than credit-based tuition and fees. UMPI YourPace students, for instance, pay a flat fee per subscription period (7 week periods that start 6 times per year, thus broken out—roughly—into a fall/spring/summer pattern). Each module contains multiple benchmark activities leading up to a summative authentic learning experience activity (in which students are often asked to employ experiences from their working environment) that is measured by a multi-part rubric, assessing the overall learning outcome for the module and specific sub-divisions of that outcome. Students may continue work in such modules until they achieve (as per NECHE guidelines) “excellence or near-excellence” in assessment. Generally, CBE programs “disaggregate” the traditional faculty roles into three separate ones: curriculum specialists, assessment specialists, and course/content experts. UMPI pays its faculty for these separate roles, although many faculty serve, at various times, in each of the three capacities.

Specialized Regional Accreditation: UMPI received specific accreditation from NECHE to provide competency-based education. As agreed upon by the seven regional accreditors, CBE programming was required to meet an even higher level of standards in regards to evidence and support both to receive accreditation and to maintain that accreditation. That additional regulation can be found here: https://www.insidehighered.com/sites/default/server_files/files/C-RAC%20CBE%20Statement%20Press%20Release%206_2.pdf. In summary, it demands that all curricular and assessment material be provided at the outset of any accreditation process and that any institution utilizing such programming demonstrate that students must demonstrate excellence in mastery of all learning outcomes to receive academic credit within the modality. This is clearly a much higher bar for student success—and required support for that success—than “traditional” educational modalities in which faculty can provide final assessments running the full spectrum of the letter grade system (including a D-). Virtually only “A” work is acceptable in this modality. As the only institution in the UMS approved to deliver and support such programming—and still the only public institution in New England to be approved to do so—UMPI has developed faculty, staff, and administration (as detailed below) that

are trained not only in developing and delivering such material but also in ensuring that such programming provides the support necessary to empower students to achieve “excellence” in each and every program learning outcome. In a unified environment, the UMS is now positioned to take full advantage of this institutionalized specialization and scale out the programmatic options available to learners seeking out CBE. UMPI can thus provide that environment for students, from marketing to admissions to daily engagement and support for CBE students, while allowing fellow institutions to expand their existing programming into the CBE environment

Current Resources

The current staff associated with the CBE offerings at UMPI serve as a distinct unit reporting to the Dean of the College of Professional Programs (CBE first started with Business Administration programming at UMPI). This unit would thus migrate to the new College under its inaugural Dean. The unit provides all student services (i.e., advising, coaching, admissions counseling) and instructional design/development for CBE modalities of existing UMPI programs. The unit does not include any faculty (full or part-time), who are contracted separately per an AFUM agreement to instruct CBE modules. This ensures that the approved/accredited curriculum for all programming resides under the appropriate academic colleges. This model would be continued under the new College (and thus apply to all agreements with other UMS institutions).

The current positions and costs are as follows (excluding the cost of the Dean of the College of Professional Programs who currently oversees operations):

Title	FY22 Base	FY22 Fringe	Total
YourPace Curriculum Coordinator	32,583	17,595	50,178
YourPace Admissions Coordinator	38,957	21,037	59,994
CBE Academic Success Coach	40,170	21,692	61,862
YourPace Professional Advisor/interimDirector of Operations	<u>50,393</u>	<u>27,212</u>	<u>77,605</u>
Total	<u>162,103</u>	<u>87,536</u>	<u>249,639</u>

These individuals represent the support generally provided in CBE programming: (1) curriculum/ instructional design; (2) high touch admissions; (3) success coaching for each student; (4) CBE-specific advising for each student. Thus, each CBE student is assigned both a coach and a professional advisor. Faculty work with the curriculum coordinator (and an additional instructional designer at the UMPI campus) to design their modules within the platform. The admissions coordinator works with the campus Admissions staff to ensure that the specific inquiries for CBE students are tracked and attended to (including extensive transfer/prior credit assessment) and students are provided information within 48 hours of their application into admittance within the program. Please note that, currently, the Professional Advisor serves as Director of Operations, overseeing daily functionality within the unit and providing general coordination among the services. In the absence of an Executive Director or Dean, this individual thus picked up these essential duties in order to best manage the staff and monitor

customer experience. The Dean would make final recommendations if and when this position should be revised and potentially separate those functions.

System Wide Scaling of Degree Completion Programming

The success of UMPI's CBE (YourPace™) programming is a clear indication of both marketplace viability for curriculum provided in a modality designed explicitly for adult learners in (primarily) degree-completion situations as well as the ability of the University of Maine System to continue to expand its programming to greater numbers of learners, both in Maine and beyond. YourPace enrollments in primarily three programs have grown from 2,000 annual credit hours to over 7,000 in just four years. With four additional programs starting this fall, those numbers should easily expand to over 10,000 credit hours for the 2023 projections.

The new Dean would ensure that multiple undergraduate and graduate programming, currently provided at UMS institutions, would systematically be incorporated within the YourPace framework. The Dean will work directly with Provosts and academic Deans to ascertain the most appropriate programs to develop within a CBE modality and set up a multi-year calendar for programmatic planning and roll-outs. Additionally, the Dean will work with appropriate officials (i.e., CBOs) to ensure equitable fiscal planning as well as staffing within the programs. Each UMS institution will retain complete curricular autonomy of any programming including within the YourPace network and be responsible for providing faculty appropriate for the delivery of the programming. The Dean will be responsible for the coordination of all processes—including any coordination with Academic Partnership—to ensure the marketing, admitting, and delivery of the programming. The Dean will also provide annual reports to the Academic Affairs office in regards to such work, including detailed enrollment and fiscal reports.

The new Dean will assist in the process of investigating majors and programs that would be appropriate for CBE delivery, including meeting with faculty and administrators in regards to how such programming would be delivered and the services provided to students through the YourPace (UMPI) staffing.

All YourPace staff positions will be maintained solely through the revenue generated through the CBE programming; this same model will apply when a separate unit is created. In order to support the additional staffing that would be required as additional programs associated with other UMS campuses are added, a per capita fee will be charged as part of the delivery model to those campuses. However, all tuition revenue (minus the percentage allocated to AP) would be maintained exclusively by the campuses providing the CBE content (within individual CBE units or modules which are aggregated into conventional 3 and 4 credit "classes") in any given program.

The addition of staff members as capacity is exceeded will be critical for our ability to maintain the "high touch" approach used by CBE programming in terms of coaching and advising. For instance, CBE program national standards generally suggests that coaches and advisors should service no more than 150-200 students (although different institutions vary in their specific numbers) in any given subscription period. UMPI is already at or near the limit in both the coaching and advising positions (and will likely need to add a position in each category if enrollment projections are correct by the end of the next fiscal year). Similarly, UMPI will be responsible for the successful development of CBE modules prior to the start date of any new program; partnering institutions will be charged to ensure that UMPI has the capacity to provide training and/or utilize content expert faculty to develop the CBE

modules (under the aegis of the curriculum experts at the partnering institutions). See below for information on proposed fees.

The new Dean would ensure that multiple undergraduate and graduate programming, currently provided at UMS institutions, would systematically be incorporated within the YourPace framework. The new Dean will assist in the process of investigating majors and programs that would be appropriate for CBE delivery, including meeting with faculty and administrators in regards to how such programming would be delivered and the services provided to students through the YourPace (UMPI) staffing. The Dean will work directly with Provosts and academic Deans to ascertain the most appropriate programs to develop within a CBE modality and set up a multi-year calendar for programmatic planning and roll-outs. Additionally, the Dean will work with appropriate officials (i.e., CBOs) to ensure equitable fiscal planning as well as staffing within the programs. Each UMS institution will retain complete curricular autonomy of any programming including within the YourPace network and be responsible for providing faculty appropriate for the delivery of the programming. The Dean will be responsible for the coordination of all processes—including any coordination with Academic Partnership—to ensure the marketing, admitting, and delivery of the programming. The Dean will also provide annual reports to the Academic Affairs office in regards to such work, including detailed enrollment and fiscal reports.

In addition, the Dean shall be responsible for encouraging and developing cooperating programs between interested campuses for CBE modality delivery in support of system-wide degree completion initiatives.

Fees:

We propose the following fees for UMS partners to support the delivery of student services and growth of necessary positions as outlined above:

\$250/student per subscription period in which the student is enrolled in a supported undergraduate program

\$340/student per subscription period in which the student is enrolled in a supported graduate program

(Please note that the Dean, through consultation with appropriate campus and System leadership, will finalize the appropriate fee structure.)

This fee structure will allow UMPI to provide for all necessary staffing of the YourPace programming, and thus maintain responsibility (as accredited by NECHE) for the delivery of CBE content. At the same time, this structure ensures that each individual UMS institution maintains its curricular control over each program involved in the YourPace network and is responsible for the assignment of all faculty roles. Each UMS institution participating in this modality would thus retain all of the tuition income through each assigned competency unit minus the proposed fees.

Presuming a 150 student threshold for both the Success Coach and Professional Advisor positions and a greater threshold (approximately 300) for both curriculum coordination and additional admissions/enrollment support staff, these fees will allow UMPI to provide additional coaches and advisors for every 150 additional matriculated students; additional admissions and instructional designers will be provided at the 300 new matriculate threshold. These fees will also allow, below these thresholds, for UMPI to backfill part-time and reassignment of other current professionals on the

campus if necessary. This calculation presumes an average YourPace student will enroll in 4 out of 6 subscription periods (equivalent to a “traditional” academic year).

UMPI will be responsible for the development all new competency modules (under the direction of the curricular experts of each specific program) for new programs/majors. Individual campuses shall be wholly responsible for the curricular approval for engaging in the CBE modality and delivery. This cost for each module shall be \$1926, reflecting the AFUM agreement with UMPI of compensation for faculty at the “appropriate overload rate” of 1.5 credit hours. The \$1926 reflects the current equivalent of 1.5 credit hours of an assistant professor rank overload; an adjunct assistant professor rate at 1.5 credit hours is slightly below this amount (\$1834). This amount allows UMPI to assign the development of such modules to qualified adjuncts and full-time faculty, using the assistant professor rate as a median, thus accounting for variability in faculty ranks and compensation. The total cost for a program, presuming an average of 14 courses, would thus be \$26,964.

The Dean would be responsible for working with individual campuses to determine if their programming should be provided through partnering groups (i.e., Academic Partnerships) or be marketed separately. The Dean will also be responsible for providing a timeline of migrating the CBE content from its current LMS platform (Strut) to Brightspace (which will save additional cost).

Dean of Competency-Based and Degree Completion Programs

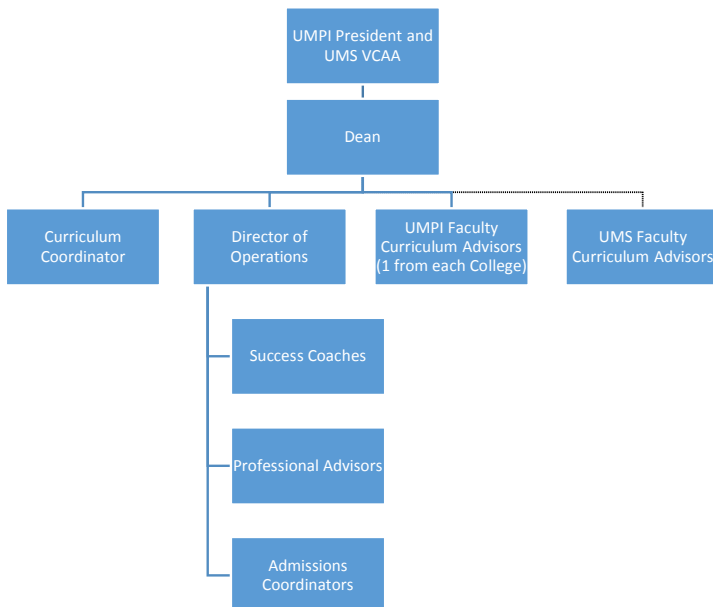
The Dean of Competency-Based and Degree Completion Programs (CBDCP) will be responsible for leading the university’s academic unit dedicated to educating adult learners in market-responsive undergraduate, graduate, and continuing education programs that are both credit and non-credit bearing. The Dean will maintain dual solid reporting lines to both the UMPI president and the VCAA and function as a key thought leader in developing a UMS YourPace competency-based program portfolio, workforce-oriented credentialing programming, and incorporating UMPI’s Employer U offerings within both degree and non-degree initiatives. The Dean will provide strategic leadership in developing affordable programs that meet student, workforce, and societal needs, as well as deliver academic programs and certificates with alternative access points, including those that address the lifelong learning needs of students and alumni. The Dean will be responsible for expanding UMS’ commitment to the “adult market,” or nontraditional learners in Maine and beyond, who seek to pursue undergraduate and graduate degrees and non-degree (but potentially stackable) credentials in service of dynamic career demands. The Dean will work closely with UMPI academic Deans, UMS leadership, and other campus academic leaders to chart UMS’ approach to CBE programming specifically and to assist in UMS’ overall approach to continuing studies.

The CBDCP is responsible for maintaining all program agreements with UMS institutions for which CBE programming is provided. The Dean will also be responsible for preparing and disseminating regular reports on student success (i.e., retention and completion rates) for all CBE programming to the UMS and individual institutional partners. The CBDCP also serves as the primary point of contact with Academic Partnerships and all agreements and services provided to CBE programming.

The CBDCP is expected to start from 70-85k (based upon prior experience), for a total of 120-140k in costs. UMPI is requesting seed funds equivalent to at least 30% from UMS to fund Year 1 and Year 2 of this position, with the potential of the UMS to continue such funding on a permanent basis, if both parties agree to the success and continued potential for the collaborative, UMS-wide nature of the

position. The ideal outcome for this position is thus one with a permanent dual reporting (and budget) line, reflecting its inherent dual service at an institutional and system level.

Proposed Organizational chart



9.1

The CBDPC Dean will hold dual solid matrix reporting lines, one to the UMPI President (more specifically, to the Provost functionality of UMPI's President/Provost), the second to the UMS VCAA. In addition, the Dean will hold a dotted line reporting relationship to the Associate Vice Chancellor for Academic Affairs to help ensure coordination of credentialing development in CBE modalities across the UMS with YourPace programming. The Dean's direct reporting line to the UMPI President/Provost will be incongruence with the direct reporting lines of the Academic and Student Affairs deans of that campus. The CBDPC Dean will oversee three direct reports: (1) Director of Operations, (2) Curriculum Coordinator(s), (3) UMPI Faculty Curriculum Advisors. In addition, the Dean will hold dotted line relationships to Faculty Curriculum Advisors assigned by partnering UMS institutions to ensure appropriate curriculum control and oversight of non-UMPI programming on behalf of those institutions. The Director of Operations will have daily operational oversight of Success Coaches, Professional Advisors, and Admissions Coordinators.

Note: The proposal for a new unit and a Dean was discussed with Chancellor Malloy (verbally) during his visit to UMPI on April 8 with the recommendation that the proposal be put forth.

Dean of Competency-Based and Degree Completion Programs

The Dean of Competency-Based and Degree Completion Programs (CBDCP) is responsible for leading the university's academic unit dedicated to educating adult learners in market-responsive undergraduate, graduate, and continuing education programs that are both credit and non-credit bearing. Reporting to the Provost, the Dean will be a key thought leader in developing UMPI's YourPace competency-based program portfolio, workforce-oriented credentialing programming, and incorporating the university's Employer U offerings within both degree and non-degree initiatives. The Dean will provide strategic leadership in developing affordable programs that meet student, workforce, and societal needs, as well as deliver academic programs and certificates with alternative access points, including those that address the lifelong learning needs of students and alumni. The Dean will be responsible for expanding the university's commitment to the "adult market," or nontraditional learners in Maine and beyond, who seek to pursue undergraduate and graduate degrees and non-degree (but potentially stackable) credentials in service of dynamic career demands. The Dean will work closely with academic Deans, the Executive Director of Development, the Director of Early College Programming, and other cabinet-level leadership to chart UMPI's overall approach to continuing studies.

Leadership

- Provides overall leadership and creates an environment of excellence for competency-based education (CBE) at UMPI and the UMS more generally within a unified accreditation environment.
- Builds capacity across the UMS for faculty to develop competency-based curriculum and teach in a competency-based modality, learning architects / course designers in constructing CBE curriculum, and UMS governance to properly review CBE programs and policy changes.
- Ensures the continuous improvement in the CBE learning modality.
- Partners with the business and operations teams to ensure delivery of a unified student learning experience.
- Promotes retention and persistence / progression through evidence-based practices.
- Provides thought leadership to the UMS and the wider CBE community in terms of degree completion and credentialing.
- Integrates UMPI's mission and vision within all CBE learning modality initiatives, including credentialing and badging; ensures that UMS's broader mission is reflected in all CBE initiatives.
- Fosters a culture of evidence and promotes a variety of research and assessment activities designed to document the academic quality of UMPI's CBE programs.
- Participates in strategic planning and development of key internal and external University and UMS resources and relationships.

Management:

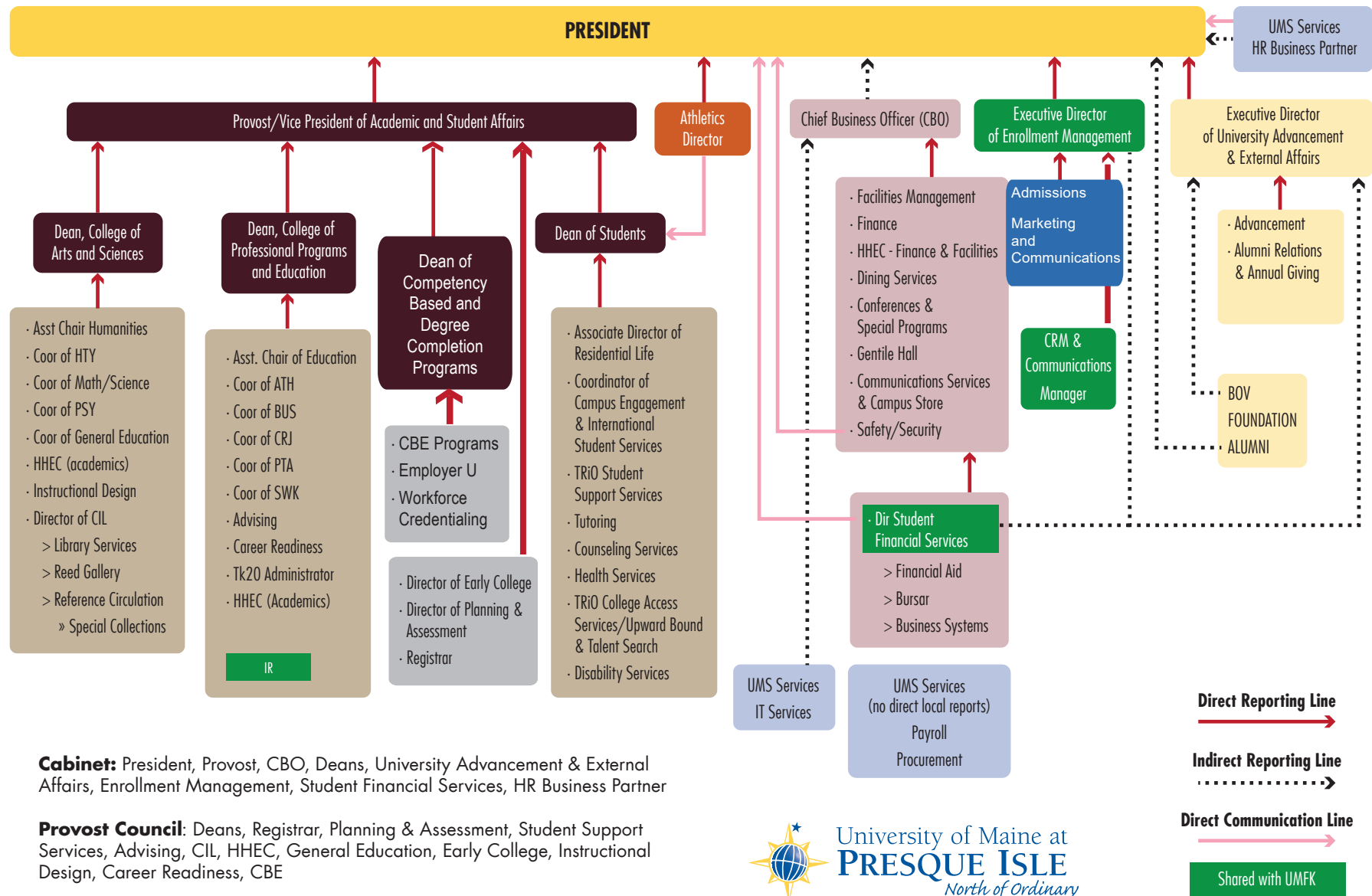
- Establish and manage a new Degree Completion Credentialing College at the university employing Competency-Based Education and credentialing programming with direct responsibility for any budget and personnel associated with the College.
- Successfully drives the intermediate and long-range goals and plans of CBE and the College and all UMS partners with enrollment management in growth efforts aimed at recruiting, advancing, and maintaining a diverse learning community of faculty, staff, and students.
- Monitor and ensure CBE curriculum quality in partnership with UMPI and UMS leadership and curriculum development teams.
- Supports marketing initiatives to foster the growth of competency-based education and other degree completion programs across the UMS.

9.2

External Relations:

- Acts as lead representative for the university for all adult learning, degree completion, and credentialing committees and initiatives at the University of Maine System level.
- Acts as lead representative for the UMS at all C-BEN convenings.
- Develops appropriate partnerships consistent with the UMS's mission.
- Represents the UMS at appropriate professional meetings and conferences related to CBE and other new modalities of learning.
- Supports the preparation of appropriate documentation for accrediting and other agencies.

University of Maine at Presque Isle Organizational Chart



9.3

University of Maine System
Board of Trustees

AGENDA ITEM SUMMARY

NAME OF ITEM: Programs for Examination (PFE) Update

INITIATED BY: Lisa Marchese Eames, Chair

BOARD INFORMATION: X

BOARD ACTION:

BOARD POLICY:

UNIFIED ACCREDITATION CONNECTION:

As outlined in the Guiding Principles and pursuant to UMS Board Policy 305.1, UMS will establish procedures for the orderly review of existing programs.

BACKGROUND:

The iterative PFE process is intended to maintain quality and inspire continuous improvement of the portfolio of UMS academic programs while accurately and fairly identifying programs in need of deeper examination. Toward that end, there will be additional metrics and methods adopted for the PFE to improve its usefulness as a mechanism for analyzing program performance and quality. Vice Chancellor for Academic Affairs, Dr. Robert Placido, will explain the revisions to the process, and the anticipated impacts of those revisions.

University of Maine System
Board of Trustees

AGENDA ITEM SUMMARY

NAME OF ITEM: Proposed Changes to Board Policy 501 - *Student Conduct Code*

INITIATED BY: Lisa Marchese Eames, Chair

BOARD INFORMATION: X

BOARD ACTION:

BOARD POLICY:

501: Student Conduct Code

UNIFIED ACCREDITATION CONNECTION:

BACKGROUND:

The UMS Student Conduct Code applies to the entire University of Maine System. As mandated by Board Policy, the Code is reviewed and updated every three years, and is ultimately approved by the Board of Trustees. The last regular review occurred during the Spring of 2018; Board approval occurred at the March 19, 2018 Board meeting.

In keeping with the University of Maine System Board Policy approval process, the updates to the Student Conduct Code will receive a first read at the May Academic & Student Affairs Committee with the expectation that the first read will continue at the May Board of Trustees Meeting. Donna Seppy, Director of Student Success Initiatives at the University of Maine System and representatives from the General Counsel's office will update the Committee on the review process, proposed changes/clarifications to the Code and will be available to answer questions. It is intended that the Board will consider the proposed Policy again at its July 2021 Academic Affairs Committee and Board of Trustees meeting.

UNIVERSITY OF MAINE SYSTEM STUDENT CONDUCT CODE

Effective Date: July 26, 2021

Revised by the Student Conduct Code Committee
and
Approved by the Board of Trustees, X Date, 2021

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UNIVERSITY OF MAINE SYSTEM STUDENT CONDUCT CODE

POLICY STATEMENT

The purpose of this University of Maine System Student Conduct Code (this "Code") is to promote the pursuit of activities that contribute to the intellectual, ethical, and physical development of the individuals under the auspices of the University of Maine System and the individual university campuses and the University of Maine School of Law. This Code seeks to promote the safety of persons engaging in those pursuits, the free and peaceful expression of ideas, and the integrity of academic processes.

Students are expected to conduct themselves with proper regard for their rights and responsibilities, and the rights and responsibilities of others including the University. All members of the University community share a responsibility for maintaining an environment where actions are guided by mutual respect, integrity, and reason.

All members of the University are governed by University policies, local ordinances, and state and federal laws. For specific governing documents, students and campus organizations may refer to: University Policies and Procedures; campus student handbooks; campus residence hall agreements and manuals; and other official University notices and publications. Individuals in violation of state and federal law are subject to prosecution by appropriate state and federal authorities regardless of whether the activity occurs on or off University Property. In addition, students may be subject to disciplinary action by the University pursuant to this Code or other applicable University policies, handbooks, catalogs, or standards.

In addition to the procedures described in this Code, using fair, objective decision-making processes, the University may implement administrative de-escalation and alternative resolution measures to resolve issues that arise within the University community.

What constitutes an offense and what sanctions may be imposed will be decided using the Student Conduct Code in effect at the time of the offense. With regard to the procedures applicable to the resolution of any alleged offense, the Code procedures in effect at the time of the report will apply to resolution of incidents, regardless of whether the incidents occurred on or off campus, and regardless of when the incident occurred.

If applicable law or regulation changes in a way that impacts this Code, this Code will be construed to comply with applicable law and regulation in its most recent form.

In the implementation of this Code, the University seeks to function in an administrative manner grounded in our educational mission with an emphasis on fundamental fairness, due process, personal responsibilities, and community relationships.

11.1

In complying with the letter and spirit of applicable laws and in pursuing its own goals of diversity, the University of Maine System does not discriminate on the grounds of race, color, religion, sex, sexual orientation, gender identity, gender expression, national origin, citizenship status, age, disability, genetic information or veterans status in employment, education, and all other programs and activities. The University provides reasonable accommodations to qualified individuals with disabilities upon request.

The following person has been designated to handle inquiries regarding non-discrimination policies: Director of Equal Opportunity, North Stevens Hall, Orono, ME 04469; voice: (207) 581-1226; TTY 711 (Maine Relay System) email: equal.opportunity@maine.edu.

A qualified student with a disability is entitled to reasonable accommodations to participate in this administrative process. Accommodations may include, but are not limited to, sign language interpretation or information in alternative formats. Students wishing to request reasonable accommodations should make those requests directly to the Conduct Officer. The Conduct Officer will consult with the appropriate campus office for students with disabilities to assist with the determination of reasonable accommodations. Students may be required to provide documentation in order for the Conduct Officer to make a determination.

Student rights and responsibilities are outlined throughout this Code. If students have questions or concerns about this Code or the way this Code is being applied, they are welcome to contact a Conduct Officer at the university; this may be either the Conduct Officer handling a particular matter or another Student Conduct Officer. If questions or concerns about the Code or the way this Code is being applied remain unresolved following this, the student may contact the Conduct Officer's supervisor or the Director of Student Success Initiatives and UMS Coordinator of Student Conduct. If questions or concerns remain unresolved following this, students may contact the Vice Chancellor for Academic Affairs.

Various timeframes, including for response and submission of information and documents, are outlined throughout this Code. If, at any time, a student would like to request an update or additional information about a particular matter under review, the student may contact the Campus Authority handling the matter.

1. JURISDICTION

A. This Code applies when the University has jurisdiction over the Responding Party and the alleged conduct.

The University has jurisdiction when the Responding Party is any of the following:

- i. Any person accepted, registered, or enrolled in any course or program offered by the University, including distance courses and who have not been absent from the University greater than one (1) calendar year; or
- ii. Any student currently on probation or currently suspended from the University; or
- iii. Any University recognized student organization, or any student organization not currently recognized, but currently under University probation or suspension.

B. A student is considered to be enrolled at the University until such time as the student has:

- i. Officially graduated from the University; or
- ii. Been officially dismissed from the University.

(NB: Students who have not graduated nor been dismissed, but who have been absent from the University greater than one (1) calendar year, are not covered by this Code as noted in Section 1(A)(i).)

C. This Code may be applied in cases of conduct when the alleged incident occurs:

- i. On any campus of the University, or involves University Property; or
- ii. At an activity pursued under the auspices of the University; or
- iii. In a context where the University can demonstrate a substantial interest regardless of the location of the conduct, including online or off-campus, and where the conduct threatens:
 - a. Any educational process; or
 - b. Legitimate function of the University; or
 - c. The health or safety of any individual.

D. It is at the University's discretion to determine whether Jurisdiction applies. In general, Jurisdiction is determined on the date of the alleged incident or date of the relevant nexus of events.

11.1

2. DEFINITIONS

- A. **Advisor:** A person who is available to advise or support any party involved in any matter governed by this Code. An advisor may not serve as a witness or a participant in the hearing. Examples of advisors include, but are not limited to, family members, friends, University Employees, and attorneys.
- B. **Appeal Panel:** A panel that hears appeals from the Conduct Officer Hearing or the Hearing Board hearing, described in Section 8.
- C. **Campus Authorities:** Includes, but is not limited to, any campus police or security staff, investigator, Conduct Officer, Hearing Board, Appeal Panel, or Presidential Appeal Panel members.
- D. **Conduct Officer:** Individual appointed by the University to address alleged violations of this Code.
- E. **Conduct Officer Hearing:** A hearing before the Conduct Officer to determine if a Responding Party has violated any section(s) of this Code.
- F. **Consent:** An individual's voluntary agreement to engage in specific sexual acts with another person.
 - i. Consent must be:
 - a. Informed, freely, and actively given, and consist of a mutually agreeable and understandable exchange of words or actions.
 - b. Clear, knowing and voluntary.
 - c. Active, not passive.
 - ii. Consent may be withdrawn at any time and when outwardly communicated that consent is withdrawn sexual activity must cease.
 - iii. Silence, passivity, or absence of resistance, in and of itself, cannot be interpreted as consent.
 - iv. 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.
 - v. Past consent does not imply future consent. Even in the context of an ongoing relationship, consent must be sought and freely given for each sexual act.
 - vi. Consent to engage in one form of sexual activity does not imply consent to engage in any other sexual activity.
 - vii. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with any other person.
 - viii. There is no consent when the exchange involves unwanted physical force, coercion, intimidation and/or threats.
 - ix. If an individual is mentally or physically incapacitated or impaired such that one cannot understand the fact, nature, or extent of the sexual situation, and the Incapacitation or impairment is known or should be known to the Reasonable Person, there is no consent. This includes conditions resulting from voluntary alcohol or drug consumption, being asleep, or unconscious when the Responding Party takes advantage of the other party's incapacitation. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.
 - x. Consent is not valid if the person is too young to consent to sexual activity under applicable law, even if the minor wanted to engage in the activity.
 - xi. In evaluating whether consent was given, consideration will be given to the totality of the facts and circumstances, including but not limited to the extent to which a Reporting Party affirmatively uses words or actions indicating a willingness to engage in sexual contact, free from intimidation, fear, or coercion; whether a reasonable person in the Responding Party's position would have understood such person's words and acts as an expression of consent; and whether there are any circumstances, known or reasonably apparent to the Responding Party, demonstrating incapacitation or lack of consent.
- G. **Formal Investigation:** The process described in Section 5(J).
- H. **Incapacitation:** An individual who is incapacitated lacks the ability to make informed judgments and cannot consent to sexual contact. Incapacitation is the inability, temporarily or permanently, to give consent because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. Mentally helpless means a person is rendered temporarily incapable of appraising or controlling one's own conduct. Physically helpless means a person is physically unable to verbally or otherwise communicate consent or unwillingness to an act. Where alcohol or other drugs are involved, incapacitation is

a state beyond impairment or intoxication. Where alcohol or other drugs are involved, evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects a person's decision-making ability; awareness of consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; or level of consciousness.

- I. **Interim Measures or Actions:** The process described in Section 5(G).
- J. **Notice:** Notice is considered effective if hand delivered, mailed with signature confirmation of delivery at the person's or entity's last known address, delivered through the use of the current student's or University Employee email account with confirmation of receipt, or at the University's discretion, another method requested by a Party. Students are expected to regularly monitor their official University email account.
- K. **Party(ies):** May refer to the Reporting Party(ies), Responding Party(ies), or both Parties collectively.
- L. **Preliminary Inquiry:** The process described in Section 5(C).
- M. **Preponderance of the Evidence:** A standard that requires a fact or event to have more likely than not to have occurred, e.g., a greater than fifty percent (50%) chance.
- N. **Presidential Appeal Panel:** A panel that hears appeals from the Appeal Panel as described in Section 9.
- O. **Reasonable Person:** A standard that reflects what a reasonable sober person in the same or similar circumstance would do.
- P. **Reporting Party:** A person who alleges harm or a policy violation under this Code by a person, a student, or student organization as defined in Section 1(A)(i). In cases of Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, or Discrimination, or Harassment, the words "Reporting Party" shall refer only to the person who has been allegedly harmed by the alleged misconduct. If a Reporting Party declines to participate, at the University's discretion, the University may move forward with the process under this Code.
- Q. **Responding Party:** A person, a student, or student organization as defined in Section 1(A)(i), that has been alleged to have violated this Code, is under Formal Investigation, or has been charged with a violation of this Code.
- R. **Hearing Board:** A Board that hears cases of alleged violations of this Code as described in Section 7.
- S. **University Employee:** Employees, including faculty, staff, students, Board of Trustees, volunteers, and agents of the University.
- T. **University of Maine System (the "University"):** Means either collectively or singularly, any of the of following campuses: University of Maine at Augusta; University of Maine at Farmington; University of Maine at Fort Kent; University of Maine at Machias; University of Maine; University of Maine at Presque Isle; University of Southern Maine; University of Maine School of Law and all University Property.
- U. **University Property:** Includes, but is not limited to, any Real or Personal Property owned, held, rented, licensed, chartered, or at the University's discretion, Real or Personal Property otherwise engaged by the University in any manner or by University Employees or campus organizations as a direct result of and in connection with their service to the University.
 - i. Real Property: Land, buildings, fixtures, improvements, and any interests therein.
 - ii. Personal Property: All property, other than real property, and any interests therein.
- V. **Violent Crime:** As described in Family Educational Rights and Privacy Act (FERPA).

3. VIOLATIONS

Violations are conduct which contravenes this Code and directly and significantly interfere with the University's primary educational responsibility or other responsibilities to the University community.

Disciplinary action taken under this Code is independent of the awarding of grades (an academic matter), and provisions of this Code cannot be used for changing awarded grades. The violations listed below are considered in the context of the student's responsibility as a member of the academic community; other actions which may be considered violations may be defined by other documents, for example, residence hall contracts, student handbooks, or codes of conduct specific to certain courses of study or majors.

The following violations are provided to give persons, students, and student organizations notice that such conduct or attempted conduct is prohibited.

A. Academic Misconduct

- i. **Plagiarism:** The submission of another's work as one's own, without adequate attribution. Plagiarism is academic theft.
- ii. **Cheating:** The act or attempted act of deception by which a person, student, or student organization seeks to misrepresent that they have mastered information on an academic exercise that they have not mastered. Cheating is also the use or attempted use of unauthorized assistance in an examination, paper, homework assignment, or other project.
- iii. **Fabrication:** The use of invented information or the falsification of research or other findings in an academic exercise.
- iv. **Contributing to academic dishonesty:** Assisting another person's, student's, or student organization's academic dishonesty.
- v. **Other forms of dishonest academic conduct:** Any actions by which one seeks an unfair academic advantage over others.
- vi. **Violation of UMS Academic Integrity Policy**

B. Disruption of University Operations

- i. **Causing a Disturbance:** Disturbance resulting in substantial disruption of University activities.
- ii. **Failure to Comply with Sanction:** Failure to comply with a sanction imposed under this Code.
- iii. **Failure to Identify:** Failing to accurately identify oneself to a University Employee performing their official duties.
- iv. **Interference with Code Enforcement:** Interference with a Reporting Party, Responding Party, witness, investigation or the carrying out of procedures defined in this Code.
- v. **Interference with or Failure to Comply with a University Employee:** Direct interference with or failure to comply with a University Employee in the performance of their official duties.
- vi. **Supplying False Information:** Knowingly supplying false information to University Employees in pursuit of their official duties or to a Hearing Board, Appeal Panel, or Presidential Appeal Panel, in the course of a disciplinary proceeding, or knowingly causing false information to be thus supplied.
- vii. **Unauthorized Representation:** Unauthorized representation of the University or University Employee(s).
- viii. **Violation of Residence Hall Contract**
- ix. **Violation of Student Activity Regulations:** Violation of a University regulation, policy, standard of conduct, or code of ethics.

C. Health & Safety Violations

- i. **Creating a Dangerous Condition**
- ii. **False Reporting of Dangerous Conditions**
- iii. **Endangering Health or Safety**
- iv. **Violation of Health or Safety Policies**
- v. **Illegal Possession, Use, or Sale of Drugs**
- vi. **Interference with Safety Equipment or Alarms**
- vii. **Restricting Traffic Flow**
- viii. **Unauthorized Use or Possession of Chemicals or Explosives:** Unauthorized use or possession of explosive components, chemicals, etc., such as fireworks, explosives, gas or compressed air.
- ix. **Violation of UMS or Campus Alcohol, Drug, or Tobacco and Smoke Free Policies**
- x. **Violation of UMS or Campus Weapons Policies**

D. Offenses Involving Other People

- i. **Assault:** Intentionally, knowingly, or recklessly causing bodily injury or offensive physical contact to another person.
- ii. **Causing Fear of Physical Harm:** Intentionally or knowingly places another person in fear of imminent bodily injury.
- iii. **Dating Violence:** Violence committed against a person by an individual who is or has been in a social relationship of a romantic or intimate nature with that person. Whether a dating relationship exists is determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in

the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. All forms of dating violence prohibited by applicable law are also included (for example, Assault).

- iv. **Discrimination:** Discrimination based on actual or perceived race, color, religion, sex, sexual orientation, transgender status, gender expression, national origin, citizenship status, age, disability, genetic information, or veterans status.
- v. **Domestic Violence:** A felony or misdemeanor crime of violence committed by:
 - a. A current or former spouse or intimate partner of the victim; or
 - b. A person with whom the victim shares a child in common; or
 - c. A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; or
 - d. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - e. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

All forms of domestic violence prohibited by applicable law are also included (for example, Domestic Violence Assault, Domestic Violence Criminal Threatening, Domestic Violence Terrorizing, Domestic Violence Stalking, and Domestic Violence Reckless Conduct)

- vi. **Gender Discrimination:** Discriminating against an individual on the basis of that individual's gender, gender identity, or gender expression.
- vii. **Harassment:** Severe or pervasive unwelcome conduct, including but not limited to: comments; jokes; acts; other verbal or physical conduct or bullying, that may be based on race, color, religion, sex (including pregnancy), sexual orientation, gender identity, gender expression, national origin, citizenship status, age, disability, genetic information, or veterans status.
- viii. **Hazing:** Any action or situation, including harassing behavior, that recklessly or intentionally endangers the mental or physical health of any University Employee or a person, student, or student organization or any activity expected of a person, student, or student organization as a condition of joining or maintaining membership in a group that humiliates, degrades, abuses or endangers the student, regardless of the student's willingness to participate in the activity.
- ix. **Interference with Residential Life:** Significant interference with the normal residential life of others.
- x. **Intimidation:** Intentionally or knowingly places another person in fear of imminent bodily injury.
- xi. **Invasion of Privacy:** The violation of another individual's reasonable expectation of privacy where the circumstances justify that expectation.
- xii. **Indecent Conduct:** Exhibition, including by electronic means, of the genitals, anus, or pubic area of a person other than for legitimate academic purposes. Simulation of a sexual act, sex act in public with or without private parts showing, or public masturbation are also included.
- xiii. **Retaliation:** Action taken by an individual(s) or group or organization against any person or group for any action taken in furtherance of this Code including but not limited to: filing a complaint, testifying, assisting, or participating in an investigation or proceeding under this Code.
- xiv. **Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape, as follows:
 - a. Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the victim.
 - b. Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of their age or because of their temporary or permanent mental incapacity.
 - c. Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - d. Statutory rape is sexual intercourse with a person who is under the statutory age of Consent under applicable law.

11.1

All forms of sexual assault and sexual contact prohibited by applicable law are also included. (For example, gross sexual assault, unlawful sexual contact, incest, sexual abuse of minors)

- xv. **Sexual Harassment:** Includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including sexual assault, sexual violence, and any sexual act prohibited by applicable law. 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:

- a. **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.
- b. **Hostile Environment:** Sexual harassment that creates a hostile environment is based on sex and exists when the harassment:
 - i. Is subjectively and objectively offensive; and
 - ii. Is so severe or pervasive as to alter the conditions of a person's employment, education or living situation that it creates an abusive working, educational or living environment.

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

Determining whether conduct creates a hostile environment depends not only on whether the conduct was unwelcome to the person who feels harassed, but also whether a Reasonable Person in a similar situation would have perceived the conduct as objectively offensive.

The following factors will also be considered:

- i. The degree to which the conduct affected one or more students' education or individual's employment; and
 - ii. The nature, scope, frequency, duration, and location of the incident(s); and
 - iii. The identity, number, and relationships of persons involved; and
 - iv. The nature of higher education; and
 - v. Whether the conduct arose in the context of other discriminatory conduct; and
 - vi. Whether the conduct altered the conditions of the Complainant's educational or work performance and/or UMS programs or activities; and
 - vii. Whether the conduct implicates academic freedom or protected speech; and
 - viii. Other relevant factors that may arise from consideration of the reported facts and circumstances.
- xvi. **Sexual Misconduct:** Includes, but is not limited to, prostituting another person, watching or taking pictures, videos, or audio recordings of another person in a state of undress without their consent or of another person engaging in a sexual act without the consent of all parties, disseminating, streaming, or posting images, pictures or video of another in a state of undress or of a sexual nature without the person's consent; letting others watch you have sex without the knowledge and Consent of your sexual

partner, possession of child pornography, voyeurism, and knowingly transmitting an STD or HIV to another person; and any sexual act prohibited by applicable law. Sexual misconduct may constitute sexual harassment.

All forms of sexual misconduct prohibited by applicable law are also included. (For example, Violation of Privacy, Possession of Sexually Explicit Material, Revenge Porn and Sex Trafficking).

- xvii. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a Reasonable Person to:
 - a. Fear for the person's safety or the safety of others; or
 - b. Suffer substantial emotional distress.

For the purposes of this definition:

- a. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

All forms of stalking prohibited by applicable law are also included.

- xviii. **Unauthorized Recording:** In general, the unauthorized recording of overall course content, classroom sessions, meetings held under this Code, and confidential university meetings is prohibited and considered a violation of this Code. However, exceptions will be considered on a case-by-case basis where a recording is made for the purpose of documenting inappropriate behavior.

E. Offenses Involving Property

- i. **Defacement, Destruction, or Misuse of Property:** Intentionally, knowingly or recklessly misuses, tampers with, damages, destroys, or defaces University Property or the property of others without appropriate authorization.
- ii. **Misuse of University Computer Network or Computers:** Misuse of the University computer network or computers including, but not limited to, theft of computer files or data, e-mail, or other electronically stored information, hacking or unauthorized probing, sharing of personal sign on information, spamming, sending out computer viruses, or uploading or downloading copyrighted material for personal use or distribution without appropriate authorization, uses prohibited by state or federal law, including but not limited to possession or distribution of child pornography.
- iii. **Tampering, Destruction, or Falsification of Official Records**
- iv. **Theft or Unauthorized Use:** Theft, attempted theft, or unauthorized acquisition, removal, distribution, or use of University Property or the property of another.
- v. **Trespassing:** Trespassing or unauthorized presence on University Property or the property of another.
- vi. **Violation of Campus Motor Vehicle Policies or Parking Regulations**

F. General Infractions

- i. **Aiding Infraction:** Knowingly assisting in a Code violation.
- ii. **Continued Infraction:** Continued infractions of this Code.
- iii. **Conviction of a Crime:** Conviction of any crime that threatens: (a) any educational process or legitimate function of the University, or (b) the health or safety of any individual.
- iv. **Interference with or Failure to Comply with Public Safety Personnel:** Direct interference with or failure to comply with any public safety personnel in the performance of their official duties.
- v. **Other Illegal Activity:** Violating any applicable law (e.g., local, state, or federal).

4. SANCTIONS

If a Responding Party admits to a violation of this Code to the Investigator, Conduct Officer, Hearing Board, Appeal Panel, or Presidential Appeal Panel; or upon determination by the Conduct Officer, Hearing Board, Appeal Panel, or Presidential Appeal Panel that a Responding Party has been found in violation of this Code, one or more of the sanctions found in Board of Trustees Section 402 Sex Discrimination, Sexual Harassment, Sexual Assault, Relationship Violence, Stalking and Retaliation and Title IX Sexual Harassment Policy in Board of Trustees Section 402 Sex Discrimination, Sexual Harassment, Sexual Assault, Relationship Violence, Stalking and Retaliation and Title IX Sexual Harassment Policy include:

- A. **Assigned Educational Project(s):** This may include educational programming, research projects, reflective essays, presentations, or other related assignments intended to promote learning.
- B. **Community Service**
- C. **Disciplinary Dismissal:** Permanent separation (subject to a right of review after five years) from the University.
 - i. Responding Parties who are dismissed will not be permitted to attend any of the University campuses or attend any University functions. After five (5) years from the date of the dismissal, the Responding Party may submit a written request to the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee to be considered for readmission to attend any of the University campuses. The Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee will convene a committee. This committee may draw on the membership of existing committees (such as the Justice Education Development Implementation team); this committee should include representation from any involved university campuses. Reviews of such requests should take into account that for external applicants, the University no longer reviews criminal or judicial history.
 - ii. Responding Parties who have been found responsible for a Violent Crime or Sexual Assault and who request an official transcript for the University, will have a letter attached to their official transcript describing the dismissal. After five (5) years from the date of the dismissal, the Responding Party may submit a written request to the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee to have the letter attached to their official transcript be removed. The Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee will convene a committee. This committee may draw on the membership of existing committees (such as the Justice Education Development Implementation team); this committee should include representation from any involved university campuses. Reviews of such requests should take into account that for external applicants, the University no longer reviews criminal or judicial history.
- D. **Disciplinary Probation:** A specified period of time when any further violation may result in additional sanctions, up to and including dismissal from the University.
- E. **Disciplinary Suspension:** Separation from the University for a specific period of time or until a stated condition(s) is met.
 - i. Responding Parties who are suspended will not be permitted to attend any of the University campuses or attend any University functions until all conditions of the suspension are met and the suspension period has ended.
 - ii. Responding Parties who have been found responsible for a Violent Crime or Sexual Assault and who request an official transcript for the University, will have a letter attached to their official transcript describing the suspension. After all conditions of the suspension are met and the suspension period has ended the letter describing the suspension will no longer be attached to the official transcript.
- F. **Loss of Contact with a Specific Person(s):** Responding Parties may not initiate direct or indirect contact with a specified person(s).
- G. **Official Warning:** Formal acknowledgment of a violation and the expectation that it will not be repeated.
- H. **Mandatory Counseling**
- I. **Reassignment, Suspension, or Removal from University Housing**
- J. **Restitution:** Reimbursement to the owner of up to the replacement value of the property damaged, stolen, removed, or used without authority.

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K. Other action(s) as the Conduct Officer, Appeal Panel or Presidential Appeal Panel may reasonably deem appropriate, examples include but are not limited to:

- i. Suspension of an organization's official campus recognition.
- ii. Suspension of a student from extracurricular activity(ies).
- iii. Suspension of guest privileges.
- iv. Termination from student employment.
- v. Academic degree revocation.
- vi. Loss of visitation privileges to designated area(s) of any University Property.
- vii. Monetary fine for recognized student organizations.

NOTE: The University may choose to defer sanctions on a case by case basis as circumstances warrant.

The University may impose a more severe sanction on a Responding Party when the Conduct Officer, Committee, or Review Panel determines that a Responding Party intentionally selected the person or organization against whom the violation was committed, or selected the property damaged or stolen, because of the race, color, religion, sex, sexual orientation, gender identity, gender expression, national origin, citizenship status, age, disability, genetic information, or veterans status of that person, or the persons in the organization or the owner of the property.

5. PROCEDURES

An enrolled student may not graduate if they have a pending conduct case. If a student officially withdraws from the University or does not participate in the disciplinary process, the process will continue and the student may not, at the discretion of the University, be permitted to return to the University or graduate until the student is found not responsible for a violation of this Code or until any imposed sanctions have been satisfied.

As applicable and appropriate, prior to any interim measures or actions, sanctions, or as appropriate other action being taken under this Code, an individualized risk and safety assessment should be conducted to determine whether there is a reasonably foreseeable significant risk to others, or significant risk of self-harm. As applicable and appropriate, the Student Risk Assessment and Safety Intervention Policy should be utilized.

A. Reporting Violations

- i. Alleged violations of this Code may be brought to the attention of the University by University Employees, students, or members of the general public and will result in the initiation of a Preliminary Inquiry.
- ii. Reports may be made anonymously however anonymous reporting may limit the ability to investigate and respond.
- iii. Reports of Gender Discrimination (including Sexual Harassment, Dating Violence, Domestic Violence, Sexual Assault, or Stalking; Gender Discrimination may also include certain types of Discrimination and Harassment) are required to be reported directly to the University's Title IX Coordinator or Deputy Coordinator as described in Board of Trustees Section 402 Sex Discrimination, Sexual Harassment, Sexual Assault, Relationship Violence, Stalking and Retaliation and Title IX Sexual Harassment Policy.

B. Notice to Reporting Party: The Reporting Party will be notified that their report has been received and follow up will occur consistent with UMS policies and procedures.

C. PRELIMINARY INQUIRY

- i. Reports of alleged violations of this Code will result in the initiation of a Preliminary Inquiry. A Preliminary Inquiry will determine whether there is sufficient information to proceed under this Code. **Before interviewing or questioning of the Parties occurs, Notice must be provided as stated in Section 5(l), Notice of Formal Investigation, unless doing so would be likely to jeopardize health or safety, or the integrity of the investigation, or lead to the destruction of evidence.**
- ii. Notice Following Preliminary Inquiry

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a. Upon the conclusion of the Preliminary Inquiry, the Responding Party, will be provided Notice of whether:

- (1) Any charge(s) will be filed and if so, what charge(s) will be filed.
- (2) A Formal Investigation will commence.
- (3) An Alternative Resolution is an option.
- (4) An Administrative Resolution is an option.
- (5) Any Interim Measure(s) or Action(s) will be implemented.

b. If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment all Parties will be provided Notice simultaneously.

D. Conflicts of Interest: Each Conduct Officer, Committee member, and Review Panelist is expected to conduct due diligence to determine if there is a potential conflict of interest. If there is a conflict of interest for the Conduct Officer, the Conduct Officer will refer the matter to another Conduct Officer. If any member of the Committee or Review panel has a conflict of interest, an alternate will be appointed. Any individual, including a Party, has the right to raise any potential conflict of interest concerns with the Conduct Officer or the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or the Designee of Director of Student Success Initiatives and UMS Coordinator of Student Conduct.

E. Alternative Resolution

Alternative resolution processes such as conflict coaching, mediation, facilitated dialogue, and restorative justice allow individuals involved in a conflict to have significant influence over the resolution process and any outcome.

If (1) all persons personally and directly affected by the conduct matter under this Code agree to attempt resolution through one of these processes; and (2) the Conduct Officer believes that the process is an appropriate form of resolution, then the Conduct Officer will make arrangements for the chosen alternative resolution pathway. The nature of some conduct matters, for instance those involving violence, are not suitable for alternative resolution.

Participation in an alternative resolution process is voluntary and may or may not result in an agreement or resolution. When a mutually satisfactory resolution is reached by the Parties, the case is resolved and Parties are encouraged to use the Conduct Officer as a resource for future questions. Resolutions reached through alternative resolution are not permitted to be appealed.

If resolution is not achieved through an attempt at alternative resolution, including if resolution is not sustained following an alternative resolution agreement, the Parties retain their right to pursue formal resolution through processes outlined elsewhere in this Code.

F. ADMINISTRATIVE RESOLUTION

- i. At the Conduct Officer's sole discretion and consistent with other requirements of this Code, a conduct matter may be resolved through Administrative Resolution.
- ii. An Administrative Resolution may only be used when the conduct matter involves the following: facts are not in dispute; a University Employee directly observed the conduct violation; and the violation is a minor conduct violation (for example, noise, minor alcohol infractions).
- iii. If a student objects to use of an Administrative Resolution, the student may request a formal review and the University will proceed with a Formal Investigation under this Code.
- iv. All Administrative Resolutions must be resolved within 30 days. This timeframe does not include the time required for any resultant sanctions to be completed.

G. INTERIM MEASURES OR ACTIONS

- i. A Responding Party may have privileges suspended or may be suspended from the University pending the outcome of a disciplinary process if, in the judgment of the Conduct Officer, the Responding Party's continued presence or use of privileges at the University is likely to pose:

- a. A substantial threat to the Reporting Party or to other people, or
 - b. Significant risk of property damage, or
 - c. Significant risk of disruption to or interference with the normal operations of the University.
- ii. Interim Measure(s) or Action(s), including but not limited to: interim suspensions; University Property usage restrictions; University account holds; and academic degree holds, will be implemented with the goal of mitigating negative impact on the Parties while maintaining the safety of the University community and integrity of the investigation.
- iii. Absent a substantial threat to health, safety, or well-being of the campus, individuals on campus, or the campus community, a Responding Party who has been issued an Interim Measure(s) or Action(s) will receive notice of the basis for the Interim Measure(s) or Action(s) and may seek a review hearing of that decision prior to the Interim Measure(s) or Action(s) being imposed. The review hearing will be conducted by a University Employee appointed by the university President or the Dean of the University of Maine School of Law. This review hearing will entail questioning of the Parties, and reviewing information that may be relevant to the determination of whether Interim Measure(s) or Action(s) would be appropriate under the circumstances. If a review hearing is requested, the University Employee appointed by the university President the Dean of the University of Maine School of Law will conduct the review and issue a decision within five (5) business days. If extenuating circumstances exist that preclude the Conduct Officer Hearing from occurring within five (5) business days, an update will be provided indicating the estimated timeframe for the hearing.
- iv. If there is substantial threat to health, safety, or well-being of the campus, individuals on campus, or the campus community, Interim Measure(s) or Action(s) may be imposed immediately. In such cases, the Responding Party will be provided notice of the basis for the Interim Measure(s) or Action(s) and notice of the date of the review hearing, which will occur within three (3) business days of the decision. If extenuating circumstances exist that preclude the Conduct Officer Hearing from occurring within three (3) business days, an update will be provided indicating the estimated timeframe for the hearing.

H. Notice of Interim Measures or Actions

- i. The Responding Party will be provided Notice of:
 - a. Any Interim Measure(s) or Action(s) that will be implemented.
 - b. Their right of review as described in Section 5(G)(iii-iv).
- ii. If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment, all Parties will be provided Notice simultaneously.

I. NOTICE OF FORMAL INVESTIGATION

- i. Prior to commencement of a Formal Investigation, the Conduct Officer will provide written Notice to the Responding Party.
- ii. If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment all Parties will be provided Notice simultaneously.
- iii. Notice will include the following:
 - a. Alleged Code violation(s) and a description of the alleged conduct constituting each alleged violation:
 - (1) Reporting Party; and
 - (2) Location(s) of alleged conduct; and
 - (3) Date(s) of alleged conduct; and
 - (4) Right to have an Advisor present; and
 - (5) The name of the investigator; and
 - (6) The procedures that will be used to address the alleged Code violation(s); and
 - (7) Maximum possible sanction(s) which may be imposed; and
 - b. Any right of appeal for any Responding Party; and
 - c. Any right of appeal for any Responding Party and any Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment.

J. FORMAL INVESTIGATION

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- i. Upon the Conduct Officer's decision to commence a Formal Investigation, the Conduct Officer will initiate the investigation or assign it to a trained investigator, who may be internal or external, as soon as reasonably practicable but at least within three (3) business days.
- ii. The University may, where appropriate, temporarily delay its investigation when criminal charges on the basis of the same conduct are being investigated.
- iii. Investigations should follow applicable standards, including with regard to objectivity, reliability, thoroughness, impartiality, timeliness, and fairness.
- iv. In general, investigations should entail interviews with relevant parties and witnesses, obtaining and reviewing available evidence, and identifying sources of expert information, as applicable.
- v. The Conduct Officer or investigator will provide regular updates to the Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment) throughout the investigation, as appropriate. Such regular updates should occur at least every 30 calendar days.
- vi. While investigation times may vary, in general, formal investigations should be completed within 90 calendar days. If a Formal investigation is going to take longer than 90 calendar days, an update will be provided indicating the estimated timeframe for completion of the investigation. Such updates will be provided to the Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking, Discrimination, or Harassment).

K. Determination of Hearing Format

- i. There are two (2) hearing formats under this Code.
 - a. Conduct Officer Hearing
 - b. Hearing Board Hearing
- ii. The hearing format should be chosen based on the complexity of the matter, the impact to the Parties and the community, the severity of likely sanctions, and other relevant circumstances.
- iii. In general, Conduct Officer Hearing should be considered when:
 - a. Facts are less complex.
 - b. Alleged violation(s) are anticipated to have lower impact to the Parties and the community.
- iv. In general, Hearing Board Hearing should be considered when:
 - a. Facts are more complex.
 - b. A diversity of opinions is important to a fair outcome.
 - c. Alleged violation(s) are anticipated to have higher impact to the Parties and the community. For example cases which could reasonably result in suspension, dismissal, or removal from housing.
- v. A Hearing Board Hearing is required for Code violations involving:
 - a. Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment.
 - b. Serious physical, emotional, or psychological harm or the threat thereof.

L. Notice Following Formal Investigation

- i. Upon the conclusion of the Formal Investigation, the Responding Party, will be provided Notice of whether:
 - a. Any charge(s) will be filed and if so, what charge(s) will be filed.
 - b. A hearing before a Conduct Officer will occur.
 - c. A hearing before a Hearing Board will occur.
 - d. An Informal Resolution may be pursued.
- ii. If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment all Parties will be provided Notice.
- iii. If no charges are being brought at the conclusion of the Formal Investigation, the Conduct Officer will provide such notification to the Responding Party. If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment, the Parties will receive simultaneous notification of the Conduct Officer's decision not to bring charges and both the Parties will be notified of the right to appeal to the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee.

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HEARINGS

6. CONDUCT OFFICER HEARING

A. Notice of Conduct Officer Hearing

- i. If any Code violation(s) are being filed, the Conduct Officer will provide written Notice within ten (10) business days from the conclusion of the Formal Investigation to the Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment).
- ii. Notice will include the following:
 - a. Code violation(s) and a description of the alleged conduct constituting each violation; and
 - b. Reporting Party(ies); and
 - c. Date(s) of alleged conduct; and
 - d. Right to have an Advisor of their choice present; and
 - e. Right to review the information that will be used by the Conduct Officer during the Conduct Officer Hearing; and
 - f. Date and time of the Conduct Officer Hearing; and
 - g. Name of the Conduct Officer; and
 - h. Names of witnesses request to appear by the Hearing Board; and
 - i. The procedures that will be used; and
 - j. Maximum possible sanction(s) which may be imposed.

- B. **TIMEFRAME OF HEARING:** The Conduct Officer hearing is required to be held not earlier than seven (7) business days and not later than fourteen (14) business days after issuance of the Notice of Conduct Officer Hearing. If extenuating circumstances exist that preclude the Conduct Officer Hearing from occurring within fourteen (14) business days, an update will be provided indicating the estimated timeframe for the hearing.
- C. If a Party is unable to attend the Conduct Officer Hearing related to the constraints of a legal process (for example, a protective order or a no contact order) or is unable to attend related to concerns about trauma or future violence then the Party will be provided alternative means of participation consistent with applicable law.
- D. If any Party is not present at the time of the Conduct Officer Hearing, the Conduct Officer may, taking into account, concerns with health and safety, timeliness of the process, and the reason for a Party's absence, and taking into account the totality of the circumstances:
 - i. Proceed in a normal manner without a Party's attendance; or
 - ii. Hear only a portion of the testimony and adjourn to a later date; or
 - iii. Postpone the entire hearing to a later date.

The Conduct Officer may not rely solely on the absence of any Party in determining the outcome of the matter.

- E. The Responding Party may be accompanied by an Advisor of their choice and a support person of their choice. Advisors and support people will not be permitted to speak at the hearing, except to speak with their advisee, unless permission has otherwise been granted by the Conduct Officer.
 - i. The Conduct Officer should hear and consider as evidence relevant information.
 - ii. The Conduct Officer should not consider information obtained directly or indirectly through a search of a Party's or witnesses' effects or room if a court of law has determined the search was illegal.
 - iii. If the Conduct Officer is aware that a criminal prosecution relating to the same violation(s) is being conducted, or such action appears likely, then independent of the hearing, the Conduct Officer will notify the Responding Party in advance of the Responding Party's right to remain silent. The Conduct Officer will draw no negative inference from the Responding Party's silence including the refusal to give information or consent to a search.

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- iv. The Conduct Officer will make arrangements for recording the hearing. No recording in any form, other than the one made by the University, is permitted. Conduct Officer hearing proceedings are considered confidential unless otherwise indicated by law.
- v. Any Party has the right to, for demonstrated bias or conflict of interest, petition for the removal of the Conduct Officer by submitting written notice to the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee stating the grounds for the removal at least five (5) business days prior to the scheduled hearing. Removal of Conduct Officer for demonstrated bias or conflict of interest will be within the authority and at the discretion of the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee.
- vi. The names of Parties' witnesses, written statements, or other information should be submitted to the Conduct Officer at least two (2) business days prior to the hearing for inclusion in the materials presented to the Conduct Officer. The Parties may submit additional: names of witnesses; written statements; or other information at the time of the hearing.

F. Conduct Officer Hearing Procedures

- i. Responsibility for recognizing and permitting persons to speak is the exclusive purview of the Conduct Officer.
- ii. Persons disruptive at any stage of the hearing may be asked to leave at the discretion of the Conduct Officer.
- iii. The Parties will each have the opportunity to make an opening statement.
- iv. The Investigator will present the results of the investigation.
- v. The Conduct Officer may ask questions of any witnesses and the Parties.
- vi. The Parties may pose questions to each other and to any witnesses through the Conduct Officer. The Conduct Officer will ask the witness or other Party the question posed if the Conduct Officer determines the question is relevant and appropriate.
- vii. Questioning by any Advisor or support person is not permitted.
- viii. The Parties will each have the opportunity to make a closing statement, which may include recommendations regarding appropriate sanctions.
- ix. Using the Preponderance of the Evidence standard, the Conduct Officer will determine if the Responding Party has violated this Code or has not violated this Code.
- x. If the Responding Party has not violated this Code, the case will be dismissed.
- xi. If the Responding Party has violated this Code, the Conduct Officer will impose appropriate sanction(s).

G. NOTICE OF CONDUCT OFFICER HEARING OUTCOME

- i. The Conduct Officer will provide written Notice to the Responding Party.
- ii. Notice will include:
 - a. The outcome; and
 - b. The reasoning and facts that support the outcome; and
 - c. Any sanction(s) imposed; and
 - d. Any right of appeal.
- iii. If the alleged conduct is Dating Violence, Domestic Violence, Sexual Assault, or Stalking, the Parties will receive simultaneous written Notice of:
 - a. The outcome; and
 - b. The reasoning and facts that support the outcome; and
 - c. Any sanction(s) imposed; and
 - d. Any right of appeal.
- iv. If the alleged violation Gender Discrimination, Sexual Harassment, Discrimination or Harassment, the Reporting Party shall receive simultaneous written Notice of:
 - a. The outcome and any sanctions that directly relate to the Reporting Party; and
 - b. Any right of appeal.
- v. In a case of a Violent Crime other than those listed above, the University may disclose the final results of the disciplinary proceeding to the victim(s), regardless of whether the University concluded a violation was committed.

Absent a substantial threat to health, safety, or well-being of the campus, individuals on campus, or the campus community, Sanctions will take effect only after all University appeals are final or all University appeal periods have ended. Applicable threat assessment procedures should be utilized as appropriate. Interim Measures or Actions are to remain in place until all University appeals are final or all University appeal periods have ended unless indicated otherwise in writing by the Conduct Officer.

7. HEARING BOARD

A. NOTICE OF HEARING BEFORE THE HEARING BOARD

- i. If any Code violation(s) are being filed, the Hearing Board Chair will provide written Notice within ten (10) business days from the conclusion of the Formal Investigation to the Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment).
- ii. Notice will include the following:
 - a. Code violation(s) and a description of the alleged conduct constituting each violation.
 - b. Reporting Party(ies).
 - c. Date(s) of alleged conduct.
 - d. Right to have an Advisor of their choice present.
 - e. Right to review the information that will be used by the Hearing Board during the Hearing Board.
 - f. Date and time of the Hearing Board.
 - g. Names of the Hearing Board members.
 - h. Names of witnesses request to appear by the Hearing Board.
 - i. The procedures that will be used.
 - j. Maximum possible sanction(s) which may be imposed.

B. HEARING BOARD COMPOSITION

- i. The Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee is responsible for appointing the Hearing Board.
 - ii. The Hearing Board is comprised of at least three (3), five (5), or seven (7) members consisting of:
 - a. A chair who is either a faculty or staff member; and
 - b. At least one (1) enrolled student; and
 - c. At least one (1) additional faculty or staff member.
 - iii. All members will be required to sign a conflict of interest form for each hearing. All members are required to avoid both apparent and real conflicts of interest. Any Hearing Board member who has a potential conflict of interest or feels that they are unable to render an unbiased decision is required to decline assignment to the Hearing Board.
 - iv. The composition of the Hearing Board will represent the diversity of the University community whenever reasonably practicable.
 - v. Hearing Board alternate members will be appointed as applicable and appropriate.
- C. TIMEFRAME OF HEARING:** The Hearing Board hearing is required be held not earlier than seven (7) business days and not later than fourteen (14) business days after issuance of the Notice of Hearing Board Hearing. If extenuating circumstances exist that preclude the Conduct Officer Hearing from occurring within fourteen (14) business days, an update will be provided indicating the estimated timeframe for the hearing. Such updates will be provided to the Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment).
- D. If a Party is unable to attend the Conduct Officer Hearing related to the constraints of a legal process (for example, a protective order or a no contact order) or is unable to attend related to concerns about trauma or future violence then the Party will be provided alternative means of participation consistent with applicable law.
 - E. If any Party is not present at the time of the Hearing, the Hearing Board Chair may, taking into account, concerns with health and safety, timeliness of the process, and the reason for a Party's absence, and taking into account the totality of the circumstances:
 - i. Proceed in a normal manner without a Party's attendance; or
 - ii. Hear only a portion of the testimony and adjourn to a later date; or

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- iii. Postpone the entire hearing to a later date.

The Hearing Board may not rely solely on the absence of any Party in determining the outcome of the matter.

- F. The Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment), may be accompanied by an Advisor of their choice and a support person of their choice. Advisors and support people will not be permitted to speak at the hearing, except to speak with their advisee, unless permission has otherwise been granted by the Hearing Board Chair.
- G. The Hearing Board should hear and consider as evidence relevant information.
- H. The Hearing Board should not consider information obtained directly or indirectly through a search of a Party's or witnesses' effects or room if a court of law has determined the search was illegal.
- I. If the Hearing Board is aware that a criminal prosecution relating to the same violation(s) is being conducted, or such action appears likely, then independent of the hearing, the Hearing Board Chair will notify the Responding Party in advance of the Responding Party's right to remain silent. The Hearing Board will draw no negative inference from the Responding Party's silence including the refusal to give information or consent to a search.
- J. The Hearing Board Chair will make arrangements for recording the hearing. No recording in any form, other than the one made by the University, is permitted. Hearing Board proceedings are considered confidential unless otherwise indicated by law.
- K. Any Party has the right to, for demonstrated bias or conflict of interest, petition for the removal of any Hearing Board member by submitting written notice to the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee stating the grounds for the removal at least five (5) business days prior to the scheduled hearing. Removal of Hearing Board members for demonstrated bias or conflict of interest will be within the authority and at the discretion of the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee.
- L. The names of Parties' witnesses, written statements, or other information should be submitted to the Hearing Board Chair at least two (2) business days prior to the hearing for inclusion in the materials presented to the Hearing Board. The Parties may submit additional: names of witnesses; written statements; or other information at the time of the hearing.
- M. Hearing Board Hearing Procedures**
 - i. Responsibility for recognizing and permitting persons to speak is the exclusive purview of the Hearing Board Chair.
 - ii. Persons disruptive at any stage of the hearing may be asked to leave at the discretion of the Hearing Board Chair.
 - iii. The Parties will each have the opportunity to make an opening statement.
 - iv. The Investigator will present the results of the investigation.
 - v. The Hearing Board may ask questions of any witnesses and the Parties.
 - vi. The Parties may pose questions to each other and to any witnesses through the Hearing Board Chair. The Hearing Board Chair will ask the witness or other Party the question posed if the Hearing Board Chair determines the question is relevant and appropriate.
 - vii. Questioning by any Advisor or support person is not permitted.
 - viii. The Parties will each have the opportunity to make a closing statement, which may include recommendations regarding appropriate sanctions.
 - ix. After the closing statements, the Hearing Board will go into a closed session to determine whether the Responding Party has violated this Code. The closed session is not recorded.
 - x. Using the Preponderance of the Evidence standard, the Hearing Board will determine, by majority vote, if the Responding Party has violated this Code or has not violated this Code. If there is a tie vote, the Responding Party will be found to have not violated this Code.
 - xi. If the Responding Party has been found to have not violated this Code, the case will be dismissed. Such dismissal will not affect any appeal rights any Party may have.

- xii. If the Responding Party has been found to have violated this Code, the Hearing Board will impose appropriate sanction(s).

N. NOTICE OF HEARING BOARD OUTCOME

- i. The Hearing Board Chair will provide written Notice to the Responding Party.
- ii. Notice will include:
 - a. The outcome; and
 - b. The reasoning and facts that support the outcome; and
 - c. Any sanction(s) imposed; and
 - d. Any right of appeal (e.g. an Appeal Panel).
- iii. If the alleged conduct is Dating Violence, Domestic Violence, Sexual Assault, or Stalking, the Parties will receive simultaneous written Notice of:
 - a. The outcome; and
 - b. The reasoning and facts that support the outcome; and
 - c. Any sanction(s) imposed; and
 - d. Any right of appeal (e.g. an Appeal Panel).
- iv. If the alleged violation Gender Discrimination, Sexual Harassment, Discrimination or Harassment, the Reporting Party shall receive simultaneous written Notice of:
 - a. The outcome and any sanctions that directly relate to the Reporting Party; and
 - b. Any right of appeal (e.g. an Appeal Panel).
- v. In a case of a Violent Crime other than those listed above, the University may disclose the final results of the disciplinary proceeding to the victim(s), regardless of whether the University concluded a violation was committed.

Absent a substantial threat to health, safety, or well-being of the campus, individuals on campus, or the campus community, Sanctions will take effect only after all University appeals are final or all University appeal periods have ended. Applicable threat assessment procedures should be utilized as appropriate. Interim Measures or Actions are to remain in place until all University appeals are final or all University appeal periods have ended unless indicated otherwise in writing by the Conduct Officer.

APPEALS

8. APPEAL PANEL

- A. In the event the Conduct Officer or the Hearing Board imposes a sanction of suspension, dismissal, removal from University Housing, academic degree revocation, or loss of recognition of campus organizations, the Responding Party has a right to appeal any finding(s) or sanction(s) to an Appeal Panel. If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment, both Parties have the right to appeal any finding(s) or sanction(s) to an Appeal Panel.
- B. **APPEAL PANEL COMPOSITION**
 - i. The Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee is responsible for appointing the Appeal Panel.
 - ii. The Appeal Panel is comprised of three (3) people consisting of:
 - a. A Appeal Panel chair who is either a faculty or staff member; and
 - b. One (1) enrolled student; and
 - c. One (1) Hearing Board member.
 - iii. All Appeal Panel members are required to have not had previous involvement with the current matter. All members will be required to sign a conflict of interest form for each hearing. All members are required to avoid both apparent and real conflicts of interest. Any Appeal Panel member who has a potential conflict of interest or feels that they are unable to render an unbiased decision is required to decline assignment to the Appeal Panel.
 - iv. The composition of the Appeal Panel will represent the diversity of the University community whenever reasonably practicable.
 - v. Appeal Panel alternate members will be appointed as applicable and appropriate.

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- C. In cases of a review to an Appeal Panel, the Responding Party charged with the violation and authorized Campus Authorities may have access to the record for purposes of review relating to a request for appeal. The Advisor may have access to the same information as the Party they are advising, provided the Party has given appropriate authorization.
- D. If the alleged violation is Dating Violence, Domestic Violence, Sexual Assault, or Stalking, the Reporting Party may have the same access to the recording as the Respondent. If the alleged violation is Gender Discrimination, Sexual Harassment, Discrimination, or Harassment the Reporting Party may have access to the portions of the recording pertaining to the Reporting Party. The Advisor may have access to the same information as the Party they are advising, provided the Party has given appropriate authorization.
- E. Appeals must be:
 - i. In writing; and
 - ii. State the issue(s) to be reviewed based on at least one of the grounds for appeal listed below in Section 8(G); and
 - iii. Submitted to the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee within five (5) business days after the appealing Party has received written notice of the Conduct Officer or Hearing Board finding(s); and
 - iv. Not longer than ten (10) pages in length plus attachments.
- F. If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment the appeal request will be shared with the other Party(ies). Such other Parties may file a response with the Appeal Panel within five (5) business days; this response will be shared with all Parties. Nothing in this Section precludes any Party from filing an appeal as detailed in Sections 8(A-E).
- G. **Grounds for Appeal:** The Appeal Panel is not intended to be a full rehearing (de novo) of the allegation(s). The appeal will be limited to the following grounds:
 - i. A substantive error, including a procedural error or omission, that substantially impacted the investigation or the outcome of the Conduct Officer or Hearing Board Hearing (for example, bias or failure to follow applicable procedures).
 - ii. To consider new evidence, not reasonably available during the investigation or Conduct Officer or Hearing Board hearing, that could impact the Conduct Officer or Hearing Board finding(s) or sanction(s). A summary of this new evidence and its potential impact must be included in the request for appeal.
 - iii. The sanction imposed is disproportionate to the severity of the violation, considering the totality of circumstances.
- H. Absent extenuating circumstances, the Conduct Officer or Hearing Board finding(s) and sanction(s) will stand if the request for appeal is not timely or is not based on the grounds listed above in Section 8(G). Extenuating circumstances are at the discretion of the University and will be determined by the Appeal Panel Chair in conjunction with the Office of General Counsel.
- I. **NOTICE OF APPEAL BEFORE THE APPEAL PANEL**
 - i. If an appeal is submitted consistent with parameters identified in Sections 8(A-E), the Appeal Panel Chair will provide written Notice within fifteen (15) business days from the finalized request for appeal; such Notice required to be provided to the Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment).
 - ii. Notice will include the following:
 - a. The issue(s) to be reviewed and the ground(s) for appeal.
 - b. Right to review the information that will be used by the Appeal Panel.
 - c. Date and time of the initial Appeal Panel meeting.
 - d. Names of the Appeal Panel members.
 - e. The procedures that will be used.
 - f. Maximum possible sanction(s) which may be imposed.
- J. **TIMEFRAME OF APPEAL:** The Appeal Panel is required have an initial meeting not earlier than seven (7) business days and not later than fourteen (14) business days after issuance of the Notice of Appeal. If

extenuating circumstances exist that preclude the initial Appeal Panel meeting from occurring within fourteen (14) business days, an update will be provided indicating the estimated timeframe for the hearing. Such updates will be provided to the Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination or Harassment). Any Party may contact the Appeal Panel Chair for general updates on the process.

- K. Any Party has the right to, for demonstrated bias or conflict of interest, petition for the removal of any Appeal Panel member by submitting written notice to the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee stating the grounds for the removal at least five (5) business days prior to the scheduled initial meeting. Removal of Appeal Panel members for demonstrated bias or conflict of interest will be within the authority and at the discretion of the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee.

L. Functions of Appeal Panel:

- i. Review the conduct matter file including but not limited to: the investigative report; Conduct Officer or Hearing Board files and recordings; and
- ii. Review any new information provided; and
- iii. Ask clarifying questions as applicable, including but not limited to, as appropriate, asking questions of: the Investigator; Conduct Officer; Hearing Board member; individuals who presented information to the Conduct Officer or Hearing Board, and other individuals who have information relevant to the process; and
- iv. Make a determination based on the information reviewed. Determinations are based on majority vote.

M. The Appeal Panel may make the following determinations:

- i. Uphold or change the findings of the Conduct Officer or Hearing Board; or
- ii. Uphold or change the sanctions of the Conduct Officer or Hearing Board; or
- iii. Remand for a new or additional investigation with a new or same investigator; or
- iv. Remand to the same Conduct Officer or Hearing Board for a new hearing; or
- v. Remand to a different Conduct Officer or Hearing Board for a new hearing.

N. A remand to the same or a different Conduct Officer or Hearing Board is final and not subject to appeal.

O. The Appeal Panel will provide Notice to the Parties of any determination(s).

P. **NOTICE OF APPEAL PANEL OUTCOME**

- i. The Appeal Panel Chair will provide written Notice to the Responding Party.
- ii. Notice will include:
 - a. The outcome; and
 - b. The reasoning and facts that support the outcome; and
 - c. Any sanction(s) imposed; and
 - d. Any right of appeal (e.g. a Presidential Appeal Panel).
- iii. If the alleged conduct is Dating Violence, Domestic Violence, Sexual Assault, or Stalking, the Parties will receive simultaneous written Notice of:
 - a. The outcome; and
 - b. The reasoning and facts that support the outcome; and
 - c. Any sanction(s) imposed; and
 - d. Any right of appeal (e.g. a Presidential Appeal Panel).
- iv. If the alleged violation Gender Discrimination, Sexual Harassment, Discrimination or Harassment, the Reporting Party shall receive simultaneous written Notice of:
 - a. The outcome and any sanctions that directly relate to the Reporting Party, and
 - b. Any right of appeal (e.g. a Presidential Appeal Panel).
- v. In a case of a Violent Crime other than those listed above, the University may disclose the final results of the disciplinary proceeding to the victim(s), regardless of whether the University concluded a violation was committed.

Absent a substantial threat to health, safety, or well-being of the campus, individuals on campus, or the campus community, Sanctions will take effect only after all University appeals are final or all University appeal periods have ended. Applicable threat assessment procedures should be utilized as appropriate.

Interim Measures or Actions are to remain in place until all University appeals are final or all University appeal periods have ended unless indicated otherwise in writing by the Conduct Officer.

9. PRESIDENTIAL APPEAL PANEL

- A. In the event the Appeal Panel imposes a sanction of suspension, dismissal, removal from University Housing, academic degree revocation, or loss of recognition of campus organizations, the Responding Party has a right to appeal any finding(s) or sanction(s) to a Presidential Appeal Panel. If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment both Parties have the right to appeal any finding(s) or sanction(s) to a Presidential Panel.
- B. **PRESIDENTIAL APPEAL PANEL COMPOSITION**
 - i. Each university President or the Dean of the University of Maine School of Law is responsible for appointing the Presidential Appeal Panel.
 - ii. The Presidential Appeal Panel is comprised of three (3) people consisting of:
 - a. Presidential Appeal Panel Chair who is either a faculty or staff member; and
 - b. One (1) enrolled student; and
 - c. One (1) UMS System Office Employee.
 - iii. All Presidential Appeal Panel members are required to have not had previous involvement with the current matter. All members will be required to sign a conflict of interest form for each hearing. All members are required to avoid both apparent and real conflicts of interest. Any Presidential Appeal Panel member who has a potential conflict of interest or feels that they are unable to render an unbiased decision is required to decline assignment to the Presidential Appeal Panel.
 - iv. The composition of the Presidential Appeal Panel will represent the diversity of the University community whenever reasonably practicable.
 - v. Presidential Appeal Panel alternate members will be appointed as applicable and appropriate.
- C. In cases of a review to a Presidential Appeal Panel, the Responding Party charged with the violation and authorized Campus Authorities may have access to the record for purposes of review relating to a request for appeal. The Advisor may have access to the same information as the Party they are advising, provided the Party has given appropriate authorization.
- D. If the alleged violation is Dating Violence, Domestic Violence, Sexual Assault, or Stalking, the Reporting Party may have the same access to the recording as the Respondent. If the alleged violation is Gender Discrimination, Sexual Harassment, Discrimination or Harassment the Reporting Party may have access to the portions of the recording pertaining to the Reporting Party. The Advisor may have access to the same information as the Party they are advising, provided the Party has given appropriate authorization.
- E. Presidential Appeals must be:
 - i. In writing; and
 - ii. State the issue(s) to be reviewed based on at least one of the grounds for appeal listed below in Section 9(G), and
 - iii. Submitted to the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee within five (5) business days after the appealing Party has received written notice of the Appeal Panel finding(s) and
 - iv. Not longer than ten (10) pages in length plus attachments.
- F. If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment the appeal request will be shared with the other Party(ies). Such other Parties may file a response with the Appeal Panel within five (5) business days; this response will be shared with all Parties. Nothing in this Section precludes any Party from filing an appeal as detailed in Sections 9(A-E).
- G. **Grounds for Appeal:** The Presidential Appeal Panel is not intended to be a full rehearing (de novo) of the allegation(s). The appeal will be limited to the following grounds:
 - i. A substantive error, including a procedural error or omission, that substantially impacted the investigation or the outcome of the Conduct Officer or Hearing Board Hearing (for example, bias or failure to follow applicable procedures).
 - ii. To consider new evidence, not reasonably available during the investigation or Conduct Officer or Hearing Board hearing, that could impact the Conduct Officer or Hearing Board finding(s) or

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sanction(s). A summary of this new evidence and its potential impact must be included in the request for appeal.

- iii. The sanction imposed is disproportionate to the severity of the violation, considering the totality of circumstances.
- H. Absent extenuating circumstances, the Conduct Officer, Hearing Board, or Appeal Panel finding(s) and sanction(s) will stand if the request for appeal is not timely or is not based on the grounds listed above in Section 9(G). Extenuating circumstances are at the discretion of the University and will be determined by the Presidential Appeal Panel Chair in conjunction with the Office of General Counsel.
- I. **NOTICE OF APPEAL BEFORE THE PRESIDENTIAL APPEAL PANEL**
 - i. If an appeal is submitted consistent with parameters identified in Sections 9(A-E), the Presidential Appeal Panel Chair will provide written Notice within fifteen (15) business days from the finalized request for appeal; such Notice required to be provided to the Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment).
 - ii. Notice will include the following:
 - a. The issue(s) to be reviewed and the ground(s) for appeal.
 - b. Right to review the information that will be used by the Presidential Appeal Panel.
 - c. Date and time of the initial Presidential Appeal Panel meeting.
 - d. Names of the Presidential Appeal Panel members.
 - e. The procedures that will be used.
 - f. Maximum possible sanction(s) which may be imposed.
- J. **TIMEFRAME OF APPEAL:** The Presidential Appeal Panel is required have an initial meeting not earlier than seven (7) business days and not later than fourteen (14) business days after issuance of the Notice of Presidential Appeal. If extenuating circumstances exist that preclude the initial Presidential Appeal Panel meeting from occurring within fourteen (14) business days, an update will be provided indicating the estimated timeframe for the hearing. Such updates will be provided to the Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment).
- K. Any Party has the right to, for demonstrated bias or conflict of interest, petition for the removal of any Presidential Appeal Panel member by submitting written notice to the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee stating the grounds for the removal at least five (5) business days prior to the scheduled initial meeting. Removal of Presidential Appeal Panel members for cause will be within the authority and at the discretion of the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee.
- L. Functions of Presidential Appeal Panel:
 - i. Review the conduct matter file including but not limited to: the investigative report; Conduct Officer or Hearing Board files and recordings; and
 - ii. Review any new information provided; and
 - iii. Ask clarifying questions as applicable, including but not limited to, as appropriate, asking questions of: the Investigator; Conduct Officer; Hearing Board member; Appeal Panel member, individuals who presented information to the Conduct Officer, Hearing Board, or Appeal Panel, and other individuals who have information relevant to the process; and
 - iv. Make a determination based on the information reviewed. Determinations are based on majority vote.
- M. The Presidential Appeal Panel may make the following determinations:
 - i. Uphold or change the findings of the Conduct Officer or Hearing Board; or
 - ii. Uphold or change the sanctions of the Conduct Officer or Hearing Board; or
 - iii. Remand for a new or additional investigation with a new or same investigator; or
 - iv. Remand to the same Conduct Officer or Hearing Board for a new hearing; or
 - v. Remand to a different Conduct Officer or Hearing Board for a new hearing.
- N. **All decisions of the Presidential Appeal Panel are final.**
- O. The President Appeal Panel will provide notice of any determinations to the applicable university President. The university President may accept the determination of the Presidential Appeal Panel or request further review.

P. After the university President accepts the determination of the Presidential Appeal Panel, the Presidential Appeal Panel Chair will provide Notice to the Parties of any determination(s).

Q. NOTICE OF PRESIDENTIAL APPEAL PANEL OUTCOME

- i. The President Appeal Panel Chair will provide written Notice to the Responding Party.
- ii. Notice will include:
 - a. The outcome; and
 - b. The reasoning and facts that support the outcome; and
 - c. Any sanction(s) imposed; and
 - d. Any right of appeal.
- iii. If the alleged conduct is Dating Violence, Domestic Violence, Sexual Assault, or Stalking, the Parties will receive simultaneous written Notice of:
 - a. The outcome; and
 - b. The reasoning and facts that support the outcome; and
 - c. Any sanction(s) imposed; and
 - d. Any right of appeal.
- iv. If the alleged violation Gender Discrimination, Sexual Harassment, Discrimination or Harassment, the Reporting Party shall receive simultaneous written Notice of:
 - a. The outcome and any sanctions that directly relate to the Reporting Party; and
 - b. Any right of appeal.
- v. In a case of a Violent Crime other than those listed above, the University may disclose the final results of the disciplinary proceeding to the victim(s), regardless of whether the University concluded a violation was committed.

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10. TRAINING

- A. Each university President and the Dean of University of Maine School of Law in conjunction with the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or the Designee of the Director of Student Success Initiatives and UMS Coordinator of Student Conduct will identify at least three (3) people in each of the following categories to receive annual training to enable them to serve as trained Hearing Board, Appeal Panel or Presidential Appeal Panel members:
 - i. Enrolled students; and
 - ii. Faculty members; and
 - iii. Staff members; and
 - iv. System level employees.
- B. Only individuals who have received annual training are permitted to serve as Hearing Board, Appeal Panel or Presidential Appeal Panel members.
- C. The following individuals will have annual training on issues related to: Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment; how to conduct an investigation; and hearing process that protects the safety of individuals involved and promotes accountability:
 - i. University Presidents and the Dean of University of Maine School of Law; and
 - ii. Individuals responsible for conducting Preliminary Inquiries or Formal Investigations; and
 - iii. Conduct Officers; and
 - iv. Hearing Board, Appeal Panel or Presidential Appeal Panel members; and
 - v. Any other individuals university Presidents and the Dean of University of Maine School of Law or the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or the Designee of the Director of Student Success Initiatives and UMS Coordinator of Student Conduct designates to be included in training.

Individuals should receive training commensurate with their role in the process.

11. STUDENT CONDUCT CODE COMMITTEE

- A. The Student Conduct Code Committee is responsible for:

- i. Reviewing this Code for potential revision at least once every three (3) years or at any time at the request of:
 - a. Conduct Officers representing at least two (2) campuses of the University; or
 - b. Student government officers representing at least two (2) campuses of the University; or
 - c. Student government officers representing at least one (1) campus of the University and the University of Maine School of Law; or
 - d. The Chancellor.
 - ii. Accepting and responding to feedback that various members of the UMS community may have regarding this Code.
 - iii. Proposing revisions to this Code to the Board of Trustees.
- B. The Student Conduct Code Committee will be composed of the following:
- i. A Committee Chair appointed by the Chancellor.
 - ii. Up to five (5) faculty, staff, or enrolled students, appointed by the Committee Chair.
 - iii. One (1) Board Trustee appointed by the UMS Board of Trustees Chair.
 - iv. One (1) enrolled distance education program student appointed by the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee.
 - v. Three (3) graduate students appointed by the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or the Designee of the Director of Student Success Initiatives and UMS Coordinator of Student Conduct. Graduate students from any campus may serve in this role.
 - vi. Seven (7) Conduct Officers, one (1) from each campus, appointed by each university President.
 - vii. One (1) Law School staff member, appointed by the Dean of University of Maine School of Law.
 - viii. Seven (7) Hearing Board Chairs, one (1) from each campus, appointed by the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or the Designee of the Director of Student Success Initiatives and UMS Coordinator of Student Conduct.
 - ix. Eight (8) enrolled students, one (1) from each campus and the University of Maine School of Law.
 - a. Each applicable student government body will nominate a slate of at least three (3) enrolled students.
 - b. Each university President and the Dean of University of Maine School of Law will choose from their respective slate of nominees one (1) enrolled student representative.

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12. AMENDING THE STUDENT CONDUCT CODE

The Board of Trustees will act upon proposed revisions to this Code after receiving recommendations from the Student Conduct Code Committee. As provisions of this Code are subject to periodic review and change, the most recent and current copy of this Code may be obtained through the University of Maine System website, the University of Maine System Vice Chancellor for Academic Affairs Office, or the student affairs office on each campus.

Anyone who wishes to request assistance in accessing the information in this Code, may contact the ADA Coordinator at 207-581-1227, adacoordinator@maine.edu, or TTY 711(Maine Relay System).

**Revised by the Student Conduct Code Review Board and accepted by the Board of Trustees, X Date, 2021
Effective Date: July 26, 2021**

UNIVERSITY OF MAINE SYSTEM STUDENT CONDUCT CODE

Effective Date: ~~1 July 2018~~26, 2021

Revised by the Student Conduct Code ~~Review Board~~Committee
and

~~Accepted~~Approved by the Board of Trustees, ~~19 March 2018~~X Date, 2021

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UNIVERSITY OF MAINE SYSTEM STUDENT CONDUCT CODE

POLICY STATEMENT

The purpose of ~~the~~this University of Maine System Student Conduct Code (~~the~~this "Code") is to promote the pursuit of activities that contribute to the intellectual, ethical, and physical development of the individuals under the auspices of the University of Maine System (~~the~~"University") and the individual university campuses. ~~The and the University of Maine School of Law. This~~ Code seeks to ~~ensure~~promote the safety of persons engaging in those pursuits; ~~to protect~~, the free and peaceful expression of ideas; ~~and to assure~~ the integrity of ~~various~~ academic processes.

Students are expected to conduct ~~their affairs themselves~~ with proper regard for their rights and responsibilities, and the rights and responsibilities of others ~~and of including~~ the University. All members of the University community share a responsibility for maintaining an environment where actions are guided by mutual respect, integrity, and reason.

All members of the University are governed by University policies, local ordinances, and state and federal laws. For specific governing documents, students and ~~for~~ campus organizations may refer to: University Policies and Procedures; campus student handbooks; campus residence hall agreements and manuals; and ~~related other~~ official University notices and publications. Individuals in violation of state and federal law are subject to prosecution by appropriate state and federal authorities regardless of whether the activity occurs on or off University Property. In addition, students may be subject to disciplinary action by the University pursuant to ~~the Code. The severity of the imposed sanctions will be appropriate to the violation and circumstances of the situation.~~ this Code or other applicable University policies, handbooks, catalogs, or standards.

In ~~seeking~~addition to encourage responsible attitudes the procedures described in this Code, using fair, objective decision-making processes, the University ~~places much reliance upon personal example, counseling, may implement administrative de-escalation and admonition. In certain circumstances where these preferred means fail,~~ alternative resolution measures to resolve issues that arise within the University community.

What constitutes an offense and what sanctions may be imposed will ~~rely upon the rules and procedures described in~~ be decided using the Student Conduct Code.

The Officer may make minor modifications ~~to procedure that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules, etc.~~

Policy in effect at the time of the offense ~~will apply even if the policy is changed subsequently but prior to resolution. Procedures. With regard to the procedures applicable to the resolution of any alleged offense, the Code procedures~~ in effect at the time of the resolution report will apply to resolution of incidents, regardless of whether the incidents occurred on or off campus, and regardless of when the incident occurred.

If ~~government regulations change applicable law or regulation changes~~ in a way that impacts this ~~document~~Code, this ~~document~~Code will be construed to comply with government regulations applicable law and regulation in ~~their~~its most recent form.

IN THE ENFORCEMENT OF THE CODE, THE UNIVERSITY FUNCTIONS IN AN ADMINISTRATIVE MANNER. THE UNIVERSITY'S ADMINISTRATIVE PROCESS AFFORDS FUNDAMENTAL FAIRNESS, BUT DOES NOT FOLLOW THE TRADITIONAL COMMON LAW ADVERSARIAL METHOD OF A COURT OF LAW.

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In the implementation of this Code, the University seeks to function in an administrative manner grounded in our educational mission with an emphasis on fundamental fairness, due process, personal responsibilities, and community relationships.

In complying with the letter and spirit of applicable laws and in pursuing its own goals of diversity, the University of Maine System does not discriminate on the grounds of race, color, religion, sex, sexual orientation, ~~transgender status~~ gender identity, gender expression, national origin, citizenship status, age, disability, genetic information or veterans status in employment, education, and all other programs and activities. The University provides reasonable accommodations to qualified individuals with disabilities upon request.

The following person has been designated to handle inquiries regarding non-discrimination policies: Director of Equal Opportunity, North Stevens Hall, Orono, ME -04469; voice: (207) 581-1226; TTY 711 (Maine Relay System) email: equal.opportunity@maine.edu.

A qualified student with a disability is entitled to reasonable accommodations to participate in this administrative process. Accommodations may include, but are not limited to, sign language interpretation or information in alternative formats. Students wishing to request reasonable accommodations should make those requests directly to the Conduct Officer. The Conduct Officer will consult with the appropriate campus office for students with disabilities to assist with the determination of reasonable accommodations. Students may be required to provide documentation in order for the Conduct Officer to make a determination.

Student rights and responsibilities are outlined throughout this Code. If students have questions or concerns about this Code or the way this Code is being applied, they are welcome to contact a Conduct Officer at the university; this may be either the Conduct Officer handling a particular matter or another Student Conduct Officer. If questions or concerns about the Code or the way this Code is being applied remain unresolved following this, the student may contact the Conduct Officer's supervisor or the Director of Student Success Initiatives and UMS Coordinator of Student Conduct. If questions or concerns remain unresolved following this, students may contact the Vice Chancellor for Academic Affairs.

Various timeframes, including for response and submission of information and documents, are outlined throughout this Code. If, at any time, a student would like to request an update or additional information about a particular matter under review, the student may contact the Campus Authority handling the matter.

1.1 JURISDICTION

~~A. The Code will apply to the following:~~

A. This Code applies when the University has jurisdiction over the Responding Party and the alleged conduct. The University has jurisdiction when the Responding Party is any of the following:

~~1.i. Any person(s) accepted, registered, or enrolled in any course or program offered by the University, including distance courses and who have not been absent from the University greater than one (1) calendar year; or~~

~~2.ii. Any person accepted to student currently on probation or currently suspended from the University; or~~

~~3. Any University recognized student organization; or~~

~~4.iii. Any group of students any student organization not currently recognized, but currently under University probation or suspension, by the University.~~

B. Persons are deemed A student is considered to be enrolled at the University until such time as the student has:

~~1.i. Officially graduated from the University; or~~

~~2.ii. Been officially dismissed from the University; or~~

~~Not~~

~~0. (NB: Students who have not graduated nor been enrolled in any course or program within the University for one calendar year.~~

~~Persons are also deemed to be enrolled at the University if the student:~~

~~1. Has dismissed, but who have been officially suspended absent from the University (persons are~~

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- deemed to be enrolled during the period of their suspension), or
 d. Is taking distance courses provided greater than one (1) calendar year, are not covered by or presented at a University campus; this Code as noted in Section 1(A)(i).)
- C. ~~The~~This Code may be applied in cases of conduct when the alleged incident occurs;
 1-i. ~~Occurs on~~On any campus of the University, or ~~involving any other~~involves University Property; or
 2-ii. ~~At Activities Pursued Under~~an activity pursued under the ~~Auspices~~auspices of the University; or
 iii. ~~In which a context where~~the University can demonstrate a substantial interest as an academic institution regardless of ~~where the location of~~the conduct occurs, including online or off-campus, and ~~in which~~where the conduct ~~seriously~~threatens: (a) ~~any~~
 a. ~~Any~~educational process; (b) ~~legitimate~~or
 b. ~~Legitimate~~function of the University; or (c) ~~the~~
 3-c. ~~The~~health or safety of any individual.
- D. ~~It is at the University's discretion to determine whether Jurisdiction applies. In general, Jurisdiction is determined on the date of the alleged incident or date of the relevant nexus of events.~~
- ## II.2. DEFINITIONS
- A. ~~Activities Pursued Under the Auspices of the University: Any activities specifically sponsored or participated in by the campus or by any campus organization. Such activities do not include informal off-campus gatherings of students. However, this definition will not be construed so as to limit the University's jurisdiction.~~
- C. ~~Administrative Hearing Before the Officer: A hearing before the Officer to determine if a Responding Party has violated any section(s) of the Code.~~
- E.A. ~~Advisor: A person who is available to advise or support any party involved in a Code violation investigation and resolution process. Someone acting in the capacity of an any matter governed by this Code. An advisor may not beserve as a witness, or a participant in the hearing. Examples of advisors may include, but are not limited to, family members, friends, University Employees, and attorneys.~~
- B. ~~Appeal Panel: A panel that hears appeals from the Conduct Officer Hearing or the Hearing Board hearing, described in Section 8.~~
- C. ~~Campus Authorities: Includes, but is not limited to, any Campus Policecampus police or Security Staff, the security staff, investigator, Conduct Officer, Hearing Board, Appeal Panel, or Presidential Appeal Panel members.~~
- C. ~~Conduct Officer, the Committee, and the Review Panel.~~
- D. ~~Conduct Officer (the "Officer"): Person(s) or designee(s) responsible for resolving: Individual appointed by the University to address alleged violations of the this Code.~~
- F.E. ~~Conduct Officer Hearing: A hearing before the Conduct Officer to determine if a Responding Party has violated any section(s) of this Code.~~
- H.F. ~~Consent: An individual's voluntary agreement to engage in specific sexual activity, acts with another person.~~
- 1-i. ~~Consent must be:~~
 a. ~~Informed, freely, and actively given, and consist of a mutually agreeable and understandable exchange of words or actions.~~
 b. ~~Clear, knowing and voluntary.~~
 c. ~~Active, not passive.~~
- 2-ii. ~~Consent may be withdrawn at any time, and when outwardly communicated that consent is withdrawn sexual activity must cease.~~
- 3-iii. ~~Silence, passivity, or absence of resistance, in and of itself, cannot be interpreted as consent.~~
- 4-iv. ~~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.~~

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~~5-v.~~ Past consent does not imply future consent. Even in the context of an ongoing relationship, consent must be sought and freely given for each sexual act.

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~~6-vi.~~ Consent to engage in one form of sexual activity does not imply consent to engage in any other sexual activity.

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~~7-vii.~~ Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with any other person.

~~8-viii.~~ There is no consent when the exchange involves unwanted physical force, coercion, intimidation and/or threats.

~~9-ix.~~ 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~~the Reasonable Person, there is no consent. This includes conditions resulting from voluntary alcohol or drug consumption, ~~or~~ being asleep, or unconscious when the Responding Party takes advantage of the other party's incapacitation. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.

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~~10-x.~~ Consent is not valid if the person is too young to consent to sexual activity under Maine applicable law, even if the minor wanted to engage in the activity.

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~~D- Formal Investigation:~~ A fair, thorough, and impartial process used to determine, to the fullest extent possible, if a there has been a violation of the Code. Investigations include, but are not limited to, interviews with relevant parties and evidence collection.

~~D- Gender Expression:~~ An individual's external expression of their gender identity, through such means as clothing, hair styling, jewelry, voice, and behavior.

~~D- Gender Identity:~~ An individual's sincerely held core belief regarding their gender whether that individual identifies as male, female, a blend of both, neither, or in some other way (such as, for example, an individual who identifies as "queer", "genderqueer", "bi-gender", "intersex", or "gender fluid").

~~D- Hostile Environment:~~ Is created when harassment is:

~~9- Severe, Persistent, or Pervasive; and~~

~~10- 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 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:

~~i- The degree to which the conduct affected one or more students' education or individual's employment;~~

~~ii- The nature, scope, frequency, duration, and location of the incident(s);~~

~~iii- The identity, number, and relationships of persons involved; and~~

~~iv- The nature of higher education.~~

~~D- Incapacitation:~~ An individual is mentally or physically incapacitated such that:

~~23- The individual cannot understand the fact, nature, or extent of the situation (e.g. to understand the "who, what, when, where, why or how" of the situation); and~~

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24. ~~The incapacitation is known or should be known to the Responding Party (as evaluative from the perspective of a Reasonable Person).~~

~~This includes conditions resulting from alcohol or drug consumption, being asleep, or unconscious.~~

~~A policy violation is not excused by the fact that the Responding Party was intoxicated and, due to that intoxication, did not realize the incapacity of the other person.~~

~~D. **Interim Measures or Actions:** Taken to promote the safety and well-being of the Parties, including, but not limited to, moving either Party to a new living, dining or working situation; issuing a no contact order; changing class or work schedules; changing transportation; financial aid accommodations; immigration assistance; and other academic and/or employment accommodations and support.~~

~~xi. **Notification Standards:** Official notice from the University may be. In evaluating whether consent was given, consideration will be given to the totality of the facts and circumstances, including but not limited to the extent to which a Reporting Party affirmatively uses words or actions indicating a willingness to engage in sexual contact, free from intimidation, fear, or coercion; whether a reasonable person in the Responding Party's position would have understood such person's words and acts as an expression of consent; and whether there are any circumstances, known or reasonably apparent to the Responding Party, demonstrating incapacitation or lack of consent.~~

~~G. **Formal Investigation:** The process described in Section 5(J).~~

~~H. **Incapacitation:** An individual who is incapacitated lacks the ability to make informed judgments and cannot consent to sexual contact. Incapacitation is the inability, temporarily or permanently, to give consent because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. Mentally helpless means a person is rendered temporarily incapable of appraising or controlling one's own conduct. Physically helpless means a person is physically unable to verbally or otherwise communicate consent or unwillingness to an act. Where alcohol or other drugs are involved, incapacitation is a state beyond impairment or intoxication. Where alcohol or other drugs are involved, evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects a person's decision-making ability; awareness of consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; or level of consciousness.~~

~~I. **Interim Measures or Actions:** The process described in Section 5(G).~~

~~J. **Notice:** Notice is considered effective if hand delivered, mailed to a student's with signature confirmation of delivery at the person's or entity's last known address, or delivered through the use of the current student's or University Employee email account, with confirmation of receipt, or at the University's discretion, another method requested by a Party. Students are expected to regularly monitor their official University email account.~~

~~K. **Party(ies):** The May refer to the Reporting Party(ies) and), Responding Party(ies), or both Parties collectively.~~

~~F. **Preliminary Inquiry:** Typically one to three (1-3) days in length, this inquiry precedes a formal investigation, to determine if there is reasonable cause to believe that there has been a violation of the Code.~~

~~L. **Preliminary Inquiry:** The process described in Section 5(C).~~

~~M. **Preponderance of the Evidence:** TheA standard of evidence used to determine whether the Student Conduct Code has been violated. Under this standard, a violation will be determined that requires a fact or event to have occurred if, based upon the evidence presented, the Officer, the Committee, or the Review Panel conclude that it is more likely than not that the violation was committed to have occurred, e.g., a greater than fifty percent (50%) chance.~~

~~N. **Presidential Appeal Panel:** A panel that hears appeals from the Appeal Panel as described in Section 9.~~

~~M.O. **Reasonable Person:** A representative individual under similar circumstances and with similar identities to the standard that reflects what a reasonable sober person in question, who exercises care, skill, and judgment the same or similar circumstance would do.~~

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~~Q.P.~~ **Reporting Party:** A person who alleges harm ~~and/or~~ a policy violation under this Code by a person, a student, or student or campus organization. ~~Where the Reporting Party does not want to participate, the University may move forward with the case, as defined in Section 1(A)(i).~~ In cases of Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, ~~or Stalking, however~~ Discrimination, or Harassment, the words "Reporting Party" shall refer only to the person who has been allegedly harmed by the alleged misconduct. If a Reporting Party declines to participate, at the University's discretion, the University may move forward with the process under this Code.

Q. Responding Party: A person, a student, or student organization as defined in Section 1(A)(i). that has been alleged to have violated ~~the~~ this Code, is under Formal Investigation, or has been charged with a violation of ~~the~~ this Code.

~~S.~~ **Review Panel:** A one (1) or three (3) member panel ~~Hearing Board: A Board~~ that hears ~~reviews from the Committee, described in Section VII.~~

~~U.~~ **Sexual Orientation:** A person's actual or perceived sexuality or sexual identity.

~~W.R.~~ **Student Conduct Committee (the "Committee"):** A committee composed ~~cases~~ of representatives from campuses alleged violations of the University responsible for hearing conduct cases ~~on review after the Administrative Hearing, this Code as~~ described in Section 147.

~~Y.S.~~ **University Employee:** Employees, including faculty, staff, students, Board of Trustees, volunteers, and agents of the University.

~~AA.~~ **University of Maine System Student Conduct Code (the "Code"):** This entire document.

~~CC.T.~~ **University of Maine System (the "University"):** Means either collectively or singularly, any of the of following campuses: University of Maine at Augusta; University of Maine at Farmington; University of Maine at Fort Kent; University of Maine at Machias; University of Maine ~~(Orono)~~; University of Maine at Presque Isle; University of Southern Maine; University ~~Colleges of~~ Maine School of Law and all University Property.

~~EE.U.~~ **University Property:** Includes, but is not limited to, any Real or Personal Property owned, held, rented, licensed, chartered, or at the University's discretion, Real or Personal Property otherwise engaged by the University in any manner or by University Employees ~~and/or~~ campus organizations as a direct result of and in connection with their service to the University.

~~1.i.~~ **Real Property:** Land, buildings, fixtures, improvements, and any interests therein.

~~2.ii.~~ **Personal Property:** All property, other than real property, and any interests therein. ~~The University's computer network and all its component parts, which are not real property. Any document or record issued or purporting to be issued by the University.~~

~~J.~~ **Violent Crime:** Arson, assault offenses, intimidation, burglary, manslaughter, murder, destruction/damage/vandalism of property, kidnapping/abduction, and/or robbery.

V. Violent Crime: As described in Family Educational Rights and Privacy Act (FERPA).

3. VIOLATIONS

~~III.~~ Violations

~~Violations are activities~~ conduct which contravenes this Code and directly and significantly interfere with the University's (1) primary educational responsibility of ensuring the opportunity of all members of the community to attain their educational objectives, or (2) subsidiary or other responsibilities of protecting the health and safety of persons in the campus community, maintaining and protecting property, keeping records, providing living accommodations and other services, and sponsoring non-classroom activities such as lectures, concerts, athletic events, and social functions to the University community.

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Disciplinary action taken under this Code is independent of the awarding of grades (an academic matter), and provisions of this Code cannot be used for changing awarded grades. The violations listed below are considered in the context of the student's responsibility as a member of the academic community; other actions which may be considered as violations may be defined by other documents, such as, for example, residence hall contracts. Disciplinary action taken under the Code is independent, student handbooks, or codes of the awarding conduct specific to certain courses of grades (an academic matter), and provisions of the Code cannot be used for changing awarded grades study or majors.

The residence hall contract between the student and the University may specify certain other conditions which impose additional responsibilities and obligations on the residence hall student. The following violations indicate categories of conduct or activity which violate the Code.

Reporting Violations

All reports are acted upon promptly while every effort is made by the University to preserve the privacy of such reports. Such reports may also be anonymous. Anonymous reports will be investigated to determine if remedies can be provided. Reports of alleged violations of the Code should be reported to Campus Authorities such as the University's Residence Hall staff, Dean of Students, or Officer. Reports of Gender Discrimination (including sexual harassment, dating violence, domestic violence, sexual assault or stalking) may be reported directly to the University's Title IX Coordinator/Deputy Coordinator.

The following violations are provided in order to give persons, students reasonable warning, and student organizations notice that such conduct or attempted conduct is prohibited.

A. Academic Misconduct

1. Plagiarism: The submission of another's work as one's own, without adequate attribution. Plagiarism is academic theft.

2. Cheating: The act or attempted act of deception by which a person, student, or student organization seeks to misrepresent that he/she has they have mastered information on an academic exercise that he/she has they have not mastered. Cheating is also the use or attempted use of unauthorized assistance in an examination, paper, homework assignment, or other project.

3. Fabrication: The use of invented information or the falsification of research or other findings in an academic exercise.

4. Plagiarism: The submission of another's work as one's own, without adequate attribution.

5. Facilitating Academic Misconduct/Contributing to academic dishonesty: Assisting in another person's, student's, or student organization's academic misconduct/dishonesty.

6. Other forms of dishonest academic conduct: Any actions by which one seeks an unfair academic advantage over others.

7. Violation of UMS Academic Integrity Policy

B. Disruption of University Operations

1. Causing a Disturbance: Disturbance resulting in substantial disruption of authorized University activities.

2. Failure to Comply with Sanction: Failure to comply with or attempts to circumvent a sanction(s) imposed by the Officer, Committee, or Review Panel under this Code.

3. Failure to Identify: Failing to properly/accurately identify oneself to a University Employee acting in pursuit of performing their official duties.

4. Interference with Code Enforcement: Interference with a Reporting Party, Responding Party, witness, investigation or the carrying out of procedures defined in the this Code.

5. Interference with or Failure to Comply with a University Employee: Direct interference with or failure to comply with a University Employee in the performance of his/her/their official duties.

6. Supplying False Information: Knowingly supplying false information to University Employees in pursuit of their official duties or to a Committee or Review Panel/Hearing Board, Appeal Panel, or Presidential

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Appeal Panel, in the course of a disciplinary proceeding, or knowingly causing false information to be thus supplied.

~~7-vii. Unauthorized Representation:~~ Unauthorized representation of the University or University Employee(s).

~~2. Violation of Residence Hall Policies:~~ Violation of residence hall contracts, except when the residence hall contract specifically provides for an alternate procedure or remedy for the violation concerned.

viii. Violation of Residence Hall Contract

~~8-ix. Violation of Student Activity Regulations:~~ Violation of a ~~campus specific or system-wide~~ University regulation, policy, standard of conduct, or code of ethics applicable to the activity in which the student is engaged, and which has been adopted, published or otherwise made known to students participating in such activity.

D.C. Health & Safety Violations

~~1-i. Creating a Dangerous Condition:~~ Creation of a fire hazard or other dangerous condition.

~~2. Endangering Health or Safety:~~ Conduct which threatens or endangers the health or safety of any individual.

~~3-ii. False Reporting of Dangerous Conditions:~~ Giving or causing to be given false reports of fire or other dangerous conditions.

iii. Endangering Health or Safety

iv. Violation of Health or Safety Policies

~~4-v. Illegal Possession, Use, or Sale of Drugs:~~ Illegal possession, use, or sale of drugs or drug paraphernalia. The misuse of legal prescription drugs.

~~5-vi. Interference with Safety Equipment or Alarms:~~ Tampering with, disabling, or causing malfunction of fire and safety equipment or alarm systems.

~~6. Possession or Misuse of Weapons:~~ Violation of regulations concerning possession or misuse of firearms or other dangerous weapons, as defined by policies established for each campus.

~~7-vii. Restricting Traffic Flow:~~ Restriction of normal traffic flow into or out of University Property.

~~8-viii. Unauthorized Use or Possession of Chemicals or Explosives:~~ Unauthorized use or possession of explosive components, chemicals, etc., such as fireworks, explosives, gas or compressed air.

~~9-ix. Violation of UMS or Campus Alcohol, Drug, or Tobacco and Smoke Free Policies:~~ Violations of University or State of Maine alcoholic beverage regulations or laws.

~~10-x. Violation of Health UMS or Safety Campus Weapons Policies:~~ Violation of University health or safety regulations.

F.D. Offenses Involving Other People

~~1. Assault:~~ Intentionally, knowingly, or recklessly causing bodily injury or offensive physical contact to another person.

~~1-ii. Causing Fear of Physical Harm:~~ Intentionally or recklessly placing a knowingly places another person or persons in reasonable fear of imminent physical harm or bodily injury.

~~2-iii. Dating Violence:~~ Violence committed against a person by an individual who is or has been in a social relationship of a romantic or intimate nature with that person. Whether a dating relationship exists is determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. All forms of dating violence prohibited by ~~Maine~~ applicable law are also included. ~~(for example, Assault).~~

iv. Discrimination: Discrimination based on actual or perceived race, color, religion, sex, sexual orientation, transgender status, gender expression, national origin, citizenship status, age, disability, genetic information, or veterans status.

~~3-v. Domestic Violence:~~ A felony or misdemeanor crime of violence committed by:
a. A current or former spouse or intimate partner of the victim; or

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- b. A person with whom the victim shares a child in common; or
- c. A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; or
- d. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- e. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

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All forms of domestic violence prohibited by Maine law are also included; applicable law are also included (for example, Domestic Violence Assault, Domestic Violence Criminal Threatening, Domestic Violence Terrorizing, Domestic Violence Stalking, and Domestic Violence Reckless Conduct).

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4-vi. Gender Discrimination: Discriminating against an individual on the basis of that individual's gender, including, but not limited to, Dating Violence, Domestic Violence, Sexual Assault, Sexual Harassment, or Stalking gender identity, or gender expression.

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5-vii. Harassment: Repeated and/or Severe or severe acts of pervasive unwelcome behavior that creates a hostile working, educational, conduct, including but not limited to: comments; jokes; acts; other verbal or living environment that unreasonably interferes with an individual's academic physical conduct or job performance and opportunities; bullying, that may be based on race, color, religion, sex (including pregnancy), sexual orientation, gender identity, gender expression, national origin, citizenship status, age, disability, genetic information, or veterans status.

6-viii. Hazing: Any action taken or situation created by a person or an organization, or with the knowledge or Consent of an organization, which, including harassing behavior, that recklessly or intentionally endangers the mental or physical health of any University Employee or a person, student, or student organization or any activity expected of a person, student, or student organization as a condition of joining or maintaining membership in a group that humiliates, degrades, abuses or endangers the student, regardless of the student's willingness to participate in the activity.

7-ix. Interference with Residential Life: Significant interference with the normal residential life of others.

8-x. Intimidation: Implied intentionally or actual threats or acts that cause a reasonable knowing places another person in fear of harm in another, and may be inferred from conduct, words, or circumstances reasonably calculated to cause fear imminent bodily injury.

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9-xi. Invasion of Privacy: The violation of another individual's reasonable expectation of privacy where the circumstances justify that expectation, including, but not limited to, physically trespassing in a private area with the intent of observing or eavesdropping; using an electronic device to intercept, record, amplify or broadcast a private conversation or private events; or engaging in surveillance, photographing, broadcasting, image capturing or recording of private conversations or private events.

The fact that the Responding Party was a party to the conversation or event is not determinative of another individual's reasonable expectation of privacy.

12-xii. Lewd or Indecent Behavior/Conduct: Exhibition, including by electronic means, of the genitals, anus, or pubic area of a person other than for legitimate academic purposes. Simulation of a sexual act, sex act in public with or without private parts showing, or public masturbation are also included.

13-iii. Physical Assault: Intentionally, knowingly, or recklessly causing bodily injury or offensive physical contact to another person.

14-xiii. Retaliation: Action taken by the University or any an individual(s) or group or organization against any person or group for opposing any practices prohibited by the any action taken in furtherance of this Code or for including but not limited to: filing a complaint, testifying, assisting, or participating in an investigation or proceeding under the this Code.

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This includes action taken against a bystander who intervened to stop or attempt to stop a violation of the Code. Retaliation includes intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's complaint or participation.

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Action is generally deemed retaliatory if it would deter a Reasonable Person in the same circumstances from opposing practices prohibited by the Code or from participating in the resolution of a complaint.

19-xiv. **Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape, as follows:

- a. **Rape** is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the victim.
- b. **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of his/her/their age or because of his/her/their temporary or permanent mental incapacity.
- c. **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. **Statutory rape** is sexual intercourse with a person who is under the statutory age of Consent under applicable law.

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All forms of sexual assault and sexual contact prohibited by Maine applicable law are also included. (For example, gross sexual assault, unlawful sexual contact, incest, sexual abuse of minors)

20-xv. **Sexual Harassment:** Includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including sexual assault ~~and~~ sexual violence, and any sexual act prohibited by applicable law. Sexual harassment, including Sexual Assault, can involve persons of the same or opposite sex.

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Consistent with the law, this policy prohibits two types of sexual harassment:

a. **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.

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

- i. ~~Is severe, pervasive, or persistent, subjectively and objectively offensive such that it denies or limits, and~~
- ii. ~~Is so severe or pervasive as to alter the conditions of a person's ability to participate in employment, education or living situation that it creates an abusive working, educational or benefit from the University's programs, services, opportunities, or activities, or living environment.~~
- iii. ~~Unreasonably interferes with an individual's academic or work performance.~~

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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.

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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:

- i. The degree to which the conduct affected one or more students' education or individual's employment; and
- ~~ii. The nature, scope, frequency, duration, and location of the incident(s);~~
- ~~iii. The identity, number, and relationships of persons involved; and~~
- ~~iii. The identity, number, and relationships of persons involved; and~~
- iv. The nature of higher education; and
- v. Whether the conduct arose in the context of other discriminatory conduct; and
- vi. Whether the conduct altered the conditions of the Complainant's educational or work performance and/or UMS programs or activities; and
- vii. Whether the conduct implicates academic freedom or protected speech; and
- viii. Other relevant factors that may arise from consideration of the reported facts and circumstances.

~~21-xvi. Sexual Misconduct:~~ Includes, but is not limited to, prostituting another person, ~~nonconsensual image capturing of watching or taking pictures, videos, or audio recordings of another person in a state of undress without their consent or of another person engaging in a sexual activity, presentation or unauthorized viewing of a non-consensual videotaping of act without the consent of all parties, disseminating, streaming, or posting images, pictures or video of another in a state of undress or of a sexual activity, nature without the person's consent;~~ letting others watch you have sex without the knowledge and Consent of your sexual partner, possession of child pornography, ~~peeping tommyvoyeurism,~~ and ~~or~~ knowingly transmitting an STD or HIV to another person; and any sexual act prohibited by applicable law. Sexual misconduct may constitute sexual harassment.

Sexual misconduct may also constitute sexual harassment.

All forms of sexual misconduct prohibited by ~~Maine~~applicable law are also included. (For example, Violation of Privacy, Possession of Sexually Explicit Material, Revenge Porn and Sex Trafficking).

~~22-xvii. Stalking:~~ Engaging in a course of conduct directed at a specific person that would cause a Reasonable Person to:

- a. Fear for the person's safety or the safety of others; or
- b. Suffer substantial emotional distress.

For the purposes of this definition:

- a. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

All forms of stalking prohibited by ~~Maine~~applicable law are also included.

- 3. Discriminatory Harassment: Harassment based on actual or perceived race, color, religion, sex, Sexual Orientation, Gender Identity, Gender Expression, national origin or citizenship status, age, disability, genetic information or veteran status.
- 4. Unauthorized Recording of a Conversation: Intercepting, recording or image capturing a University

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Employee in a classroom, office or over the telephone without that University Employee's Consent unless it is part of an approved reasonable accommodation.

xviii. **Unauthorized Recording:** In general, the unauthorized recording of overall course content, classroom sessions, meetings held under this Code, and confidential university meetings is prohibited and considered a violation of this Code. However, exceptions will be considered on a case-by-case basis where a recording is made for the purpose of documenting inappropriate behavior.

G.E. Offenses Involving Property

- 1-i. **Defacement, Destruction, or Misuse of Property:** ~~Intentional and~~ intentionally, knowingly or reckless misuse, destruction, recklessly misuses, tampers with, damages, destroys, or defacement of defaces University Property or of the property of ~~other people~~ others without appropriate authorization.
- 2-ii. **Misuse of University Computer Network or Computers:** Misuse of the University computer network or computers including, but not limited to, theft of computer files or data, e-mail, or other electronically stored information, ~~probing or hacking into other computers or computer systems~~ hacking or unauthorized probing, sharing of personal sign on information, spamming, sending out computer viruses, or uploading or downloading copyrighted material for personal use or distribution without authorization appropriate authorization, uses prohibited by state or federal law, including but not limited to possession or distribution of child pornography.
- 3- **Motor Vehicle Violation:** Violation of motor vehicle policies established for each campus.
- 4-iii. **Tampering, Destruction, or Falsification of Official Records:** ~~Tampering with, destroying, or falsifying official records.~~
- 5-iv. **Theft or Unauthorized Use:** Theft, attempted theft, or unauthorized acquisition, removal, distribution, or use of University Property or the property of another.
- 6-v. **Trespassing:** Trespassing or unauthorized presence on any University Property, ~~including residence halls or the property of another.~~
- vi. **Violation of Campus Motor Vehicle Policies or Parking Regulations**

H.F. General Infractions

- 1-i. **Aiding Infraction:** Knowingly assisting in ~~the~~ Code violation of any of the provisions of the Code.
- 2-ii. **Continued Infraction:** Continued infractions of ~~the~~ this Code.
- 3-iii. **Conviction of a Crime:** Conviction of any crime that threatens: (a) any educational process or legitimate function of the University, or (b) the health or safety of any individual.
- iv. **Interference with or Failure to Comply with Public Safety Personnel:** Direct interference with or failure to comply with any public safety personnel in the performance of their official duties.
- 4-v. **Other Illegal Activity:** Violating any applicable law (e.g., local, state, or federal laws otherwise not covered under the Code.).

IV.4. SANCTIONS

If a Responding Party admits to a violation of ~~the~~ this Code to the ~~Officer~~, Investigator, ~~Committee~~ Conduct Officer, Hearing Board, Appeal Panel, or Review Presidential Appeal Panel; or upon determination by the Conduct Officer, ~~Committee~~ Hearing Board, Appeal Panel, or Review Presidential Appeal Panel that a Responding Party has been found in violation of ~~the~~ this Code, one or more of the following sanctions may be imposed found in accordance with the provisions Board of the Code (see Trustees Section 4-402 Sex Discrimination, Sexual Harassment, Sexual Assault, Relationship Violence, Stalking and Retaliation and Title IX Sexual Harassment Policy in Board of Trustees Section 402 Sex Discrimination, Sexual Harassment, Sexual Assault, Relationship Violence, Stalking and Retaliation and Title IX Sexual Harassment Policy include:

- A. **Assigned Educational Projects:** Project(s): This may include educational programming, research projects, reflective essays, ~~counseling assessments, sanction seminars~~ presentations, or other related assignments intended to promote learning.

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

~~E. Deferred Sanction: A specific period of time during which a sanction has been imposed but is stayed. Any further violation of the Code during that time may, at minimum, result in the imposition of the deferred sanction, and any new or additional sanctions deemed necessary.~~

~~G.C. Disciplinary Dismissal: Permanent separation (subject to the right of review after five years) from the University.~~

~~i. Responding Parties who are dismissed will not be permitted to attend any of the University campuses or attend any University functions. After five (5) years from the date of the dismissal, the Responding Party may submit a written request to the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee to be readmitted/considered for readmission to attend one any of the University campuses. ~~For~~The Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee will convene a Responding Party preparing to transfer to a non-committee. This committee may draw on the membership of existing committees (such as the Justice Education Development Implementation team); this committee should include representation from any involved university campuses. Reviews of such requests should take into account that for external applicants, the University institution no longer reviews criminal or judicial history.~~

~~ii. Responding Parties who has have been dismissed found responsible for a Violent Crime or Sexual Assault, and who request an official transcript for the University, will have a letter will be attached to the student's official transcript explaining describing the dismissal. After five (5) years from the date of the dismissal, the Responding Party may submit a written request to have the letter attached for transfer applications to non-University institutions removed from their transcript the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee to have the letter attached to their official transcript be removed. The Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee will convene a committee. This committee may draw on the membership of existing committees (such as the Justice Education Development Implementation team); this committee should include representation from any involved university campuses. Reviews of such requests should take into account that for external applicants, the University no longer reviews criminal or judicial history.~~

~~iii. Requests for readmission or removal of the letter attached for transfer applications will be submitted to the Officer of the campus from which the Responding Party was dismissed. The Officer will convene the campus committee designated by the President to review such requests pursuant to the campus written procedures.~~

~~G.D. Disciplinary Probation: A specified period of time when any further violation may result in additional sanctions, up to and including dismissal from the University.~~

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

~~i. Responding Parties who are suspended will not be permitted to attend any of the University campuses during the sanction period or attend any University functions. After the sanction period has been completed and until all requirements/conditions of the suspension have been met, the Responding Party is eligible for readmission to any University campus. For a Responding Party preparing to transfer to a non-University institution who has been suspended are met and the suspension period has ended.~~

~~ii. Responding Parties who have been found responsible for a Violent Crime or Sexual Assault, a letter will be and who request an official transcript for the University, will have a letter attached to his/her/their official transcript explaining that he/she has been suspended. If describing the Responding Party is transferring to a non-University institution after suspension. After all conditions of the sanction has been completed suspension are met and the suspension period has ended the letter describing the suspension will no longer be attached to the official transcript.~~

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~~N. Fine: Payment of money. Responding Parties who are unable to pay may discuss alternate payment arrangements.~~

~~P.F. Loss of Contact with a Specific Person(s): With this sanction, the person Responding Parties may not initiate direct or indirect contact with a specified person(s).~~

~~R. Loss of Visitation Privileges: This loss of visitation may be to any designated area(s) of any University Property.~~

~~T.G. Official Warning: Official Formal acknowledgment of a violation and the expectation that it will not be repeated.~~

~~H. Mandatory Counseling~~

~~U.I. Reassignment, Suspension, or Removal from University Housing: Removal from a particular hall or all housing.~~

~~W.J. Restitution: Restitution, Reimbursement to the owner of up to the replacement value of the items property damaged, stolen, removed, or used without authority and damages incurred.~~

~~K. Such other action(s) as the Committee, Conduct Officer, Appeal Panel or Review Presidential Appeal Panel may reasonably deem appropriate (e.g., suspension, examples include but are not limited to:~~

~~i. Suspension of an organization's official campus recognition, suspension.~~

~~ii. Suspension of a student from an extracurricular activity, termination(ies).~~

~~iii. Suspension of guest privileges.~~

~~iv. Termination from student employment, and/or academic.~~

~~x.v. Academic degree revocation).~~

~~vi. Loss of visitation privileges to designated area(s) of any University Property.~~

~~vii. Monetary fine for recognized student organizations.~~

~~NOTE: The University may choose to defer sanctions on a case by case basis as circumstances warrant.~~

~~The University may impose a more severe sanction on a Responding Party when the Conduct Officer, Committee, or Review Panel determines that a Responding Party intentionally selected the person or organization against whom the violation was committed, or selected the property damaged or stolen, because of the race, color, religion, color, sex, Sexual Orientation, Gender Identity, Gender Expression, sexual orientation, gender identity, gender expression, national origin or citizenship status, age, disability, genetic information, or veteran/veterans status of that person, or the persons in the organization or the owner of the property.~~

~~V.5. PROCEDURES~~

~~An enrolled student may not graduate if they have a pending conduct case. If a student officially withdraws from the University or does not participate in the disciplinary process, the process will continue and the student may not, at the discretion of the University, be permitted to return to the University or graduate until the student is found not responsible for a violation of this Code or until any imposed sanctions have been satisfied.~~

~~As applicable and appropriate, prior to any interim measures or actions, sanctions, or as appropriate other action being taken under this Code, an individualized risk and safety assessment should be conducted to determine whether there is a reasonably foreseeable significant risk to others, or significant risk of self-harm. As applicable and appropriate, the Student Risk Assessment and Safety Intervention Policy should be utilized.~~

~~Reporting Each University campus may adopt procedures for carrying out the provisions of the Code within the~~

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guidelines set forth by the Code as described below and consistent with the Code. University campuses having a professional code of ethics may adopt additional procedural provisions to be applicable to their own students.

ADMINISTRATION AND INTERPRETATION OF THE CODE WILL BE SOLELY WITHIN THE JURISDICTION OF THE OFFICER, THE COMMITTEE OR THE REVIEW PANEL, SUCH INTERPRETATION BEING PURSUANT TO THE PROCEDURES OF THE CODE.

R. PRELIMINARY INQUIRY

A. Violations

- i. ~~Alleged violations of the this Code may be~~ brought to the attention of the University by University Employees, students, or members of the general public ~~and~~ will result in the initiation of a Preliminary Inquiry.
- ii. ~~Reports may be made anonymously however anonymous reporting may limit the ability to investigate and respond.~~
- iii. ~~Reports of Gender Discrimination (including Sexual Harassment, Dating Violence, Domestic Violence, Sexual Assault, or Stalking; Gender Discrimination may also include certain types of Discrimination and Harassment) are required to be reported directly to the University's Title IX Coordinator or Deputy Coordinator as described in Board of Trustees Section 402 Sex Discrimination, Sexual Harassment, Sexual Assault, Relationship Violence, Stalking and Retaliation and Title IX Sexual Harassment Policy.~~

B. Notice to Reporting Party: The Reporting Party will be notified that their report has been received and follow up will occur consistent with UMS policies and procedures.

C. PRELIMINARY INQUIRY

- i. ~~Reports of alleged violations of this Code will result in the initiation of a Preliminary Inquiry. A Preliminary Inquiry will determine if whether there is sufficient information to warrant a Formal Investigation or informal resolution proceed under this Code. Before interviewing or questioning of the Parties, notification occurs, Notice must be provided under as stated in Section V.C., 5(I), Notice of Formal Investigation, unless doing so would be likely to jeopardize health or safety, or the integrity of the investigation, or lead to the destruction of evidence.~~
 1. ~~Informal resolution may be used to resolve cases where:~~
 - a. ~~There is sufficient information to support the allegations;~~
 - a. ~~All parties have mutually consented to the process; and~~
 - a. ~~The process is acceptable to the Officer.~~

~~The Parties have the right to end the informal process at any time and begin the formal complaint process. Mediation may not be used in cases of allegations of Sexual Assault.~~

ii. Notice Following Preliminary Inquiry

- a. ~~Upon the conclusion of the Preliminary Inquiry, in accordance with Notification Standards, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking, the Parties the Responding Party, will be simultaneously notified provided Notice of whether no charges;~~
 - (1) ~~Any charge(s) will be filed, and if so, what charge(s) will be filed.~~
 - (2) ~~A Formal Investigation will commence, or Informal.~~
 - 2-(3) ~~An Alternative Resolution will be pursued. In all other cases, only the Responding Party will be notified whether or not charges will be filed, or if a Formal Investigation will commence is an option.~~
1. ~~If, during the Preliminary Inquiry or at any point during the Formal Investigation, the Officer determines that there is no reasonable cause to conclude that the Code has been violated, the disciplinary process will end and the Responding Party will be notified. If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking, the Parties will receive simultaneous notification of the Officer's decision end the disciplinary process and both the Parties will be notified of the right of review.~~
 - (4) ~~An Administrative Resolution is an option.~~
 - (5) ~~Any Interim Measure(s) or Action(s) will be implemented.~~

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~~3-b.~~ If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking, ~~once the need for a Formal Investigation has been determined, the Discrimination, or Harassment all Parties will be provided written notification of the Formal Investigation at the appropriate time during the Formal Investigation Notice simultaneously.~~

4.D. ~~Each~~ **Conflicts of Interest:** Each Conduct Officer, Committee member, and Review Panelist is expected to conduct due diligence to determine if there is a potential conflict of interest. If there is a conflict of interest for the Conduct Officer, the Conduct Officer will refer the matter to another Conduct Officer. If any member of the Committee or Review panel ~~is conflicted~~ **has a conflict of interest**, an alternate will be appointed. ~~The parties have~~ Any individual, including a Party, ~~has~~ the right to raise any potential conflict of interest ~~concerns~~ with the Conduct Officer or ~~any member of the Committee~~ Director of Student Success Initiatives and UMS Coordinator of Student Conduct or ~~Review Panel~~ the Designee of Director of Student Success Initiatives and UMS Coordinator of Student Conduct.

E. ~~The University aims~~ Alternative Resolution

~~Alternative resolution processes such as conflict coaching, mediation, facilitated dialogue, and restorative justice allow individuals involved in a conflict to complete have significant influence over the investigation resolution process and any outcome.~~

~~If (1) all persons personally and directly affected by the conduct matter under this Code agree to attempt resolution through one of these processes; and (2) the Conduct Officer believes that the process is an appropriate form of resolution, then the Conduct Officer will make arrangements for the chosen alternative resolution pathway. The nature of some conduct matters, for instance those involving violence, are not suitable for alternative resolution.~~

~~Participation in an alternative resolution process is voluntary and may or may not result in an agreement or resolution. When a mutually satisfactory resolution is reached by the Parties, the case is resolved and Parties are encouraged to use the Conduct Officer as a resource for future questions. Resolutions reached through alternative resolution are not permitted to be appealed.~~

~~If resolution is not achieved through an attempt at alternative resolution, including the Preliminary Inquiry and if resolution is not sustained following an alternative resolution agreement, the Parties retain their right to pursue formal resolution through processes outlined elsewhere in this Code.~~

F. ADMINISTRATIVE RESOLUTION

- i. ~~At the Conduct Officer's sole discretion and consistent with other requirements of this Code, a conduct matter may be resolved through Administrative Resolution.~~
- ii. ~~An Administrative Resolution may only be used when the conduct matter involves the following: facts are not in dispute; a University Employee directly observed the conduct violation; and the violation is a minor conduct violation (for example, noise, minor alcohol infractions).~~
- iii. ~~If a student objects to use of an Administrative Resolution, the student may request a formal review and the University will proceed with a Formal Investigation, if any, under this Code.~~
- iv. ~~All Administrative Resolutions must be resolved within a sixty (60) business day 30 days. This timeframe does not include the time period from the date of initial notice to completion of the Formal Investigation, if required for any, which time period may be extended as necessary for appropriate cause, resultant sanctions to be completed.~~

G. INTERIM MEASURES OR ACTIONS

7. ~~If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking, the University may provide Interim Measures or Actions intended to address the short-term effects of the alleged Harassment, discrimination, and/or Retaliation, to the Parties and the community, and to prevent further violations of the Code.~~

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- ~~Interim Measures or Actions taken will be kept as private as reasonably practicable.~~
- i. ~~A Responding Party may have privileges suspended or may be suspended from the University or have privileges revoked pending the outcome of a disciplinary proceeding process if, in the judgment of the Conduct Officer, the Responding Party's continued presence or use of privileges at the University pending the outcome of the proceeding is likely to pose a:~~
- ~~a. A substantial threat to the Reporting Party or to other people and/or is likely to cause significant, or~~
 - ~~b. Significant risk of property damage and/or~~
 - ~~c. Significant risk of disruption of or interference with the normal operations of the University.~~
- ~~The Officer may converse with the Parties when such Interim Measures and Actions are considered.~~
2. ~~Responding Parties who have been issued an Interim Measures or Actions or an interim suspension may seek review of that decision by requesting the Campus President or designee to review the decision. The Campus President or designee will review the request within five (5) business days of receipt.~~
3. ~~In accordance with Notification Standards, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking the Officer may inform the Parties of any Interim Measures or Actions.~~
4. ~~ii. Interim Measures or Actions, Interim Measure(s) or Action(s), including but not limited to: interim suspensions; no contact orders; University Property usage restrictions; University account holds; and academic degree holds, will be implemented to ensure as minimal with the goal of mitigating negative impact on the Parties while maintaining the safety of the University community and integrity of the investigation.~~
8. ~~An enrolled student may not graduate if that student has a pending conduct case. If a student officially withdraws from the University or does not participate in the disciplinary process, the process will continue and the student may not be permitted to return to the University or graduate until the student is found not responsible for a violation of the Code or any imposed sanctions have been satisfied.~~
- iii. ~~Absent a substantial threat to health, safety, or well-being of the campus, individuals on campus, or the campus community, a Responding Party who has been issued an Interim Measure(s) or Action(s) will receive notice of the basis for the Interim Measure(s) or Action(s) and may seek a review hearing of that decision prior to the Interim Measure(s) or Action(s) being imposed. The review hearing will be conducted by a University Employee appointed by the university President or the Dean of the University of Maine School of Law. This review hearing will entail questioning of the Parties, and reviewing information that may be relevant to the determination of whether Interim Measure(s) or Action(s) would be appropriate under the circumstances. If a review hearing is requested, the University Employee appointed by the university President the Dean of the University of Maine School of Law will conduct the review and issue a decision within five (5) business days. If extenuating circumstances exist that preclude the Conduct Officer Hearing from occurring within five (5) business days, an update will be provided indicating the estimated timeframe for the hearing.~~
- iv. ~~If there is substantial threat to health, safety, or well-being of the campus, individuals on campus, or the campus community, Interim Measure(s) or Action(s) may be imposed immediately. In such cases, the Responding Party will be provided notice of the basis for the Interim Measure(s) or Action(s) and notice of the date of the review hearing, which will occur within three (3) business days of the decision. If extenuating circumstances exist that preclude the Conduct Officer Hearing from occurring within three (3) business days, an update will be provided indicating the estimated timeframe for the hearing.~~
- H. Notice of Interim Measures or Actions**
- i. ~~The Responding Party will be provided Notice of:~~
- ~~a. Any Interim Measure(s) or Action(s) that will be implemented.~~
 - ~~b. Their right of review as described in Section 5(G)(iii-iv).~~

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v. 23APR2021

- ii. If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment, all Parties will be provided Notice simultaneously.

D-I. NOTICE OF FORMAL INVESTIGATION

- i. Prior to commencement of a Formal Investigation, the Conduct Officer will ~~not~~ provide written Notice to the Responding Party.

- ii. If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment all Parties will be provided Notice simultaneously.

- iii. Notice will include the following:

a. Alleged Code violation(s) and ~~the~~ a description of the alleged conduct constituting each alleged violation:

- (1) Reporting Party; and
- (2) Location(s) of alleged conduct; and
- (3) Date(s) of alleged conduct; and
- (4) Right to have an Advisor present; and
- (5) The name of the investigator; and
- (6) The procedures that will be used to address the alleged Code violation(s); and
- (7) Maximum possible sanction(s) which may be imposed; and

b. Any right of appeal for any Responding Party; and

~~4-c. Any right of appeal for any Responding Party and any~~ Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, ~~or Stalking~~ in writing per the Notification Standards of the following: Stalking, Discrimination, or Harassment.

Alleged Code violation(s);

~~e. Reporting Party(ies);~~

~~e. Date(s) of alleged occurrence(s);~~

~~e. Maximum possible sanctions which may be imposed;~~

~~e. The procedures that will be used to resolve the complaint; and~~

~~e. Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking) right of review.~~

4-I. FORMAL INVESTIGATION

- ~~4-i.~~ Upon the Conduct Officer's decision to commence a Formal Investigation, the Conduct Officer will initiate the investigation or assign it to a trained investigator, who may be internal or external, as soon as reasonably practicable. ~~but at least within three (3) business days.~~

- ii. The University may ~~undertake a short, where appropriate, temporarily~~ delay in its investigation when criminal charges on the basis of the same ~~behaviors that invoked this process~~ conduct are being investigated. ~~The University will promptly resume its investigation~~

- ~~2-iii.~~ Investigations should follow applicable standards, including with regard to objectivity, reliability, thoroughness, impartiality, timeliness, and resolution ~~processes once notified by law enforcement that the initial evidence collection is complete~~ fairness.

- ~~3-iv.~~ All ~~In general,~~ investigations will be thorough, reliable, impartial, prompt and fair. ~~Investigations should~~ entail interviews with all ~~relevant parties and witnesses, obtaining and reviewing~~ available evidence, and identifying sources of expert information, as necessary ~~applicable~~.

- ~~4.~~ If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking, both the Parties will be given access to the relevant evidence to be used in rendering a determination and each party will be provided a full and fair opportunity to address that evidence prior to a finding being rendered.

- ~~5-v.~~ The Conduct Officer ~~and/or~~ investigator will provide regular updates to the Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination,

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Sexual Assault, Sexual Harassment, ~~or Stalking, Discrimination, or Harassment~~) throughout the investigation, as appropriate. Such regular updates should occur at least every 30 calendar days.
~~10. During the investigation the Parties may be accompanied by an Advisor.~~

- vi. While investigation times may vary, in general, formal investigations should be completed within 90 calendar days. If a Formal investigation is going to take longer than 90 calendar days, an update will be provided indicating the estimated timeframe for completion of the investigation. Such updates will be provided to the Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking, Discrimination, or Harassment).

K. Determination of Hearing Format

- i. There are two (2) hearing formats under this Code.
 - a. Conduct Officer Hearing
 - b. Hearing Board Hearing
- ii. The hearing format should be chosen based on the complexity of the matter, the impact to the Parties and the community, the severity of likely sanctions, and other relevant circumstances.
- iii. In general, Conduct Officer Hearing should be considered when:
 - a. Facts are less complex.
 - b. Alleged violation(s) are anticipated to have lower impact to the Parties and the community.
- iv. In general, Hearing Board Hearing should be considered when:
 - a. Facts are more complex.
 - b. A diversity of opinions is important to a fair outcome.
 - c. Alleged violation(s) are anticipated to have higher impact to the Parties and the community. For example cases which could reasonably result in suspension, dismissal, or removal from housing.
- v. A Hearing Board Hearing is required for Code violations involving:
 - a. Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment.
 - b. Serious physical, emotional, or psychological harm or the threat thereof.

L. Notice Following Formal Investigation

- i. Upon the conclusion of the Formal Investigation, the Responding Party, will be provided Notice of whether:
 - a. Any charge(s) will be filed and if so, what charge(s) will be filed.
 - b. A hearing before a Conduct Officer will occur.
 - c. A hearing before a Hearing Board will occur.
 - d. An Informal Resolution may be pursued.
- ii. If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment all Parties will be provided Notice.
- iii. If no charges are being brought at the conclusion of the Formal Investigation, the Conduct Officer will provide such notification to the Responding Party. If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, ~~or Stalking, Discrimination, or Harassment~~, the Parties will receive simultaneous notification of the Conduct Officer's decision not to bring charges and both the Parties will be notified of the right of review to either a committee chair or alternative hearing officer to appeal to the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee.

NOTICE OF ADMINISTRATIVE HEARING BEFORE THE HEARINGS

M-6. CONDUCT OFFICER HEARING

A. Notice of Conduct Officer Hearing

- i. If ~~charges~~any Code violation(s) are being filed, the Conduct Officer will ~~notify~~provide written Notice within ten (10) business days from the conclusion of the Formal Investigation to the Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender

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Discrimination, Sexual Assault, Sexual Harassment, ~~or Stalking~~ in writing per the Notification Standards of, Discrimination, or Harassment).

4-ii. Notice will include the following:

- a. ~~Charge(s);~~
- a. Code violation(s) and a description of the alleged conduct constituting each violation; and
- a-b. Reporting Party(ies); and
- b-c. Date(s) of alleged occurrence(s); conduct; and
- d. Right to have an Advisor of their choice present; and
- e. Right to review the information that will be used by the Conduct Officer during the Conduct Officer Hearing; and
- f. Date and time of the Conduct Officer Hearing; and
- g. Name of the Conduct Officer; and
- h. Names of witnesses request to appear by the Hearing Board; and
- i. The procedures that will be used; and
- e-j. Maximum possible sanction(s) which may be imposed;
- a. ~~The procedures that will be used to resolve the complaint; and~~
- a. ~~Date and time of the Administrative Hearing.~~

V. ~~ADMINISTRATIVE HEARING BEFORE THE OFFICER~~

~~An Administrative Hearing Before the Officer will be held for cases that have not been disposed of informally where there is sufficient evidence to charge a Code violation.~~

- B. TIMEFRAME OF HEARING: The Conduct Officer hearing is required to be held not earlier than seven (7) business days and not later than fourteen (14) business days after issuance of the Notice of Conduct Officer Hearing. If extenuating circumstances exist that preclude the Conduct Officer Hearing from occurring within fourteen (14) business days, an update will be provided indicating the estimated timeframe for the hearing.
- C. If a Party is unable to attend the Conduct Officer Hearing related to the constraints of a legal process (for example, a protective order or a no contact order) or is unable to attend related to concerns about trauma or future violence then the Party will be provided alternative means of participation consistent with applicable law.
- D. If any Party is not present at the time appointed for the hearing, the Officer will first attempt to determine of the Conduct Officer Hearing, the Conduct Officer may, taking into account, concerns with health and safety, timeliness of the process, and the reason for that person's a Party's absence. The Officer may then proceed, and taking into account the totality of the circumstances:
 - i. Proceed in a normal manner without a Party's attendance, may hear, or
 - 2-ii. Hear only a portion of the testimony and adjourn to a later date, or may continue the entire hearing to a later date; or
 - iii. Postpone the entire hearing to a later date.

The Conduct Officer may not ~~consider~~ rely solely on the absence of any Party in determining the outcome of the matter.

- E. The Responding Party may be accompanied by an Advisor of their choice and a support person of their choice. Advisors and support people will not be permitted to speak at the hearing, except to speak with their advisee, unless permission has otherwise been granted by the Conduct Officer.
 - i. The Conduct Officer should hear and consider as evidence relevant to whether the Responding Party committed the alleged information.
 - ii. The Conduct Officer should not consider information obtained directly or indirectly through a search of a Party's or witnesses' effects or room if a court of law has determined the search was illegal.
 - * ~~If the Conduct Officer is aware that a criminal prosecution relating to the same violation of the Code.~~
 - iii. During the hearing(s) is being conducted, or such action appears likely, then independent of the hearing, the Conduct Officer will notify the Responding Party and the Reporting Party, if the alleged

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~~violation~~ in advance of the Responding Party's right to remain silent. The Conduct Officer will draw no negative inference from the Responding Party's silence including the refusal to give information or consent to a search.

- iv. ~~The Conduct Officer will make arrangements for recording the hearing. No recording in any form, other than the one made by the University, is permitted. Conduct Officer hearing proceedings are considered confidential unless otherwise indicated by law.~~
- v. ~~Any Party has the right to, for demonstrated bias or conflict of interest, petition for the removal of the Conduct Officer by submitting written notice to the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee stating the grounds for the removal at least five (5) business days prior to the scheduled hearing. Removal of Conduct Officer for demonstrated bias or conflict of interest will be within the authority and at the discretion of the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee.~~
- vi. ~~The names of Parties' witnesses, written statements, or other information should be submitted to the Conduct Officer at least two (2) business days prior to the hearing for inclusion in the materials presented to the Conduct Officer. The Parties may submit additional names of witnesses; written statements; or other information at the time of the hearing.~~

F. Conduct Officer Hearing Procedures

- i. ~~Responsibility for recognizing and permitting persons to speak is the exclusive purview of the Conduct Officer.~~
- ii. ~~Persons disruptive at any stage of the hearing may be asked to leave at the discretion of the Conduct Officer.~~
- iii. ~~The Parties will each have the opportunity to make an opening statement.~~
- iv. ~~The Investigator will present the results of the investigation.~~
- v. ~~The Conduct Officer may ask questions of any witnesses and the Parties.~~
- vi. ~~The Parties may pose questions to each other and to any witnesses through the Conduct Officer. The Conduct Officer will ask the witness or other Party the question posed if the Conduct Officer determines the question is relevant and appropriate.~~
- vii. ~~Questioning by any Advisor or support person is not permitted.~~
- viii. ~~The Parties will each have the opportunity to make a closing statement, which may include recommendations regarding appropriate sanctions.~~
- ix. ~~Using the Preponderance of the Evidence standard, the Conduct Officer will determine if the Responding Party has violated this Code or has not violated this Code.~~
- x. ~~If the Responding Party has not violated this Code, the case will be dismissed.~~
- xi. ~~If the Responding Party has violated this Code, the Conduct Officer will impose appropriate sanction(s).~~

G. NOTICE OF CONDUCT OFFICER HEARING OUTCOME

- i. ~~The Conduct Officer will provide written Notice to the Responding Party.~~
- ii. ~~Notice will include:~~
 - a. ~~The outcome; and~~
 - b. ~~The reasoning and facts that support the outcome; and~~
 - c. ~~Any sanction(s) imposed; and~~
 - d. ~~Any right of appeal.~~
- iii. ~~If the alleged conduct is Dating Violence, Domestic Violence, Sexual Assault, or Stalking, the Parties will receive simultaneous written Notice of:~~
 - a. ~~The outcome; and~~
 - b. ~~The reasoning and facts that support the outcome; and~~
 - c. ~~Any sanction(s) imposed; and~~
 - d. ~~Any right of appeal.~~
- iv. ~~If the alleged violation Gender Discrimination, Sexual Harassment, Discrimination or Harassment, the Reporting Party shall receive simultaneous written Notice of:~~
 - a. ~~The outcome and any sanctions that directly relate to the Reporting Party; and~~
 - b. ~~Any right of appeal.~~

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- v. In a case of a Violent Crime other than those listed above, the University may disclose the final results of the disciplinary proceeding to the victim(s), regardless of whether the University concluded a violation was committed.

Absent a substantial threat to health, safety, or well-being of the campus, individuals on campus, or the campus community, Sanctions will take effect only after all University appeals are final or all University appeal periods have ended. Applicable threat assessment procedures should be utilized as appropriate. Interim Measures or Actions are to remain in place until all University appeals are final or all University appeal periods have ended unless indicated otherwise in writing by the Conduct Officer.

7. HEARING BOARD

A. NOTICE OF HEARING BEFORE THE HEARING BOARD

- i. If any Code violation(s) are being filed, the Hearing Board Chair will provide written Notice within ten (10) business days from the conclusion of the Formal Investigation to the Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment).
- ii. Notice will include the following:
 - a. Code violation(s) and a description of the alleged conduct constituting each violation.
 - b. Reporting Party(ies).
 - c. Date(s) of alleged conduct.
 - d. Right to have an Advisor of their choice present.
 - e. Right to review the information that will be used by the Hearing Board during the Hearing Board.
 - f. Date and time of the Hearing Board.
 - g. Names of the Hearing Board members.
 - h. Names of witnesses request to appear by the Hearing Board.
 - i. The procedures that will be used.
 - j. Maximum possible sanction(s) which may be imposed.

B. HEARING BOARD COMPOSITION

- i. The Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee is responsible for appointing the Hearing Board.
- ii. The Hearing Board is comprised of at least three (3), five (5), or seven (7) members consisting of:
 - a. A chair who is either a faculty or staff member; and
 - b. At least one (1) enrolled student; and
 - c. At least one (1) additional faculty or staff member.
- iii. All members will be required to sign a conflict of interest form for each hearing. All members are required to avoid both apparent and real conflicts of interest. Any Hearing Board member who has a potential conflict of interest or feels that they are unable to render an unbiased decision is required to decline assignment to the Hearing Board.
- iv. The composition of the Hearing Board will represent the diversity of the University community whenever reasonably practicable.
- v. Hearing Board alternate members will be appointed as applicable and appropriate.

C. TIMEFRAME OF HEARING: The Hearing Board hearing is required be held not earlier than seven (7) business days and not later than fourteen (14) business days after issuance of the Notice of Hearing Board Hearing. If extenuating circumstances exist that preclude the Conduct Officer Hearing from occurring within fourteen (14) business days, an update will be provided indicating the estimated timeframe for the hearing. Such updates will be provided to the Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment).

- D. If a Party is unable to attend the Conduct Officer Hearing related to the constraints of a legal process (for example, a protective order or a no contact order) or is unable to attend related to concerns about trauma or future violence then the Party will be provided alternative means of participation consistent with applicable law.

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- E. If any Party is not present at the time of the Hearing, the Hearing Board Chair may, taking into account, concerns with health and safety, timeliness of the process, and the reason for a Party's absence, and taking into account the totality of the circumstances:
- Proceed in a normal manner without a Party's attendance; or
 - Hear only a portion of the testimony and adjourn to a later date; or
 - Postpone the entire hearing to a later date.

The Hearing Board may not rely solely on the absence of any Party in determining the outcome of the matter.

- F. The Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment), may be accompanied by an Advisor of their choice and a support person of their choice. Advisors and support people will not be permitted to speak at the hearing, except to speak with their advisee, unless permission has otherwise been granted by the Officer/Hearing Board Chair.

- G. During the hearing, the Officer may The Hearing Board should hear and consider as evidence any relevant information.

The Officer may Hearing Board should not consider:

- H. Information information obtained directly or indirectly through a search of a Party's or witnesses' effects or room if a court of law has determined the search was illegal.

- I. If the Officer/Hearing Board is aware that a criminal prosecution relating to the same violation(s) is being conducted, or such action appears likely to be made, then independent of the hearing, the Officer/Hearing Board Chair will notify the Responding Party in advance of the Responding Party's right to remain silent, and the Officer. The Hearing Board will draw no negative inference from the Responding Party's silence including the refusal to give information or consent to a search, except that the Responding Party had no answer or evidence to give.

1. The Officer will then:

- J. Make a determination that the Responding Party is in violation of the Code if a Preponderance of the Evidence demonstrates that The Hearing Board Chair will make arrangements for recording the hearing. No recording in any form, other than the one made by the University, is permitted. Hearing Board proceedings are considered confidential unless otherwise indicated by law.

- K. Any Party has the right to, for demonstrated bias or conflict of interest, petition for the removal of any Hearing Board member by submitting written notice to the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee stating the grounds for the removal at least five (5) business days prior to the scheduled hearing. Removal of Hearing Board members for demonstrated bias or conflict of interest will be within the authority and at the discretion of the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee.

- L. The names of Parties' witnesses, written statements, or other information should be submitted to the Hearing Board Chair at least two (2) business days prior to the hearing for inclusion in the materials presented to the Hearing Board. The Parties may submit additional: names of witnesses; written statements; or other information at the time of the hearing.

M. Hearing Board Hearing Procedures

- Responsibility for recognizing and permitting persons to speak is the exclusive purview of the Hearing Board Chair.
- Persons disruptive at any stage of the hearing may be asked to leave at the discretion of the Hearing Board Chair.
- The Parties will each have the opportunity to make an opening statement.
- The Investigator will present the results of the investigation.
- The Hearing Board may ask questions of any witnesses and the Parties.
- The Parties may pose questions to each other and to any witnesses through the Hearing Board Chair. The Hearing Board Chair will ask the witness or other Party the question posed if the Hearing Board Chair determines the question is relevant and appropriate.

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- vii. Questioning by any Advisor or support person is not permitted.
- viii. The Parties will each have the opportunity to make a closing statement, which may include recommendations regarding appropriate sanctions.
- ix. After the closing statements, the Hearing Board will go into a closed session to determine whether the Responding Party has violated the code, or dismiss the case this Code. The closed session is not recorded.
- x. Using the Preponderance of the Evidence standard, the Hearing Board will determine, by majority vote, if the Officer determines the Responding Party has violated this Code or has not violated this Code. If there is a tie vote, the Responding Party is will be found to have not in violation of the violated this Code. The Officer will inform
- xi. If the Responding Party, in writing, of the has been found to have not violated this Code, the case will be dismissed. Such dismissal will not affect any appeal rights any Party may have.
- xii. If the Responding Party has been found to have violated this Code, the Hearing Board will impose appropriate sanction(s).

N. NOTICE OF HEARING BOARD OUTCOME

- i. The Hearing Board Chair will provide written Notice to the Responding Party.
- ii. Notice will include:
 - e.a. The outcome, including any sanctions imposed and any right of review; and
 - b. The reasoning and facts that support the outcome; and
 - c. Any sanction(s) imposed; and
 - d. Any right of appeal (e.g. an Appeal Panel).
- f.iii. If the alleged violation conduct is a Dating Violence, Domestic Violence, Sexual Assault, or Stalking, the Parties will receive simultaneous written notification of the outcome, including any sanctions and the rationale for the result and any sanctions, and of the Parties' right of review. Notice of:
 - a. The outcome; and
 - b. The reasoning and facts that support the outcome; and
 - c. Any sanction(s) imposed; and
 - d. Any right of appeal (e.g. an Appeal Panel).
- iv. If the alleged violation is Gender Discrimination or Sexual Harassment, Discrimination or Harassment, the Reporting Party shall receive simultaneous notification written Notice of the:
 - a. The outcome and any sanctions that directly relate to the Reporting Party; and
 - b. Any right of appeal (e.g. an Appeal Panel).
- v. In a case of a Violent Crime other than those listed above, the University may disclose the final results of the disciplinary proceeding to the victim(s), regardless of whether the University concluded a violation was committed.

Absent a substantial threat to health, safety, or well-being of the campus, individuals on campus, or the campus community, Sanctions will take effect only after all University appeals are final or all University appeal periods have ended. Applicable threat assessment procedures should be utilized as appropriate. Interim Measures or Actions are to remain in place until all University appeals are final or all University appeal periods have ended unless indicated otherwise in writing by the Conduct Officer.

APPEALS

8. APPEAL PANEL

- A. In the event the Conduct Officer or the Hearing Board imposes a sanction of suspension, dismissal, removal from University Housing, academic degree revocation, or loss of recognition of campus organizations, the Responding Party has a right to appeal any finding(s) or sanction(s) to an Appeal Panel. If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment, both Parties have the right to appeal any finding(s) or sanction(s) to an Appeal Panel.

B. APPEAL PANEL COMPOSITION

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- i. The Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee is responsible for appointing the Appeal Panel.
- ii. The Appeal Panel is comprised of three (3) people consisting of:
 - a. A Appeal Panel chair who is either a faculty or staff member; and
 - b. One (1) enrolled student; and
 - c. One (1) Hearing Board member.
- iii. All Appeal Panel members are required to have not had previous involvement with the current matter. All members will be required to sign a conflict of interest form for each hearing. All members are required to avoid both apparent and real conflicts of interest. Any Appeal Panel member who has a potential conflict of interest or feels that they are unable to render an unbiased decision is required to decline assignment to the Appeal Panel.
- iv. The composition of the Appeal Panel will represent the diversity of the University community whenever reasonably practicable.
- v. Appeal Panel alternate members will be appointed as applicable and appropriate.
- C. In cases of a review to an Appeal Panel, the Responding Party charged with the violation and authorized Campus Authorities may have access to the record for purposes of review relating to a request for appeal. The Advisor may have access to the same information as the Party they are advising, provided the Party has given appropriate authorization.
- D. If the alleged violation is Dating Violence, Domestic Violence, Sexual Assault, or Stalking, the Reporting Party may have the same access to the recording as the Respondent. If the alleged violation is Gender Discrimination, Sexual Harassment, Discrimination, or Harassment the Reporting Party may have access to the portions of the recording pertaining to the Reporting Party. The Advisor may have access to the same information as the Party they are advising, provided the Party has given appropriate authorization.
- E. Appeals must be:
 - i. In writing; and
 - ii. State the issue(s) to be reviewed based on at least one of the grounds for appeal listed below in Section 8(G); and
 - iii. Submitted to the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee within five (5) business days after the appealing Party has received written notice of the Conduct Officer or Hearing Board finding(s); and
 - iv. Not longer than ten (10) pages in length plus attachments.
- F. If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment the appeal request will be shared with the other Party(ies). Such other Parties may file a response with the Appeal Panel within five (5) business days; this response will be shared with all Parties. Nothing in this Section precludes any Party from filing an appeal as detailed in Sections 8(A-E).
- G. Grounds for Appeal: The Appeal Panel is not intended to be a full rehearing (de novo) of the allegation(s). The appeal will be limited to the following grounds:
 - i. A substantive error, including a procedural error or omission, that substantially impacted the investigation or the outcome of the Conduct Officer or Hearing Board Hearing (for example, bias or failure to follow applicable procedures).
 - ii. To consider new evidence, not reasonably available during the investigation or Conduct Officer or Hearing Board hearing, that could impact the Conduct Officer or Hearing Board finding(s) or sanction(s). A summary of this new evidence and its potential impact must be included in the request for appeal.
 - iii. The sanction imposed is disproportionate to the severity of the violation, considering the totality of circumstances.
- H. Absent extenuating circumstances, the Conduct Officer or Hearing Board finding(s) and sanction(s) will stand if the request for appeal is not timely or is not based on the grounds listed above in Section 8(G). Extenuating circumstances are at the discretion of the University and will be determined by the Appeal Panel Chair in conjunction with the Office of General Counsel.
- I. **NOTICE OF APPEAL BEFORE THE APPEAL PANEL**

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- i. If an appeal is submitted consistent with parameters identified in Sections 8(A-E), the Appeal Panel Chair will provide written Notice within fifteen (15) business days from the finalized request for appeal; such Notice required to be provided to the Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment).
- ii. Notice will include the following:
 - a. The issue(s) to be reviewed and the ground(s) for appeal.
 - b. Right to review the information that will be used by the Appeal Panel.
 - c. Date and time of the initial Appeal Panel meeting.
 - d. Names of the Appeal Panel members.
 - e. The procedures that will be used.
 - f. Maximum possible sanction(s) which may be imposed.
- J. **TIMEFRAME OF APPEAL:** The Appeal Panel is required have an initial meeting not earlier than seven (7) business days and not later than fourteen (14) business days after issuance of the Notice of Appeal. If extenuating circumstances exist that preclude the initial Appeal Panel meeting from occurring within fourteen (14) business days, an update will be provided indicating the estimated timeframe for the hearing. Such updates will be provided to the Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination or Harassment). Any Party may contact the Appeal Panel Chair for general updates on the process.
- K. Any Party has the right to, for demonstrated bias or conflict of interest, petition for the removal of any Appeal Panel member by submitting written notice to the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee stating the grounds for the removal at least five (5) business days prior to the scheduled initial meeting. Removal of Appeal Panel members for demonstrated bias or conflict of interest will be within the authority and at the discretion of the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee.
- L. **Functions of Appeal Panel:**
 - i. Review the conduct matter file including but not limited to: the investigative report; Conduct Officer or Hearing Board files and recordings; and
 - ii. Review any new information provided; and
 - iii. Ask clarifying questions as applicable, including but not limited to, as appropriate, asking questions of: the Investigator; Conduct Officer; Hearing Board member; individuals who presented information to the Conduct Officer or Hearing Board, and other individuals who have information relevant to the process; and
 - iv. Make a determination based on the information reviewed. Determinations are based on majority vote.
- M. The Appeal Panel may make the following determinations:
 - i. Uphold or change the findings of the Conduct Officer or Hearing Board; or
 - ii. Uphold or change the sanctions of the Conduct Officer or Hearing Board; or
 - iii. Remand for a new or additional investigation with a new or same investigator; or
 - iv. Remand to the same Conduct Officer or Hearing Board for a new hearing; or
 - v. Remand to a different Conduct Officer or Hearing Board for a new hearing.
- N. A remand to the same or a different Conduct Officer or Hearing Board is final and not subject to appeal.
- O. The Appeal Panel will provide Notice to the Parties of any determination(s).
- P. **NOTICE OF APPEAL PANEL OUTCOME**
 - i. The Appeal Panel Chair will provide written Notice to the Responding Party.
 - ii. Notice will include:
 - a. The outcome; and
 - b. The reasoning and facts that support the outcome; and
 - c. Any sanction(s) imposed; and
 - d. Any right of appeal (e.g. a Presidential Appeal Panel).
 - iii. If the alleged conduct is Dating Violence, Domestic Violence, Sexual Assault, or Stalking, the Parties will receive simultaneous written Notice of:

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- a. The outcome; and
- b. The reasoning and facts that support the outcome; and
- c. Any sanction(s) imposed; and
- d. Any right of appeal (e.g. a Presidential Appeal Panel).
- iv. If the alleged violation Gender Discrimination, Sexual Harassment, Discrimination or Harassment, the Reporting Party shall receive simultaneous written Notice of:
 - ~~a. The outcome and~~ any sanctions that directly relate to the Reporting Party, ~~and of the Reporting Party's right of review.~~
 - b. Any right of appeal (e.g. a Presidential Appeal Panel).
- v. In a case of a Violent Crime other than those listed above, the University may disclose the final results of the disciplinary proceeding to the victim(s), regardless of whether the University concluded a violation was committed.

Absent a substantial threat to health, safety, or well-being of the campus, individuals on campus, or the campus community, Sanctions will take effect only after all University appeals are final or all University appeal periods have ended. Applicable threat assessment procedures should be utilized as appropriate. Interim Measures or Actions are to remain in place until all University appeals are final or all University appeal periods have ended unless indicated otherwise in writing by the Conduct Officer.

9. PRESIDENTIAL APPEAL PANEL

- A. In the event the Appeal Panel imposes a sanction of suspension, dismissal, removal from University Housing, academic degree revocation, or loss of recognition of campus organizations, the Responding Party has a right to appeal any finding(s) or sanction(s) to a Presidential Appeal Panel. If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment both Parties have the right to appeal any finding(s) or sanction(s) to a Presidential Panel.
- B. **PRESIDENTIAL APPEAL PANEL COMPOSITION**
 - i. Each university President or the Dean of the University of Maine School of Law is responsible for appointing the Presidential Appeal Panel.
 - ii. The Presidential Appeal Panel is comprised of three (3) people consisting of:
 - a. Presidential Appeal Panel Chair who is either a faculty or staff member; and
 - b. One (1) enrolled student; and
 - c. One (1) UMS System Office Employee.
 - iii. All Presidential Appeal Panel members are required to have not had previous involvement with the current matter. All members will be required to sign a conflict of interest form for each hearing. All members are required to avoid both apparent and real conflicts of interest. Any Presidential Appeal Panel member who has a potential conflict of interest or feels that they are unable to render an unbiased decision is required to decline assignment to the Presidential Appeal Panel.
 - iv. The composition of the Presidential Appeal Panel will represent the diversity of the University community whenever reasonably practicable.
 - v. Presidential Appeal Panel alternate members will be appointed as applicable and appropriate.
- C. In cases of a review to a Presidential Appeal Panel, the Responding Party charged with the violation and authorized Campus Authorities may have access to the record for purposes of review relating to a request for appeal. The Advisor may have access to the same information as the Party they are advising, provided the Party has given appropriate authorization.
- D. If the alleged violation is Dating Violence, Domestic Violence, Sexual Assault, or Stalking, the Reporting Party may have the same access to the recording as the Respondent. If the alleged violation is Gender Discrimination, Sexual Harassment, Discrimination or Harassment the Reporting Party may have access to the portions of the recording pertaining to the Reporting Party. The Advisor may have access to the same information as the Party they are advising, provided the Party has given appropriate authorization.
- E. Presidential Appeals must be:
 - i. In writing; and
 - ii. State the issue(s) to be reviewed based on at least one of the grounds for appeal listed below in Section 9(G), and

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- iii. Submitted to the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee within five (5) business days after the appealing Party has received written notice of the Appeal Panel finding(s) and
- iv. Not longer than ten (10) pages in length plus attachments.
- F. If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment the appeal request will be shared with the other Party(ies). Such other Parties may file a response with the Appeal Panel within five (5) business days; this response will be shared with all Parties. Nothing in this Section precludes any Party from filing an appeal as detailed in Sections 9(A-E).
- G. **Grounds for Appeal:** The Presidential Appeal Panel is not intended to be a full rehearing (de novo) of the allegation(s). The appeal will be limited to the following grounds:
 - i. A substantive error, including a procedural error or omission, that substantially impacted the investigation or the outcome of the Conduct Officer or Hearing Board Hearing (for example, bias or failure to follow applicable procedures).
 - ii. To consider new evidence, not reasonably available during the investigation or Conduct Officer or Hearing Board hearing, that could impact the Conduct Officer or Hearing Board finding(s) or sanction(s). A summary of this new evidence and its potential impact must be included in the request for appeal.
 - iii. The sanction imposed is disproportionate to the severity of the violation, considering the totality of circumstances.
- H. Absent extenuating circumstances, the Conduct Officer, Hearing Board, or Appeal Panel finding(s) and sanction(s) will stand if the request for appeal is not timely or is not based on the grounds listed above in Section 9(G). Extenuating circumstances are at the discretion of the University and will be determined by the Presidential Appeal Panel Chair in conjunction with the Office of General Counsel.
- I. **NOTICE OF APPEAL BEFORE THE PRESIDENTIAL APPEAL PANEL**
 - i. If an appeal is submitted consistent with parameters identified in Sections 9(A-E), the Presidential Appeal Panel Chair will provide written Notice within fifteen (15) business days from the finalized request for appeal; such Notice required to be provided to the Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment).
 - ii. Notice will include the following:
 - a. The issue(s) to be reviewed and the ground(s) for appeal.
 - b. Right to review the information that will be used by the Presidential Appeal Panel.
 - c. Date and time of the initial Presidential Appeal Panel meeting.
 - d. Names of the Presidential Appeal Panel members.
 - e. The procedures that will be used.
 - f. Maximum possible sanction(s) which may be imposed.
- J. **TIMEFRAME OF APPEAL:** The Presidential Appeal Panel is required have an initial meeting not earlier than seven (7) business days and not later than fourteen (14) business days after issuance of the Notice of Presidential Appeal. If extenuating circumstances exist that preclude the initial Presidential Appeal Panel meeting from occurring within fourteen (14) business days, an update will be provided indicating the estimated timeframe for the hearing. Such updates will be provided to the Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, Discrimination, or Harassment).
- K. Any Party has the right to, for demonstrated bias or conflict of interest, petition for the removal of any Presidential Appeal Panel member by submitting written notice to the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee stating the grounds for the removal at least five (5) business days prior to the scheduled initial meeting. Removal of Presidential Appeal Panel members for cause will be within the authority and at the discretion of the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee.
- L. **Functions of Presidential Appeal Panel:**
 - i. Review the conduct matter file including but not limited to: the investigative report; Conduct Officer or Hearing Board files and recordings; and

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- ii. Review any new information provided; and
- iii. Ask clarifying questions as applicable, including but not limited to, as appropriate, asking questions of the Investigator; Conduct Officer; Hearing Board member; Appeal Panel member, individuals who presented information to the Conduct Officer, Hearing Board, or Appeal Panel, and other individuals who have information relevant to the process; and
- iv. Make a determination based on the information reviewed. Determinations are based on majority vote.
- M. The Presidential Appeal Panel may make the following determinations:
 - i. Uphold or change the findings of the Conduct Officer or Hearing Board; or
 - ii. Uphold or change the sanctions of the Conduct Officer or Hearing Board; or
 - iii. Remand for a new or additional investigation with a new or same investigator; or
 - iv. Remand to the same Conduct Officer or Hearing Board for a new hearing; or
 - v. Remand to a different Conduct Officer or Hearing Board for a new hearing.
- N. All decisions of the Presidential Appeal Panel are final.
- O. The President Appeal Panel will provide notice of any determinations to the applicable university President. The university President may accept the determination of the Presidential Appeal Panel or request further review.
- P. After the university President accepts the determination of the Presidential Appeal Panel, the Presidential Appeal Panel Chair will provide Notice to the Parties of any determination(s).
- Q. NOTICE OF PRESIDENTIAL APPEAL PANEL OUTCOME**
 - i. The President Appeal Panel Chair will provide written Notice to the Responding Party.
 - ii. Notice will include:
 - a. The outcome; and
 - b. The reasoning and facts that support the outcome; and
 - c. Any sanction(s) imposed; and
 - d. Any right of appeal.
 - iii. If the alleged conduct is Dating Violence, Domestic Violence, Sexual Assault, or Stalking, the Parties will receive simultaneous written Notice of:
 - a. The outcome; and
 - b. The reasoning and facts that support the outcome; and
 - c. Any sanction(s) imposed; and
 - d. Any right of appeal.
 - iv. If the alleged violation Gender Discrimination, Sexual Harassment, Discrimination or Harassment, the Reporting Party shall receive simultaneous written Notice of:
 - a. The outcome and any sanctions that directly relate to the Reporting Party; and
 - b. Any right of appeal.
 - ~~h-v.~~ In a case of a Violent Crime other than those listed above, the University may disclose the final results of the disciplinary proceeding to the victim(s), regardless of whether the University concluded a violation was committed.
- 2. TRAINING** If the Officer determines the Responding Party is responsible for a violation of the Code, the Officer will impose appropriate sanctions. Sanctions will become operative immediately once notice has been given to the Responding Party.
- 3. Sanctions imposed as the result of the Administrative Hearing are implemented immediately unless the Officer stays their implementation in extraordinary circumstances, pending the outcome of a review hearing.** Graduation, study abroad, internships/externships, etc. do NOT in and of themselves constitute extraordinary circumstances, and students may not be able to participate in those activities during the review period.
- RIGHT OF REVIEW BEYOND ADMINISTRATIVE HEARING BEFORE THE OFFICER**
 - 6.** In the event the Officer issues a sanction of suspension, dismissal, removal from University Housing, academic degree revocation, or loss of recognition of campus organizations, the Responding Party may request a review of the finding and/or sanction. If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or

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- Stalking, the Parties have the right to a review of any finding(s) or sanction(s).
7. Requests for review will be in writing, state the issue(s) to be reviewed, and provide a detailed rationale for the request. The written request for a review will be submitted to the Officer within seven (7) calendar days after the Party(ies) has received notice of the Administrative Hearing finding(s) and shall not exceed five (5) pages in length.
 8. The request for review to the Committee will be limited to the following grounds:
 - A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).
 - To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact will be included in the written request for review.
 - The sanction imposed is significantly disproportionate to the severity of the violation and/or the cumulative record of the Responding Party.
 - Reconsideration of existing information and whether it supports the Administrative Hearing before the Officer finding.
 13. The Committee will review request(s) for review. The original finding(s) and sanction(s) will stand if the request for review is not timely or is not based on the grounds listed above in Section V.G(3), and such a decision is final.
 14. The Committee review may result in: (a) a change to the finding(s); (b) a change in sanction(s), such as a higher sanction, a lower sanction, the same sanction, or no sanction at all being imposed; or (c) remand to Administrative Hearing Before the Officer.

RESPONSIBILITIES OF THE COMMITTEE

17. As soon as practicable upon receipt of the request for review, the following steps will be taken:
 - The Committee chair will notify, in writing, the Officer and the Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking) of a date, place, and time for the Committee hearing. Committee hearings are normally held not earlier than five (5) calendar days and not later than fourteen (14) calendar days after issuance of the notification of hearing.
 - List in the notice to the Parties the names of the Committee member(s) conducting the review and witnesses being invited by the Committee.
 - Make arrangements for the keeping of a recorded record of the Committee hearing. In cases of a review to the Review Panel, the Responding Party charged with the violation, his/her Advisor, and authorized Campus Authorities may have access to the record for purpose of review relating to a request for review. No copies will be made except by the University. The record will be kept by the University campus for at least three (3) years after all review rights have been exhausted at which time the record may be destroyed. Records of hearings are deemed to be Student Education Records under the Family Educational Rights and Privacy Act of 1974 (FERPA) and may not be disclosed publicly except as provided in FERPA. No recording in any form, other than the one made by the Committee, is permitted at the Committee hearing. If the alleged violation is Dating Violence, Domestic Violence, Sexual Assault, or Stalking, the Reporting Party and his/her Advisor may have the same access to the recording as the Respondent. If the alleged violation is Gender Discrimination or Sexual Harassment, the Reporting Party and his/her Advisor may have access to the portions of the recording pertaining to the Reporting Party.
21. Composition of the Committee
 - The Committee will be composed as described in Section VI.
 - The Parties or the Officer will have the right to challenge, for cause, any Committee member by submitting to the Committee Chair written notice stating the grounds for the challenge at least two (2) business days prior to the scheduled hearing. Removal of members for cause will be within the authority and at the discretion of the Committee Chair or another member of the Committee if the Chair is unable to exercise that function or is challenged for cause.

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24. Hearing Preliminaries

- At any proceeding before the Committee, the Parties and witnesses may have the assistance of an Advisor.
- The hearing will be closed to the public. The Committee Chair may permit, in addition to the Party's Advisor, one support person for each Party to observe the proceedings. At the discretion of the Committee Chair, the Committee Chair reserves the right to close the hearing.
- If any Party or witness is not present at the time appointed for the hearing, the Committee will attempt to determine the reason for that party's absence. The Committee may proceed: (1) in a normal manner without their attendance; (2) hear only a portion of the testimony and adjourn to a later date; or (3) continue the entire hearing to a later date. The Committee may not consider the absence of a party as relevant to whether the Responding Party committed the alleged violation of the Code.

28. Hearing Procedures

- Responsibility for recognizing and permitting persons to speak lies exclusively with the Committee Chair.
- Persons disruptive at any stage of the hearing may be evicted at the reasonable discretion of the Committee Chair.
- The names of witnesses and/or copies of written statements will be submitted to the Officer at least two (2) business days prior to the hearing for inclusion in the materials presented to the Committee. At the discretion of the Committee Chair, the Parties may submit written documents, oral testimony of witnesses, and all relevant documents, records, and exhibits at the time of the hearing.
- The Officer will first present the results of the Preliminary Investigation, Formal Investigation, and Administrative Hearing.
- The Reporting Party may present oral testimony and/or written statements from any person(s) including the Responding Party, and all relevant documents, records and exhibits.
- The Responding Party may then present oral testimony and/or written documentation themselves and/or from other witnesses, and all relevant documents, records and exhibits.
- At any time during the proceedings, members of the Committee may question witnesses or parties to the proceeding; witnesses or parties may only ask questions of each other at the discretion of and through the Committee Chair. **Questioning by any Advisor is not permitted.** Advisors and support people may not speak at the hearing, except to their advisee.
- After the presentation of all the information to the Committee, the Officer and the Responding Party (and the Reporting Party if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking) may present summaries of their arguments to the Committee.
- During the hearing, the Committee may consider any relevant information to the grounds for appeal, will not be bound by the strict rules of legal evidence, and may take into account any information which is of value in determining the issues involved. Efforts will be made to obtain the most reliable information available.
- After all parties have presented their respective information, the Committee will go into closed session to determine whether the Responding Party is in violation of the Code. Deliberations are not recorded. A Committee member should vote that the Responding Party is in violation of the Code only if a Preponderance of the Evidence demonstrates behavior that is in violation.
- A simple majority vote of responsible or not responsible for a violation of the Code by the Committee members present will prevail. If the majority of the Committee votes for not responsible or there is a tie, the Responding Party will be found not responsible.
- If a Responding Party is found to be responsible for the violation of Code, the Officer and the Responding Party (and the Reporting Party if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking) may make recommendations to the Committee as to the appropriate sanctions. The Committee will go back into closed session and deliberate on sanctions. Deliberations are not

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recorded. A majority vote of the Committee members is needed for an imposition of a sanction(s).

41. After Committee deliberations are concluded, the Committee Chair will:

- Inform the Responding Party of the finding of the Committee, per the Notification Standards including:
 - The section(s) of the Code found to have been violated;
 - The sanction imposed; and
 - The rationale for both the finding(s) and the sanction(s).
- If the alleged violation is a Dating Violence, Domestic Violence, Sexual Assault, or Stalking, the Committee will inform the Parties, per the Notification Standards, simultaneously of the outcome of the proceeding, the rationale for the result, any sanctions, when a decision is considered final, any changes that occur prior to finalization, and any rights of review.
- If the alleged violation is Gender Discrimination or Sexual Harassment, in addition to informing the Complainant of the outcome of the proceedings the Committee shall inform the Complainant of any sanctions imposed upon the Respondent that directly relate to the Complainant.
- In a case of a Violent Crime, the University may disclose the final results of the Committee Hearing to the victim, regardless of whether the University concluded there was a violation of the Code.

49. Sanctions imposed as the result of the Committee hearing are implemented immediately unless the Chair of the Committee stays their implementation in extraordinary circumstances, pending the outcome of a review hearing. Graduation, study abroad, internships/externships, etc. do NOT in and of themselves constitute extraordinary circumstances, and students may not be able to participate in those activities during the review period.

— **RIGHT OF REVIEW BEYOND COMMITTEE**

- 52. In the event the Committee approves a sanction of suspension, dismissal, removal from University Housing, academic degree revocation, or loss of recognition of campus organizations, the Responding Party may request a review of the finding or sanction. If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking, all Parties have the right to a review of any finding(s) or sanction(s).
- 53. Requests for review will be in writing, state the issue(s) to be reviewed, and provide a detailed rationale for the request. The written request for a review will be submitted to the Officer within seven (7) calendar days after the Party(ies) has received notice of the Committee finding(s) and shall not exceed five (5) pages in length.
- 54. If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking, the review request will be shared with the other Party(ies), who may file a response within five (5) calendar days and/or bring their own review on separate grounds within the original timeframe. If new grounds are raised, the party requesting the review will be permitted to submit a written response to these new grounds within five (5) calendar days. This response will be shared with all Parties.
- 55. Campus president or designee will appoint a Review Panel as described in Section VII below.
- 56. The request for review to the Review Panel will be limited to the following grounds:
 - A procedural error or omission occurred that significantly impacted the outcome of the process (e.g. substantiated bias, material deviation from established procedures, etc.);
 - To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact will be included.
 - The sanction imposed is significantly disproportionate to the severity of the violation and the cumulative record of the Responding Party.
- 60. The Review Panel will review request(s) for review. The original finding(s) and sanction(s) will stand if the request for review is not timely or is not based on the grounds listed above in Section V.H(5); and such a decision is final.

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61. If the Review Panel finds that at least one of the review grounds is met by at least one party, additional principles governing the hearing of review will include the following:
- The Review Panel may make changes to the finding only where there is clear error and to the sanction(s) only if there is a compelling justification to do so.
 - A review hearing is not intended to be a full re-hearing (de novo) of the allegation(s). A review to the Review Panel is limited to a review of the written documentation and recorded record of the Committee hearing regarding the grounds for review, and any new information provided by Parties. A review is not an opportunity for the Review Panel to substitute their judgment for that of the Committee merely because it disagrees with the Committee finding(s) and/or sanction(s). Reviews may be remanded to the original Committee or Officer at the discretion of the Review Panel. A remand to the original Committee or Officer cannot be reviewed.
 - In accordance with the Notification Standards, the Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking) will be informed of whether the grounds for a review are accepted and of the results of the review decision or remand.
 - A majority vote of the Review Panel will prevail.
 - Once the Review Panel has made a decision, the outcome is final. Further reviews are not permitted, even if a decision or sanction is changed on remand, except in the case of a new hearing before a new Committee or Officer, if ordered by the Review Panel.
 - In accordance with the Notification Standards, the Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking) will be informed in writing of the outcome of the Review Panel.
 - In a case of a Violent Crime the University may disclose the final results of the Review Panel to the victim, regardless of whether the University concluded a violation was committed.
69. In rare cases where a procedural (or substantive) error cannot be cured by the Review Panel (as in cases of bias), the Review Panel may recommend a new hearing with a new Committee. The results of the new Committee hearing may be reviewed, once, on any of the three (3) applicable grounds for review stated in Section V.H(5) above.
70. In cases where the review results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the Responding Party to his/her/their/its prior status.

LXXII. STUDENT CONDUCT COMMITTEE COMPOSITION

- Committee members will be identified by campus presidents or their designee(s).
- Each University campus will identify from their respective campus, at least three (3) people, who can serve as trained Committee members, each in the following categories:

10.

- A. Each university President and the Dean of University of Maine School of Law in conjunction with the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or the Designee of the Director of Student Success Initiatives and UMS Coordinator of Student Conduct will identify at least three (3) people in each of the following categories to receive annual training to enable them to serve as trained Hearing Board, Appeal Panel or Presidential Appeal Panel members:

3-i. Enrolled students; and

4-ii. Faculty members; and

Q. Staff members.

Q-iii. Each hearing Committee will have at least three (3); and no more than seven (7) members consisting of:

iv. Committee Chair System level employees.

Q. Only individuals who is either a faculty or staff member;

Q. At least one (1) enrolled student; and

Q. At least one (1) faculty or staff member.

S. All members of a hearing Committee will avoid both the appearance and reality of any conflict of interest. Any Committee member who has a potential conflict of interest or feels that s/he is unable have received annual training are permitted to render an unbiased decision in the case will

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decline assignment to that Committee.

T. The composition of the Committee will have equitable gender representation whenever practicable.

V. REVIEW PANEL COMPOSITION

W. At the discretion of each campus president or designee, the Review Panel shall consist of either:

0. One (1) person who is a faculty or staff member, as identified by the campus president or designee; or

0. Three (3) members which shall include:

z. One (1) faculty or staff member identified by the campus president;

aa. ~~One (1) enrolled student; and~~

bb. One (1) Committee member.

CC-B. All Reviewserve as Hearing Board, Appeal Panel or Presidential Appeal Panel members may not have previous involvement with the current matter. All members of a Review Panel will avoid both the appearance and reality of any conflict of interest. Any Review Panel member who has a potential conflict of interest or feels that s/he is unable to render an unbiased decision in the case will decline assignment to that Review Panel.

V. TRAINING

FF.C. The following individuals will have annual training on issues related to: Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, ~~or Stalking and Discrimination, or Harassment~~; how to conduct an investigation; and hearing process that protects the safety of individuals involved and promotes accountability;

1. Campus presidents' designee(s);

2. Officers;

i. University Presidents and the Dean of University of Maine School of Law; and

4-ii. Individuals responsible for conducting Preliminary ~~Inquiry~~Inquiries or Formal Investigations; and

iii. ~~Committee Conduct Officers; and~~

2-iv. Hearing Board, Appeal Panel or Presidential Appeal Panel members; and

0. Review Panel members.

V. SPECIFIC PROCEDURES WITH RESPECT TO DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING

The University prohibits Dating Violence, Domestic Violence, Sexual Assault, or Stalking. In such cases, the University will provide a prompt, fair, and impartial investigation and resolution. This process will be conducted by University Employees who receive annual training on these issues, and on how to conduct an investigation and hearing process that protects the safety of Any other individuals involved university Presidents and promotes accountability.

kk. Reporting a Violation

5. ~~Individuals~~ may elect to report an incident to Campus Authorities, local law enforcement, both, or neither.

5. Should a Reporting Party elect to report an incident to local law enforcement, Campus Authorities are available to assist with this process at the Reporting Party's request.

5. Reporting Parties should, if possible, attempt to preserve any evidence. This evidence could prove crucial should the Reporting Party choose to report a violation Dean of University of the Code, report a criminal act to local law enforcement, or seek an order Maine School of protection from abuse Law or harassment from the courts.

5. As with other violations Director of the Code, and in accordance with federal law, the Preponderance of the Evidence standard will be used to determine whether a violation of the Code has occurred.

PP. Sanctions and Protective Measures

5. Separate from the sanctions outlined in Section IV, it is within the University's power to impose remedial measures for the Parties.

5. Even if a Reporting Party chooses not to pursue disciplinary proceedings under the Code or report

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the incident to law enforcement, the Reporting Party should consider talking to Title IX Student Success Initiatives and UMS Coordinator or the Deputy Coordinator about the possibility of remedial measures, as many measures (such as counseling or changing classes) may be possible regardless of whether an investigation is initiated.

5. ~~Examples of possible remedial measures include:~~

- ~~0. Changes in housing, classes, or transportation in order to avoid contact between the Parties;~~
- ~~0. No contact directives; and~~
- ~~0. Helping connect the Parties to access services on campus and in the community, including counseling.~~

- 5. Additional information on resources, including details about free on-campus counseling services and other resources on campus and in the community, may be found in the University's policy pamphlet on sexual assault, domestic violence, dating violence, and stalking.

XX. Confidentiality

- 5. Under federal law, the University is required to report statistics regarding the occurrence of certain crimes in the University community. When reporting these statistics the University withholds the names of Parties as confidential and, to the extent permissible by law, withholds any other information that may serve to identify the Parties.
- 5. If a Reporting Party requests that their name or other identifiable information not be disclosed to the Responding Party, the University's ability to respond to the incident and pursue disciplinary action may be limited. Reporting Parties should note that, under Title IX of the Education Amendments of 1972, retaliation against a Party is prohibited. University Employees will take steps to prevent retaliation and will take responsive action if retaliation is found to have occurred.

V. STUDENT CONDUCT CODE REVIEW BOARD

CCC. ~~The Student Conduct Code Review Board will be responsible for:~~

- 5. ~~Considering all proposed amendments to the Code and acting as an advisor to the Board of Trustees in matters pertaining to the Code; and~~
- 5. ~~Sending recommendations on proposed amendments of the Code to the President's Council and Chancellor for transmission to the Board of Trustees.~~

FFF. ~~The of Student Conduct Code Review Board will be composed of the Designee of the following:~~

- 5. ~~From each campus Director of the University:~~
 - hhh. ~~One (1) Officer;~~
 - iii. ~~One (1) Committee chair; Student Success Initiatives and~~
 - jjj. ~~One (1) enrolled student appointed by the President or his/her designee after seeking nominations from student representatives.~~
- 5. ~~One (1) enrolled student who is in a distance education program. This enrolled student will be appointed by the Vice Chancellor for Academic Affairs or his/her designee.~~
- 5. ~~One (1) representative from the Board UMS Coordinator of Trustees.~~
- 5. ~~One (1) representative appointed by Chancellor.~~

NNN. ~~y. The Chancellor's representative will be responsible for calling the Student Conduct Code Review Board into session designates to be included in training.~~

Individuals should receive training commensurate with their role in the process.

11. STUDENT CONDUCT CODE COMMITTEE

A. ~~The Student Conduct Code Review Board will meet~~ Committee is responsible for:

- 000. ~~i. Reviewing this Code for potential revision at least once every three (3) years, but may meet more often when requested by the following or at any time at the request of:~~
 - 1-a. ~~Conduct Officers representing at least two (2) campuses of the University; or~~
 - 2-b. ~~Student government officers representing at least two (2) campuses of the University; or~~
 - c. ~~Student government officers representing at least one (1) campus of the University and the University of Maine School of Law; or~~
 - 3-d. ~~The Chancellor.~~

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- ii. Accepting and responding to feedback that various members of the UMS community may have regarding this Code.
- iii. Proposing revisions to this Code to the Board of Trustees.
- B. The Student Conduct Code Committee will be composed of the following:
 - i. A Committee Chair appointed by the Chancellor.
 - ii. Up to five (5) faculty, staff, or enrolled students, appointed by the Committee Chair.
 - iii. One (1) Board Trustee appointed by the UMS Board of Trustees Chair.
 - iv. One (1) enrolled distance education program student appointed by the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or their designee.
 - v. Three (3) graduate students appointed by the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or the Designee of the Director of Student Success Initiatives and UMS Coordinator of Student Conduct. Graduate students from any campus may serve in this role.
 - vi. Seven (7) Conduct Officers, one (1) from each campus, appointed by each university President.
 - vii. One (1) Law School staff member, appointed by the Dean of University of Maine School of Law.
 - viii. Seven (7) Hearing Board Chairs, one (1) from each campus, appointed by the Director of Student Success Initiatives and UMS Coordinator of Student Conduct or the Designee of the Director of Student Success Initiatives and UMS Coordinator of Student Conduct.
 - ix. Eight (8) enrolled students, one (1) from each campus and the University of Maine School of Law.
 - a. Each applicable student government body will nominate a slate of at least three (3) enrolled students.
 - b. Each university President and the Dean of University of Maine School of Law will choose from their respective slate of nominees one (1) enrolled student representative.

12. AMENDING THE STUDENT CONDUCT CODE

The Board of Trustees will act upon proposed ~~amendments~~ revisions to ~~the~~ this Code after receiving recommendations ~~offrom~~ the Student Conduct Code ~~Review Board, the President's Council of the University System, and the Chancellor Committee.~~ As provisions of ~~the~~ this Code are subject to periodic review and change, the most recent and current copy of ~~the~~ this Code may be obtained through the University of Maine System ~~Chief Student website, the University of Maine System Vice Chancellor for Academic Affairs Office, or the Student Affairs Office~~ student affairs office on each campus.

Anyone who wishes to request assistance in accessing the information in this Code, may contact the ADA Coordinator at 207-581-1227, adacoordinator@maine.edu, or TTY 711(Maine Relay System).

Revised by the Student Conduct Code Review Board and accepted by the Board of Trustees, ~~19 March 2018~~ Date, 2021
Effective Date: July ~~4, 2018~~ 26, 2021

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**UNIVERSITY OF MAINE SYSTEM
STUDENT CONDUCT CODE**

Effective Date: 1 July 2018

**Revised by the Conduct Code Review Board
and**

Accepted by the Board of Trustees, 19 March 2018

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UNIVERSITY OF MAINE SYSTEM STUDENT CONDUCT CODE

POLICY STATEMENT

The purpose of the University of Maine System Student Conduct Code (the "Code") is to promote the pursuit of activities that contribute to the intellectual, ethical, and physical development of the individuals under the auspices of the University of Maine System (the "University") and the individual campuses. The Code seeks to ensure the safety of persons engaging in those pursuits; to protect the free and peaceful expression of ideas; and to assure the integrity of various academic processes.

Students are expected to conduct their affairs with proper regard for the rights of others and of the University. All members of the University community share a responsibility for maintaining an environment where actions are guided by mutual respect, integrity, and reason.

All members of the University are governed by University policies, local ordinances, and state and federal laws. For specific governing documents, students and/or campus organizations may refer to University Policies and Procedures; campus student handbooks; campus residence hall agreements and manuals; and related notices and publications. Individuals in violation of state and federal law are subject to prosecution by appropriate state and federal authorities regardless of whether the activity occurs on or off University Property. In addition, students may be subject to disciplinary action by the University pursuant to the Code. The severity of the imposed sanctions will be appropriate to the violation and circumstances of the situation.

In seeking to encourage responsible attitudes, the University places much reliance upon personal example, counseling, and admonition. In certain circumstances where these preferred means fail, the University will rely upon the rules and procedures described in the Code.

The Officer may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules, etc.

Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution. Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred.

If government regulations change in a way that impacts this document, this document will be construed to comply with government regulations in their most recent form.

IN THE ENFORCEMENT OF THE CODE, THE UNIVERSITY FUNCTIONS IN AN ADMINISTRATIVE MANNER. THE UNIVERSITY'S ADMINISTRATIVE PROCESS AFFORDS FUNDAMENTAL FAIRNESS, BUT DOES NOT FOLLOW THE TRADITIONAL COMMON LAW ADVERSARIAL METHOD OF A COURT OF LAW.

In complying with the letter and spirit of applicable laws and in pursuing its own goals of diversity, the University of Maine System does not discriminate on the grounds of race, color, religion, sex, sexual orientation, transgender status, gender expression, national origin, citizenship status, age, disability, genetic information or veterans status in employment, education, and all other programs and activities. The University provides reasonable accommodations to qualified individuals with disabilities upon request.

The following person has been designated to handle inquiries regarding non-discrimination policies: Director of Equal Opportunity, North Stevens Hall, Orono, ME 04469; voice: (207)581-1226; TTY 711 (Maine Relay System) email: equal.opportunity@maine.edu.

A qualified student with a disability is entitled to reasonable accommodations to participate in this administrative process. Accommodations may include, but are not limited to, sign language interpretation or information in alternative formats. Students wishing to request reasonable accommodations should make those requests directly to the Officer. The Officer will consult with the appropriate campus office for students with disabilities to assist with the determination of reasonable accommodations. Students may be required to provide documentation in order for the Officer to make a determination.

11.3

I. JURISDICTION

- A. The Code will apply to the following:
 - 1. Any person(s) registered or enrolled in any course or program offered by the University;
 - 2. Any person accepted to the University;
 - 3. Any recognized student organization; or
 - 4. Any group of students not currently recognized, but under probation or suspension, by the University.
- B. Persons are deemed to be enrolled at the University until such time as the student has:
 - 1. Officially graduated from the University;
 - 2. Been officially dismissed from the University; or
 - 3. Not been enrolled in any course or program within the University for one calendar year.
- C. Persons are also deemed to be enrolled at the University if the student:
 - a. Has been officially suspended from the University (persons are deemed to be enrolled during the period of their suspension), or
 - b. Is taking distance courses provided by or presented at a University campus.
- D. The Code may be applied in cases of conduct when the alleged incident:
 - 1. Occurs on any campus of the University, or involving any other University Property;
 - 2. At Activities Pursued Under the Auspices of the University; or
 - 3. In which the University can demonstrate a substantial interest as an academic institution regardless of where the conduct occurs, including online or off-campus, and in which the conduct seriously threatens: (a) any educational process; (b) legitimate function of the University; or (c) the health or safety of any individual.
- E. Jurisdiction is determined on the date of the alleged incident.

II. DEFINITIONS

- A. **Activities Pursued Under the Auspices of the University:** Any activities specifically sponsored or participated in by the campus or by any campus organization. Such activities do not include informal off-campus gatherings of students. However, this definition will not be construed so as to limit the University's jurisdiction.
- B. **Administrative Hearing Before the Officer:** A hearing before the Officer to determine if a Responding Party has violated any section(s) of the Code.
- C. **Advisor:** A person who is available to advise or support any party involved in a Code violation investigation and resolution process. Someone acting in the capacity of an advisor may not be a witness. Examples of advisors may include, but are not limited to, family members, friends, University Employees, and attorneys.
- D. **Campus Authorities:** Includes, but is not limited to, any Campus Police or Security Staff, the Officer, the Committee, and the Review Panel.
- E. **Conduct Officer (the "Officer"):** Person(s) or designee(s) responsible for resolving alleged violations of the Code.
- F. **Consent:** An individual's agreement to engage in sexual activity.
 - 1. Consent must be:
 - a. Informed, freely, and actively given, and consist of a mutually agreeable and understandable exchange of words or actions.
 - b. Clear, knowing and voluntary.
 - c. Active, not passive.
 - 2. Consent may be withdrawn at any time.
 - 3. Silence, in and of itself, cannot be interpreted as consent.
 - 4. 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.
 - 5. Past consent does not imply future consent.
 - 6. Consent to engage in one form of sexual activity does not imply consent to engage in any other sexual activity.
 - 7. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with any other person.
 - 8. There is no consent when the exchange involves unwanted physical force, coercion, intimidation and/or threats.
 - 9. 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.

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10. Consent is not valid if the person is too young to consent to sexual activity under Maine law, even if the minor wanted to engage in the activity.

- G. **Formal Investigation:** A fair, thorough, and impartial process used to determine, to the fullest extent possible, if a there has been a violation of the Code. Investigations include, but are not limited to, interviews with relevant parties and evidence collection.
- H. **Gender Expression:** An individual's external expression of their gender identity, through such means as clothing, hair styling, jewelry, voice, and behavior.
- I. **Gender Identity:** An individual's sincerely held core belief regarding their gender whether that individual identifies as male, female, a blend of both, neither, or in some other way (such as, for example, an individual who identifies as "queer", "genderqueer", "bi-gender", "intersex", or "gender fluid").
- J. **Hostile Environment:** Is created when harassment is:
 - 1. Severe, Persistent, or Pervasive; and
 - 2. 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 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:

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

- K. **Incapacitation:** An individual is mentally or physically incapacitated such that:
 - 1. The individual cannot understand the fact, nature, or extent of the situation (e.g. to understand the "who, what, when, where, why or how" of the situation); and
 - 2. The incapacitation is known or should be known to the Responding Party (as evaluative from the perspective of a Reasonable Person).

This includes conditions resulting from alcohol or drug consumption, being asleep, or unconscious.

A policy violation is not excused by the fact that the Responding Party was intoxicated and, due to that intoxication, did not realize the incapacity of the other person.

- L. **Interim Measures or Actions:** Taken to promote the safety and well-being of the Parties, including, but not limited to, moving either Party to a new living, dining or working situation; issuing a no contact order; changing class or work schedules; changing transportation; financial aid accommodations; immigration assistance; and other academic and/or employment accommodations and support.
- M. **Notification Standards:** Official notice from the University may be hand delivered, mailed to a student's last known address, or delivered through the use of the student's University email account.
- N. **Party(ies):** The Reporting Party(ies) and Responding Party(ies), collectively.
- O. **Preliminary Inquiry:** Typically one to three (1-3) days in length, this inquiry precedes a formal investigation, to determine if there is reasonable cause to believe that there has been a violation of the Code.
- P. **Preponderance of the Evidence:** The standard of evidence used to determine whether the Student Conduct Code has

been violated. Under this standard, a violation will be determined to have occurred if, based upon the evidence presented, the Officer, the Committee, or the Review Panel conclude that it is more likely than not that the violation was committed.

- Q. **Reasonable Person:** A representative individual under similar circumstances and with similar identities to the person in question, who exercises care, skill, and judgment.
- R. **Reporting Party:** A person who alleges harm and/or a policy violation by a student or campus organization. Where the Reporting Party does not want to participate, the University may move forward with the case. In cases of Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking, however, the words "Reporting Party" shall refer only to the person who has been harmed by the alleged misconduct.
- S. **Responding Party:** A student or organization that has been alleged to have violated the Code, is under Formal Investigation, or has been charged with a violation of the Code.
- T. **Review Panel:** A one (1) or three (3) member panel that hears reviews from the Committee, described in Section VII.
- U. **Sexual Orientation:** A person's actual or perceived sexuality or sexual identity.
- V. **Student Conduct Committee (the "Committee"):** A committee composed of representatives from campuses of the University responsible for hearing conduct cases on review after the Administrative Hearing, described in Section VI.
- W. **University Employee:** Employees, including faculty, staff, students, Board of Trustees, volunteers, and agents of the University.
- X. **University of Maine System Student Conduct Code (the "Code"):** This entire document.
- Y. **University of Maine System (the "University"):** Means either collectively or singularly, any of the of following campuses: University of Maine at Augusta; University of Maine at Farmington; University of Maine at Fort Kent; University of Maine at Machias; University of Maine (Orono); University of Maine at Presque Isle; University of Southern Maine; University Colleges; and all University Property.
- Z. **University Property:** Includes, but is not limited to, any Real or Personal Property owned, held, rented, licensed, chartered, or otherwise engaged by the University in any manner or by University Employees and/or campus organizations as a direct result of and in connection with their service to the University.
 - 1. **Real Property:** Land, buildings, fixtures, improvements, and any interests therein.
 - 2. **Personal Property:** All property, other than real property, and any interests therein. The University's computer network and all its component parts, which are not real property. Any document or record issued or purporting to be issued by the University.
- AA. **Violent Crime:** Arson, assault offenses, intimidation, burglary, manslaughter, murder, destruction/damage/vandalism of property, kidnapping/abduction, and/or robbery.

III. Violations

Violations are activities which directly and significantly interfere with the University's (1) primary educational responsibility of ensuring the opportunity of all members of the community to attain their educational objectives, or (2) subsidiary responsibilities of protecting the health and safety of persons in the campus community, maintaining and protecting property, keeping records, providing living accommodations and other services, and sponsoring non-classroom activities such as lectures, concerts, athletic events, and social functions.

The violations listed below are considered in the context of the student's responsibility as a member of the academic community; other actions which may be considered as violations may be defined by other documents, such as, for example, residence hall contracts. Disciplinary action taken under the Code is independent of the awarding of grades (an academic matter), and provisions of the Code cannot be used for changing awarded grades.

The residence hall contract between the student and the University may specify certain other conditions which impose additional responsibilities and obligations on the residence hall student. The following violations indicate categories of conduct or activity which violate the Code.

Reporting Violations

All reports are acted upon promptly while every effort is made by the University to preserve the privacy of such reports. Such reports may also be anonymous. Anonymous reports will be investigated to determine if remedies can be provided. Reports of alleged violations of the Code should be reported to Campus Authorities such as the University's Residence Hall staff, Dean of Students, or Officer. Reports of Gender Discrimination (including sexual harassment, dating violence, domestic violence, sexual assault or stalking) may be reported directly to the University's Title IX Coordinator/Deputy Coordinator.

The following violations are provided in order to give students reasonable warning that such conduct or attempted conduct is prohibited.

A. Academic Misconduct

1. **Cheating:** The act or attempted act of deception by which a student seeks to misrepresent that he/she has mastered information on an academic exercise that he/she has not mastered.
2. **Fabrication:** The use of invented information or the falsification of research or other findings in an academic exercise.
3. **Plagiarism:** The submission of another's work as one's own, without adequate attribution.
4. **Facilitating Academic Misconduct:** Assisting in another person's academic misconduct.

B. Disruption of University Operations

1. **Causing a Disturbance:** Disturbance resulting in substantial disruption of authorized activities.
2. **Failure to Comply with Sanction:** Failure to comply with or attempts to circumvent a sanction(s) imposed by the Officer, Committee, or Review Panel.
3. **Failure to Identify:** Failing to properly identify oneself to a University Employee acting in pursuit of official duties.
4. **Interference with Code Enforcement:** Interference with a Reporting Party, Responding Party, witness, investigation or the carrying out of procedures defined in the Code.
5. **Interference with or Failure to Comply with a University Employee:** Direct interference with or failure to comply with a University Employee in the performance of his/her official duties.
6. **Supplying False Information:** Knowingly supplying false information to University Employees in pursuit of their official duties or to a Committee or Review Panel in the course of a disciplinary proceeding, or knowingly causing false information to be thus supplied.
7. **Unauthorized Representation:** Unauthorized representation of the University or University Employee(s).
8. **Violation of Residence Hall Policies:** Violation of residence hall contracts, except when the residence hall contract specifically provides for an alternate procedure or remedy for the violation concerned.
9. **Violation of Student Activity Regulations:** Violation of a campus-specific or system-wide regulation, policy, standard of conduct, or code of ethics applicable to the activity in which the student is engaged, and which has been adopted, published or otherwise made known to students participating in such activity.

C. Health & Safety Violations

1. **Creating a Dangerous Condition:** Creation of a fire hazard or other dangerous condition.
2. **Endangering Health or Safety:** Conduct which threatens or endangers the health or safety of any individual.
3. **False Reporting of Dangerous Conditions:** Giving or causing to be given false reports of fire or other dangerous conditions.
4. **Illegal Possession, Use, or Sale of Drugs:** Illegal possession, use, or sale of drugs or drug paraphernalia. The misuse of legal prescription drugs.
5. **Interference with Safety Equipment or Alarms:** Tampering with, disabling, or causing malfunction of fire and safety equipment or alarm systems.
6. **Possession or Misuse of Weapons:** Violation of regulations concerning possession or misuse of firearms or other dangerous weapons, as defined by policies established for each campus.
7. **Restricting Traffic Flow:** Restriction of normal traffic flow into or out of University Property.
8. **Use or Possession of Chemicals or Explosives:** Unauthorized use or possession of explosive components, chemicals, etc., such as fireworks, explosives, gas or compressed air.
9. **Violation of Alcohol Policies:** Violations of University or State of Maine alcoholic beverage regulations or laws.
10. **Violation of Health or Safety Policies:** Violation of University health or safety regulations.

D. Offenses Involving Other People

1. **Causing Fear of Physical Harm:** Intentionally or recklessly placing a person or persons in reasonable fear of imminent physical harm.
2. **Dating Violence:** Violence committed against a person by an individual who is or has been in a social relationship of a romantic or intimate nature with that person. Whether a dating relationship exists is determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. All forms of dating violence prohibited by Maine law are also included.
3. **Domestic Violence:** A felony or misdemeanor crime of violence committed by:
 - a. A current or former spouse or intimate partner of the victim;
 - b. A person with whom the victim shares a child in common;
 - c. A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - d. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - e. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

All forms of domestic violence prohibited by Maine law are also included.

4. **Gender Discrimination:** Discriminating against an individual on the basis of that individual's gender, including, but not limited to, Dating Violence, Domestic Violence, Sexual Assault, Sexual Harassment, or Stalking.
5. **Harassment:** Repeated and/or severe acts of unwelcome behavior that creates a hostile working, educational, or living environment that unreasonably interferes with an individual's academic or job performance and opportunities.
6. **Hazing:** Any action taken or situation created by a person or an organization, or with the knowledge or Consent of an organization, which recklessly or intentionally endangers the mental or physical health of a student.
7. **Interference with Residential Life:** Significant interference with the normal residential life of others.
8. **Intimidation:** Implied or actual threats or acts that cause a reasonable fear of harm in another, and may be inferred from conduct, words, or circumstances reasonably calculated to cause fear.
9. **Invasion of Privacy:** The violation of another individual's reasonable expectation of privacy where the circumstances justify that expectation, including, but not limited to, physically trespassing in a private area with the intent of observing or eavesdropping; using an electronic device to intercept, record, amplify or broadcast a private conversation or private events; or engaging in surveillance, photographing, broadcasting, image-capturing or recording of private conversations or private events.

The fact that the Responding Party was a party to the conversation or event is not determinative of another individual's reasonable expectation of privacy.

10. **Lewd or Indecent Behavior:** Exhibition of the genitals, anus, or pubic area of a person other than for legitimate academic purposes.
11. **Physical Assault:** Intentionally, knowingly, or recklessly causing bodily injury or offensive physical contact to another person.
12. **Retaliation:** Action taken by the University or any individual or group against any person for opposing any practices prohibited by the Code or for filing a complaint, testifying, assisting, or participating in an investigation or proceeding under the Code.

This includes action taken against a bystander who intervened to stop or attempt to stop a violation of the Code. 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 the Code or from participating in the resolution of a complaint.

13. **Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape, as follows:
 - a. Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the victim.

- b. Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- c. Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. Statutory rape is sexual intercourse with a person who is under the statutory age of Consent under applicable law.

All forms of sexual assault and sexual contact prohibited by Maine law are also included.

14. **Sexual Harassment:** Includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including sexual assault and sexual violence. Sexual harassment, including Sexual Assault, can involve persons of the same or opposite sex.

Consistent with the law, this policy prohibits two types of sexual harassment:

- a. 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.
- b. 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:

- i. The degree to which the conduct affected one or more students' education or individual's employment;
 - ii. The nature, scope, frequency, duration, and location of the incident(s);
 - iii. The identity, number, and relationships of persons involved; and
 - iv. The nature of higher education.
15. **Sexual Misconduct:** Includes, but is not limited to, prostituting another person, nonconsensual image capturing of sexual activity, presentation or unauthorized viewing of a non-consensual videotaping of sexual activity, letting others watch you have sex without the knowledge and Consent of your sexual partner, possession of child pornography, peeping tommery, and/or knowingly transmitting an STD or HIV to another person.

Sexual misconduct may also constitute sexual harassment.

All forms of sexual misconduct prohibited by Maine law are also included.

16. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a Reasonable Person to:
- a. Fear for the person's safety or the safety of others; or
 - b. Suffer substantial emotional distress.

For the purposes of this definition:

- a. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

All forms of stalking prohibited by Maine law are also included.

17. **Discriminatory Harassment:** Harassment based on actual or perceived race, color, religion, sex, Sexual Orientation, Gender Identity, Gender Expression, national origin or citizenship status, age, disability, genetic information or veteran status.
18. **Unauthorized Recording of a Conversation:** Intercepting, recording or image-capturing a University Employee in a classroom, office or over the telephone without that University Employee's Consent unless it is part of an approved reasonable accommodation.

E. Offenses Involving Property

1. **Defacement, Destruction, or Misuse of Property:** Intentional and/or reckless misuse, destruction, or defacement of University Property or of the property of other people without authorization.
2. **Misuse of University Computers:** Misuse of the University computer network or computers including, but not limited to, theft of computer files or data, e-mail, or other electronically stored information, probing or hacking into other computers or computer systems, spamming, sending out computer viruses, or uploading or downloading copyrighted material for personal use or distribution without authorization.
3. **Motor Vehicle Violation:** Violation of motor vehicle policies established for each campus.
4. **Tampering, Destruction, or Falsification of Records:** Tampering with, destroying, or falsifying official records.
5. **Theft or Unauthorized Use:** Theft, attempted theft, or unauthorized acquisition, removal, or use of the property of another.
6. **Trespassing:** Trespassing or unauthorized presence on any University Property, including residence halls.

F. General Infractions

1. **Aiding Infraction:** Knowingly assisting in the violation of any of the provisions of the Code.
2. **Continued Infraction:** Continued infractions of the Code.
3. **Conviction of a Crime:** Conviction of any crime that threatens: (a) any educational process or legitimate function of the University, or (b) the health or safety of any individual.
4. **Other Illegal Activity:** Violating local, state, or federal laws otherwise not covered under the Code.

IV. SANCTIONS

If a Responding Party admits to a violation of the Code to the Officer, Investigator, Committee or Review Panel; or upon determination by the Officer, Committee or Review Panel that a Responding Party has been found in violation of the Code, one or more of the following sanctions may be imposed in accordance with the provisions of the Code (see Section V):

- A. **Assigned Educational Projects:** This may include research projects, reflective essays, counseling assessments, sanction seminars or other related assignments intended to promote learning.
- B. **Community Service:** The type of service may be related to the nature of the violation.
- C. **Deferred Sanction:** A specific period of time during which a sanction has been imposed but is stayed. Any further violation of the Code during that time may, at minimum, result in the imposition of the deferred sanction, and any new or additional sanctions deemed necessary.
- D. **Disciplinary Dismissal:** Permanent separation (subject to the right of review after five years) from the University.
 1. Responding Parties who are dismissed will not be permitted to attend any of the University campuses or attend any University functions. After five (5) years from the date of the dismissal, the Responding Party may submit a written request to be readmitted to attend one of the University campuses. For a Responding Party preparing to transfer to a non-University institution who has been dismissed for a Violent Crime or Sexual

Assault, a letter will be attached to the student's transcript explaining the dismissal. After five (5) years from the date of the dismissal, the Responding Party may submit a written request to have the letter attached for transfer applications to non-University institutions removed from their transcript.

2. Requests for readmission or removal of the letter attached for transfer applications will be submitted to the Officer of the campus from which the Responding Party was dismissed. The Officer will convene the campus committee designated by the President to review such requests pursuant to the campus written procedures.

- E. **Disciplinary Probation:** A specified period of time when any further violation may result in additional sanctions, up to and including dismissal from the University.
- F. **Disciplinary Suspension:** Separation from the University for a specific period of time and/or until a stated condition(s) is met.

Responding Parties who are suspended will not be permitted to attend any of the University campuses during the sanction period or attend any University functions. After the sanction period has been completed and all requirements of the suspension have been met, the Responding Party is eligible for readmission to any University campus. For a Responding Party preparing to transfer to a non-University institution who has been suspended for a Violent Crime or Sexual Assault, a letter will be attached to his/her transcript explaining that he/she has been suspended. If the Responding Party is transferring to a non-University institution after the sanction has been completed the letter will not be attached to the transcript.

- G. **Fine:** Payment of money. Responding Parties who are unable to pay may discuss alternate payment arrangements.
- H. **Loss of Contact with a Specific Person(s):** With this sanction, the person may not initiate direct or indirect contact with a specified person(s).
- I. **Loss of Visitation Privileges:** This loss of visitation may be to any designated area(s) of any University Property.
- J. **Official Warning:** Official acknowledgment of a violation and the expectation that it will not be repeated.
- K. **Removal from University Housing:** Removal from a particular hall or all housing.
- L. **Restitution:** Restitution, up to the replacement value of the items damaged, stolen, removed, or used without authority and damages incurred.
- M. **Such other action(s) as the Committee, Officer or Review Panel may reasonably deem appropriate (e.g., suspension of an organization's official campus recognition, suspension of a student from an extracurricular activity, termination from student employment, and/or academic degree revocation).**

The University may impose a more severe sanction on a Responding Party when the Officer, Committee, or Review Panel determines that a Responding Party intentionally selected the person or organization against whom the violation was committed, or selected the property damaged or stolen, because of the race, religion, color, sex, Sexual Orientation, Gender Identity, Gender Expression, national origin or citizenship status, age, disability, genetic information or veteran status of that person, or the persons in the organization or the owner of the property.

V. PROCEDURES

Each University campus may adopt procedures for carrying out the provisions of the Code within the guidelines set forth by the Code as described below and consistent with the Code. University campuses having a professional code of ethics may adopt additional procedural provisions to be applicable to their own students.

ADMINISTRATION AND INTERPRETATION OF THE CODE WILL BE SOLELY WITHIN THE JURISDICTION OF THE OFFICER, THE COMMITTEE OR THE REVIEW PANEL, SUCH INTERPRETATION BEING PURSUANT TO THE PROCEDURES OF THE CODE.

A. PRELIMINARY INQUIRY

1. Alleged violations of the Code brought to the attention of the University by University Employees, students, or members of the general public will result in the initiation of a Preliminary Inquiry. A Preliminary Inquiry will determine if there is sufficient information to warrant a Formal Investigation or informal resolution. **Before**

interviewing or questioning of the Parties, notification must be provided under Section V.C., Notice of Formal Investigation, unless doing so would be likely to jeopardize health or safety, or the integrity of the investigation, or lead to the destruction of evidence.

2. Informal resolution may be used to resolve cases where:
 - a. There is sufficient information to support the allegations;
 - b. All parties have mutually consented to the process; and
 - c. The process is acceptable to the Officer.

The Parties have the right to end the informal process at any time and begin the formal complaint process. Mediation may not be used in cases of allegations of Sexual Assault.

3. Upon the conclusion of the Preliminary Inquiry, in accordance with Notification Standards, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking, the Parties will be simultaneously notified whether no charges will be filed, a Formal Investigation will commence, or Informal Resolution will be pursued. In all other cases, only the Responding Party will be notified whether or not charges will be filed, or if a Formal Investigation will commence.
4. If, during the Preliminary Inquiry or at any point during the Formal Investigation, the Officer determines that there is no reasonable cause to conclude that the Code has been violated, the disciplinary process will end and the Responding Party will be notified. If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking, the Parties will receive simultaneous notification of the Officer's decision end the disciplinary process and both the Parties will be notified of the right of review.
5. If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking, once the need for a Formal Investigation has been determined, the Parties will be provided written notification of the Formal Investigation at the appropriate time during the Formal Investigation.
6. Each Officer, Committee member, and Review Panelist is expected to conduct due diligence to determine if there is a potential conflict of interest. If there is a conflict of interest for the Officer, the Officer will refer the matter to another Officer. If any member of the Committee or Review panel is conflicted, an alternate will be appointed. The parties have the right to raise any potential conflict of interest with the Officer or any member of the Committee or Review Panel.

The University aims to complete the investigation, including the Preliminary Inquiry and Formal Investigation, if any, within a sixty (60) business day time period from the date of initial notice to completion of the Formal Investigation, if any, which time period may be extended as necessary for appropriate cause.

B. INTERIM MEASURES OR ACTIONS

1. If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking, the University may provide Interim Measures or Actions intended to address the short-term effects of the alleged Harassment, discrimination, and/or Retaliation, to the Parties and the community, and to prevent further violations of the Code. Interim Measures or Actions taken will be kept as private as reasonably practicable.
2. A Responding Party may be suspended from the University or have privileges revoked pending the outcome of a disciplinary proceeding if, in the judgment of the Officer, the Responding Party's continued presence or use of privileges at the University pending the outcome of the proceeding is likely to pose a substantial threat to the Reporting Party or to other people and/or is likely to cause significant property damage and/or disruption of or interference with the normal operations of the University. The Officer may converse with the Parties when such Interim Measures and Actions are considered.
3. Responding Parties who have been issued an Interim Measures or Actions or an interim suspension may seek review of that decision by requesting the Campus President or designee to review the decision. The Campus President or designee will review the request within five (5) business days of receipt.
4. In accordance with Notification Standards, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking the Officer may inform the Parties of any Interim Measures or Actions.
5. Interim Measures or Actions, including but not limited to: interim suspensions; no-contact orders; University Property usage restrictions; University account holds; and academic degree holds, will be implemented to ensure as minimal negative impact on the Parties while maintaining the safety of the University community

and integrity of the investigation.

6. An enrolled student may not graduate if that student has a pending conduct case. If a student officially withdraws from the University or does not participate in the disciplinary process, the process will continue and the student may not be permitted to return to the University or graduate until the student is found not responsible for a violation of the Code or any imposed sanctions have been satisfied.

C. NOTICE OF FORMAL INVESTIGATION

1. Prior to commencement of a Formal Investigation, the Officer will notify the Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking) in writing per the Notification Standards of the following:
 - a. Alleged Code violation(s);
 - b. Reporting Party(ies);
 - c. Date(s) of alleged occurrence(s);
 - d. Maximum possible sanctions which may be imposed;
 - e. The procedures that will be used to resolve the complaint; and
 - f. Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking) right of review.

D. FORMAL INVESTIGATION

1. Upon the Officer's decision to commence a Formal Investigation, the Officer will initiate the investigation or assign it to a trained investigator, as soon as practicable.
2. The University may undertake a short delay in its investigation when criminal charges on the basis of the same behaviors that invoked this process are being investigated. The University will promptly resume its investigation and resolution processes once notified by law enforcement that the initial evidence collection is complete.
3. All investigations will be thorough, reliable, impartial, prompt and fair. Investigations entail interviews with all relevant parties and witnesses, obtaining available evidence, and identifying sources of expert information, as necessary.
4. If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking, both the Parties will be given access to the relevant evidence to be used in rendering a determination and each party will be provided a full and fair opportunity to address that evidence prior to a finding being rendered.
5. The Officer and/or investigator will provide regular updates to the Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking) throughout the investigation, as appropriate.
6. During the Investigation the Parties may be accompanied by an Advisor.
7. If no charges are being brought at the conclusion of the Formal Investigation, the Officer will provide such notification to the Responding Party. If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking, the Parties will receive simultaneous notification of the Officer's decision not to bring charges and both the Parties will be notified of the right of review to either a committee chair or alternative hearing officer.

E. NOTICE OF ADMINISTRATIVE HEARING BEFORE THE OFFICER

1. If charges are being filed, the Officer will notify the Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking) in writing per the Notification Standards of the following:
 - a. Charge(s);
 - b. Reporting Party(ies);
 - c. Date(s) of alleged occurrence(s);
 - d. Maximum possible sanction which may be imposed;
 - e. The procedures that will be used to resolve the complaint; and
 - f. Date and time of the Administrative Hearing.

F. ADMINISTRATIVE HEARING BEFORE THE OFFICER

An Administrative Hearing Before the Officer will be held for cases that have not been disposed of informally where there is sufficient evidence to charge a Code violation.

1. If any Party is not present at the time appointed for the hearing, the Officer will first attempt to determine the reason for that person's absence. The Officer may then proceed in a normal manner without a Party's attendance, may hear only a portion of the testimony and adjourn to a later date, or may continue the entire hearing to a later date.
 - a. The Officer may not consider the absence of any Party as relevant to whether the Responding Party committed the alleged violation of the Code.
2. During the hearing the Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking), may be accompanied by an Advisor and a support person of their choice. Advisors and support people will not be permitted to speak at the hearing, except to speak with their advisee, unless permission has otherwise been granted by the Officer.
3. During the hearing, the Officer may hear and consider as evidence any relevant information.

The Officer may not consider:

- a. Information obtained directly or indirectly through a search of a Party's or witnesses' effects or room if a court of law has determined the search was illegal.
 - b. If the Officer is aware that a criminal prosecution relating to the same violation(s) is being conducted, or such action appears likely to be made, independent of the hearing, the Officer will notify the Responding Party in advance of the right to remain silent, and the Officer will draw no negative inference from the Responding Party's refusal to give information or consent to a search, except that the Responding Party had no answer or evidence to give.
4. The Officer will then:
 - a. Make a determination that the Responding Party is in violation of the Code if a Preponderance of the Evidence demonstrates that the Responding Party has violated the code, or dismiss the case if the Officer determines the Responding Party is not in violation of the Code. The Officer will inform the Responding Party, in writing, of the outcome, including any sanctions imposed and any right of review.
 - b. If the alleged violation is a Dating Violence, Domestic Violence, Sexual Assault, or Stalking, the Parties will receive simultaneous written notification of the outcome, including any sanctions and the rationale for the result and any sanctions, and of the Parties' right of review.
 - c. If the alleged violation is Gender Discrimination or Sexual Harassment, the Reporting Party shall receive simultaneous notification of the outcome and of any sanctions that directly relate to the Reporting Party, and of the Reporting Party's right of review.
 - d. In a case of a Violent Crime, the University may disclose the final results of the disciplinary proceeding to the victim(s), regardless of whether the University concluded a violation was committed.
 5. If the Officer determines the Responding Party is responsible for a violation of the Code, the Officer will impose appropriate sanctions. Sanctions will become operative immediately once notice has been given to the Responding Party.
 6. **Sanctions imposed as the result of the Administrative Hearing are implemented immediately unless the Officer stays their implementation in extraordinary circumstances, pending the outcome of a review hearing.** Graduation, study abroad, internships/externships, etc. do NOT in and of themselves constitute extraordinary circumstances, and students may not be able to participate in those activities during the review period.

G. RIGHT OF REVIEW BEYOND ADMINISTRATIVE HEARING BEFORE THE OFFICER

1. In the event the Officer issues a sanction of suspension, dismissal, removal from University Housing, academic degree revocation, or loss of recognition of campus organizations, the Responding Party may request a review of the finding and/or sanction. If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking, the Parties have the right to a review of any finding(s) or sanction(s).
2. Requests for review will be in writing, state the issue(s) to be reviewed, and provide a detailed rationale for the request. The written request for a review will be submitted to the Officer within seven (7) calendar days after the Party(ies) has received notice of the Administrative Hearing finding(s) and shall not exceed five (5) pages in length.
3. The request for review to the Committee will be limited to the following grounds:
 - a. A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g.

- substantiated bias, material deviation from established procedures, etc.).
- b. To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact will be included in the written request for review.
- c. The sanction imposed is significantly disproportionate to the severity of the violation and/or the cumulative record of the Responding Party.
- d. Reconsideration of existing information and whether it supports the Administrative Hearing before the Officer finding.
- 4. The Committee will review request(s) for review. The original finding(s) and sanction(s) will stand if the request for review is not timely or is not based on the grounds listed above in Section V.G(3), and such a decision is final.
- 5. The Committee review may result in: (a) a change to the finding(s); (b) a change in sanction(s), such as a higher sanction, a lower sanction, the same sanction, or no sanction at all being imposed; or (c) remand to Administrative Hearing Before the Officer.

H. RESPONSIBILITIES OF THE COMMITTEE

1. As soon as practicable upon receipt of the request for review, the following steps will be taken:
 - a. The Committee chair will notify, in writing, the Officer and the Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking) of a date, place, and time for the Committee hearing. Committee hearings are normally held not earlier than five (5) calendar days and not later than fourteen (14) calendar days after issuance of the notification of hearing.
 - b. List in the notice to the Parties the names of the Committee member(s) conducting the review and witnesses being invited by the Committee.
 - c. Make arrangements for the keeping of a recorded record of the Committee hearing. In cases of a review to the Review Panel, the Responding Party charged with the violation, his/her Advisor, and authorized Campus Authorities may have access to the record for purpose of review relating to a request for review. No copies will be made except by the University. The record will be kept by the University campus for at least three (3) years after all review rights have been exhausted at which time the record may be destroyed. Records of hearings are deemed to be Student Education Records under the Family Educational Rights and Privacy Act of 1974 (FERPA) and may not be disclosed publicly except as provided in FERPA. No recording in any form, other than the one made by the Committee, is permitted at the Committee hearing. If the alleged violation is Dating Violence, Domestic Violence, Sexual Assault, or Stalking, the Reporting Party and his/her Advisor may have the same access to the recording as the Respondent. If the alleged violation is Gender Discrimination or Sexual Harassment, the Reporting Party and his/her Advisor may have access to the portions of the recording pertaining to the Reporting Party.
2. Composition of the Committee
 - a. The Committee will be composed as described in Section VI.
 - b. The Parties or the Officer will have the right to challenge, for cause, any Committee member by submitting to the Committee Chair written notice stating the grounds for the challenge at least two (2) business days prior to the scheduled hearing. Removal of members for cause will be within the authority and at the discretion of the Committee Chair or another member of the Committee if the Chair is unable to exercise that function or is challenged for cause.
3. Hearing Preliminaries
 - a. At any proceeding before the Committee, the Parties and witnesses may have the assistance of an Advisor.
 - b. The hearing will be closed to the public. The Committee Chair may permit, in addition to the Party's Advisor, one support person for each Party to observe the proceedings. At the discretion of the Committee Chair, the Committee Chair reserves the right to close the hearing.
 - c. If any Party or witness is not present at the time appointed for the hearing, the Committee will attempt to determine the reason for that party's absence. The Committee may proceed: (1) in a normal manner without their attendance; (2) hear only a portion of the testimony and adjourn to a later date; or (3) continue the entire hearing to a later date. The Committee may not consider the absence of a party as relevant to whether the Responding Party committed the alleged violation of the Code.
4. Hearing Procedures
 - a. Responsibility for recognizing and permitting persons to speak lies exclusively with the Committee Chair.

- b. Persons disruptive at any stage of the hearing may be evicted at the reasonable discretion of the Committee Chair.
 - c. The names of witnesses and/or copies of written statements will be submitted to the Officer at least two (2) business days prior to the hearing for inclusion in the materials presented to the Committee. At the discretion of the Committee Chair, the Parties may submit written documents, oral testimony of witnesses, and all relevant documents, records, and exhibits at the time of the hearing.
 - d. The Officer will first present the results of the Preliminary Investigation, Formal Investigation, and Administrative Hearing.
 - e. The Reporting Party may present oral testimony and/or written statements from any person(s) including the Responding Party, and all relevant documents, records and exhibits.
 - f. The Responding Party may then present oral testimony and/or written documentation themselves and/or from other witnesses, and all relevant documents, records and exhibits.
 - g. At any time during the proceedings, members of the Committee may question witnesses or parties to the proceeding; witnesses or parties may only ask questions of each other at the discretion of and through the Committee Chair. **Questioning by any Advisor is not permitted.** Advisors and support people may not speak at the hearing, except to their advisee.
 - h. After the presentation of all the information to the Committee, the Officer and the Responding Party (and the Reporting Party if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking) may present summaries of their arguments to the Committee.
 - i. During the hearing, the Committee may consider any relevant information to the grounds for appeal, will not be bound by the strict rules of legal evidence, and may take into account any information which is of value in determining the issues involved. Efforts will be made to obtain the most reliable information available.
 - j. After all parties have presented their respective information, the Committee will go into closed session to determine whether the Responding Party is in violation of the Code. Deliberations are not recorded. A Committee member should vote that the Responding Party is in violation of the Code only if a Preponderance of the Evidence demonstrates behavior that is in violation.
 - k. A simple majority vote of responsible or not responsible for a violation of the Code by the Committee members present will prevail. If the majority of the Committee votes for not responsible or there is a tie, the Responding Party will be found not responsible.
 - l. If a Responding Party is found to be responsible for the violation of Code, the Officer and the Responding Party (and the Reporting Party if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking) may make recommendations to the Committee as to the appropriate sanctions. The Committee will go back into closed session and deliberate on sanctions. Deliberations are not recorded. A majority vote of the Committee members is needed for an imposition of a sanction(s).
5. After Committee deliberations are concluded, the Committee Chair will:
 - a. Inform the Responding Party of the finding of the Committee, per the Notification Standards including:
 - i. The section(s) of the Code found to have been violated;
 - ii. The sanction imposed; and
 - iii. The rationale for both the finding(s) and the sanction(s).
 - b. If the alleged violation is a Dating Violence, Domestic Violence, Sexual Assault, or Stalking, the Committee will inform the Parties, per the Notification Standards, simultaneously of the outcome of the proceeding, the rationale for the result, any sanctions, when a decision is considered final, any changes that occur prior to finalization, and any rights of review.
 - c. If the alleged violation is Gender Discrimination or Sexual Harassment, in addition to informing the Complainant of the outcome of the proceedings the Committee shall inform the Complainant of any sanctions imposed upon the Respondent that directly relate to the Complainant.
 - d. In a case of a Violent Crime, the University may disclose the final results of the Committee Hearing to the victim, regardless of whether the University concluded there was a violation of the Code.
 6. **Sanctions imposed as the result of the Committee hearing are implemented immediately unless the Chair of the Committee stays their implementation in extraordinary circumstances, pending the outcome of a review hearing.** Graduation, study abroad, internships/externships, etc. do NOT in and of themselves constitute extraordinary circumstances, and students may not be able to participate in those activities during the review period.

I. RIGHT OF REVIEW BEYOND COMMITTEE

1. In the event the Committee approves a sanction of suspension, dismissal, removal from University Housing, academic degree revocation, or loss of recognition of campus organizations, the Responding Party may request a review of the finding or sanction. If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking, all Parties have the right to a review of any finding(s) or sanction(s).
2. Requests for review will be in writing, state the issue(s) to be reviewed, and provide a detailed rationale for the request. The written request for a review will be submitted to the Officer within seven (7) calendar days after the Party(ies) has received notice of the Committee finding(s) and shall not exceed five (5) pages in length.
3. If the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking, the review request will be shared with the other Party(ies), who may file a response within five (5) calendar days and/or bring their own review on separate grounds within the original timeframe. If new grounds are raised, the party requesting the review will be permitted to submit a written response to these new grounds within five (5) calendar days. This response will be shared with all Parties.
4. Campus president or designee will appoint a Review Panel as described in Section VII below.
5. The request for review to the Review Panel will be limited to the following grounds:
 - a. A procedural error or omission occurred that significantly impacted the outcome of the process (e.g. substantiated bias, material deviation from established procedures, etc.).
 - b. To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact will be included.
 - c. The sanction imposed is significantly disproportionate to the severity of the violation and the cumulative record of the Responding Party.
6. The Review Panel will review request(s) for review. The original finding(s) and sanction(s) will stand if the request for review is not timely or is not based on the grounds listed above in Section V.H(5), and such a decision is final.
7. If the Review Panel finds that at least one of the review grounds is met by at least one party, additional principles governing the hearing of review will include the following:
 - a. The Review Panel may make changes to the finding only where there is clear error and to the sanction(s) only if there is a compelling justification to do so.
 - b. A review hearing is not intended to be a full re-hearing (de novo) of the allegation(s). A review to the Review Panel is limited to a review of the written documentation and recorded record of the Committee hearing regarding the grounds for review, and any new information provided by Parties. A review is not an opportunity for the Review Panel to substitute their judgment for that of the Committee merely because it disagrees with the Committee finding(s) and/or sanction(s). Reviews may be remanded to the original Committee or Officer at the discretion of the Review Panel. A remand to the original Committee or Officer cannot be reviewed.
 - c. In accordance with the Notification Standards, the Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking) will be informed of whether the grounds for a review are accepted and of the results of the review decision or remand.
 - d. A majority vote of the Review Panel will prevail.
 - e. Once the Review Panel has made a decision, the outcome is final. Further reviews are not permitted, even if a decision or sanction is changed on remand, except in the case of a new hearing before a new Committee or Officer, if ordered by the Review Panel.
 - f. In accordance with the Notification Standards, the Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking) will be informed in writing of the outcome of the Review Panel.
 - g. In a case of a Violent Crime the University may disclose the final results of the Review Panel to the victim, regardless of whether the University concluded a violation was committed.
8. In rare cases where a procedural (or substantive) error cannot be cured by the Review Panel (as in cases of bias), the Review Panel may recommend a new hearing with a new Committee. The results of the new Committee hearing may be reviewed, once, on any of the three (3) applicable grounds for review stated in Section V.H(5) above.
9. In cases where the review results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the Responding Party to his/her/their/its prior status.

VI. STUDENT CONDUCT COMMITTEE COMPOSITION

- A. Committee members will be identified by campus presidents or their designee(s).
- B. Each University campus will identify from their respective campus, at least three (3) people, who can serve as trained Committee members, each in the following categories:
 1. Enrolled students;
 2. Faculty members; and
 3. Staff members.
- C. Each hearing Committee will have at least three (3) and no more than seven (7) members consisting of:
 1. Committee Chair who is either a faculty or staff member;
 2. At least one (1) enrolled student; and
 3. At least one (1) faculty or staff member.
- D. All members of a hearing Committee will avoid both the appearance and reality of any conflict of interest. Any Committee member who has a potential conflict of interest or feels that s/he is unable to render an unbiased decision in the case will decline assignment to that Committee.
- E. The composition of the Committee will have equitable gender representation whenever practicable.

VII. REVIEW PANEL COMPOSITION

- A. At the discretion of each campus president or designee, the Review Panel shall consist of either:
 1. One (1) person who is a faculty or staff member, as identified by the campus president or designee; or
 2. Three (3) members which shall include:
 - a. One (1) faculty or staff member identified by the campus president;
 - b. One (1) enrolled student; and
 - c. One (1) Committee member.
- B. All Review Panel members may not have previous involvement with the current matter. All members of a Review Panel will avoid both the appearance and reality of any conflict of interest. Any Review Panel member who has a potential conflict of interest or feels that s/he is unable to render an unbiased decision in the case will decline assignment to that Review Panel.

VIII. TRAINING

- A. The following individuals will have annual training on issues related to Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, or Stalking and how to conduct an investigation and hearing process that protects the safety of individuals involved and promotes accountability:
 1. Campus presidents' designee(s);
 2. Officers;
 3. Individuals responsible for conducting Preliminary Inquiry or Formal Investigations;
 4. Committee members; and
 5. Review Panel members.

IX. SPECIFIC PROCEDURES WITH RESPECT TO DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING

The University prohibits Dating Violence, Domestic Violence, Sexual Assault, or Stalking. In such cases, the University will provide a prompt, fair, and impartial investigation and resolution. This process will be conducted by University Employees who receive annual training on these issues, and on how to conduct an investigation and hearing process that protects the safety of individuals involved and promotes accountability.

- A. Reporting a Violation
 1. Individuals may elect to report an incident to Campus Authorities, local law enforcement, both, or neither.
 2. Should a Reporting Party elect to report an incident to local law enforcement, Campus Authorities are available to assist with this process at the Reporting Party's request.
 3. Reporting Parties should, if possible, attempt to preserve any evidence. This evidence could prove crucial should the Reporting Party choose to report a violation of the Code, report a criminal act to local law enforcement, or seek an order of protection from abuse or harassment from the courts.
 4. As with other violations of the Code, and in accordance with federal law, the Preponderance of the Evidence standard will be used to determine whether a violation of the Code has occurred.
- B. Sanctions and Protective Measures
 1. Separate from the sanctions outlined in Section IV, it is within the University's power to impose remedial measures for the Parties.
 2. Even if a Reporting Party chooses not to pursue disciplinary proceedings under the Code or report the incident

to law enforcement, the Reporting Party should consider talking to Title IX Coordinator or the Deputy Coordinator about the possibility of remedial measures, as many measures (such as counseling or changing classes) may be possible regardless of whether an investigation is initiated.

3. Examples of possible remedial measures include:
 1. Changes in housing, classes, or transportation in order to avoid contact between the Parties;
 2. No-contact directives; and
 3. Helping connect the Parties to access services on campus and in the community, including counseling.
 4. Additional information on resources, including details about free on-campus counseling services and other resources on campus and in the community, may be found in the University's policy pamphlet on sexual assault, domestic violence, dating violence, and stalking.
- C. Confidentiality
1. Under federal law, the University is required to report statistics regarding the occurrence of certain crimes in the University community. When reporting these statistics the University withholds the names of Parties as confidential and, to the extent permissible by law, withholds any other information that may serve to identify the Parties.
 2. If a Reporting Party requests that their name or other identifiable information not be disclosed to the Responding Party, the University's ability to respond to the incident and pursue disciplinary action may be limited. Reporting Parties should note that, under Title IX of the Education Amendments of 1972, retaliation against a Party is prohibited. University Employees will take steps to prevent retaliation and will take responsive action if retaliation is found to have occurred.

X. STUDENT CONDUCT CODE REVIEW BOARD

- A. The Student Conduct Code Review Board will be responsible for:
 1. Considering all proposed amendments to the Code and acting as an advisor to the Board of Trustees in matters pertaining to the Code; and
 2. Sending recommendations on proposed amendments of the Code to the President's Council and Chancellor for transmission to the Board of Trustees.
- B. The Student Conduct Code Review Board will be composed of the following:
 1. From each campus of the University:
 - a. One (1) Officer;
 - b. One (1) Committee chair; and
 - c. One (1) enrolled student appointed by the President or his/her designee after seeking nominations from student representatives.
 2. One (1) enrolled student who is in a distance education program. This enrolled student will be appointed by the Vice Chancellor for Academic Affairs or his/her designee.
 3. One (1) representative from the Board of Trustees.
 4. One (1) representative appointed by Chancellor.
- C. The Chancellor's representative will be responsible for calling the Student Conduct Code Review Board into session.
- D. The Student Conduct Code Review Board will meet at least once every three (3) years, but may meet more often when requested by the following:
 1. Officers representing at least two (2) campuses of the University;
 2. Student government officers representing at least two (2) campuses of the University; or
 3. The Chancellor.

XI. AMENDING THE STUDENT CONDUCT CODE

The Board of Trustees will act upon proposed amendments to the Code after receiving recommendations of the Student Conduct Code Review Board, the President's Council of the University System, and the Chancellor. As provisions of the Code are subject to periodic review and change, the most recent and current copy of the Code may be obtained through the University of Maine System Chief Student Affairs Office or the Student Affairs Office on each campus.

Revised by the Student Conduct Code Review Board and accepted by the Board of Trustees, **19 March 2018**

Effective Date: July 1, 2018

University of Maine System
Board of Trustees

AGENDA ITEM SUMMARY

NAME OF ITEM: Faculty Representatives: Discussion

INITIATED BY: Lisa Marchese Eames, Chair

BOARD INFORMATION: X

BOARD ACTION:

BOARD POLICY:

UNIFIED ACCREDITATION CONNECTION:

N/A

BACKGROUND:

The Faculty Representatives to the Board of Trustees would like to reserve the opportunity to have a brief discussion on current matters.

University of Maine System
Board of Trustees

AGENDA ITEM SUMMARY

NAME OF ITEM: Student Representatives: Discussion

INITIATED BY: Lisa Marchese Eames, Chair

BOARD INFORMATION: X

BOARD ACTION:

BOARD POLICY:

UNIFIED ACCREDITATION CONNECTION:

N/A

BACKGROUND:

The Student Representatives to the Board of Trustees would like to reserve the opportunity to have a brief discussion on current matters.

University of Maine System
Board of Trustees

AGENDA ITEM SUMMARY

NAME OF ITEM: Student Health Insurance Update

INITIATED BY: Lisa Marchese Eames, Chair

BOARD INFORMATION: X

BOARD ACTION:

BOARD POLICY:

N/A

UNIFIED ACCREDITATION CONNECTION:

N/A

BACKGROUND:

The University of Maine System has been working with students and student success advisors to assess the impact of a health insurance coverage mandate for full time students that was established in 2014 in response to the individual coverage mandates in the Affordable Care Act provisions. The insurance industry has been moving toward mandatory enrollment plans for student groups. The UMS implemented a mandatory plan with a new provider last year. The change was a great burden on students and caused many students' hardship. Student voices were loud and clear that this mandate was impeding their ability to seek a higher education. The UMS created a subcommittee to look into the issue. Moving forward we will no longer mandate insurance. However, the UMS is partnering with the State of Maine to provide advisors to students who need an insurance option. These advisors will help our students find a solution on the public market place. We are being responsive to our student body's feedback and at the same time we will continue to assist students and explore additional options for students who still need health insurance. Robert Placido, Vice Chancellor of Academic Affairs and Dan Demeritt, Executive Director of Public Affairs will update the Committee.