

University of Maine System – Board of Trustees Meeting
July 26, 2021
Zoom Meeting

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

Monday, July 26, 2021

Call to Order @ 8:00 am

The Board of Trustees will go directly into Executive Session

Executive Session from 8:05 am to 10:45 am

The Board of Trustees will enter Executive Session under the provisions of: 1 MRSA 405 6A, C, & D.

Call to Order/Reconvene Public Meeting @ 11:00 am

Citizen Comment (5 minutes)

Individuals who wish to speak during Citizen Comment, please contact the Board Office at ums.trustees@maine.edu with your name and topic by 5:00 pm on Friday, July 23. To participate in Citizen Comment during the meeting dial: 1-800-605-5167 code 743544#

The Board of Trustees provides time for citizen comment prior to the business agenda at each meeting. The Chair of the Board will establish time limits (usually three minutes per person) and determine any questions of appropriateness and relevancy. Personnel decisions, collective bargaining issues, grievances, litigation and other areas excludable from public discussion under the Maine Freedom of Access Law shall not constitute appropriate matters for such input. A person who wishes to speak during the citizen comment period should arrive prior to the meeting start time and sign up on a sheet provided, indicating name and topic of remarks.

Chair's Report (15 minutes)

Tab 1 - Appointment of Standing Committees

Chancellor's Report (15 minutes)

Vice Chancellor for Academic Affairs' Report (60 minutes)

Tab 2 - Academic Affairs Update

Lunch Break (20 minutes) (Timing of the lunch break will be at the discretion of the Chair.)

Vice Chancellor for Research and Innovation Report (20 minutes)

Tab 3 - Vice Chancellor for Research and Innovation Update

Vice Chancellor for Finance and Administration & Treasurer's Report (15 minutes)

Tab 4 - Finance & Administration Update

Action Items (90 minutes)

Tab 5 - UMS Strategic Planning Resolution

Tab 6 - Confirmation of Boards of Visitors Appointments

Tab 7 - Proposed Changes to Board of Trustee Policy 501 - *Student Conduct Code*

Tab 8 - Confirmation of Faculty Representatives to the Board of Trustees

Tab 9 - Adaptive Reuse of Coburn and Holmes Halls – Public Private Partnership Authorization, UM

Tab 10 – Resolution for Rebecca M. Wyke

Consent Agenda (5 minutes)

Tab 11 - Acceptance of Minutes

Discussion Topics:

Tab 12- Unified Accreditation Update (10 minutes)

Date of the Next Meeting: September 26 & 27, 2021 – in person hosted by UMS at UM

Attachments:

Managed Investment Pool Flash Report

Pension Fund Flash Report

Operating Fund Flash Report

Proposed Changes to Board Policy 501 – Student Conduct Code (Redlined 2nd Read)

Proposed Changes to Board Policy 501 – Student Conduct Code (Clean 2nd Read)

Proposed Changes to Board Policy 501 – Student Conduct Code (Non-substantive Edits since 2nd Read)

Current Board Policy 501 – Student Conduct Code - Approved July 2018

UM Historic P3 Previously Presented Agenda Item Summary – September 2020

Committee Assignments 2021-2022

2021 BOV Master List of All Members by Campus (*Confidential*)

2021 BOV Master List of Narratives for Proposed Candidates (*Confidential*)

Reports:

[UMS Interactive Dashboard](#)

Agenda Calendar

Capital & Bond Project Report Executive Summary

Capital Project Status Report

Capital Project Status Report – Bond Report

Named Chairs and Professorships Annual Report

Management Group Appointments Report

Presentations:

Adaptive Reuse of Historic Coburn and Holmes Halls

UMFK Faculty Spotlight Presentation

USM PFE Presentation

UMF PFE Presentation

Vice Chancellor for Research and Innovation Update

Tabs noted in red text are action items.

Note: Times are estimated based upon the anticipated length for presentations 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 Board.

University of Maine System
Board of Trustees

AGENDA ITEM SUMMARY

NAME OF ITEM: Appointment of Standing Committees

INITIATED BY: Mark R. Gardner, Chair

BOARD INFORMATION: X

BOARD ACTION:

BOARD POLICY:

Section 103 – Bylaws of the Board of Trustees

UNIFIED ACCREDITATION CONNECTION:

N/A

BACKGROUND:

Board of Trustees Bylaws state that committee appointments will be made annually by the Chair. The Chair, Vice-Chair and Chancellor are ex officio members of all standing committees, but the Chancellor is a non-voting member. All committees must have at least three members apart from the ex officio members. Except for the Executive, Audit, and Human Resources/Labor Relations Committee, standing committees may have members who are not members of the Board. Faculty and Student Representatives serve as non-voting members of the Academic and Student Affairs Committee and the Finance, Facilities, Technology Committee. Committee assignments are effective from July 1, 2021 to June 30, 2022.

The Committee chairs and membership for FY2022 are included in the meeting materials.

Attachment:

Committee Assignments 2021-2022

7/16/2021

7/16/2021

University of Maine System
Board of Trustees

AGENDA ITEM SUMMARY

NAME OF ITEM: Academic Affairs Update

INITIATED BY: Dannel Malloy, Chancellor

BOARD INFORMATION: X

BOARD ACTION:

UNIFIED ACCREDITATION CONNECTION:

n/a

BACKGROUND:

The Vice Chancellor for Academic Affairs' (VCAA) update at the July 2021 Board of Trustees meeting has the following items.

1. **Faculty Spotlight:** Dr. Kennedy Rubert-Nason, a molecular and environmental toxicologist at the University of Maine at Fort Kent will present his research.
2. **Programs For Examination (PFE) Presentations:** 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. The University of Southern Maine and the University of Maine at Farmington will present their programs.

Presentations:

UMFK Faculty Spotlight Presentation

USM PFE Presentation

UMF PFE Presentation

7/16/2021

University of Maine System
Board of Trustees

3

AGENDA ITEM SUMMARY

NAME OF ITEM: Vice Chancellor for Research and Innovation Update

INITIATED BY: Dannel P. Malloy, Chancellor

BOARD INFORMATION: X

BOARD ACTION:

BOARD POLICY:

UNIFIED ACCREDITATION CONNECTION:

Unified accreditation requires that the University of Maine System demonstrate that it has addressed all of the NECHE standards. One of these, standard 7, describes expectations for teaching, learning and scholarship:

The institution supports teaching and learning through a well-qualified faculty and academic staff, who, in structures and processes appropriate to the institution, collectively ensure the quality of instruction and support for student learning. Scholarship, research, and creative activities receive support appropriate to the institution's mission. The institution's faculty has primary responsibility for advancing the institution's academic purposes through teaching, learning, and scholarship.

System-wide focus on research and innovation can support achievement of this standard. Additionally, such a focus helps advance the recommendations of the [University of Maine System Research and Development Plan FY20 – FY24](#).

BACKGROUND:

Joan Ferrini-Mundy, recently appointed as UMS Vice Chancellor for Research and Innovation, will provide updates at the July 26, 2021 Board of Trustees meeting.

1. New internal grants Supported by UMS: MEIF and RRF
2. Research development efforts UMS-wide
3. State and Federal Highlights

Presentation:

Vice Chancellor for Research and Innovation Update

7/16/2021

University of Maine System
Board of Trustees

AGENDA ITEM SUMMARY

NAME OF ITEM: Finance and Administration Update

INITIATED BY: Dannel P. Malloy, Chancellor

BOARD INFORMATION: X

BOARD ACTION:

BOARD POLICY:

UNIFIED ACCREDITATION CONNECTION:

N/A

BACKGROUND:

The Vice Chancellor for Finance and Administration and Treasurer Ryan Low will provide three updates at the July 26, 2021 Board of Trustees meeting.

1. UMS Investment Update - Flash Reports
2. FY2022 Budget Update

Attachments:

Managed Investment Pool Flash Reports

Pension Fund Flash Reports

Operating Fund Flash Reports

7/16/2021

University of Maine System
Board of Trustees

AGENDA ITEM SUMMARY

5

NAME OF ITEM: UMS Strategic Planning Charge

INITIATED BY: Mark R. Gardner, Chair

BOARD INFORMATION:

BOARD ACTION: X

BOARD POLICY: 301 Mission Policy

UNIFIED ACCREDITATION CONNECTION:

To prepare and adopt a strategic plan by which the University of Maine System, through the strategically coordinated collective actions of its universities and the University of Maine School of Law, will articulate a vision that takes full advantage of Unified Accreditation to achieve a competitive, collaborative and fiscally sustainable enterprise through which UMS fulfills its tripartite mission of teaching, research, and public service for the benefit of all UMS students and the State of Maine, with national and global impact as well.

BACKGROUND:

Chancellor Malloy's successful leadership of the University of Maine System's request for unified accreditation from the New England Commission of Higher Education (NECHE) resulted in NECHE's conferral of unified accreditation effective July 1, 2020. Unified accreditation opens the door to previously unavailable strategic opportunities for the System and its universities to collaborate, share resources, and achieve educational efficiencies to better serve their students and the State of Maine.

Board Policy 301 calls for strategic planning by both the System and individual universities on a five-year cycle. The Board last oversaw a comprehensive System-wide strategic planning process in 2004. Given the passage of time since the last UMS strategic plan, the changed strategic and demographic landscape facing UMS and higher education nationally, the advent of unified accreditation, and the continuing and increasingly urgent need for clear strategic priorities and associated strategies to guide the Board, System, and university leadership in decisions concerning the allocation of time, budgeted resources and capital expenditures, the Chair proposes that the Board charge the Chancellor to lead the creation of a new System-wide strategic plan.

The Board of Trustees recognizes that System leadership and representatives from all System universities and Maine Law are fully engaged in the significant work of preparing a self-study assessment report for NECHE in connection with NECHE's planned Fall 2022 comprehensive evaluation of the System's unified accreditation. Thus, the Plan requested here and the self-study report should be aligned to the fullest extent possible, and we encourage the Chancellor to design a process that takes advantage of efficiencies, resources, and competencies associated with the self-study process underway.

7/16/21

The Board now charges the Chancellor to lead the System, acting with appropriate consultation with the Board and through the UMS university presidents, Maine Law Dean, and System leadership, in the creation of a new UMS strategic plan.

TEXT OF PROPOSED RESOLUTION:

That the University of Maine System Board of Trustees directs the Chancellor to prepare and submit for Board approval a new strategic plan for the University of Maine System that articulates a financially sustainable five-year vision for UMS, sets clear priorities with measurable outcomes, and identifies the primary strategies that will achieve those outcomes.

The following parameters should guide the Strategic Planning work pursuant to this Charge:

1. Strategic Planning process: As soon as reasonably practical after receiving this Charge, and if possible at the Board's regular September 2021 meeting, the Chancellor will present the Board with a recommended process and timeline for the preparation of a System strategic plan that fully satisfies all of the components of this Charge.
2. The Plan should be developed by the Chancellor in close collaboration with the University Presidents and Maine Law Dean, with broad input from stakeholders on all campuses, representative Maine employers and professional associations, and political and community leaders, in accordance with the higher education public policy of the State of Maine as set forth in statute, the University of Maine System Mission as set forth in Board Policy 301.1, Board Policy 301 and its associated APL X-A, and other relevant Board policies, such as those governing shared governance, academic freedom, and freedom of speech.
3. The Board acknowledges that individual universities have strategic plans at various stages of development or implementation, and that university strategic plans play a fundamental role in university-level budget building, priority-setting, and university presidential leadership and accountability. The Strategic Plan developed for the System should guide and incentivize the universities to act together in strategic coordination to refine, align and fulfill their individual missions in ways that support and advance the System's mission and strategic plan.
4. Strategic Plan content considerations: The draft Strategic Plan should include the following elements:
 - a. A Vision for UMS in five years
 - b. A reasonable number of measurable outcomes or goals that reflect the highest priorities for the University of Maine System during the period of the Strategic Plan.
 - c. Two to four major, System-wide strategies for each goal that build on existing university and System initiatives when possible
 - d. Updated Key Performance Indicators (as needed) that measure progress toward achievement of the goals, and provide objective means of accountability from the Board, Chancellor, and System and university leadership to the UMS Strategic Plan.
5. The Board's role will be as follows:
 - a. To review the Chancellor's proposed process and timeline for Strategic Plan development and monitor progress Plan development by regular reports from UMS leaders to appropriate Board committees and to the Board as a whole at its regularly scheduled meetings

7/16/21

- b. To participate in the input-gathering stage of the Strategic Plan development process to ensure that the Board members' perspectives on vision and strategic priorities for governance of the System and achievement of its mission are primary considerations to be reflected in the Strategic Plan
- c. To receive for its consideration a summary of all stakeholder and public input on the draft Strategic Plan, and to conduct such additional meetings as deemed necessary to fully consider all such input and discuss the proposed Plan before acting to adopt the plan
- d. To review, consider for approval, and adopt the Strategic Plan at a regularly scheduled public meeting

The Board otherwise defers to the Chancellor regarding the process and the content of the draft Plan.

- 6. Consulting assistance: The Board strongly supports the engagement of such outside resources and deployment of such internal staff and resources as may be necessary to support, advise and assist the Chancellor with the planning process and development of the Plan.

The process and Plan development should take into account, but not be limited to, at least the following:

- 1. State of Maine Post-Secondary Education Policy as set forth in 20-A MRS § 10902
- 2. The University of Maine System Charter, in particular Board Policy 102, section 1-A.
- 3. Current data, projections, studies, trends, and other relevant information, at the regional, national, and global levels, including without limitation emerging best practices and business models, demographics, higher education enrollment, innovations and impacts in delivery models for higher education, affordability, and market demand for skills and knowledge in the information economy.
- 4. The State of Maine's 10-year Economic Plan and The Maine Economic Recovery Plan
- 5. The Board's 2016 Primary and Secondary Outcomes
- 6. The Board's 2018 Declaration of Strategic Priorities to Address Critical State Needs, and the reports prepared and actions already taken thereunder
- 7. The Guiding Principles and January 27, 2020 Board Resolution under which the System is pursuing the implementation of unified accreditation
- 8. NECHE's Standards for Accreditation and the current process underway across the System to prepare a self-study report for NECHE in connection with its planned Fall 2022 Comprehensive Evaluation of the System's unified accreditation, so that the Plan is informed by the self-study and consistent with the Standards for Accreditation and NECHE's areas of focus in subsequent reaccreditations
- 9. The UMS TRANSFORMS programs and initiatives funded by the October 2020 Harold Alfond Foundation grant:
 - a. The Maine College of Engineering, Computing and Information Science
 - b. The three Student Success and Retention initiatives: Research Learning Experience, Gateways to Success, and Pathways to Careers
 - c. The University of Maine Graduate & Professional Center
 - d. Division 1 Athletics, including gender equity and the use of UMaine athletic facilities for extracurricular student activities, student recruitment, high school and community events and competitions, and other competitive collegiate activities for other System universities
- 10. Strategic initiatives already underway, including by way of example only

7/16/21

- a. The System's Imperative for Change and related commitments to social justice and Diversity, Equity, and Inclusion
 - b. The pursuit of the goals established by the July 15, 2019 Report of the Committee to Advise on the Future Direction of the Law School
 - c. Programs for examination
 - d. The unified catalog initiative
 - e. Repaving MaineStreet investments and expected outcomes
 - f. The System's five-year priority capital needs and commitment to funding depreciation
 - g. Multi-campus collaborations planned or underway with respect to courses, programs and administration
 - h. Initiatives to enhance research and external funding opportunities UMS-wide and to build a solid financial model for research at the System flagship research university
 - i. The vital partnership between the University of Maine System and the Maine employer community, with the mutual goals of sustained engagement to maintain the competitive marketplace relevance of the UMS academic program, strengthen the workforce competencies and employability of UMS graduates, and enhance talent acquisition and job advancement
11. Opportunities to improve access and efficiency through collaboration with other educational institutions, including in particular the Maine Community College System and Maine Maritime Academy, through shared use of facilities and other resources and in academic programming.
 12. External stakeholder input (employer, community, political leadership, foundations, etc.)

University of Maine System
Board of Trustees

AGENDA ITEM SUMMARY

NAME OF ITEM: Confirmation of Boards of Visitors' Appointments for 2021-2022

INITIATED BY: Dannel P. Malloy, Chancellor

BOARD INFORMATION:

BOARD ACTION: X

BOARD POLICY:

University of Maine System Charter

UNIFIED ACCREDITATION CONNECTION:

N/A

BACKGROUND:

In accordance with the University of Maine System Charter, each Board of Visitors consists of up to 20 members recommended by campus Presidents and confirmed by the Board of Trustees. Membership should reflect the mission of the university and the region it serves. Boards of Visitor appointment recommendations from the Presidents are outlined in the attached biographical sketches distributed to the Board of Trustees.

Campuses may contact the potential candidate(s) to determine his/her interest prior to submitting the name(s) to the Clerk's Office. The list of proposed members may be larger than the number of seats the President intends to fill, understanding that this is the list from which they will draw to extend invitations.

TEXT OF PROPOSED RESOLUTION:

That the Board of Trustees confirms the Boards of Visitors' appointments for 2021-2022, as presented.

Attachments:

2021 BOV Master List of All Members by Campus (*Confidential*)

2021 BOV Master List of Narratives for Proposed Candidates (*Confidential*)

07/16/2021

University of Maine System
Board of Trustees

AGENDA ITEM SUMMARY

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

INITIATED BY: Dannel P. Malloy, Chancellor

BOARD INFORMATION:

BOARD ACTION: X

BOARD POLICY:

501: *Student Conduct Code*

UNIFIED ACCREDITATION CONNECTION:

N/A

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 review process has been underway since September 2020. An additional DEI review occurred in May/June 2021; appropriate adjustments have been made to the Code in response.

Laurel Hyle, UMS Deputy General Counsel and Chief Compliance Officer, will update the Committee on the review process as well as changes/clarifications to the Code since the first read. Laura Rodas, Associate Dean of Students at UMA and chair of the UMS Student Conduct Code Review Committee and Donna Seppy, Director of Student Success Initiatives, will also be available to answer questions.

The Academic and Student Affairs Committee reviewed the proposed changes to Board Policy 501 – *Student Conduct Code* at their meeting on July 12, 2021 and agreed to forward this item to the July 26, 2021 Board of Trustees meeting, for approval of the following resolution:

TEXT OF PROPOSED RESOLUTION:

That the Board of Trustees accepts the recommendation of the Academic and Student Affairs Committee, and approves the proposed changes to Board of Trustee Policy 501 - *Student Conduct Code*, to go into effect August 1, 2021.

Attachments:

Proposed Changes to Board Policy 501 – Student Conduct Code (Redlined 2nd Read)

Proposed Changes to Board Policy 501 – Student Conduct Code (Clean 2nd Read)

Proposed Changes to Board Policy 501 – Student Conduct Code (Non-substantive Edits since 2nd Read)

Current Board Policy 501 – Student Conduct Code

7/16/2021

University of Maine System
Board of Trustees

AGENDA ITEM SUMMARY

NAME OF ITEM: Confirmation of Faculty Representatives to the Board of Trustees

INITIATED BY: Mark R. Gardner, Chair

BOARD INFORMATION: X

BOARD ACTION:

BOARD POLICY:

Policy 205 – Faculty & Student Representatives to the Board of Trustees

UNIFIED ACCREDITATION CONNECTION:

N/A

BACKGROUND:

To create the environment for interaction among and between Faculty and Student Representatives, the Trustees and System administration, the Trustees have provided opportunities for participation in the meetings of the committees of the Board.

One faculty member and one undergraduate student from each of the seven universities and one graduate student from the University of Southern Maine and one graduate student from the University of Maine will be appointed by the Board as non-voting representatives to the Board of Trustees and invited to participate as non-voting members on the standing committees.

Normally, the representative is expected to complete a two year term; therefore, it is an expectation that the minimum term of service by Faculty and Student Representatives to the Board be two years. The nominations will be forwarded through the Presidents to the Chancellor for submission to the Board for Trustee approval.

The following nominations are being recommended by the Presidents:

Faculty Representative:

Patrick Cheek, UMA, – appointed for a one year term – July 2021 to July 2022

Matthew Bampton, USM – reappointed for a one year term – July 2021 to July 2022

Matthew Bampton will be on sabbatical leave for the Fall 2021 semester and Daniel Jenkins has been selected by USM to represent Professor Bampton as the USM Faculty Representative to the Board during that time.

TEXT OF PROPOSED RESOLUTION:

That the Board of Trustees approves the appointments of the Faculty Representatives to the Board of Trustees as presented.

7/16/2021

University of Maine System
Board of Trustees

AGENDA ITEM SUMMARY

NAME OF ITEM: Adaptive reuse of Coburn and Holmes Hall – Public-Private Partnership Authorization, UM

INITIATED BY: Dannel P. Malloy, Chancellor

BOARD INFORMATION:

BOARD ACTION: X

BOARD POLICY:

701 – Budgets, Operating & Capital

802 – Disposition of Real Property

UNIFIED ACCREDITATION CONNECTION:

N/A

BACKGROUND:

a. Summary of the request:

The University of Maine System acting through the University of Maine (UM) requests authorization to complete negotiations and enter into a Definitive Agreement for a public private partnership (P3) with Radnor Property Group LLC (Radnor or Developer). The P3 agreement will include a ground lease of the properties surrounding Holmes and Coburn Halls and the buildings proper for 99-years with ownership returned to UM at the end of the 99 years and with a purchase option after 75 years. The result of the P3 will be the adaptive reuse of Coburn Hall and Holmes Hall, unused facilities on the Orono Campus, into a combined 87-bed on-campus boutique hotel. To complete the reuse Project, the development team proposes to renovate both buildings as well as build an addition of approximately 24,800 square feet to Holmes Hall. The Developer is estimating this endeavor to cost approximately \$17.2 million. Annual rent paid to the University will begin at \$30,000 with a 5% escalation factor every five years.

This request is pursuant to Board Policy 802, Disposition of Real Property, which requires leases with a total value of \$100,000 or more or a term of 5 years or more to be considered by the Board of Trustees or its Finance, Facilities and Technology Committee. In this case, the request is for the committee to approve and forward to the full Board for consideration. This request is also pursuant to Board Policy 701, Budgets, Operating & Capital. The total Project costs are estimated to be \$17.2 million. The Developer intends to obtain both historic tax credits and new market tax credits to reduce the amount of up front capital they will need. Since the eligibility of the new market tax credits for the Project is not certain, the University agrees to contribute up to \$1.7 million in funding should those credits prove unavailable. The university would cover these costs through auxiliary reserves and annual capital budgeted expenditures.

b. Overall requested budget and funding source:

As this Project is structured to be a P3 project, the funding for the design, renovation and construction will be through the Developer. In accordance with the executed, non-binding Letter of Intent dated June 25, 2021, if UM elects to not proceed with the Project during the negotiation period, UM must reimburse the Developer for its third-party due diligence costs, capped at \$400,000 until the Project is approved by the Board of Trustees. Once the Definitive Agreement is executed and as described in (a.) above, the university will be committed to cover up to \$1.7 million should the Developer not succeed in obtaining new market tax credits for the project. This would bring the total amount of potential University funds to \$2 million, including

University incurred consulting and legal expenses for the Project. Should this happen, the University proposes to cover the expenses with auxiliary reserves and annual capital budgeted expenditures.

- c. More detailed explanation of rationale for project and metrics for success of the project:

As described in the September 2020 information item to the Board (attached), these properties have been previously identified for reuse or disposition. Through a study performed by P3 consultant, Brailsford & Dunlavey, it was determined that a hotel concept delivered by way of a public-private partnership which would allow the use of federal and state Historic Tax credits was both economically viable and strategically beneficial.

Radnor will be responsible for ensuring the viability of the hotel.

- d. Explanation of the scope and substance of the project as needed to supplement (a) and (c) above:

Beginning in December 2020, the University sought qualified responses through RFP #2021-017 University of Maine (UMaine) Public Private Partnership (P3) for Historical Buildings Redevelopment for Office and Hotel concepts. Upon completion of the selection process the University of Maine Project Team awarded the RFP to Radnor Property Group, LLC for the renovation of Coburn Hall and Holmes Hall and construction of a 24,800 square foot addition to Holmes Hall for a combined 87-bed on-campus boutique hotel.

Radnor Property Group, LLC and the University are operating under a Letter of Intent / Term Sheet that will terminate upon execution of the Definitive Agreement OR the date of construction / renovation commencement in February of 2022 with substantial completion April 30, 2023 and opening June of 2023.

- e. Changes, if any, in net square footage or ongoing operating costs resulting from the project:

The Project is expected to include an addition to Holmes Hall of approximately 24,800 square feet. The terms of the partnership include a ground lease of these facilities and the surrounding site to Radnor, effectively reducing the University's footprint for the term of the lease. The University may agree to continue some level of services (for example plowing and mowing) for the site. In the event that The Project does not achieve projected Net Operating Income (NOI) on an annual basis, the University will provide financial support to The Project. This support will be in the form of a room guarantee and will be capped at 3,750 rooms (calculated at the average daily room rate submitted in The Project's pro forma). The cap for the University for the first year of operations is \$450,000. This University support will be in effect for the first 25 years of the lease. Currently, UM incurs approximately \$100,000 in annual operating costs to maintain Coburn and Holmes Halls in their current vacant state.

The terms of the agreement also include an opportunity for additional rent income. In the event the Project exceeds financial projections, the University will participate in additional rent income by receiving 15% of the Net Operating Income in excess of projections.

The expectation is that the University will see a decrease in annual internal costs for the maintenance and operation of these facilities and will benefit from the adaptive reuse of them.

- f. Budget for the project and further elaboration on funding source and selection as needed to supplement (b):

Funding for the development Project will be provided by Radnor through various sources including but not limited to private equity, debt as well as federal and state historic tax credits. Radnor has provided Project pro-forma projections and business plans indicating positive cash flow for the properties beginning no later than the second year of operations.

- g. Alternatives that were considered to meet the need being addressed by this project:

As described in (c.) above and in the September, 2020 board information item.

h. Timeline for start, occupancy and completion:

Radnor anticipates executing the Definitive Agreement no later than September of 2021. Construction would begin in February of 2022 with completion in spring of 2023 and opening in summer of 2023.

i. Timeline for any further consideration or action anticipated to be needed by the Board or its committees regarding this Project if full authority is not being requested from the outset. At this time, no additional consideration is anticipated to be needed.

j. Additional information that may be useful for consideration of the item.

The current Net Asset Value (NAV) and Renovation Age for the buildings are as follows:

Coburn NAV -13%; renovation age 120;

Holmes NAV 14%; renovation age 120.

Upon completion of the renovation and new construction, the facilities will be reset to nearly 100% NAV and 0 renovation age, however as leased properties they will not be included in the University's annual facility benchmarking. The Definitive Agreement will include a requirement for maintenance of the new facilities at a First-Class Condition through the life of the Project and will be transferred to the university in such condition upon termination of the agreement.

The Finance, Facilities and Technology Committee approved this item to be forwarded to the July 26, 2021 Board of Trustees meeting, for approval of the following resolution as amended:

TEXT OF PROPOSED RESOLUTION:

That the Board of Trustees accepts the recommendation of the Finance, Facilities and Technology Committee and authorizes the University of Maine System acting through the University of Maine to continue due diligence toward a public private partnership through a 99-year ground lease and Definitive Agreement with Radnor Property Group, LLC for the building redevelopment of Coburn Hall and Holmes Hall, a 24,800 square foot addition to Holmes Hall, but subject before final approval to the normal capital spending thresholds established by Trustees and further subject to review of updated terms and conditions by the Committee at its September 15, 2021 meeting or other future meeting(s) as circumstances warrant.

Attachment:

UM Historic P3 Previously Presented Agenda Item Summary – September 2020

Presentation:

Adaptive Reuse of Historic Coburn and Holmes Halls

7/16/2021

University of Maine System
Board of Trustees

AGENDA ITEM SUMMARY

NAME OF ITEM: Resolution for Rebecca M. Wyke

INITIATED BY: Mark R. Gardner, Chair

BOARD INFORMATION:

BOARD ACTION: X

BOARD POLICY:

N/A

UNIFIED ACCREDITATION CONNECTION:

N/A

BACKGROUND:

Dr. Rebecca M. Wyke has served as the President of the University of Maine at Augusta since July 1, 2017. Dr. Wyke joined the University of Maine System as the Vice Chancellor for Finance and Administration and Treasurer in 2008. She served as Interim President for the University of Maine at Augusta in 2015-2016 and was appointed as President of the University of Maine at Augusta in 2017.

Dr. Wyke has been a dedicated public servant and a caring higher education leader who has always put the interests of her students, faculty and staff first and the University of Maine System and the University of Maine at Augusta have benefited greatly from her leadership.

Dr. Wyke will complete her service as President of the University of Maine at Augusta at the end of the summer.

TEXT OF PROPOSED RESOLUTION:

A resolution for Board approval will be presented at the July 26, 2021 Board of Trustees meeting.

7/16/2021

University of Maine System
Board of Trustees

AGENDA ITEM SUMMARY

NAME OF ITEM: Acceptance of Minutes

INITIATED BY: Mark R. Gardner, Chair

BOARD INFORMATION:

BOARD ACTION: X

BOARD POLICY:

N/A

UNIFIED ACCREDITATION CONNECTION:

N/A

BACKGROUND:

The following minutes will be presented to the Board of Trustees for approval at the July 26, 2021 Board meeting:

May 5, 2021 – Finance, Facilities & Technology Committee

May 17, 2021 – Investment Committee

May 17, 2021 – Audit Committee

May 24, 2021 – Board of Trustees Meeting

June 14, 2021 – Finance, Facilities & Technology Committee

June 25, 2021 – Special Board of Trustees Meeting

July 12, 2021 – Academic & Student Affairs Committee

July 12, 2021 – Human Resources & Labor Relations Committee

July 15, 2021 – Finance, Facilities & Technology Committee

The Board of Trustees website link to the minutes is: <http://www.maine.edu/about-the-system/board-of-trustees/meeting-minutes/>

TEXT OF PROPOSED RESOLUTION:

That the Board of Trustees approves the minutes as presented.

7/16/2021

University of Maine System
Board of Trustees

AGENDA ITEM SUMMARY

NAME OF ITEM: Unified Accreditation Update

INITIATED BY: Dannel P. Malloy, Chancellor

BOARD INFORMATION: X

BOARD ACTION:

BOARD POLICY:

UNIFIED ACCREDITATION CONNECTION:

Board engagement/transparency

BACKGROUND:

Associate Vice Chancellor for Accreditation and Strategic Initiatives Jeff St. John will share a brief overview of how the UMS self-study for the Fall 2022 NECHE evaluation will reflect and align with UMS strategic planning: in the narrative, in the data, and comprehensively.

12

7/16/2021

University of Maine System Managed Investment Pool

TOTAL PLAN PERFORMANCE

	Market Value (\$)	% of Portfolio	Policy %	1 Mo (%)	YTD (%)	Fiscal YTD (%)	1 Yr (%)	3 Yrs (%)	5 Yrs (%)	7 Yrs (%)	10 Yrs (%)
MIP Composite	439,727,465	100.0	100.0	1.1	6.6	25.9	28.4	9.1	9.2	6.3	6.7
Allocation Index				1.1	8.1	27.0	29.8	10.5	10.3	7.3	7.3
Policy Index				1.2	7.8	27.4	30.7	10.6	10.6	7.6	7.5
Total Domestic Large Cap	101,293,729	23.0	22.0	0.7	12.6	37.6	40.3	17.9	17.1	14.0	14.1
S&P 500				0.7	12.6	37.6	40.3	18.0	17.2	14.1	14.4
SSgA S&P 500	101,293,729	23.0	22.0	0.7	12.6	37.6	40.3	17.9	17.1	14.0	14.3
S&P 500				0.7	12.6	37.6	40.3	18.0	17.2	14.1	14.4
Total Domestic Small/Mid Cap	29,022,469	6.6	6.0	1.2	21.0	63.9	67.0	14.9	17.2	12.4	12.8
Russell 2500				0.2	15.6	55.9	60.5	15.1	16.1	12.3	12.5
Westfield Capital	13,291,155	3.0	3.0	-2.0	7.9	43.4	45.0	17.3	19.4	14.0	13.6
Russell 2500 Growth				-2.8	3.1	42.0	47.2	18.4	19.2	14.8	14.0
DFA	15,731,314	3.6	3.0	4.0	33.9	84.9	90.2	11.1	13.4	9.6	11.1
Russell 2000 Value				3.1	27.5	74.3	79.4	10.7	13.8	10.0	10.6
Global Equity	46,149,001	10.5	10.0	2.0	7.1	32.2	33.9	--	--	--	--
MSCI World				1.4	11.4	37.0	40.6	14.4	14.2	10.2	10.3
Walter Scott Global Equity	46,149,001	10.5	10.0	2.0	7.1	32.2	33.9	--	--	--	--
MSCI World				1.4	11.4	37.0	40.6	14.4	14.2	10.2	10.3
Total International Equity (including emerging markets)	93,812,156	21.3	21.0	2.3	6.5	34.2	39.4	6.6	8.8	4.6	5.1
MSCI EAFE				3.3	10.1	33.9	38.4	8.2	9.8	5.3	5.9
Morgan Stanley	23,093,835	5.3	5.0	4.6	9.3	29.3	35.1	8.5	9.1	5.0	6.0
JO Hambro	20,889,015	4.8	5.0	1.4	5.0	30.3	35.2	--	--	--	--
MSCI EAFE				3.3	10.1	33.9	38.4	8.2	9.8	5.3	5.9
Kabouter International Opportunities Offshore Fund II	16,989,350	3.9	4.0	0.8	0.8	21.9	20.3	2.1	--	--	--
MSCI EAFE Small Cap				2.0	10.9	43.4	45.3	8.3	11.2	8.2	8.4
Emerging Markets Equity	32,839,955	7.5	7.0	2.2	8.7	48.4	60.0	11.3	11.0	5.2	4.5
Emerging Markets Equity Custom Benchmark				2.4	12.1	50.2	62.5	10.6	14.5	7.1	4.4
Aberdeen Emerging Mkts	16,185,356	3.7	3.5	2.1	4.9	47.7	61.4	14.0	13.6	7.0	5.7
MSCI Emerging Markets				2.3	7.3	40.7	51.0	9.6	13.9	6.7	4.1
Mondrian EM Small Cap	16,654,599	3.8	3.5	2.3	12.7	48.7	58.0	8.4	8.1	--	--
MSCI Emerging Markets Small Cap				2.5	17.0	60.0	74.4	9.0	11.9	6.2	4.1



University of Maine System Managed Investment Pool

TOTAL PLAN PERFORMANCE

	Market Value (\$)	% of Portfolio	Policy %	1 Mo (%)	YTD (%)	Fiscal YTD (%)	1 Yr (%)	3 Yrs (%)	5 Yrs (%)	7 Yrs (%)	10 Yrs (%)
Total Fixed Income	106,705,870	24.3	26.5	0.6	0.7	6.3	7.7	5.2	4.4	3.5	4.4
BBgBarc US Aggregate TR				0.3	-2.3	-1.0	-0.4	5.1	3.2	3.2	3.3
Commonfund	37,987,280	8.6	9.5	0.3	-1.8	2.1	3.6	5.3	4.0	3.5	4.0
BBgBarc US Aggregate TR				0.3	-2.3	-1.0	-0.4	5.1	3.2	3.2	3.3
Vanguard Inflation-Protected Securities	14,306,804	3.3	3.5	1.0	1.0	5.8	6.8	6.4	4.4	--	--
BBgBarc US TIPS TR				1.2	1.1	5.9	7.1	6.5	4.5	3.3	3.4
Vanguard Short-Term Inflation-Protected Securities	14,015,896	3.2	3.5	0.8	2.7	5.8	6.6	--	--	--	--
BBgBarc US TIPS 1-5 Yr TR				0.8	2.9	6.4	7.3	4.6	3.2	2.1	1.8
Blackrock Strategic Income Opportunities	20,211,232	4.6	5.0	0.4	1.1	8.2	9.8	5.2	--	--	--
3-Month Libor Total Return USD				0.0	0.1	0.2	0.2	1.5	1.4	1.1	0.9
Bain Capital Senior Loan Fund	20,184,658	4.6	5.0	1.1	4.0	13.4	15.1	--	--	--	--
Credit Suisse Leveraged Loans				0.5	3.1	11.2	12.7	4.3	5.0	4.1	4.4
Total GAA	29,669,370	6.7	7.5	1.1	4.6	14.4	16.0	4.6	5.3	3.0	3.6
65% MSCI ACWI (Net) / 35% BBgBarc Global Agg				1.3	6.0	24.7	27.7	10.8	10.4	7.3	7.1
Newton Global Real Return	29,669,370	6.7	7.5	1.1	4.6	16.6	18.5	9.0	--	--	--
60% MSCI ACWI (Net) / 40% BBgBarc Global Agg				1.2	5.3	22.9	25.7	10.3	9.9	6.9	6.8
Total Hedge Funds	30,010,545	6.8	7.0	-0.5	-0.9	19.9	22.0	8.3	7.8	4.8	3.8
HFRI Fund of Funds Composite Index				0.2	4.5	17.7	20.0	6.0	5.9	4.2	3.7
Lighthouse	30,010,545	6.8	7.0	-0.5	-0.9	19.9	22.0	8.3	8.5	--	--
Credit Suisse Long Shrt Eqt USD				0.4	6.0	17.2	18.5	6.4	6.7	5.3	5.4
Private Equity	1,981,821	0.5	0.0	0.0	0.0	18.0	0.1	5.3	9.7	11.9	--
Landmark Equity Partners XV	1,981,821	0.5	0.0	0.0	0.0	18.0	0.1	5.3	9.7	11.9	--
CJA US All PE (1 Qtr Lag)				0.0	13.2	36.7	22.9	15.7	15.5	13.4	14.0
Total Cash	1,082,504	0.2	0.0								
Distribution Account	1,082,504	0.2	0.0	0.0	0.0	0.0	0.0	1.0	0.8	0.6	0.5
91 Day T-Bills				0.0	0.0	0.1	0.1	1.3	1.1	0.8	0.6

Notes:
 Fiscal YTD begins 7/1
 Blended Index: 40% BC Aggregate, 30% BC U.S. TIPS 1-10YR, 10% S&P 500, 10% BC High Yield, 10% JPM EMBI+
 Emerging Markets Equity Custom Benchmark consists of MSCI EM from Inception to 5/31/2019 and 50% MSCI EM / 50% MSCI EM Small Cap from 6/1/2019 to present.
 Returns are net of manager fees
 Landmark market value is estimated as of 5/31/2021.

DISCLAIMERS & DISCLOSURES

Past performance is no guarantee of future results.

Returns for pooled funds, e.g. mutual funds and collective investment trusts, are collected from third parties; they are not generally calculated by NEPC. Returns for separate accounts, with some exceptions, are calculated by NEPC. Returns are reported net of manager fees unless otherwise noted.

A “since inception” return, if reported, begins with the first full month after funding, although actual inception dates (e.g. the middle of a month) and the timing of cash flows are taken into account in Composite return calculations.

NEPC’s preferred data source is the plan’s custodian bank or record-keeper. If data cannot be obtained from one of the preferred data sources, data provided by investment managers may be used. Information on market indices and security characteristics is received from additional providers. While NEPC has exercised reasonable professional care in preparing this report, we cannot guarantee the accuracy of all source information contained within. In addition, some index returns displayed in this report or used in calculation of a policy index, allocation index or other custom benchmark may be preliminary and subject to change.

All investments carry some level of risk. Diversification and other asset allocation techniques are not guaranteed to ensure profit or protect against losses.

The opinions presented herein represent the good faith views of NEPC as of the date of this presentation and are subject to change at any time. Neither fund performance nor universe rankings contained in this report should be considered a recommendation by NEPC.

This report may contain confidential or proprietary information and may not be copied or redistributed to any party not legally entitled to receive it.

Source of private fund performance benchmark data: Cambridge Associates, via Refinitiv





University of Maine System Pension Plan

TOTAL PLAN PERFORMANCE

	Market Value (\$)	% of Portfolio	Policy %	1 Mo (%)	YTD (%)	Fiscal YTD (%)	1 Yr (%)	3 Yrs (%)	5 Yrs (%)	7 Yrs (%)	10 Yrs (%)
Pension Composite	25,376,090	100.0	100.0	1.1	3.0	14.8	16.1	8.0	7.4	5.4	5.7
Allocation Index				0.8	4.6	16.1	17.8	8.2	8.0	6.2	6.5
Policy Index				0.8	4.5	15.9	17.6	8.4	8.0	6.3	6.7
Total Global Equity	7,969,962	31.4	30.0	2.0	7.3	32.4	34.3	--	--	--	--
MSCI World				1.4	11.4	37.0	40.6	14.4	14.2	10.2	10.3
Walter Scott Global Equity Fund	7,969,962	31.4	30.0	2.0	7.3	32.4	34.3	--	--	--	--
MSCI World				1.4	11.4	37.0	40.6	14.4	14.2	10.2	10.3
Emerging Markets Equity	898,729	3.5	3.0	2.3	12.7	48.7	58.0	8.4	8.1	3.4	--
Emerging Markets Equity Benchmark				2.5	17.0	60.0	74.4	11.5	15.0	7.5	4.6
Mondrian EM Small Cap	898,729	3.5	3.0	2.3	12.7	48.7	58.0	8.4	8.1	--	--
MSCI Emerging Markets Small Cap				2.5	17.0	60.0	74.4	9.0	11.9	6.2	4.1
Total Fixed Income	10,759,438	42.4	43.0	0.5	-0.7	2.5	3.5	5.2	3.7	3.2	3.7
BBGBarc US Aggregate TR				0.3	-2.3	-1.0	-0.4	5.1	3.2	3.2	3.3
Baird Aggregate Bond Fund	6,370,681	25.1	26.0	0.2	--	--	--	--	--	--	--
BBGBarc US Aggregate TR				0.3	-2.3	-1.0	-0.4	5.1	3.2	3.2	3.3
Vanguard Inflation-Protected Securities	880,636	3.5	3.5	1.0	1.0	5.8	6.8	6.4	--	--	--
BBGBarc US TIPS TR				1.2	1.1	5.9	7.1	6.5	4.5	3.3	3.4
Vanguard Short-Term Inflation-Protected Securities - VTSPX	891,092	3.5	3.5	0.8	2.7	5.8	6.6	--	--	--	--
BBGBarc US TIPS 1-5 Yr TR				0.8	2.9	6.4	7.3	4.6	3.2	2.1	1.8
BlackRock Strategic Income Opportunities	1,300,542	5.1	5.0	0.4	1.1	8.2	9.9	5.3	--	--	--
3-Month Libor Total Return USD				0.0	0.1	0.2	0.2	1.5	1.4	1.1	0.9
Bain Capital Senior Loan Fund	1,316,487	5.2	5.0	1.1	4.0	13.4	15.1	--	--	--	--
Credit Suisse Leveraged Loans				0.5	3.1	11.2	12.7	4.3	5.0	4.1	4.4
Total GAA	1,908,383	7.5	8.0	1.1	4.6	16.6	18.5	7.5	6.8	4.1	4.1
65% MSCI ACWI (Net) / 35% BBGBarc Global Agg				1.3	6.0	24.7	27.7	10.8	10.4	7.3	7.1
Newton Global Real Return	1,908,383	7.5	8.0	1.1	4.6	16.6	18.5	9.0	--	--	--
60% MSCI ACWI (Net) / 40% FTSE WGBI				1.3	4.8	22.2	24.9	10.2	9.7	6.7	6.6
Total Alternative Investments	1,367,285	5.4	5.0	-0.5	-0.9	19.9	22.0	8.3	7.9	5.1	4.1
HFRI Fund of Funds Composite Index				0.2	4.5	17.7	20.0	6.0	5.9	4.2	3.7
Lighthouse	1,367,285	5.4	5.0	-0.5	-0.9	19.9	22.0	8.3	8.5	--	--
Credit Suisse Long Shrt Eqt USD				0.4	6.0	17.2	18.5	6.4	6.7	5.3	5.4



May 31, 2021

University of Maine System Pension Plan

TOTAL PLAN PERFORMANCE

	Market Value (\$)	% of Portfolio	Policy %	1 Mo (%)	YTD (%)	Fiscal YTD (%)	1 Yr (%)	3 Yrs (%)	5 Yrs (%)	7 Yrs (%)	10 Yrs (%)
Total Real Assets	2,113,741	8.3	8.0								
Principal	2,113,741	8.3	8.0	0.9	3.8	5.5	4.6	4.8	6.3	8.1	9.4
NOREIF ODCE				0.0	2.1	3.9	2.3	4.9	6.2	8.3	9.7
Total Cash	358,552	1.4	3.0								
Distribution Account	358,552	1.4	3.0	0.0	0.0	0.0	0.1	1.0	0.9	0.6	0.4
91 Day T-Bills				0.0	0.0	0.1	0.1	1.3	1.1	0.8	0.6

Notes:

Fiscal YTD begins 7/1

Blended Index: 40% BC Aggregate, 30% BC U.S. TIPS 1-10YR, 10% S&P 500, 10% BC High Yield, 10% JPM EMBI+

Emerging Markets Equity Benchmark consists of MSCI EM from inception to 5/31/2019 and MSCI EM Small Cap from 6/1/2019 to present.

Returns are net of manager fees



May 31, 2021

DISCLAIMERS & DISCLOSURES

Past performance is no guarantee of future results.

Returns for pooled funds, e.g. mutual funds and collective investment trusts, are collected from third parties; they are not generally calculated by NEPC. Returns for separate accounts, with some exceptions, are calculated by NEPC. Returns are reported net of manager fees unless otherwise noted.

A “since inception” return, if reported, begins with the first full month after funding, although actual inception dates (e.g. the middle of a month) and the timing of cash flows are taken into account in Composite return calculations.

NEPC’s preferred data source is the plan’s custodian bank or record-keeper. If data cannot be obtained from one of the preferred data sources, data provided by investment managers may be used. Information on market indices and security characteristics is received from additional providers. While NEPC has exercised reasonable professional care in preparing this report, we cannot guarantee the accuracy of all source information contained within. In addition, some index returns displayed in this report or used in calculation of a policy index, allocation index or other custom benchmark may be preliminary and subject to change.

All investments carry some level of risk. Diversification and other asset allocation techniques are not guaranteed to ensure profit or protect against losses.

The opinions presented herein represent the good faith views of NEPC as of the date of this presentation and are subject to change at any time. Neither fund performance nor universe rankings contained in this report should be considered a recommendation by NEPC.

This report may contain confidential or proprietary information and may not be copied or redistributed to any party not legally entitled to receive it.

Source of private fund performance benchmark data: Cambridge Associates, via Refinitiv





University of Maine System Operating Fund

TOTAL PLAN PERFORMANCE

Operating Funds Composite	Market Value (\$)	% of Portfolio	Policy %	1 Mo (%)	YTD (%)	Fiscal YTD (%)	1 Yr (%)	3 Yrs (%)	5 Yrs (%)	7 Yrs (%)	10 Yrs (%)
<i>Allocation Index</i>	290,759,030	100.0	100.0	0.4	1.8	7.5	8.6	5.0	4.4	3.1	3.1
Liquidity Pool Composite	88,310,989	30.4	30.0	0.0	0.2	0.5	0.5	1.4	1.2	0.9	0.7
State Pool	63,796,400	21.9		0.0	0.3	0.7	0.8	1.6	1.3	1.0	0.8
BOA General Fund	6,034,087	2.1		0.0	0.2	0.5	0.5	0.7	0.5	0.3	0.3
Federated Gov't Obligations	1,389,154	0.5		0.0	0.0	0.0	0.0	1.2	--	--	--
JP Morgan US Gov't Money Market Fund	17,091,348	5.9		0.0	0.0	0.0	0.0	1.2	--	--	--
<i>FTSE T-Bill 3 Months TR</i>				0.0	0.0	0.1	0.1	1.4	1.1	0.8	0.6
Income Pool Composite	126,324,373	43.4	47.5	0.2	0.1	2.9	3.8	3.9	3.0	2.5	2.6
Income Research + Management	69,512,544	23.9	26.0	0.2	0.3	1.5	2.4	3.7	2.4	2.0	--
<i>BBgBarc US Govt/Credit 1-3 Yr. TR</i>				0.1	0.2	0.6	0.8	3.0	2.0	1.7	1.5
BlackRock Strategic Income Opportunities	19,317,452	6.6	7.0	0.4	1.1	8.2	9.9	5.3	4.8	--	--
<i>3-Month Libor Total Return USD</i>				0.0	0.1	0.2	0.2	1.5	1.4	1.1	0.9
Loomis Sayles Bank Loans	18,538,741	6.4	7.0	0.4	1.4	7.3	7.7	2.6	3.2	2.9	3.4
<i>Loomis Bank Loans Custom Index</i>				0.4	1.5	7.1	7.4	3.1	3.6	3.5	4.0
Baird Aggregate Bond Fund	18,955,637	6.5	7.5	0.2	--	--	--	--	--	--	--
<i>BBgBarc US Aggregate TR</i>				0.3	-2.3	-1.0	-0.4	5.1	3.2	3.2	3.3
Total Return Pool Composite	76,123,668	26.2	22.5	1.2	7.6	29.0	32.3	11.2	10.4	7.0	6.6
Lighthouse	15,689,537	5.4	5.0	-0.5	-0.9	19.9	22.0	8.3	8.5	--	--
<i>Credit Suisse Long Shrt Eqt USD</i>				0.4	6.0	17.2	18.5	6.4	6.7	5.3	5.4
Newton Global Real Return	11,664,629	4.0	4.0	1.1	4.6	16.6	18.4	9.0	--	--	--
<i>60% MSCI/ACWI (Net)/ 40% BBgBarc Global Agg</i>				1.2	5.3	22.9	25.7	10.3	9.9	6.9	6.8
PIMCO All Asset	13,318,621	4.6	4.0	2.6	11.8	28.6	32.4	9.3	9.5	5.5	5.6
<i>Blended Index</i>				0.7	0.8	6.6	7.7	6.9	5.4	4.5	4.7
Vanguard Total World Stock Index	35,450,882	12.2	9.5	1.6	11.3	38.9	43.2	13.9	14.4	10.1	--
<i>FTSE Global All Cap Index</i>				1.5	11.4	39.4	43.8	14.0	14.1	9.3	8.5

Notes:

Returns are net of manager fees.

The inception date for the allocation index is 07/01/2009

Fiscal YTD begins 7/1

Blended Index: 40% BC Aggregate / 30% BC U.S. TIPS 1-10YR / 10% S&P 500 / 10% BC High Yield / 10% JPM EMBI+

Loomis Bank Loans Custom Index blends performance of "S&P/LSTA Leveraged Loan Index" before 9/1/2014 and "S&P/LSTA Leveraged BB Loan Index" after 9/1/2014.

Composite excludes external loans.

Blackrock SIO changed its share class in May 2018 to BSIKX.

DISCLAIMERS & DISCLOSURES

Past performance is no guarantee of future results.

Returns for pooled funds, e.g. mutual funds and collective investment trusts, are collected from third parties; they are not generally calculated by NEPC. Returns for separate accounts, with some exceptions, are calculated by NEPC. Returns are reported net of manager fees unless otherwise noted.

A “since inception” return, if reported, begins with the first full month after funding, although actual inception dates (e.g. the middle of a month) and the timing of cash flows are taken into account in Composite return calculations.

NEPC’s preferred data source is the plan’s custodian bank or record-keeper. If data cannot be obtained from one of the preferred data sources, data provided by investment managers may be used. Information on market indices and security characteristics is received from additional providers. While NEPC has exercised reasonable professional care in preparing this report, we cannot guarantee the accuracy of all source information contained within. In addition, some index returns displayed in this report or used in calculation of a policy index, allocation index or other custom benchmark may be preliminary and subject to change.

All investments carry some level of risk. Diversification and other asset allocation techniques are not guaranteed to ensure profit or protect against losses.

The opinions presented herein represent the good faith views of NEPC as of the date of this presentation and are subject to change at any time. Neither fund performance nor universe rankings contained in this report should be considered a recommendation by NEPC.

This report may contain confidential or proprietary information and may not be copied or redistributed to any party not legally entitled to receive it.

Source of private fund performance benchmark data: Cambridge Associates, via Refinitiv





UNIVERSITY OF MAINE SYSTEM

STUDENT CONDUCT CODE

Effective Date: August 1, 2021

Revised by the Student Conduct Code Committee

and

Approved by the Board of Trustees: July 26, 2021

[Table of Contents here]

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 institutions 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 community 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 any alleged Code violation(s). offense events in question.~~ 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 the implementation of this Code, the University seeks to [harmonize its administrative](#) functions in a [manner consistent with and a administrative manner](#) grounded in its educational mission with an emphasis on fundamental fairness, due process, personal responsibility, and community relationships.

[Student Rights & Responsibilities](#)

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 those questions or concerns remain unresolved, the student may contact the Conduct Officer's supervisor or the UMS Coordinator of

Student Conduct or designee. If those questions or concerns remain unresolved following this process, 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.

Accessibility Support

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 office for students with disabilities to assist with the determination of reasonable accommodations. Students may be required to provide documentation in order to establish the need for appropriate accommodations. ~~for the Conduct Officer to make a determination.~~

Non-Discrimination Statement

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.

I. JURISDICTION

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

A. The University has jurisdiction over the Responding Party when the Responding Party is, at the time of the report, any one of the following:

1. A student who is enrolled at the University.

a. A "student" means any person who has accepted, registered, or enrolled in any course or program offered by the University (including distance courses), and who has not been absent from the University greater than one (1) calendar year; or

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; or

iii. Been absent from the University for a period of time greater than or equal to one (1) calendar year.

c. A student who is on probation or suspended from the University at the time of the report will be considered to be enrolled for the purposes of determining the University's jurisdiction.

~~1. Any student currently on probation or currently suspended from the University; or~~

~~3-2.~~ A University-recognized student organization, or any student organization not ~~currently~~ recognized at the time of the report, but under University probation or suspension.

~~(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.B.~~ The ~~University has jurisdiction over the alleged conduct is Code may be applied in cases of conduct~~ when the alleged ~~incident conduct~~ occurs:

1. On any campus of the University, or involving University Property; or
2. At an activity or program pursued under the auspices of the sponsored by the University; or
3. In any 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.
4. It is at the University's discretion to determine whether it has jurisdiction to apply this Code.

II. 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 as described in Section VII.A.
- 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.
 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 and when outwardly communicated that consent is withdrawn, sexual activity must cease.
 3. Silence, passivity, or absence of resistance, 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. Even in the context of an ongoing relationship, consent must be sought and freely given for each sexual act.
 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 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., [as defined in Section II.P.](#)

10. 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.
 11. 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 V.I.
- H. **Hearing Board:** A board that hears cases of alleged violations of this Code as described in Section VI.B.
- I. **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.
- J. **Interim Measures or Actions:** The process described in Section V.G.
- K. **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.
- L. **Party(ies):** May refer to the Reporting Party(ies), Responding Party(ies), or both Parties collectively.
- M. **Preliminary Inquiry:** The process described in Section V.C.
- N. **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.
- O. **Presidential Appeal Panel:** A panel that hears appeals from the Appeal Panel as described in Section VII.B.
- P. **Reasonable Person:** [A representative individual under similar circumstances and with similar identities to the person in question, who exercises care, skill, and judgment. A standard that reflects what a reasonable sober person in the same or similar circumstance would do.](#)
- Q. **Reporting Party(ies):** Any person who alleges harm or a policy violation under this Code by a person, a student, or student organization as defined in Section I.A.1. 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.
- R. **Responding Party(ies):** Any person, a student, or student organization as defined in Section I.A.1 or 2., that has been alleged to have violated this Code, is under Formal Investigation, or has been charged with a violation of this Code.
- S. **Support Person:** [a person who provides emotional or personal support or assistance to a party during the investigative and hearing proceedings](#)

- T. **University of Maine System (the "University"):** Means either collectively or singularly, any of the of following institutions: 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 used 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.
 - 1. Real Property: Land, buildings, fixtures, improvements, and any interests therein.
 - 2. 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).

III. 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.

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

~~B.A.~~ Academic Dishonesty

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 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.
3. **Fabrication:** The use of invented information or the falsification of research or other findings in an academic exercise.
4. **Contributing to academic dishonesty:** Assisting another person's, student's, or student organization's academic dishonesty.
5. **Other forms of dishonest academic conduct:** Any actions by which one seeks an unfair academic advantage over others.
6. **Violation of UMS Academic Integrity Policy**

~~C.B.~~ Disruption of University Operations

1. **Causing a Disturbance:** Disturbance resulting in substantial disruption of University activities.
2. **Failure to Comply with Sanction:** Failure to comply with a sanction imposed under this Code.
3. **Failure to Identify:** Failing to accurately identify oneself to a University Employee 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 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 their official duties.
6. **Supplying False Information:** Knowingly supplying false information to University Employees in pursuit of their official duties or to an Investigator, Conduct Officer, Hearing Board, Appeal Panel, or Presidential Appeal 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 Contract.**
9. **Violation of Student Activity Regulations:** Violation of a University regulation, policy, standard of conduct, or code of ethics.

D.C. Health & Safety Violations

1. **Creating a Dangerous Condition.**
2. **False Reporting of Dangerous Conditions.**
3. **Endangering Health or Safety.**
4. **Violation of Health or Safety Policies.**
5. **Illegal Possession, Use, or Sale of Drugs.**
6. **Interference with Safety Equipment or Alarms.**
7. **Restricting Traffic Flow.**
8. **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. **Violation of UMS or Institution Alcohol, Drug, or Tobacco and Smoke Free Policies.**
10. **Violation of UMS or Institution Weapons Policies.**

E.D. Offenses Involving Other People

1. **Assault:** Intentionally, knowingly, or recklessly causing bodily injury or offensive physical contact to another person.
2. **Causing Fear of Physical Harm:** Intentionally or knowingly placing another person in fear of imminent bodily injury.
3. **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).
4. **Discrimination:** Discrimination based on actual or perceived race, color, religion, sex, sexual orientation, gender identity, gender expression, national origin, citizenship status, age, disability, genetic information, or veterans status.
5. **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).
6. **Gender Discrimination:** Discriminating against an individual on the basis of that individual's sex, gender, sexual orientation, gender identity, or gender expression.
7. **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.
8. **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.
9. **Interference with Residential Life.**
10. **Intimidation:** The improper use of authority, coercion, or threat for the purpose of compelling or deterring action against that person's will. Intimidation violates this Code when it threatens substantial harm to the other person's membership or status in the community; personal, professional, or academic reputation or opportunities; extracurricular opportunities; or financial security. Intimidation may include, but is not limited to, threatening to accuse someone of illegal activity; threatening to expose a secret that could subject the person to hatred, contempt, or ridicule or otherwise compromise that person's standing in the community; threatening to disseminate sexual images of the other person; or use of a position of authority to take or withhold action against the other person.
11. **Invasion of Privacy:** The violation of another individual's reasonable expectation of privacy where the circumstances justify that expectation.
12. **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.
13. **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.
14. **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.

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).

15. **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, [or any 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.
16. **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, Image-Based Sexual Abuse and Sex Trafficking).

17. 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, as defined in II.P.~~
- 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.

18. 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.

F.E. Offenses Involving Property

1. **Defacement, Destruction, or Misuse of Property:** Intentionally, knowingly, or recklessly misusing, tampering with, damaging, destroying, or defacing University Property or the property of others without appropriate authorization.
2. **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 or prohibited by state or federal law, including but not limited to possession or distribution of child pornography.
3. **Tampering, Destruction, or Falsification of Official Records**
4. **Theft or Unauthorized Use:** Theft, attempted theft, or unauthorized acquisition, removal, distribution, or use of University Property or the property of another.
5. **Trespassing:** Trespassing or unauthorized presence on University Property or the property of another.
6. **Violation of Institution Motor Vehicle Policies or Parking Regulations.**

G.F. General Infractions

1. **Aiding Infraction:** Knowingly assisting in a Code violation.
2. **Continued Infraction:** Continued infractions of this 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. **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.
5. **Other Illegal Activity:** Violating any applicable law (e.g., local, state, or federal).

IV. 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 Policy 402 Sex Discrimination, Sexual Harassment, Sexual Assault, Relationship Violence, Stalking and Retaliation and Title IX Sexual Harassment may be imposed and 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.
 1. Responding Parties who are dismissed will not be permitted to attend any of the University institutions 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 UMS Coordinator of Student Conduct or designee to be considered for readmission to attend any of the University institutions. The UMS Coordinator of Student Conduct or 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 institution. Reviews of such requests should take into account that for external applicants, the University no longer reviews criminal or judicial history.
 2. Responding Parties who have been found responsible for a Violent Crime or Sexual Assault and who request an official transcript from 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 UMS Coordinator of Student Conduct or designee to have the letter attached to their official transcript removed. The UMS Coordinator of Student Conduct or 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 institutions. 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 and until any stated condition(s) is met.
 1. Responding Parties who are suspended will not be permitted to attend any of the University institutions or attend any University functions until all conditions of the suspension are met and the suspension period has ended.
 2. 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 the property up to the replacement value of the property damaged, stolen, removed, or used without authority.
- K. **Other action(s)** as the Conduct Officer, Hearing Board, Appeal Panel, or Presidential Appeal Panel may reasonably deem appropriate, examples include but are not limited to:
 - 1. Suspension of an organization's official campus recognition.
 - 2. Suspension of a student from extracurricular activity(ies).
 - 3. Suspension of guest privileges.
 - 4. Termination from student employment.
 - 5. Academic degree revocation.
 - 6. Loss of visitation privileges to designated area(s) of any University Property.
 - 7. 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, Hearing Board, Appeal Panel, or Presidential Appeal 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.

V. PROCEDURES

NOTE WELL: For any alleged violation that involves matters covered by Board of Trustees Policy 402 Sex Discrimination, Sexual Harassment, Sexual Assault, Relationship Violence, Stalking and Retaliation and Title IX Sexual Harassment Policy, the procedures provided in Board of Trustees Policy 402 [and Title IX Procedures](#) are required to be followed.

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

1. 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.
 2. Reports may be made anonymously however anonymous reporting may limit the University's ability to investigate and respond.
 3. Reports of Gender Discrimination (including Sexual Harassment, Dating Violence, Domestic Violence, Sexual Assault, or Stalking) are required to be reported directly to the University's Title IX Coordinator or Deputy Coordinator as described in Board of Trustees Policy 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 [and as permitted by FERPA](#).
- C. Preliminary Inquiry**
1. 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 V.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.**
 2. **Notice Following Preliminary Inquiry**
 - a. Upon the conclusion of the Preliminary Inquiry, the Responding Party, will be provided Notice of whether:
 - i. Any charge(s) will be filed and if so, what charge(s) will be filed.
 - ii. A Formal Investigation will commence.
 - iii. An Alternative Resolution is an option.
 - iv. An Administrative Resolution is an option.
 - v. Any Interim Measure(s) or Action(s) will be implemented.
 3. If the alleged violation is Dating Violence, Domestic Violence, Sexual Assault, Sexual Harassment, or Stalking, all Parties will be provided Notice simultaneously.
- D. Conflicts of Interest:** Each Conduct Officer, Hearing Board, Appeal Panel, and Presidential Appeal Panel member 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 Hearing Board, Appeal Panel, or Presidential Appeal 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 UMS Coordinator of Student Conduct or designee.
- 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.
1. 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.
 2. 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 resolutions are not permitted to be appealed.

3. 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

1. At the Conduct Officer's sole discretion and consistent with other requirements of this Code, a conduct matter may be resolved through Administrative Resolution.
2. An Administrative Resolution may only be used when the conduct matter involves the following: facts are not in dispute; OR a University Employee directly observed the conduct violation; and the violation is a minor conduct violation.
3. 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.
4. 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

1. 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.
2. 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.
3. 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 review hearing from occurring within five (5) business days, an update will be provided indicating the estimated timeframe for the hearing.
4. If there is a 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 review 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

1. 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 V.G.3--4.
2. If the alleged violation is Dating Violence, Domestic Violence, Sexual Assault, Sexual Harassment, or Stalking all Parties will be provided Notice simultaneously.
3. [Reporting Parties alleging Discrimination or Harassment will be provided Notice of any Interim Measure\(s\) or Action\(s\) involving the Responding Party that directly relate to the Reporting Party.](#)

I. Notice of Formal Investigation

1. Prior to commencement of a Formal Investigation, the Conduct Officer will provide written Notice to the Responding Party.
2. If the alleged violation is Dating Violence, Domestic Violence, Sexual Assault, Sexual Harassment, or Stalking, all Parties will be provided Notice simultaneously.
3. Notice will include the following:
 - a. Alleged Code violation(s) and a description of the alleged conduct constituting each alleged violation:
 - i. Reporting Party; and
 - ii. Location(s) of alleged conduct; and
 - iii. Date(s) of alleged conduct; and
 - iv. Right to have an Advisor present; and
 - v. The name of the Investigator; and
 - vi. The procedures that will be used to address the alleged Code violation(s); and
 - vii. 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, Sexual Assault, Sexual Harassment, or Stalking.
4. [Reporting Parties alleging Discrimination or Harassment will be provided written Notice of a Formal Investigation, including their right to an advisor, the name of the Investigator, and the procedures that will be used, including any appeal rights.](#)

J. Formal Investigation

1. 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.
2. The University may, where appropriate, temporarily delay its investigation when criminal charges on the basis of the same conduct are being investigated.
3. Investigations should follow applicable standards, including with regard to objectivity, reliability, thoroughness, impartiality, timeliness, and fairness.
4. In general, investigations should entail interviews with relevant parties and witnesses, obtaining and reviewing available evidence, and identifying sources of expert information, as applicable.
5. 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.
6. 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).

7. The Investigator will summarize the relevant evidence gathered in the investigation, both inculpatory and exculpatory, in a written report. The Investigator will not make determinations as to whether policy violations were found.

K. Determination of Hearing Format

1. There are two (2) hearing formats under this Code.
 - a. Conduct Officer Hearing
 - b. Hearing Board Hearing
2. 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.
3. In general, a 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.
4. In general, a 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.
5. 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

1. 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.
2. 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 of any further proceedings.
3. 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, Sexual Assault, Sexual Harassment, or Stalking, 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 UMS Coordinator of Student Conduct or designee.

VI. HEARINGS

A. CONDUCT OFFICER HEARING

1. **Notice of Conduct Officer Hearing**

- a. 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.
- b. Notice will include the following:
 - i. Code violation(s) and a description of the alleged conduct constituting each violation; and
 - ii. Reporting Party(ies); and
 - iii. Date(s) of alleged conduct; and
 - iv. Right to have an Advisor of their choice present; and
 - v. Right to review the information that will be used by the Conduct Officer during the Conduct Officer Hearing; and
 - vi. Date and time of the Conduct Officer Hearing; and
 - vii. Name of the Conduct Officer; and
 - viii. Names of witnesses requested to appear by the Conduct Officer; and
 - ix. The procedures that will be used; and
 - x. Maximum possible sanction(s) which may be imposed.

2. Timing of Hearing:

- a. 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.
- b. 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 and due process.
- c. 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 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.

3. **Advisor and Support Person:** The Reporting Party and the Responding Party in any proceeding involving allegations of 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 Conduct Officer.
 - a. The Conduct Officer should hear and consider as evidence relevant information.
 - b. 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.
 - c. 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.

- d. 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.
- e. 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 UMS Coordinator of Student Conduct or 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 UMS Coordinator of Student Conduct or designee.
- f. 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.

4. Conduct Officer Hearing Procedures:

- a. Responsibility for recognizing and permitting persons to speak is the exclusive purview of the Conduct Officer.
- b. Persons disruptive at any stage of the hearing may be asked to leave at the discretion of the Conduct Officer.
- c. The Parties will each have the opportunity to make an opening statement.
- d. The Investigator will present the results of the investigation.
- e. The Conduct Officer may ask questions of any witnesses and the Parties.
- f. 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.
- g. Questioning by any Advisor or support person is not permitted.
- h. The Parties will each have the opportunity to make a closing statement, which may include recommendations regarding appropriate sanctions.
- i. 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.
- j. If the Responding Party has not violated this Code, the case will be dismissed.
- k. If the Responding Party has violated this Code, the Conduct Officer will impose appropriate sanction(s).

5. Notice of Conduct Officer Hearing Outcome

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

- iii. Any sanction(s) imposed; and
- iv. The reasoning and facts that support any sanction(s) imposed; and
- v. Any right of appeal.
- d. If the alleged violation is Gender Discrimination, Sexual Harassment, Discrimination or Harassment, the Reporting Party shall receive written Notice of:
 - i. The outcome and any sanctions that directly relate to the Reporting Party; and
 - ii. Any right of appeal.
- e. 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.

B. HEARING BOARD

1. Notice of Hearing Before the Hearing Board

- a. 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, Sexual Assault, Sexual Harassment, or Stalking).
- b. Notice will include the following:
 - i. Code violation(s) and a description of the alleged conduct constituting each violation.
 - ii. Reporting Party(ies).
 - iii. Date(s) of alleged conduct.
 - iv. Right to have an Advisor and a support person of their choice present.
 - v. Right to review the information that will be used by the Hearing Board during the Hearing Board.
 - vi. Date and time of the Hearing Board.
 - vii. Names of the Hearing Board members.
 - viii. Names of witnesses requested to appear by the Hearing Board.
 - ix. The procedures that will be used.
 - x. Maximum possible sanction(s) which may be imposed.
- c. Reporting Parties alleging Discrimination or Harassment will be notified in writing of their right to participate in the Hearing before the Hearing Board, the date and time of the Hearing; the procedures that will be used in the Hearing, and their right to have an advisor and a support person of their choice.

2. Hearing Board Composition

- a. The UMS Coordinator of Student Conduct or designee is responsible for appointing the Hearing Board.
- b. The Hearing Board is comprised of at least three (3), five (5), or seven (7) members consisting of:
 - i. A chair who is either a faculty or staff member; and
 - ii. At least one (1) enrolled student; and

- iii. At least one (1) additional faculty or staff member.
- c. All members will be required to sign a conflict of interest and bias 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.
- d. The composition of the Hearing Board will represent the diversity of the University community whenever reasonably practicable.
- e. Hearing Board alternate members will be appointed as applicable and appropriate.
- 3. **Timing of Hearing:** The Hearing Board 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 Hearing Board Hearing. If extenuating circumstances exist that preclude the Hearing Board 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).
- 4. If a Party is unable to attend the Hearing Board 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 [and due process](#).
- 5. 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:
 - a. Proceed in a normal manner without a Party's attendance; or
 - b. Hear only a portion of the testimony and adjourn to a later date; or
 - c. 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.

- 6. 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.
- 7. The Hearing Board should hear and consider as evidence relevant information.
- 8. 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.
- 9. 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.

10. 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.
11. 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 UMS Coordinator of Student Conduct or 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 UMS Coordinator of Student Conduct or designee.
12. 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.
13. **Hearing Board Hearing Procedures**
 - a. Responsibility for recognizing and permitting persons to speak is the exclusive purview of the Hearing Board Chair.
 - b. Persons disruptive at any stage of the hearing may be asked to leave at the discretion of the Hearing Board Chair.
 - c. The Parties will each have the opportunity to make an opening statement.
 - d. The Investigator will present the results of the investigation.
 - e. The Hearing Board may ask questions of any witnesses and the Parties.
 - f. 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.
 - g. Questioning by any Advisor or support person is not permitted.
 - h. The Parties will each have the opportunity to make a closing statement, which may include recommendations regarding appropriate sanctions.
 - i. 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.
 - j. 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.
 - k. 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.
 - l. If the Responding Party has been found to have violated this Code, the Hearing Board will impose appropriate sanction(s).
14. **Notice of Hearing Board Outcome**
 - a. The Hearing Board Chair will provide written Notice to the Responding Party.
 - b. Notice will include:
 - i. The outcome; and
 - ii. The reasoning and facts that support the outcome; and
 - iii. Any sanction(s) imposed; and
 - iv. Any right of appeal (e.g., an Appeal Panel).
 - c. If the alleged conduct is Dating Violence, Domestic Violence, Sexual Assault, or Stalking, the Parties will receive simultaneous written Notice of:

- i. The outcome; and
 - ii. The reasoning and facts that support the outcome; and
 - iii. Any sanction(s) imposed; and
 - iv. The reasoning and facts that support any sanction(s) imposed; and
 - v. Any right of appeal (e.g., an Appeal Panel).
- d. If the alleged violation is Gender Discrimination, Sexual Harassment, Discrimination or Harassment, the Reporting Party shall receive written Notice of:
 - i. The outcome and any sanctions that directly relate to the Reporting Party; and
 - ii. Any right of appeal (e.g., an Appeal Panel).
- e. 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.

VII. APPEALS

A. APPEAL PANEL

1. **Right of Appeal:** 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.
2. **Appeal Panel Composition**
 - a. The UMS Coordinator of Student Conduct or designee is responsible for appointing the Appeal Panel.
 - b. The Appeal Panel is comprised of three (3) people consisting of:
 - i. An Appeal Panel chair who is either a faculty or staff member; and
 - ii. One (1) enrolled student; and
 - iii. One (1) Hearing Board member.
 - c. 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 and bias 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.
 - d. The composition of the Appeal Panel will represent the diversity of the University community whenever reasonably practicable.
 - e. Appeal Panel alternate members will be appointed as applicable and appropriate.
3. **Records**
 - a. 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.

- b. 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.
4. **Appeal Panel Procedures:** Appeals must be:
 - a. In writing; and
 - b. State the issue(s) to be reviewed based on at least one of the grounds for appeal listed below in Section VIII.A.; and
 - c. Submitted to the UMS Coordinator of Student Conduct or designee within five (5) business days after the appealing Party has received written notice of the Conduct Officer or Hearing Board finding(s); and
 - d. No longer than ten (10) pages in length plus attachments.
5. **Appeals by Multiple Parties:** 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 VII.A.1-5.
6. **Grounds for Appeal:** The Appeal Panel is not intended to be a full rehearing of the allegation(s) before the Conduct Officer or Hearing Board Hearing. The appeal will be limited to the following grounds:
 - a. 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).
 - b. 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.
 - c. The sanction imposed is disproportionate to the severity of the violation, considering the totality of circumstances.
7. **Timeliness:** 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 VII.A.6. 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.
8. **Notice of Appeal Before the Appeal Panel**
 - a. If an appeal is submitted consistent with parameters identified in Sections VII.A.1-5., and 8A.7., 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, Sexual Assault, Sexual Harassment, or Stalking).
 - b. Notice will include the following:
 - i. The issue(s) to be reviewed and the ground(s) for appeal.

- ii. Right to review the information that will be used by the Appeal Panel.
 - iii. Date and time of the initial Appeal Panel meeting.
 - iv. Names of the Appeal Panel members.
 - v. The procedures that will be used.
 - vi. Maximum possible sanction(s) which may be imposed.
- 9. [Reporting Parties alleging Discrimination or Harassment will be notified in writing of the Appeal Panel meeting and the procedures to be used.](#)
- 10. **Timing of Appeal:** The Appeal Panel is required to 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.
- 11. **Conflicts of Interest:** 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 UMS Coordinator of Student Conduct or 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 UMS Coordinator of Student Conduct or designee.
- 12. **Functions of Appeal Panel**
 - a. Review the conduct matter file including but not limited to: the investigative report; Conduct Officer or Hearing Board files and recordings; and
 - b. Review any new information provided; and
 - c. 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
 - d. Make a determination based on the information reviewed. Determinations are based on majority vote.
- 13. **Determinations:** The Appeal Panel may make the following determinations:
 - a. Uphold or change the findings of the Conduct Officer or Hearing Board; or
 - b. Uphold or change the sanctions of the Conduct Officer or Hearing Board; or
 - c. Remand for a new or additional investigation with a new or same Investigator; or
 - d. Remand to the same Conduct Officer or Hearing Board for a new hearing; or
 - e. Remand to a different Conduct Officer or Hearing Board for a new hearing.
 - f. A remand to the same or a different Conduct Officer or Hearing Board is final and not subject to appeal.
 - g. The Appeal Panel will provide Notice to the Parties of any determination(s).
- 14. **Notice of Appeal Panel Outcome**
 - a. The Appeal Panel Chair will provide written Notice to the Responding Party.
 - b. Notice will include:
 - i. The outcome; and
 - ii. The reasoning and facts that support the outcome; and

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

B. PRESIDENTIAL APPEAL PANEL

1. **Right of Appeal:** 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 Appeal Panel.
2. **Presidential Appeal Panel Composition:**
 - a. Each university President or the Dean of the University of Maine School of Law is responsible for appointing the Presidential Appeal Panel for their respective institutions.
 - b. The Presidential Appeal Panel is comprised of three (3) people consisting of:
 - i. A Presidential Appeal Panel Chair who is either a faculty or staff member; and
 - ii. One (1) enrolled student; and
 - iii. One (1) UMS System Office Employee.
 - c. 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 and bias 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.
 - d. The composition of the Presidential Appeal Panel will represent the diversity of the University community whenever reasonably practicable.

- e. Presidential Appeal Panel alternate members will be appointed as applicable and appropriate.

3. Records

- a. 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.
- b. 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.

4. Presidential Appeal Procedures: Presidential Appeals must be:

- a. In writing; and
- b. State the issue(s) to be reviewed based on at least one of the grounds for appeal listed below in Section VII.B.6., and
- c. Submitted to the UMS Coordinator of Student Conduct or designee within five (5) business days after the appealing Party has received written notice of the Appeal Panel finding(s) and
- d. No longer than ten (10) pages in length plus attachments.

5. Appeals by Multiple Parties: 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 VII.B.1-5.

6. Grounds for Presidential Appeal: The Presidential Appeal Panel is not intended to be a full rehearing -of the allegation(s) before the Conduct Officer or Hearing Board Hearing. The Presidential Appeal Panel need not defer to the determination by the Appeal Panel. However, the appeal will be limited to the following grounds:

- a. 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).
- b. To consider new evidence, not reasonably available during the investigation or Conduct Officer, Hearing Board Hearing, or the Appeal Panel review, that could impact the Conduct Officer, Hearing Board, or Appeal Panel finding(s) or sanction(s). A summary of this new evidence and its potential impact must be included in the request for appeal.
- c. The sanction imposed is disproportionate to the severity of the violation, considering the totality of circumstances.

7. Timeliness: 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 VII.6. 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.

8. Notice of Appeal Before the Presidential Appeal Panel

- a. If an appeal is submitted consistent with parameters identified in Sections VII.1-4. and VII.7., 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, Sexual Assault, Sexual Harassment, or Stalking).

b. Notice will include the following:

- i. The issue(s) to be reviewed and the ground(s) for appeal.
- ii. Right to review the information that will be used by the Presidential Appeal Panel.
- iii. Date and time of the initial Presidential Appeal Panel meeting.
- iv. Names of the Presidential Appeal Panel members.
- v. The procedures that will be used.
- vi. Maximum possible sanction(s) which may be imposed.

c. Reporting Parties alleging Discrimination or Harassment will be notified in writing of the Presidential Appeal Panel meeting and the procedures to be used.

9. **Timing of Presidential Appeal Panel:** The Presidential Appeal Panel is required to 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).
10. **Conflicts of Interest:** 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 UMS Coordinator of Student Conduct or 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 UMS Coordinator of Student Conduct or designee.
11. **Functions of Presidential Appeal Panel:**
 - a. Review the conduct matter file including but not limited to: the investigative report; Conduct Officer, Hearing Board, or Appeal Panel files and recordings; and
 - b. Review any new information provided; and
 - c. 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
 - d. Make a determination based on the information reviewed. Determinations are based on majority vote.
12. **Determinations:** The Presidential Appeal Panel may make the following determinations:
 - a. Uphold or change the findings of the Conduct Officer, Hearing Board, or Appeal Panel; or
 - b. Uphold or change the sanctions of the Conduct Officer, Hearing Board, or Appeal Panel; or
 - c. Remand for a new or additional investigation with a new or same Investigator; or
 - d. Remand to the same Conduct Officer or Hearing Board for a new hearing; or
 - e. Remand to a different Conduct Officer or Hearing Board for a new hearing.
13. **All decisions of the Presidential Appeal Panel are final.**
14. **Notice of Determination:** The Presidential Appeal Panel will provide notice of any determinations to the applicable university President or the Dean of the University Of Maine School Of Law ("University

President"). The University President may accept the determination of the Presidential Appeal Panel or request further review.

15. 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).

16. Notice of Presidential Appeal Panel Outcome

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

VIII. TRAINING

- A. Each University President and the Dean of University of Maine School of Law in conjunction with the UMS Coordinator of Student Conduct or designee 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:
 1. Enrolled students; and
 2. Faculty members; and
 3. Staff members; and
 4. 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; trauma informed practices, how to conduct an investigation, and hearing process that protects the safety of individuals involved and promotes accountability:
 1. University Presidents and the Dean of University of Maine School of Law; and
 2. Title IX Coordinator(s) and Deputy Title IX Coordinators; and
 3. UMS Coordinator of Student Conduct or designee; and

4. Individuals responsible for conducting Preliminary Inquiries or Formal Investigations; and
5. Conduct Officers; and
6. Hearing Board, Appeal Panel or Presidential Appeal Panel members; and
7. Any other individuals that University Presidents and the Dean of University of Maine School of Law or the UMS Coordinator of Student Conduct or designee designates to be included in training.

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

IX. STUDENT CONDUCT CODE COMMITTEE

- A. **The Student Conduct Code Committee is responsible for:**
 1. 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) institutions of the University; or
 - b. Student government officers representing at least two (2) institutions of the University; or
 - c. Student government officers representing at least one (1) institution of the University and the University of Maine School of Law; or
 - d. The Chancellor.
 2. Accepting and responding to feedback that various members of the UMS community may have regarding this Code.
 3. Proposing revisions to this Code to the Board of Trustees.
- B. **Student Conduct Code Committee Composition:** The Student Conduct Code Committee will represent the diversity of the University community whenever reasonably practicable. The following will be invited to participate in the Student Conduct Code Committee.
 1. A Committee Chair ~~confirmed~~ appointed by the Chancellor.
 2. Up to five (5) faculty, staff, or enrolled students, appointed by the Committee Chair.
 3. One (1) Board Trustee appointed by the UMS Board of Trustees Chair.
 4. One (1) enrolled distance education program student appointed by the UMS Coordinator of Student Conduct or designee.
 5. Two (2) ~~Three (3)~~ graduate students appointed by the UMS Coordinator of Student Conduct or designee. Graduate students from any campus institution may serve in this role.
 6. ~~Seven (7)~~ At least three [3] Conduct Officers representing differing institutions and appointed by the UMS Coordinator of Student Conduct or designee.
 7. One (1) Law School staff member, appointed by the Dean of University of Maine School of Law.
 8. At least three (3) ~~Seven (7)~~ Hearing Board Chairs, ~~one (1) from~~ representing each institution and appointed by the UMS Coordinator of Student Conduct.
 9. Eight (8) enrolled students, one (1) from each institution 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.

X. 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 of each institution.

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, July 26, 2021

Effective Date: August 1, 2021

UNIVERSITY OF MAINE SYSTEM

STUDENT CONDUCT CODE

Effective Date: August 1, 2021

Revised by the Student Conduct Code Committee

and

Approved by the Board of Trustees: July 26, 2021

[Table of Contents here]

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 institutions 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 community are governed by University policies, local ordinances, and state and federal laws. For specific governing documents, students and University organizations may refer to: University Policies and Procedures; University student handbooks; University 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 any alleged Code violation(s). 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 University Property, 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 the implementation of this Code, the University seeks to harmonize its administrative functions in a manner consistent with and grounded in its educational mission with an emphasis on fundamental fairness, due process, personal responsibility, and community relationships.

Student Rights & Responsibilities

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 those questions or concerns remain unresolved, the student may contact the Conduct Officer's supervisor or the UMS Coordinator of Student Conduct or designee. If those questions or concerns remain unresolved following this process, 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 University authority handling the matter.

Accessibility Support

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 office for students with disabilities to assist with the determination of reasonable accommodations. Students may be required to provide documentation in order to establish the need for appropriate accommodations.

Non-Discrimination Statement

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.

I. JURISDICTION

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

- A. The University has jurisdiction over the Responding Party when the Responding Party is, at the time of the report, any one of the following:
 1. A student who is enrolled at the University.
 - a. A “student” means any person who has accepted, registered, or enrolled in any course or program offered by the University (including distance courses), and who has not been absent from the University greater than one (1) calendar year.
 - 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; or
 - iii. Been absent from the University for a period of time greater than or equal to one (1) calendar year.
 - c. A student who is on probation or suspended from the University at the time of the report will be considered to be enrolled for the purposes of determining the University’s jurisdiction.
 2. A University-recognized student organization, or any student organization not recognized at the time of the report, but under University probation or suspension.
- B. The University has jurisdiction over the alleged conduct when the alleged conduct occurs:
 1. On any campus of the University, or involving University Property; or
 2. At an activity or program sponsored by the University; or
 3. In any 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.

It is at the University's discretion to determine whether it has jurisdiction to apply this Code.

II. 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 a 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 as described in Section VII.A.
- C. **Campus Authorities:** Includes, but is not limited to, any University police or security staff, investigator, Conduct Officer, Hearing Board members, Appeal Panel members, and 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.
 - 1. Consent must be:
 - a. Informed, freely, and actively given, and consist of a mutually agreeable and understandable exchange of words or actions; and
 - b. Clear, knowing, and voluntary; and
 - c. Active, not passive.
 - 2. Consent may be withdrawn at any time and when outwardly communicated that Consent is withdrawn, sexual activity must cease.
 - 3. Silence, passivity, or absence of resistance, 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. Even in the context of an ongoing relationship, Consent must be sought and freely given for each sexual act.
 - 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 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 Reasonable Person, as defined in Section II.P.
 - 10. 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.
 - 11. In evaluating whether Consent was given, consideration will be given to the totality of the facts and circumstances, including but not limited to:
 - a. 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;

- b. 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
 - c. 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 V.I-J.
- H. Hearing Board:** A board that hears cases of alleged violations of this Code as described in Section VI.B.
- I. Incapacitation; Incapacitated:** 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.
- J. Interim Measures or Actions:** The process described in Section V.G.
- K. 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.
- L. Party(ies):** May refer to the Reporting Party(ies), Responding Party(ies), or both Parties collectively.
- M. Preliminary Inquiry:** The process described in Section V.C.
- N. 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.
- O. Presidential Appeal Panel:** A panel that hears appeals from the Appeal Panel as described in Section VII.B.
- P. Reasonable Person:** A representative individual under similar circumstances and with similar identities to the person in question, who exercises care, skill, and judgment.
- Q. Reporting Party(ies):** Any person who alleges harm by a person, a student as defined in Section I.A.1, or student organization as defined in Section I.A.2 based on one or more of the violations of Dating Violence, Domestic Violence, Gender Discrimination, Sexual Assault, Sexual Harassment, Stalking, or Discrimination, or Harassment. If an individual alleges harm based on any other violation in Section III.D., Offenses Involving Other People, the Conduct Officer may, in their sole discretion, deem the reporting individual a Reporting Party. If a Reporting Party declines to participate, at the University's discretion, the University may move forward with the process under this Code.
- R. Responding Party(ies):** Any person, a student as defined in Section I.A.1, or student organization as defined in Section I.A.2, that has been alleged to have violated this Code, is under Formal Investigation, or has been charged with a violation of this Code.
- S. Support Person:** a person who provides emotional or personal support or assistance to a Party during the investigative and hearing proceedings.
- T. University of Maine System (the "University"):** Means either collectively or singularly, any of the of following institutions: 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 used at the University's discretion, Real or Personal Property otherwise engaged by the University in any manner or by University employees or University 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.
- V. **Violent Crime:** As described in Family Educational Rights and Privacy Act (FERPA).

III. VIOLATIONS

Violations are conduct which contravenes this Code.

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.

A. Academic Dishonesty

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 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.
3. **Fabrication:** The use of invented information or the falsification of research or other findings in an academic exercise.
4. **Contributing to academic dishonesty:** Assisting another person's, student's, or student organization's academic dishonesty.
5. **Other forms of dishonest academic conduct:** Any actions by which one seeks an unfair academic advantage over others.
6. **Violation of UMS Academic Integrity Policy.**

B. Disruption of University Operations

1. **Causing a Disturbance:** Disturbance resulting in substantial disruption of University activities.
2. **Failure to Comply with Sanction:** Failure to comply with a sanction imposed under this Code.
3. **Failure to Identify:** Failing to accurately identify oneself to a University employee 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 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 their official duties.
6. **Supplying False Information:** Knowingly supplying false information to University employees in pursuit of their official duties or to an investigator, Conduct Officer, Hearing Board, Appeal Panel, or Presidential Appeal 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 Contract.**
9. **Violation of Student Activity Regulations:** Violation of a University regulation, policy, standard of conduct, or code of ethics.

C. Health & Safety Violations

1. **Creating a Dangerous Condition.**

2. **False Reporting of Dangerous Conditions.**
 3. **Endangering Health or Safety.**
 4. **Violation of Health or Safety Policies.**
 5. **Illegal Possession, Use, or Sale of Drugs.**
 6. **Interference with Safety Equipment or Alarms.**
 7. **Restricting Traffic Flow.**
 8. **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. **Violation of UMS or Institution Alcohol, Drug, or Tobacco and Smoke Free Policies.**
 10. **Violation of UMS or Institution Weapons Policies.**
- D. Offenses Involving Other People**
1. **Assault:** Intentionally, knowingly, or recklessly causing bodily injury or offensive physical contact to another person.
 2. **Causing Fear of Physical Harm:** Intentionally or knowingly placing another person in fear of imminent bodily injury.
 3. **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).
 4. **Discrimination:** Discrimination based on actual or perceived race, color, religion, sex, sexual orientation, gender identity, gender expression, national origin, citizenship status, age, disability, genetic information, or veterans status.
 5. **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).
 6. **Gender Discrimination:** Discriminating against an individual on the basis of that individual's sex, gender, sexual orientation, gender identity, or gender expression.
 7. **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.

8. **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.
9. **Interference with Residential Life.**
10. **Intimidation:** The improper use of authority, coercion, or threat for the purpose of compelling or deterring action against that person's will. Intimidation violates this Code when it threatens substantial harm to the other person's membership or status in the community; personal, professional, or academic reputation or opportunities; extracurricular opportunities; or financial security. Intimidation may include, but is not limited to, threatening to accuse someone of illegal activity; threatening to expose a secret that could subject the person to hatred, contempt, or ridicule or otherwise compromise that person's standing in the community; threatening to disseminate sexual images of the other person; or use of a position of authority to take or withhold action against the other person.
11. **Invasion of Privacy:** The violation of another individual's reasonable expectation of privacy where the circumstances justify that expectation.
12. **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.
13. **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.
14. **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.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).
15. **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, or any 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 University 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.

- 16. 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, Image-Based Sexual Abuse and Sex Trafficking).

- 17. 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 as defined in Section II.P.
 - 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.

18. 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

- 1. Defacement, Destruction, or Misuse of Property:** Intentionally, knowingly, or recklessly misusing, tampering with, damaging, destroying, or defacing University Property or the property of others without appropriate authorization.
- 2. 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 or prohibited by state or federal law, including but not limited to possession or distribution of child pornography.
- 3. Tampering, Destruction, or Falsification of Official Records.**
- 4. Theft or Unauthorized Use:** Theft, attempted theft, or unauthorized acquisition, removal, distribution, or use of University Property or the property of another.
- 5. Trespassing:** Trespassing or unauthorized presence on University Property or the property of another.
- 6. Violation of Institution Motor Vehicle Policies or Parking Regulations.**

F. General Infractions

- 1. Aiding Infraction:** Knowingly assisting in a Code violation.
- 2. Continued Infraction:** Continued infractions of this 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. 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.
- 5. Other Illegal Activity:** Violating any applicable law (e.g., local, state, or federal).

IV. 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 Policy 402 Sex Discrimination, Sexual Harassment, Sexual Assault, Relationship Violence, Stalking and Retaliation and Title IX Sexual Harassment may be imposed and 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.
 - 1. Responding Parties who are dismissed will not be permitted to attend any of the University institutions or attend any University functions. After five (5) years from the date of the Disciplinary Dismissal, the Responding Party may submit a written request to the UMS Coordinator of Student Conduct or designee to be considered for readmission to attend any of the University institutions. The UMS Coordinator of Student Conduct or 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 institution. Reviews of such requests should take into account that for external applicants, the University no longer reviews criminal or judicial history.
 - 2. Responding Parties who have been found responsible for a Violent Crime or Sexual Assault and who request an official transcript from the University, will have a letter attached to their official transcript describing the Disciplinary Dismissal. After five (5) years from the date of the Disciplinary Dismissal, the Responding Party may submit a written request to the UMS Coordinator of Student Conduct or designee to have the letter attached to their official transcript removed. The UMS Coordinator of Student Conduct or 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 institutions. 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 Disciplinary Dismissal from the University.
- E. **Disciplinary Suspension:** Separation from the University for a specific period of time and until any stated condition(s) is met.
 - 1. Responding Parties who are suspended will not be permitted to attend any of the University institutions or attend any University functions until all conditions of the Disciplinary Suspension are met and the Disciplinary Suspension period has ended.
 - 2. Responding Parties subject to Disciplinary Suspension 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 Disciplinary Suspension. After all conditions of the Disciplinary Suspension are met and the Disciplinary Suspension period has ended the letter describing the Disciplinary 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 the property up to the replacement value of the property damaged, stolen, removed, or used without authority.
- K. **Other action(s)** as the Conduct Officer, Hearing Board, Appeal Panel, or Presidential Appeal Panel may reasonably deem appropriate, examples include but are not limited to:
 - 1. Suspension of an organization's official University recognition.
 - 2. Suspension of a student from extracurricular activity(ies).

3. Suspension of guest privileges.
4. Termination from student employment.
5. Academic degree revocation.
6. Loss of visitation privileges to designated area(s) of any University Property.
7. 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, Hearing Board, Appeal Panel, or Presidential Appeal 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.

V. PROCEDURES

NOTE WELL: For any alleged violation that involves matters covered by Board of Trustees Policy 402 Sex Discrimination, Sexual Harassment, Sexual Assault, Relationship Violence, Stalking and Retaliation and Title IX Sexual Harassment Policy, the procedures provided in Board of Trustees Policy 402 and Title IX Procedures are required to be followed.

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

1. 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.
2. Reports may be made anonymously however anonymous reporting may limit the University's ability to investigate and respond.
3. Reports of Gender Discrimination (including Sexual Harassment, Dating Violence, Domestic Violence, Sexual Assault, or Stalking) are required to be reported directly to the University's Title IX Coordinator or Deputy Coordinator as described in Board of Trustees Policy 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 and as permitted by FERPA.

C. Preliminary Inquiry

1. 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 V.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.

2. Notice Following Preliminary Inquiry

- a. Upon the conclusion of the Preliminary Inquiry, the Responding Party, will be provided Notice of whether:
 - i. Any sanction(s) will be filed and if so, what sanction(s) will be filed; and
 - ii. A Formal Investigation will commence; and
 - iii. An Alternative Resolution is an option; and
 - iv. An Administrative Resolution is an option; and
 - v. Any Interim Measure(s) or Action(s) will be implemented.

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

D. Conflicts of Interest: Each Conduct Officer, Hearing Board, Appeal Panel, and Presidential Appeal Panel member is expected to conduct due diligence to determine if there is a potential conflict of interest. If there is a conflict of interest involving the Conduct Officer, the Conduct Officer will refer the matter to another Conduct Officer. If any member of the Hearing Board, Appeal Panel, or Presidential Appeal 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 UMS Coordinator of Student Conduct or designee.

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.

1. If (a) all Parties agree to attempt resolution through one of these processes; and (b) 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.
2. 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 resolutions are not permitted to be appealed.
3. 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

1. At the Conduct Officer's sole discretion and consistent with other requirements of this Code, a conduct matter may be resolved through Administrative Resolution.
2. An Administrative Resolution may only be used when:
 - a. The facts are not in dispute; or
 - b. A University employee directly observed the conduct violation and the violation is a minor conduct violation.
3. If a Party objects to use of an Administrative Resolution, the Party may request a formal review and the University will proceed with a Formal Investigation under this Code.
4. 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

1. 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.
2. 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.
3. Absent a substantial threat to health, safety, or well-being of the University, the University Community, or individuals on University Property, 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 or the Dean of the University of Maine School of Law will conduct the review hearing and issue a decision within five (5) business days. If extenuating circumstances exist that preclude the review hearing from occurring within five (5) business days, an update will be provided indicating the estimated timeframe for the hearing.
4. If there is a substantial threat to health, safety, or well-being of the University, individuals on University Property, or the University 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 review 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

1. The Responding Party will be provided Notice of:
 - a. Any Interim Measure(s) or Action(s) that will be implemented; and
 - b. Their right of review as described in Section V.G.3-4.
2. If the alleged violation is Dating Violence, Domestic Violence, Sexual Assault, Sexual Harassment, or Stalking, all Parties will be provided Notice simultaneously.
3. Reporting Parties alleging Discrimination or Harassment will be provided Notice of any Interim Measure(s) or Action(s) involving the Responding Party that directly relate to the Reporting Party.

I. Notice of Formal Investigation

1. Prior to commencement of a Formal Investigation, the Conduct Officer will provide written Notice to the Responding Party.
2. If the alleged violation is Dating Violence, Domestic Violence, Sexual Assault, Sexual Harassment, or Stalking, all Parties will be provided Notice simultaneously.
3. Notice will include the following:

- a. Alleged Code violation(s) and a description of the alleged conduct constituting each alleged violation; and
 - b. Reporting Party; and
 - c. Location(s) of alleged conduct; and
 - d. Date(s) of alleged conduct; and
 - e. Right to have an Advisor; and
 - f. The name of the investigator; and
 - g. The procedures that will be used to address the alleged Code violation(s); and
 - h. Maximum possible sanction(s) which may be imposed; and
 - i. Any right of appeal for any Responding Party; and
 - j. Any right of appeal for any Responding Party and any Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Sexual Assault, Sexual Harassment, or Stalking.
4. Reporting Parties alleging Discrimination or Harassment will be provided written Notice of a Formal Investigation, including their right to an Advisor, the name of the investigator, and the procedures that will be used, including any appeal rights.

J. Formal Investigation:

- 1. Upon the Conduct Officer's decision to commence a Formal Investigation, the Conduct Officer will initiate the Formal Investigation or assign it to a trained investigator, who may be internal or external, as soon as reasonably practicable but no more than three (3) business days after the Conduct Officer's decision.
- 2. The University may, where appropriate, temporarily delay its Formal Investigation when criminal charges on the basis of the same conduct are being investigated.
- 3. Formal Investigations should follow applicable standards, including with regard to objectivity, reliability, thoroughness, impartiality, timeliness, and fairness.
- 4. In general, Formal Investigations should entail interviews with relevant Parties and witnesses, obtaining and reviewing available evidence, and identifying sources of expert information, as applicable.
- 5. 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 Formal Investigation, as appropriate. Such regular updates should occur at least every thirty (30) calendar days.
- 6. While Formal Investigation times may vary, in general, Formal Investigations should be completed within ninety (90) calendar days. If a Formal Investigation is going to take longer than ninety (90) calendar days, an update will be provided indicating the estimated timeframe for completion of the Formal 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).
- 7. The Conduct Officer or investigator will summarize the relevant evidence gathered in the Formal Investigation, both inculpatory and exculpatory, in a written report. The Conduct Officer or investigator will not make determinations as to whether policy violations were found.

K. Determination of Hearing Format

- 1. There are two (2) hearing formats under this Code.
 - a. Conduct Officer Hearing; and
 - b. Hearing Board Hearing.
- 2. 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.

3. In general, a Conduct Officer Hearing should be considered when:
 - a. Facts are less complex; and
 - b. Alleged violation(s) are anticipated to have lower impact to the Parties and the community.
4. In general, a Hearing Board Hearing should be considered when:
 - a. Facts are more complex; or
 - b. A diversity of opinions is important to a fair outcome; or
 - 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.
5. 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; or
 - b. Serious physical, emotional, or psychological harm or the threat thereof.

L. Notice Following Formal Investigation

1. Upon the conclusion of the Formal Investigation, the Responding Party will be provided Notice of whether any sanction(s) will be filed and if so, what sanctions; and whether a Conduct Officer Hearing, a Hearing Board Hearing, or Informal Resolution will occur.
2. 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 of any further proceedings.
3. If the alleged violation is Dating Violence, Domestic Violence, Sexual Assault, Sexual Harassment, or Stalking, and no sanctions are being filed, the Parties will receive simultaneous notification of the Conduct Officer's decision not to file sanctions and a statement of their right to appeal to the UMS Coordinator of Student Conduct or designee.

VI. HEARINGS

A. CONDUCT OFFICER HEARING

1. Notice of Conduct Officer Hearing

- a. In the event that a Conduct Officer Hearing will occur, the Conduct Officer will provide written Notice within ten (10) business days from the conclusion of the Formal Investigation to the Parties.
- b. Notice to the Responding Party will include the following:
 - i. Code violation(s) and a description of the alleged conduct constituting each violation; and
 - ii. Reporting Party(ies); and
 - iii. Date(s) of alleged conduct; and
 - iv. Right to have an Advisor of their choice present; and
 - v. Right to review the information that will be used by the Conduct Officer during the Conduct Officer Hearing; and
 - vi. Date and time of the Conduct Officer Hearing; and
 - vii. Name of the Conduct Officer; and
 - viii. Names of witnesses requested to appear by the Conduct Officer; and
 - ix. The procedures that will be used; and
 - x. Maximum possible sanction(s) which may be imposed.
- c. Reporting Parties will be notified of their right to participate in the Hearing before the Conduct Officer; the date and time of the Hearing; the procedures that will be used in the Hearing; and their right to have an Advisor and a Support Person of their choice.

2. **Conflicts of Interest:** 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 UMS Coordinator of Student Conduct or designee stating the grounds for the removal at least five (5) business days prior to the scheduled hearing. Removal of a Conduct Officer for demonstrated bias or conflict of interest will be within the authority and at the discretion of the UMS Coordinator of Student Conduct or designee.
3. **Timing of and Attendance at Hearing**
 - a. 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.
 - b. 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 and due process.
 - c. 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 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.
 - d. The Responding Party and the Reporting 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.
4. **Evidence and Recording**
 - a. The Conduct Officer should hear and consider as evidence relevant information.
 - b. 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.
 - c. 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.
 - d. 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 Hearings are considered confidential unless otherwise indicated by law.
 - e. The name(s) 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.
5. **Conduct Officer Hearing Procedures**

- a. Responsibility for recognizing and permitting persons to speak is the exclusive purview of the Conduct Officer.
- b. Persons disruptive at any stage of the hearing may be asked to leave at the discretion of the Conduct Officer.
- c. The Parties will each have the opportunity to make an opening statement.
- d. The investigator will present the results of the Formal Investigation.
- e. The Conduct Officer may ask questions of any witnesses and the Parties.
- f. 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.
- g. Questioning by any Advisor or Support Person is not permitted.
- h. The Parties will each have the opportunity to make a closing statement, which may include recommendations regarding appropriate sanctions.
- i. 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.
- j. If the Responding Party has not violated this Code, the case will be dismissed.
- k. If the Responding Party has violated this Code, the Conduct Officer will impose appropriate sanction(s).

6. Notice of Conduct Officer Hearing Outcome

- a. The Conduct Officer will provide written Notice to the Responding Party which will include:
 - i. The outcome; and
 - ii. The reasoning and facts that support the outcome; and
 - iii. Any sanction(s) imposed; and
 - iv. Any right of appeal.
- b. 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.

Absent a substantial threat to the health, safety, or well-being of the University, University community, or individuals on University Property, 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.

B. HEARING BOARD

1. Notice of Hearing Before the Hearing Board

- a. In the event that a Hearing Board Hearing will occur, 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.
- b. Notice to the Responding Party will include the following:
 - i. Code violation(s) and a description of the alleged conduct constituting each violation; and
 - ii. Reporting Party(ies); and
 - iii. Date(s) of alleged conduct; and
 - iv. Right to have an Advisor and a Support Person of their choice present; and

- v. Right to review the information that will be used by the Hearing Board during the Hearing Board; and
 - vi. Date and time of the Hearing Board; and
 - vii. Names of the Hearing Board members; and
 - viii. Names of witnesses requested to appear by the Hearing Board; and
 - ix. The procedures that will be used; and
 - x. Maximum possible sanction(s) which may be imposed.
- c. Reporting Parties will be notified of their right to participate in the Hearing before the Hearing Board, the date and time of the Hearing; the procedures that will be used in the Hearing; and their right to have an Advisor and a Support Person of their choice.
- 2. Hearing Board Composition**
- a. The UMS Coordinator of Student Conduct or designee is responsible for appointing the Hearing Board members.
 - b. The Hearing Board is comprised of at least three (3), five (5), or seven (7) members consisting of:
 - i. A chair who is either a faculty or staff member; and
 - ii. At least one (1) enrolled student; and
 - iii. At least one (1) additional faculty or staff member.
 - c. All members will be required to sign a conflict of interest and bias 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.
 - d. The composition of the Hearing Board will represent the diversity of the University community whenever reasonably practicable.
 - e. Hearing Board alternate members will be appointed as applicable and appropriate.
- 3. Conflicts of Interest:** 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 UMS Coordinator of Student Conduct or 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 UMS Coordinator of Student Conduct or designee.
- 4. Timing of and Attendance at Hearing**
- a. The Hearing Board 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 Hearing Board Hearing. If extenuating circumstances exist that preclude the Hearing Board 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).
 - b. If a Party is unable to attend the Hearing Board 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 and due process.
 - c. 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
- 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.

- d. The Responding Party and the Reporting 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 Hearing Board Chair.

5. Evidence and Recording

- a. The Hearing Board should hear and consider as evidence relevant information.
- b. 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.
- c. 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.
- d. 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 hearings are considered confidential unless otherwise indicated by law.
- e. The name(s) 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.

6. Hearing Board Hearing Procedures

- a. Responsibility for recognizing and permitting persons to speak is the exclusive purview of the Hearing Board Chair.
- b. Persons disruptive at any stage of the hearing may be asked to leave at the discretion of the Hearing Board Chair.
- c. The Parties will each have the opportunity to make an opening statement.
- d. The investigator will present the results of the Formal Investigation.
- e. The Hearing Board may ask questions of any witnesses and the Parties.
- f. 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.
- g. Questioning by any Advisor or Support Person is not permitted.
- h. The Parties will each have the opportunity to make a closing statement, which may include recommendations regarding appropriate sanctions.
- i. 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.
- j. 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.

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

7. Notice of Hearing Board Outcome

- a. The Hearing Board Chair will provide written Notice to the Responding Party which will include:
 - i. The outcome; and
 - ii. The reasoning and facts that support the outcome; and
 - iii. Any sanction(s) imposed; and
 - iv. Any right of appeal (e.g., an Appeal Panel).
- b. If the alleged conduct is Dating Violence, Domestic Violence, Sexual Assault, or Stalking, the Parties will receive simultaneous written Notice of:
 - i. The outcome; and
 - ii. The reasoning and facts that support the outcome; and
 - iii. Any sanction(s) imposed; and
 - iv. The reasoning and facts that support any sanction(s) imposed; and
 - v. Any right of appeal (e.g., an Appeal Panel).
- c. If the alleged violation is Gender Discrimination, Sexual Harassment, Discrimination or Harassment, the Reporting Party shall receive written Notice of:
 - i. The outcome and any sanctions that directly relate to the Reporting Party; and
 - ii. Any right of appeal (e.g., an Appeal Panel).
- d. 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 University, University community , or individuals on University Property, 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.

VII. APPEALS

A. APPEAL PANEL AND APPEAL FILING PROCEDURE

- 1. **Right of Appeal:** In the event the Conduct Officer or the Hearing Board imposes a sanction of Disciplinary Suspension, Disciplinary Dismissal, removal from University Housing, academic degree revocation, or loss of recognition of University 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.
- 2. **Appeal Panel Composition**
 - a. The UMS Coordinator of Student Conduct or designee is responsible for appointing the Appeal Panel members.
 - b. The Appeal Panel is comprised of three (3) people consisting of:
 - i. An Appeal Panel chair who is either a faculty or staff member; and

- ii. One (1) enrolled student; and
 - iii. One (1) Hearing Board member.
- c. Appeal Panel members may not have had previous involvement with the current matter. All members will be required to sign a conflict of interest and bias form for each hearing. All Appeal Panel 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.
- d. The composition of the Appeal Panel will represent the diversity of the University community whenever reasonably practicable.
- e. Appeal Panel alternate members will be appointed as applicable and appropriate.
- 3. Conflicts of Interest:** 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 UMS Coordinator of Student Conduct or 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 UMS Coordinator of Student Conduct or designee.
- 4. Records**
 - a. 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.
 - b. 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 Responding Party. 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.
- 5. Appeal Panel Procedures:** Appeals must be:
 - a. In writing; and
 - b. State the issue(s) to be reviewed based on at least one of the grounds for appeal listed below in Section VII.A.7; and
 - c. Submitted to the UMS Coordinator of Student Conduct or designee within five (5) business days after the appealing Party has received written Notice of the Conduct Officer or Hearing Board finding(s); and
 - d. No longer than ten (10) pages in length plus attachments.
- 6. Appeals by Multiple Parties:** Appeal requests will be shared with all Parties. 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 this Section VII.A.
- 7. Grounds for Appeal:** The Appeal Panel is not intended to be a full rehearing of the allegation(s) before the Conduct Officer or Hearing Board Hearing. The appeal will be limited to the following grounds:
 - a. 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); or
 - b. 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; or
- c. The sanction imposed is disproportionate to the severity of the violation, considering the totality of circumstances.
- 8. Timeliness:** 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 VII.A.7. 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.
- 9. Notice of Appeal Before the Appeal Panel**
- a. If an appeal is submitted consistent with the parameters identified in this Sections VII.A, the Appeal Panel Chair will provide written Notice within fifteen (15) business days from the finalized request for appeal to the Responding Party (and the Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Sexual Assault, Sexual Harassment, or Stalking).
 - b. Notice will include the following:
 - i. The issue(s) to be reviewed and the ground(s) for appeal; and
 - ii. Right to review the information that will be used by the Appeal Panel; and
 - iii. Date and time of the initial Appeal Panel meeting; and
 - iv. Names of the Appeal Panel members; and
 - v. The procedures that will be used; and
 - vi. Maximum possible sanction(s) which may be imposed.
 - c. Reporting Parties alleging Discrimination or Harassment will be notified in writing of the Appeal Panel meeting and the procedures to be used.
- 10. Timing of Appeal Panel:** The Appeal Panel is required to 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.
- 11. Functions of Appeal Panel**
- a. Review the conduct matter file including but not limited to: the investigative report; Conduct Officer or Hearing Board files and recordings; and
 - b. Review any new information provided; and
 - c. 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
 - d. Make a determination based on the information reviewed. Determinations are based on majority vote.
- 12. Determinations:** The Appeal Panel may make the following determinations:
- a. Uphold or change the findings of the Conduct Officer or Hearing Board; or
 - b. Uphold or change the sanctions of the Conduct Officer or Hearing Board; or
 - c. Remand for a new or additional Formal Investigation with a new or same investigator; or

- d. Remand to the same Conduct Officer or Hearing Board for a new hearing; or
- e. Remand to a different Conduct Officer or Hearing Board for a new hearing.

The Appeal Panel's decision to remand to the same or a different Conduct Officer or Hearing Board is final (as to the remand decision only and not to the substance of the underlying claim) and not subject to appeal.

13. **Notice of Appeal Panel Outcome:** The Appeal Panel will provide Notice to the Parties of any determination(s).
 - a. The Appeal Panel Chair will provide written Notice to the Responding Party which will include:
 - i. The outcome; and
 - ii. The reasoning and facts that support the outcome; and
 - iii. Any sanction(s) imposed; and
 - iv. Any right of appeal (e.g., a Presidential Appeal Panel).
 - b. If the alleged conduct is Dating Violence, Domestic Violence, Sexual Assault, or Stalking, the Parties will receive simultaneous written Notice of:
 - i. The outcome; and
 - ii. The reasoning and facts that support the outcome; and
 - iii. Any sanction(s) imposed; and
 - iv. The reasoning and facts that support any sanction(s) imposed; and
 - v. Any right of appeal (e.g., a Presidential Appeal Panel).
 - c. If the alleged violation is Gender Discrimination, Sexual Harassment, Discrimination or Harassment, the Reporting Party shall receive written Notice of:
 - i. The outcome and any sanctions that directly relate to the Reporting Party; and
 - ii. Any right of appeal (e.g., a Presidential Appeal Panel).
 - d. 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 University, the University community, or individuals on University Property, 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.

B. PRESIDENTIAL APPEAL PANEL

1. **Right of Appeal:** In the event the Appeal Panel imposes a sanction of Disciplinary Suspension, Disciplinary Dismissal, removal from University Housing, academic degree revocation, or loss of recognition of University 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 Appeal Panel.
2. **Presidential Appeal Panel Composition**
 - a. Each University President and the Dean of the University of Maine School of Law is responsible for appointing the Presidential Appeal Panel for their respective institutions.
 - b. The Presidential Appeal Panel is comprised of three (3) people consisting of:
 - i. A Presidential Appeal Panel Chair who is either a faculty or staff member; and

- ii. One (1) enrolled student; and
 - iii. One (1) UMS System Office Employee.
- c. Presidential Appeal Panel members may not have had previous involvement with the current matter. All members will be required to sign a conflict of interest and bias 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.
- d. The composition of the Presidential Appeal Panel will represent the diversity of the University community whenever reasonably practicable.
- e. Presidential Appeal Panel alternate members will be appointed as applicable and appropriate.
- 3. Conflicts of Interest:** 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 UMS Coordinator of Student Conduct or 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 UMS Coordinator of Student Conduct or designee.
- 4. Records**
 - a. 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.
 - b. 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 Responding Party. 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.
- 5. Presidential Appeal Filing Procedures:** Presidential Appeals must be:
 - a. In writing; and
 - b. State the issue(s) to be reviewed based on at least one of the grounds for appeal listed below in Section VII.B.6.; and
 - c. Submitted to the UMS Coordinator of Student Conduct or designee within five (5) business days after the appealing Party has received written Notice of the Appeal Panel finding(s); and
 - d. No longer than ten (10) pages in length plus attachments.
- 6. Appeals by Multiple Parties:** Appeal requests will be shared with all Parties. 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 this Section VII.B.
- 7. Grounds for Presidential Appeal:** The Presidential Appeal Panel is not intended to be a full rehearing of the allegation(s) before the Conduct Officer or Hearing Board Hearing. The Presidential Appeal Panel need not defer to the determination by the Appeal Panel. However, the appeal will be limited to the following grounds:
 - a. 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); or

- b. To consider new evidence, not reasonably available during the investigation or Conduct Officer, Hearing Board Hearing, or the Appeal Panel review, that could impact the Conduct Officer, Hearing Board, or Appeal Panel finding(s) or sanction(s). A summary of this new evidence and its potential impact must be included in the request for appeal; or
 - c. The sanction imposed is disproportionate to the severity of the violation, considering the totality of circumstances.
- 8. Timeliness:** 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 VII.B.7. 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.
- 9. Notice of Appeal Before the Presidential Appeal Panel**
 - a. If an appeal is submitted consistent with parameters identified in this Section VII.B., 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, Sexual Assault, Sexual Harassment, or Stalking).
 - b. Notice will include the following:
 - i. The issue(s) to be reviewed and the ground(s) for appeal.
 - ii. Right to review the information that will be used by the Presidential Appeal Panel.
 - iii. Date and time of the initial Presidential Appeal Panel meeting.
 - iv. Names of the Presidential Appeal Panel members.
 - v. The procedures that will be used.
 - vi. Maximum possible sanction(s) which may be imposed.
 - c. Reporting Parties alleging Discrimination or Harassment will be notified in writing of the Presidential Appeal Panel meeting and the procedures to be used.
- 10. Timing of Presidential Appeal Panel:** The Presidential Appeal Panel is required to 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).
- 11. Functions of Presidential Appeal Panel:**
 - a. Review the conduct matter file including but not limited to: the investigative report; Conduct Officer, Hearing Board, or Appeal Panel files and recordings; and
 - b. Review any new information provided; and
 - c. 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
 - d. Make a determination based on the information reviewed. Determinations are based on majority vote.
- 12. Determinations:** The Presidential Appeal Panel may make the following determinations:
 - a. Uphold or change the findings of the Conduct Officer, Hearing Board, or Appeal Panel; or

- b. Uphold or change the sanctions of the Conduct Officer, Hearing Board, or Appeal Panel; or
- c. Remand for a new or additional investigation with a new or same investigator; or
- d. Remand to the same Conduct Officer or Hearing Board for a new hearing; or
- e. Remand to a different Conduct Officer or Hearing Board for a new hearing.

13. All decisions of the Presidential Appeal Panel are final.

14. Notice of Determination: The Presidential Appeal Panel will provide Notice of any determinations to the applicable University President or the Dean of the University of Maine School of Law (each a "University President"). The University President may accept the determination of the Presidential Appeal Panel or request further review. **Notice of Presidential Appeal Panel Outcome:** 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).

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

VIII. TRAINING

- A. Each University President and the Dean of the University of Maine School of Law in conjunction with the UMS Coordinator of Student Conduct or designee 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:
 - 1. Enrolled students; and
 - 2. Faculty members; and
 - 3. Staff members; and
 - 4. 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; trauma informed practices, how to conduct an investigation, and hearing process that protects the safety of individuals involved and promotes accountability:

1. University Presidents and the Dean of the University of Maine School of Law; and
2. Title IX Coordinator(s) and Deputy Title IX Coordinators; and
3. UMS Coordinator of Student Conduct or designee; and
4. Individuals responsible for conducting Preliminary Inquiries or Formal Investigations; and
5. Conduct Officers; and
6. Hearing Board, Appeal Panel or Presidential Appeal Panel members; and
7. Any other individuals that University Presidents and the Dean of the University of Maine School of Law or the UMS Coordinator of Student Conduct or designee designates to be included in training.

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

IX. STUDENT CONDUCT CODE COMMITTEE

A. The Student Conduct Code Committee is responsible for

1. Reviewing this Code for potential revision at least once every three (3) years and at any time at the request of:
 - a. Conduct Officers representing at least two (2) the Universities; or
 - b. Student government officers representing at least two (2) of the Universities; or
 - c. Student government officers representing at least one (1) University; or
 - d. The Chancellor.
2. Accepting and responding to feedback that various members of the UMS community may have regarding this Code.
3. Proposing revisions to this Code to the UMS Board of Trustees.

B. Student Conduct Code Committee Composition: The Student Conduct Code Committee will represent the diversity of the University community whenever reasonably practicable. The following will be invited to participate in the Student Conduct Code Committee.

1. A Committee Chair confirmed by the Chancellor.
2. Up to five (5) faculty, staff, or enrolled students, appointed by the Committee Chair.
3. One (1) UMS Board Trustee appointed by the UMS Board of Trustees Chair.
4. One (1) enrolled distance education program student appointed by the UMS Coordinator of Student Conduct or designee.
5. Two (2) graduate students appointed by the UMS Coordinator of Student Conduct or designee. Graduate students from any University may serve in this role.
6. At least three (3) Conduct Officers representing differing Universities and appointed by the UMS Coordinator of Student Conduct or designee.
7. One (1) University of Maine School of Law staff member, appointed by the Dean of University of Maine School of Law.
8. At least three (3) Hearing Board Chairs each representing a different University and appointed by the UMS Coordinator of Student Conduct.
9. Eight (8) enrolled students, one (1) from each University, nominated as follows:
 - a. Each University's student government body will nominate a slate of at least three (3) enrolled students; then
 - b. Each University President and the Dean of the University of Maine School of Law will choose from their respective slate of nominees one (1) enrolled student representative.

X. AMENDING THE STUDENT CONDUCT CODE

The UMS 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 of each University.

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, July 26, 2021

Effective Date: August 1, 2021

UNIVERSITY OF MAINE SYSTEM

STUDENT CONDUCT CODE

Effective Date: August 1, 2021

Revised by the Student Conduct Code Committee

and

Approved by the Board of Trustees: July 26, 2021

[Table of Contents here]

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 institutions 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 community are governed by University policies, local ordinances, and state and federal laws. For specific governing documents, students and ~~campus~~University organizations may refer to: University Policies and Procedures; ~~campus~~University student handbooks; ~~campus~~University 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 any alleged Code violation(s). 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 ~~University Property~~~~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 the implementation of this Code, the University seeks to harmonize its administrative functions in a manner consistent with and grounded in its educational mission with an emphasis on fundamental fairness, due process, personal responsibility, and community relationships.

Student Rights & Responsibilities

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 those questions or concerns remain unresolved, the student may contact the Conduct Officer's supervisor or the UMS Coordinator of Student Conduct or designee. If those questions or concerns remain unresolved following this process, 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~~University authority handling the matter.

Accessibility Support

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 office for students with disabilities to assist with the determination of reasonable accommodations. Students may be required to provide documentation in order to establish the need for appropriate accommodations.

Non-Discrimination Statement

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.

I. JURISDICTION

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

- A. The University has jurisdiction over the Responding Party when the Responding Party is, at the time of the report, any one of the following:
 1. A student who is enrolled at the University.
 - a. A "student" means any person who has accepted, registered, or enrolled in any course or program offered by the University (including distance courses), and who has not been absent from the University greater than one (1) calendar year; ~~or~~
 - 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; or
 - iii. Been absent from the University for a period of time greater than or equal to one (1) calendar year.
 - c. A student who is on probation or suspended from the University at the time of the report will be considered to be enrolled for the purposes of determining the University's jurisdiction.
 2. A University-recognized student organization, or any student organization not recognized at the time of the report, but under University probation or suspension.
- B. The University has jurisdiction over the alleged conduct when the alleged conduct occurs:
 1. On any campus of the University, or involving University Property; or
 2. At an activity or program sponsored by the University; or
 3. In any 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.

4. It is at the University's discretion to determine whether it has jurisdiction to apply this Code.

Formatted: Indent: Left: 0.56", No bullets or numbering

II. 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 athe 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 as described in Section VII.A.
- C. **Campus Authorities:** Includes, but is not limited to, any campusUniversity police or security staff, investigator, Conduct Officer, Hearing Board members, Appeal Panel members, and~~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.
 - 1. Consent must be:
 - a. Informed, freely, and actively given, and consist of a mutually agreeable and understandable exchange of words or actions; and~~;~~
 - b. Clear, knowing, and voluntary; and
 - c. Active, not passive.
 - 2. Consent may be withdrawn at any time and when outwardly communicated that Consent is withdrawn, sexual activity must cease.
 - 3. Silence, passivity, or absence of resistance, 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. Even in the context of an ongoing relationship, Consent must be sought and freely given for each sexual act.
 - 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 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 Reasonable Person~~;~~, as defined in Section II.P.
 - 10. 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.
 - 11. In evaluating whether Consent was given, consideration will be given to the totality of the facts and circumstances, including but not limited to:
 - a. a 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;

Formatted: Underline

Formatted: Underline

b. whether a ~~R~~reasonable ~~P~~person in the Responding Party's position would have understood such person's words and acts as an expression of ~~C~~consent; and

~~11-c~~ whether there are any circumstances, known or reasonably apparent to the Responding Party, demonstrating ~~I~~ncapacitation or lack of ~~C~~consent.

Formatted

- G. **Formal Investigation:** The process described in Section V.I-~~J~~.
- H. **Hearing Board:** A board that hears cases of alleged violations of this Code as described in Section VI.B.
- I. **Incapacitation; Incapacitated:** An individual who is ~~I~~ncapacitated lacks the ability to make informed judgments and cannot ~~C~~consent to sexual contact. Incapacitation is the inability, temporarily or permanently, to give ~~C~~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 ~~C~~consent or unwillingness to an act. Where alcohol or other drugs are involved, ~~I~~ncapacitation is a state beyond impairment or intoxication. Where alcohol or other drugs are involved, evaluating ~~I~~ncapacitation 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.
- J. **Interim Measures or Actions:** The process described in Section V.G.
- K. **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 ~~E~~mployee 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.
- L. **Party(ies):** May refer to the Reporting Party(ies), Responding Party(ies), or both Parties collectively.
- M. **Preliminary Inquiry:** The process described in Section V.C.
- N. **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.
- O. **Presidential Appeal Panel:** A panel that hears appeals from the Appeal Panel as described in Section VII.B.
- P. **Reasonable Person:** A representative individual under similar circumstances and with similar identities to the person in question, who exercises care, skill, and judgment.
- Q. **Reporting Party(ies):** Any person who alleges harm ~~or a policy violation under this Code~~ by a person, a student as defined in Section I.A.1, or student organization as defined in Section I.A.2-~~4~~ based on one or more of the violations 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 an individual alleges harm based on any other violation in Section III.D., Offenses Involving Other People, the Conduct Officer may, in their sole discretion, deem the reporting individual a Reporting Party. If a Reporting Party declines to participate, at the University's discretion, the University may move forward with the process under this Code.
- R. **Responding Party(ies):** Any person, a student as defined in Section I.A.1, or student organization as defined in Section I.A.1-~~or 2~~, that has been alleged to have violated this Code, is under Formal Investigation, or has been charged with a violation of this Code.
- S. **Support Person:** a person who provides emotional or personal support or assistance to a ~~P~~party during the investigative and hearing proceedings.
- T. **University of Maine System (the "University"):** Means either collectively or singularly, any of the of following institutions: 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 used at the University's discretion, Real or Personal Property otherwise engaged by the

University in any manner or by University ~~e~~Employees or ~~campus~~University 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.

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

III. VIOLATIONS

Violations are conduct which contravenes this Code.

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.

A. Academic Dishonesty

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 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.
3. **Fabrication:** The use of invented information or the falsification of research or other findings in an academic exercise.
4. **Contributing to academic dishonesty:** Assisting another person's, student's, or student organization's academic dishonesty.
5. **Other forms of dishonest academic conduct:** Any actions by which one seeks an unfair academic advantage over others.
6. **Violation of UMS Academic Integrity Policy.**

B. Disruption of University Operations

1. **Causing a Disturbance:** Disturbance resulting in substantial disruption of University activities.
2. **Failure to Comply with Sanction:** Failure to comply with a sanction imposed under this Code.
3. **Failure to Identify:** Failing to accurately identify oneself to a University ~~e~~Employee 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 this Code.
5. **Interference with or Failure to Comply with a University Employee:** Direct interference with or failure to comply with a University ~~e~~Employee in the performance of their official duties.
6. **Supplying False Information:** Knowingly supplying false information to University ~~e~~Employees in pursuit of their official duties or to an ~~i~~nvestigator, Conduct Officer, Hearing Board, Appeal Panel, or Presidential Appeal 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 ~~e~~Employee(s).
8. **Violation of Residence Hall Contract.**
9. **Violation of Student Activity Regulations:** Violation of a University regulation, policy, standard of conduct, or code of ethics.

C. **Health & Safety Violations**

1. **Creating a Dangerous Condition.**
2. **False Reporting of Dangerous Conditions.**
3. **Endangering Health or Safety.**
4. **Violation of Health or Safety Policies.**
5. **Illegal Possession, Use, or Sale of Drugs.**
6. **Interference with Safety Equipment or Alarms.**
7. **Restricting Traffic Flow.**
8. **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. **Violation of UMS or Institution Alcohol, Drug, or Tobacco and Smoke Free Policies.**
10. **Violation of UMS or Institution Weapons Policies.**

D. **Offenses Involving Other People**

1. **Assault:** Intentionally, knowingly, or recklessly causing bodily injury or offensive physical contact to another person.
2. **Causing Fear of Physical Harm:** Intentionally or knowingly placing another person in fear of imminent bodily injury.
3. **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 ~~R~~eporting ~~P~~arty'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).
4. **Discrimination:** Discrimination based on actual or perceived race, color, religion, sex, sexual orientation, gender identity, gender expression, national origin, citizenship status, age, disability, genetic information, or veterans status.
5. **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).
6. **Gender Discrimination:** Discriminating against an individual on the basis of that individual's sex, gender, sexual orientation, gender identity, or gender expression.
7. **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.

8. **Hazing:** Any action or situation, including harassing behavior, that recklessly or intentionally endangers the mental or physical health of any University ~~g~~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.
9. **Interference with Residential Life.**
10. **Intimidation:** The improper use of authority, coercion, or threat for the purpose of compelling or deterring action against that person's will. Intimidation violates this Code when it threatens substantial harm to the other person's membership or status in the community; personal, professional, or academic reputation or opportunities; extracurricular opportunities; or financial security. Intimidation may include, but is not limited to, threatening to accuse someone of illegal activity; threatening to expose a secret that could subject the person to hatred, contempt, or ridicule or otherwise compromise that person's standing in the community; threatening to disseminate sexual images of the other person; or use of a position of authority to take or withhold action against the other person.
11. **Invasion of Privacy:** The violation of another individual's reasonable expectation of privacy where the circumstances justify that expectation.
12. **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.
13. **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.
14. **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.

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).
15. **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, or any 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~~University 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.

~~16.~~ **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 ~~S~~exual ~~H~~arassment.

17. 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 as defined in Section II.P.
- 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.

- 18. 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

- 1. **Defacement, Destruction, or Misuse of Property:** Intentionally, knowingly, or recklessly misusing, tampering with, damaging, destroying, or defacing University Property or the property of others without appropriate authorization.
- 2. **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 or prohibited by state or federal law, including but not limited to possession or distribution of child pornography.
- 3. **Tampering, Destruction, or Falsification of Official Records.**
- 4. **Theft or Unauthorized Use:** Theft, attempted theft, or unauthorized acquisition, removal, distribution, or use of University Property or the property of another.
- 5. **Trespassing:** Trespassing or unauthorized presence on University Property or the property of another.
- 6. **Violation of Institution Motor Vehicle Policies or Parking Regulations.**

F. General Infractions

- 1. **Aiding Infraction:** Knowingly assisting in a Code violation.
- 2. **Continued Infraction:** Continued infractions of this 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. **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.
- 5. **Other Illegal Activity:** Violating any applicable law (e.g., local, state, or federal).

IV. SANCTIONS

If a Responding Party admits to a violation of this Code to the ~~i~~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 Policy 402 Sex Discrimination, Sexual Harassment, Sexual Assault, Relationship Violence, Stalking and Retaliation and Title IX Sexual Harassment may be imposed and 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.
 - 1. Responding Parties who are dismissed will not be permitted to attend any of the University institutions or attend any University functions. After five (5) years from the date of the ~~Disciplinary Dismissal~~, the Responding Party may submit a written request to the UMS Coordinator of Student Conduct or designee to be considered for readmission to attend any of the University institutions. The UMS Coordinator of Student Conduct or 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~~ institution. Reviews of such requests should take into account that for external applicants, the University no longer reviews criminal or judicial history.
 - 2. Responding Parties who have been found responsible for a Violent Crime or Sexual Assault and who request an official transcript from the University, will have a letter attached to their official transcript describing the ~~Disciplinary Dismissal~~. After five (5) years from the date of the ~~Disciplinary Dismissal~~, the Responding Party may submit a written request to the UMS Coordinator of Student Conduct or designee to have the letter attached to their official transcript removed. The UMS Coordinator of Student Conduct or 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~~ institutions. 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 ~~Disciplinary Dismissal~~ from the University.
- E. **Disciplinary Suspension:** Separation from the University for a specific period of time and until any stated condition(s) is met.
 - 1. Responding Parties who are suspended will not be permitted to attend any of the University institutions or attend any University functions until all conditions of the ~~Disciplinary Suspension~~ are met and the ~~Disciplinary Suspension~~ period has ended.
 - 2. Responding Parties ~~subject to Disciplinary Suspension~~ 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 ~~Disciplinary Suspension~~. After all conditions of the ~~Disciplinary Suspension~~ are met and the ~~Disciplinary Suspension~~ period has ended the letter describing the ~~Disciplinary 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 the property up to the replacement value of the property damaged, stolen, removed, or used without authority.
- K. **Other action(s)** as the Conduct Officer, Hearing Board, Appeal Panel, or Presidential Appeal Panel may reasonably deem appropriate, examples include but are not limited to:
 - 1. Suspension of an organization's official ~~campus~~University recognition.
 - 2. Suspension of a student from extracurricular activity(ies).

3. Suspension of guest privileges.
4. Termination from student employment.
5. Academic degree revocation.
6. Loss of visitation privileges to designated area(s) of any University Property.
7. 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, Hearing Board, Appeal Panel, or Presidential Appeal 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.

V. PROCEDURES

NOTE WELL: For any alleged violation that involves matters covered by Board of Trustees Policy 402 Sex Discrimination, Sexual Harassment, Sexual Assault, Relationship Violence, Stalking and Retaliation and Title IX Sexual Harassment Policy, the procedures provided in Board of Trustees Policy 402 and Title IX Procedures are required to be followed.

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~~ ~~M~~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

1. Alleged violations of this Code may be brought to the attention of the University by University ~~e~~employees, students, or members of the general public and will result in the initiation of a Preliminary Inquiry.
2. Reports may be made anonymously however anonymous reporting may limit the University's ability to investigate and respond.
3. Reports of Gender Discrimination (including Sexual Harassment, Dating Violence, Domestic Violence, Sexual Assault, or Stalking) are required to be reported directly to the University's Title IX Coordinator or Deputy Coordinator as described in Board of Trustees Policy 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 and as permitted by FERPA.

C. Preliminary Inquiry

1. 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 V.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.

2. Notice Following Preliminary Inquiry

- a. Upon the conclusion of the Preliminary Inquiry, the Responding Party, will be provided Notice of whether:
 - i. Any ~~sanction charge(s)~~ will be filed and if so, what ~~sanction charge(s)~~ will be filed; ~~and-~~
 - ii. A Formal Investigation will commence; ~~and~~
 - iii. An Alternative Resolution is an option; ~~and-~~
 - iv. An Administrative Resolution is an option; ~~and~~
 - v. Any Interim Measure(s) or Action(s) will be implemented.

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

- D. Conflicts of Interest:** Each Conduct Officer, Hearing Board, Appeal Panel, and Presidential Appeal Panel member is expected to conduct due diligence to determine if there is a potential conflict of interest. If there is a conflict of interest ~~involving~~ the Conduct Officer, the Conduct Officer will refer the matter to another Conduct Officer. If any member of the Hearing Board, Appeal Panel, or Presidential Appeal 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 UMS Coordinator of Student Conduct or designee.

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.

1. If ~~(a1)~~ all ~~Parties persons personally and directly affected by the conduct matter under this Code~~ agree to attempt resolution through one of these processes; and ~~(b2)~~ 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.
2. 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 resolutions are not permitted to be appealed.
3. 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

1. At the Conduct Officer's sole discretion and consistent with other requirements of this Code, a conduct matter may be resolved through Administrative Resolution.
2. An Administrative Resolution may only be used when ~~the conduct matter involves the following:~~
 - a. ~~The facts are not in dispute;~~ ~~or~~ ~~OR~~
 - ~~2-b. A~~ ~~University~~ ~~e~~ ~~Employee~~ directly observed the conduct violation; and the violation is a minor violation.
3. If a ~~Partystudent~~ objects to use of an Administrative Resolution, the ~~Partystudent~~ may request a formal review and the University will proceed with a Formal Investigation under this Code.

4. 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

1. 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.
2. 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.
3. Absent a substantial threat to health, safety, or well-being of the ~~campus~~University, the University Community ~~individuals on campus~~, or ~~individuals on University Property~~the campus community, a Responding Party who has been issued an Interim Measure(s) or Action(s) will receive ~~No~~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 ~~e~~Employee appointed by the university President or the Dean of the University ~~o~~Of Maine School ~~o~~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 ~~e~~Employee appointed by the university President ~~or~~ the Dean of the University ~~o~~Of Maine School ~~o~~Of Law will conduct the review ~~hearing~~and issue a decision within five (5) business days. If extenuating circumstances exist that preclude the review hearing from occurring within five (5) business days, an update will be provided indicating the estimated timeframe for the hearing.
4. If there is a substantial threat to health, safety, or well-being of the ~~campus~~University, individuals on ~~University Property~~campus, or the ~~campus~~University community, Interim Measure(s) or Action(s) may be imposed immediately. In such cases, the Responding Party will be provided ~~No~~notice of the basis for the Interim Measure(s) or Action(s) and ~~No~~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 review 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

1. The Responding Party will be provided Notice of:
 - a. Any Interim Measure(s) or Action(s) that will be implemented; ~~and~~-
 - b. Their right of review as described in Section V.G.3-4.
2. If the alleged violation is Dating Violence, Domestic Violence, Sexual Assault, Sexual Harassment, or Stalking, all Parties will be provided Notice simultaneously.
3. Reporting Parties alleging Discrimination or Harassment will be provided Notice of any Interim Measure(s) or Action(s) involving the Responding Party that directly relate to the Reporting Party.

I. Notice of Formal Investigation

1. Prior to commencement of a Formal Investigation, the Conduct Officer will provide written Notice to the Responding Party.

Formatted: Underline

2. If the alleged violation is Dating Violence, Domestic Violence, Sexual Assault, Sexual Harassment, or Stalking, all Parties will be provided Notice simultaneously.
3. Notice will include the following:
 - a. Alleged Code violation(s) and a description of the alleged conduct constituting each alleged violation; ~~and~~
 - ~~ii.b.~~ Reporting Party; ~~and~~
 - ~~iii.c.~~ Location(s) of alleged conduct; ~~and~~
 - ~~iii.d.~~ Date(s) of alleged conduct; ~~and~~
 - ~~iv.e.~~ Right to have an Advisor ~~present~~; ~~and~~
 - ~~v.f.~~ The name of the ~~investigator~~; ~~and~~
 - ~~vi.g.~~ The procedures that will be used to address the alleged Code violation(s); ~~and~~
 - ~~vii.h.~~ Maximum possible sanction(s) which may be imposed; ~~and~~
 - ~~viii.i.~~ Any right of appeal for any Responding Party; ~~and~~
 - ~~ix.j.~~ Any right of appeal for any Responding Party and any Reporting Party, if the alleged violation is Dating Violence, Domestic Violence, Sexual Assault, Sexual Harassment, or Stalking.
4. Reporting Parties alleging Discrimination or Harassment will be provided written Notice of a Formal Investigation, including their right to an ~~A~~edvisor, the name of the ~~investigator~~, and the procedures that will be used, including any appeal rights.

J. **Formal Investigation:**

1. Upon the Conduct Officer's decision to commence a Formal Investigation, the Conduct Officer will initiate the ~~Formal I~~investigation or assign it to a trained ~~investigator~~, who may be internal or external, as soon as reasonably practicable but ~~at least within no more than~~ three (3) business days ~~after the Conduct Officer's decision~~.
2. The University may, where appropriate, temporarily delay its ~~Formal I~~investigation when criminal charges on the basis of the same conduct are being investigated.
3. ~~Formal I~~Investigations should follow applicable standards, including with regard to objectivity, reliability, thoroughness, impartiality, timeliness, and fairness.
4. In general, ~~Formal I~~investigations should entail interviews with relevant ~~P~~arties and witnesses, obtaining and reviewing available evidence, and identifying sources of expert information, as applicable.
5. 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 ~~Formal I~~investigation, as appropriate. Such regular updates should occur at least every ~~thirty (30)~~ calendar days.
6. While ~~Formal I~~investigation times may vary, in general, ~~F~~ormal ~~I~~investigations should be completed within ~~ninety (90)~~ calendar days. If a Formal ~~I~~investigation is going to take longer than ~~ninety (90)~~ calendar days, an update will be provided indicating the estimated timeframe for completion of the ~~Formal I~~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).
7. The ~~Conduct Officer or i~~investigator will summarize the relevant evidence gathered in the ~~Formal I~~investigation, both inculpatory and exculpatory, in a written report. - The ~~Conduct Officer or i~~investigator will not make determinations as to whether policy violations were found.

K. **Determination of Hearing Format**

1. There are two (2) hearing formats under this Code.

- a. Conduct Officer Hearing; and
- b. Hearing Board Hearing.
- 2. 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.
- 3. In general, a Conduct Officer Hearing should be considered when:
 - a. Facts are less complex; and
 - b. Alleged violation(s) are anticipated to have lower impact to the Parties and the community.
- 4. In general, a Hearing Board Hearing should be considered when:
 - a. Facts are more complex; or
 - b. A diversity of opinions is important to a fair outcome; or
 - 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.
- 5. 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; or
 - b. Serious physical, emotional, or psychological harm or the threat thereof.

Formatted: Underline

Formatted: Underline

Formatted: Underline

Formatted: Underline

L. Notice Following Formal Investigation

- 1. Upon the conclusion of the Formal Investigation, the Responding Party, will be provided Notice of whether any sanction(s) will be filed and if so, what sanctions; and whether a Conduct Officer Hearing, a Hearing Board Hearing, or Informal Resolution will occur.
~~Any charge(s) will be filed and if so, what charge(s) will be filed.~~
- 7.3. ~~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, Sexual Assault, Sexual Harassment, or Stalking, and no sanctions are being filed, the Parties will receive simultaneous notification of the Conduct Officer's decision not to file sanctions ~~bring charges~~ and ~~both the Parties will be notified of a statement of their~~ right to appeal to the UMS Coordinator of Student Conduct or designee.

VI. HEARINGS

A. CONDUCT OFFICER HEARING

- 1. Notice of Conduct Officer Hearing
 - a. In the event that a Conduct Officer Hearing will occur ~~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 Parties~~.
 - b. Notice to the Responding Party will include the following:
 - i. Code violation(s) and a description of the alleged conduct constituting each violation; and
 - ii. Reporting Party(ies); and
 - iii. Date(s) of alleged conduct; and
 - iv. Right to have an Advisor of their choice present; and
 - v. Right to review the information that will be used by the Conduct Officer during the Conduct Officer Hearing; and
 - vi. Date and time of the Conduct Officer Hearing; and
 - vii. Name of the Conduct Officer; and
 - viii. Names of witnesses requested to appear by the Conduct Officer; and
 - ix. The procedures that will be used; and

x. Maximum possible sanction(s) which may be imposed.

xi.c. Reporting Parties will be notified of their right to participate in the Hearing before the Conduct Officer; the date and time of the Hearing; the procedures that will be used in the Hearing; and their right to have an Advisor and a Support Person of their choice.

Formatted: List Paragraph

2. Conflicts of Interest: 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 UMS Coordinator of Student Conduct or designee stating the grounds for the removal at least five (5) business days prior to the scheduled hearing. Removal of a Conduct Officer for demonstrated bias or conflict of interest will be within the authority and at the discretion of the UMS Coordinator of Student Conduct or designee.

Formatted

Formatted: Font: Bold

2.3. Timing of and Attendance at Hearing:

- a. 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.
- b. 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 and due process.
- c. 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 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
 - 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.

~~d. **Advisor and Support Person:**~~ The Responding Party and the Reporting Party ~~in any proceeding involving allegations of 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 Conduct Officer.

Formatted: Font: 10 pt, Font color: Black

2.4. Evidence and Recording

- a. The Conduct Officer should hear and consider as evidence relevant information.
- b. 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.
- c. 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.
- d. 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 Hearings ~~proceedings~~ are considered confidential unless otherwise indicated by law.

- ~~e. Any Party has the right to, for demonstrated bias or conflict of interest, petition for the removal of~~
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.

4.5. Conduct Officer Hearing Procedures:

- a. Responsibility for recognizing and permitting persons to speak is the exclusive purview of the Conduct Officer.
- b. Persons disruptive at any stage of the hearing may be asked to leave at the discretion of the Conduct Officer.
- c. The Parties will each have the opportunity to make an opening statement.
- d. The ~~i~~nvestigator will present the results of the Formal investigation.
- e. The Conduct Officer may ask questions of any witnesses and the Parties.
- f. 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.
- g. Questioning by any Advisor or ~~S~~upport ~~P~~erson is not permitted.
- h. The Parties will each have the opportunity to make a closing statement, which may include recommendations regarding appropriate sanctions.
- i. 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.
- j. If the Responding Party has not violated this Code, the case will be dismissed.
- k. If the Responding Party has violated this Code, the Conduct Officer will impose appropriate sanction(s).

5.6. Notice of Conduct Officer Hearing Outcome

- a. The Conduct Officer will provide written Notice to the Responding Party which will include:
~~a. Notice will include:~~
 - ~~iii.ii.~~ The reasoning and facts that support the outcome; and
 - ~~iv.iii.~~ Any sanction(s) imposed; and
 - ~~v.~~ Any right of appeal.
- b. 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 the health, safety, or well-being of the Universitycampus, University community, or individuals on University Propertycampus, 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.

B. HEARING BOARD

1. Notice of Hearing Before the Hearing Board

- a. In the event that a Hearing Board Hearing will occur~~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~~
- b. Notice to the Responding Party will include the following:
- Code violation(s) and a description of the alleged conduct constituting each violation; ~~and~~
 - Reporting Party(ies); ~~and~~
 - Date(s) of alleged conduct; ~~and~~
 - Right to have an Advisor and a ~~S~~upport ~~P~~erson of their choice present; ~~and~~
 - Right to review the information that will be used by the Hearing Board during the Hearing Board; ~~and~~
 - Date and time of the Hearing Board; ~~and~~
 - Names of the Hearing Board members; ~~and~~
 - Names of witnesses requested to appear by the Hearing Board; ~~and~~
 - The procedures that will be used; ~~and~~
 - Maximum possible sanction(s) which may be imposed.
- c. Reporting Parties ~~alleging Discrimination or Harassment~~ will be notified ~~in writing~~ of their right to participate in the Hearing before the Hearing Board, the date and time of the Hearing; the procedures that will be used in the Hearing; ~~and~~ their right to have an ~~A~~advisor and a ~~S~~upport ~~P~~erson of their choice.
2. **Hearing Board Composition**
- The UMS Coordinator of Student Conduct or designee is responsible for appointing the Hearing Board members.
 - The Hearing Board is comprised of at least three (3), five (5), or seven (7) members consisting of:
 - A chair who is either a faculty or staff member; and
 - At least one (1) enrolled student; and
 - At least one (1) additional faculty or staff member.
 - All members will be required to sign a conflict of interest and bias 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.
 - The composition of the Hearing Board will represent the diversity of the University community whenever reasonably practicable.
 - Hearing Board alternate members will be appointed as applicable and appropriate.
3. **Conflicts of Interest:** 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 UMS Coordinator of Student Conduct or 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 UMS Coordinator of Student Conduct or designee.
4. **Timing of and Attendance at Hearing:**
- ~~3-a.~~ The Hearing Board 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 Hearing Board Hearing. If extenuating circumstances exist that preclude the Hearing Board 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).

Formatted: Underline

Formatted: Underline

Formatted: Underline

Formatted: Underline

Formatted: Underline

Formatted: Underline

Formatted: Underline

Formatted: Underline

Formatted: Underline

Formatted: Outline numbered + Level: 4 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.56" + Indent at: 0.88"

Formatted: Font: Bold

Formatted

~~4.b.~~ If a Party is unable to attend the Hearing Board 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 and due process.

~~5.c.~~ 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:

~~a.i.~~ Proceed in a normal manner without a Party's attendance; or

~~b.ii.~~ Hear only a portion of the testimony and adjourn to a later date; or

~~c.iii.~~ Postpone the entire hearing to a later date.

matter.

and a ~~S~~upport ~~P~~erson of their choice. Advisors and ~~S~~upport ~~P~~eople will not be permitted to speak the hearing, except to speak with their advisee, unless permission has otherwise been granted by the Hearing Board Chair.

5. Evidence and Recording

~~8.a.~~ The Hearing Board should hear and consider as evidence relevant information.

~~9.b.~~ 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.

~~10.c.~~ 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.

~~d.~~ 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 ~~hearings~~proceedings are considered confidential unless otherwise indicated by law.

~~The name(s) 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.~~

~~12.6. 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 UMS Coordinator of Student Conduct or 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 UMS Coordinator of Student Conduct or designee.~~

- a. Responsibility for recognizing and permitting persons to speak is the exclusive purview of the Hearing Board Chair.
- b. Persons disruptive at any stage of the hearing may be asked to leave at the discretion of the Hearing Board Chair.
- c. The Parties will each have the opportunity to make an opening statement.
- d. The ~~i~~nvestigator will present the results of the Formal Investigation.
- e. The Hearing Board may ask questions of any witnesses and the Parties.

Formatted

Formatted: Outline numbered + Level: 5 + Numbering
Style: a, b, c, ... + Start at: 1 + Alignment: Left +
Aligned at: 0.88" + Indent at: 1.19"

- f. 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.
- g. Questioning by any Advisor or ~~Support~~ ~~Person~~ is not permitted.
- h. The Parties will each have the opportunity to make a closing statement, which may include recommendations regarding appropriate sanctions.
- i. 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.
- j. 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.
- k. 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.
- l. If the Responding Party has been found to have violated this Code, the Hearing Board will impose appropriate sanction(s).

14.7. Notice of Hearing Board Outcome

- ~~a.~~ The Hearing Board Chair will provide written Notice to the Responding Party which will include:-
 - i. The outcome; and
 - ii. The reasoning and facts that support the outcome; and
 - iii. Any sanction(s) imposed; and
 - iv. Any right of appeal (e.g., an Appeal Panel).
- ~~b.~~ If the alleged conduct is Dating Violence, Domestic Violence, Sexual Assault, or Stalking, the Parties will receive simultaneous written Notice of:
 - i. The outcome; and
 - ii. The reasoning and facts that support the outcome; and
 - iii. Any sanction(s) imposed; and
 - iv. The reasoning and facts that support any sanction(s) imposed; and
 - v. Any right of appeal (e.g., an Appeal Panel).
- ~~c.~~ If the alleged violation is Gender Discrimination, Sexual Harassment, Discrimination or Harassment, the Reporting Party shall receive written Notice of:
 - i. The outcome and any sanctions that directly relate to the Reporting Party; and
 - ii. Any right of appeal (e.g., an Appeal Panel).
- ~~d.~~ 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 ~~University campus, individuals on University community campus, or the individuals on University Property 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.

VII. APPEALS

A. APPEAL PANEL AND APPEAL FILING PROCEDURE

1. **Right of Appeal:** In the event the Conduct Officer or the Hearing Board imposes a sanction of Disciplinary Suspension, Disciplinary Dismissal, removal from University Housing, academic degree revocation, or loss of recognition of campusUniversity 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.
2. **Appeal Panel Composition**
 - a. The UMS Coordinator of Student Conduct or designee is responsible for appointing the Appeal Panel members.
 - b. The Appeal Panel is comprised of three (3) people consisting of:
 - i. An Appeal Panel chair who is either a faculty or staff member; and
 - ii. One (1) enrolled student; and
 - iii. One (1) Hearing Board member.
 - c. ~~All~~ Appeal Panel members ~~are required to~~ may not have ~~not~~ had previous involvement with the current matter. All members will be required to sign a conflict of interest and bias form for each hearing. All Appeal Panel 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.
 - d. The composition of the Appeal Panel will represent the diversity of the University community whenever reasonably practicable.
 - e. Appeal Panel alternate members will be appointed as applicable and appropriate.
3. Conflicts of Interest: 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 UMS Coordinator of Student Conduct or 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 UMS Coordinator of Student Conduct or designee.
- 3.4. **Records**
 - a. 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.
 - b. 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 Respond~~ing~~ent Party. 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.
- 4.5. **Appeal Panel Procedures:** Appeals must be:
 - a. In writing; and
 - b. State the issue(s) to be reviewed based on at least one of the grounds for appeal listed below in Section VII.A.7; and

- c. Submitted to the UMS Coordinator of Student Conduct or designee within five (5) business days after the appealing Party has received written ~~N~~notice of the Conduct Officer or Hearing Board finding(s); ~~and~~
- d. No longer than ten (10) pages in length plus attachments.

5.6. Appeals by Multiple Parties: ~~If the alleged violation is Dating Violence, Domestic Violence, Gender~~ 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 ~~this Sections VII.A.A.1-5.~~

6.7. Grounds for Appeal: The Appeal Panel is not intended to be a full rehearing of the allegation(s) before the Conduct Officer or Hearing Board Hearing. The appeal will be limited to the following grounds:

- a. 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); ~~or,~~
- b. 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; ~~or,~~
- c. The sanction imposed is disproportionate to the severity of the violation, considering the totality of circumstances.

7.8. Timeliness: 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 VII.A.7.6. 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.

8.9. Notice of Appeal Before the Appeal Panel

- a. If an appeal is submitted consistent with ~~the~~ parameters identified in ~~this Sections VII.A.A.1-5., and~~ 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 Domestic Violence, Sexual Assault, Sexual Harassment, or Stalking).
- b. Notice will include the following:
 - i. The issue(s) to be reviewed and the ground(s) for appeal; ~~and~~
 - ii. Right to review the information that will be used by the Appeal Panel; ~~and~~
 - iii. Date and time of the initial Appeal Panel meeting; ~~and~~
 - iv. Names of the Appeal Panel members; ~~and~~
 - v. The procedures that will be used; ~~and~~
 - vi. Maximum possible sanction(s) which may be imposed.

9.c. Reporting Parties alleging Discrimination or Harassment will be notified in writing of the Appeal Panel meeting and the procedures to be used.

10. Timing of Appeal Panel: The Appeal Panel is required to 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.

~~11. Conflicts of Interest:~~ Any Party has the right to, for demonstrated bias or conflict of interest, petition for

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

~~13.12.~~ **Determinations:** The Appeal Panel may make the following determinations:

- a. Uphold or change the findings of the Conduct Officer or Hearing Board; or
 - b. Uphold or change the sanctions of the Conduct Officer or Hearing Board; or
 - c. Remand for a new or additional Formal ~~i~~nvestigation with a new or same ~~i~~nvestigator; or
 - d. Remand to the same Conduct Officer or Hearing Board for a new hearing; or
 - e. Remand to a different Conduct Officer or Hearing Board for a new hearing.
- ~~f. The Appeal Panel's decision to A~~ remand to the same or a different Conduct Officer or Hearing Board is (as to the remand decision only and not to the substance of the underlying claim) and not subject to appeal.

~~z~~-The Appeal Panel will provide Notice to the Parties of any determination(s); determination(s).

~~a~~-The Appeal Panel Chair will provide written Notice to the Responding Party which will include:-

- i. The outcome; and
- ii. The reasoning and facts that support the outcome; and
- iii. Any sanction(s) imposed; and
- iv. Any right of appeal (e.g., a Presidential Appeal Panel).

~~e-b~~ If the alleged conduct is Dating Violence, Domestic Violence, Sexual Assault, or Stalking, the Parties will receive simultaneous written Notice of:

- i. The outcome; and
- ii. The reasoning and facts that support the outcome; and
- iii. Any sanction(s) imposed; and
- iv. The reasoning and facts that support any sanction(s) imposed; and
- v. Any right of appeal (e.g., a Presidential Appeal Panel).

~~d-c~~ If the alleged violation is Gender Discrimination, Sexual Harassment, Discrimination or Harassment, the Reporting Party shall receive written Notice of:

- i. The outcome and any sanctions that directly relate to the Reporting Party; and
- ii. Any right of appeal (e.g., a Presidential Appeal Panel).

~~e-d~~ 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~~University, individuals on the University community~~campus~~, or the ~~campus~~individuals on University Property~~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.

B. PRESIDENTIAL APPEAL PANEL

1. **Right of Appeal:** In the event the Appeal Panel imposes a sanction of ~~Disciplinary Suspension~~, ~~Disciplinary Dismissal~~, removal from University Housing, academic degree revocation, or loss of recognition of ~~campus~~University 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 Appeal Panel.
2. **Presidential Appeal Panel Composition:**
 - a. Each ~~University~~ President ~~and/or~~ the Dean of the University of Maine School of Law is responsible for appointing the Presidential Appeal Panel for their respective institutions.
 - b. The Presidential Appeal Panel is comprised of three (3) people consisting of:
 - i. A Presidential Appeal Panel Chair who is either a faculty or staff member; and
 - ii. One (1) enrolled student; and
 - iii. One (1) UMS System Office Employee.
 - c. ~~All~~ Presidential Appeal Panel members ~~are required to~~ may not have ~~not~~ had previous involvement with the current matter. All members will be required to sign a conflict of interest and bias 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.
 - d. The composition of the Presidential Appeal Panel will represent the diversity of the University community whenever reasonably practicable.
 - e. Presidential Appeal Panel alternate members will be appointed as applicable and appropriate.
3. **Conflicts of Interest:** 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 UMS Coordinator of Student Conduct or 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 UMS Coordinator of Student Conduct or designee.
- 3.4. **Records**
 - a. 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.
 - b. 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 Responding Party. 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.
- 4.5. **Presidential Appeal Filing Procedures:** Presidential Appeals must be:
 - a. In writing; and

- b. State the issue(s) to be reviewed based on at least one of the grounds for appeal listed below in Section VII.B.6.; ~~and~~
- c. Submitted to the UMS Coordinator of Student Conduct or designee within five (5) business days after the appealing Party has received written ~~Notice~~ of the Appeal Panel finding(s); ~~and~~
- d. No longer than ten (10) pages in length plus attachments.

~~5-6. Appeals by Multiple Parties: 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). Appeal requests will be shared with all Parties.~~ 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 ~~this~~ Sections VII.B.1-5.

~~6-7. Grounds for Presidential Appeal:~~ The Presidential Appeal Panel is not intended to be a full rehearing of the allegation(s) before the Conduct Officer or Hearing Board Hearing. The Presidential Appeal Panel need not defer to the determination by the Appeal Panel. However, the appeal will be limited to the following grounds:

- a. 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); ~~or-~~
- b. To consider new evidence, not reasonably available during the investigation or Conduct Officer, Hearing Board Hearing, or the Appeal Panel review, that could impact the Conduct Officer, Hearing Board, or Appeal Panel finding(s) or sanction(s). A summary of this new evidence and its potential impact must be included in the request for appeal; ~~or-~~
- c. The sanction imposed is disproportionate to the severity of the violation, considering the totality of circumstances.

~~7-8. Timeliness:~~ 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 VII.B.7-6. 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.

~~8-9. Notice of Appeal Before the Presidential Appeal Panel~~

- a. If an appeal is submitted consistent with parameters identified in ~~this~~ Sections VII.B.1-4. And VII.7., 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, Sexual Assault, Sexual Harassment, or Stalking).
- b. Notice will include the following:
 - i. The issue(s) to be reviewed and the ground(s) for appeal.
 - ii. Right to review the information that will be used by the Presidential Appeal Panel.
 - iii. Date and time of the initial Presidential Appeal Panel meeting.
 - iv. Names of the Presidential Appeal Panel members.
 - v. The procedures that will be used.
 - vi. Maximum possible sanction(s) which may be imposed.
- c. Reporting Parties alleging Discrimination or Harassment will be notified in writing of the Presidential Appeal Panel meeting and the procedures to be used.

9-10. Timing of Presidential Appeal Panel: The Presidential Appeal Panel is required to 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).

~~10. Conflicts of Interest: 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 UMS Coordinator of Student Conduct or 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 UMS Coordinator of Student Conduct or designee.~~

- a. Review the conduct matter file including but not limited to: the investigative report; Conduct Officer, Hearing Board, or Appeal Panel files and recordings; and
- b. Review any new information provided; and
- c. 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
- d. Make a determination based on the information reviewed. Determinations are based on majority vote.

12. Determinations: The Presidential Appeal Panel may make the following determinations:

- a. Uphold or change the findings of the Conduct Officer, Hearing Board, or Appeal Panel; or
- b. Uphold or change the sanctions of the Conduct Officer, Hearing Board, or Appeal Panel; or
- c. Remand for a new or additional investigation with a new or same ~~investigator~~; or
- d. Remand to the same Conduct Officer or Hearing Board for a new hearing; or
- e. Remand to a different Conduct Officer or Hearing Board for a new hearing.

13. All decisions of the Presidential Appeal Panel are final.

~~14. Notice of Determination:~~ The Presidential Appeal Panel will provide ~~Notice~~ of any determinations to the applicable ~~University~~ President or the Dean of the University ~~of~~ Maine School ~~of~~ Law (each a "University President"). The University President may accept the determination of the Presidential Appeal Panel or request further review.

~~a. The President Appeal Panel Chair will provide written Notice to the Responding Party which will include:~~

- i. The outcome; and
- ii. The reasoning and facts that support the outcome; and

~~iii. Any sanction(s) imposed; and~~

~~e-b. If the alleged conduct is Dating Violence, Domestic Violence, Sexual Assault, or Stalking, the Parties will receive simultaneous written Notice of:~~

- i. The outcome; and
- ii. The reasoning and facts that support the outcome; and
- iii. Any sanction(s) imposed; and

~~iv. The reasoning and facts that support any sanction(s) imposed; and~~

- ~~d-c.~~ If the alleged violation Gender Discrimination, Sexual Harassment, Discrimination or Harassment, the Reporting Party shall receive written Notice of:
- ~~i.~~ The outcome and any sanctions that directly relate to the Reporting Party; ~~and~~
- ~~e-d.~~ 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.

VIII. TRAINING

- A. Each University President and the Dean of the University of Maine School of Law in conjunction with the UMS Coordinator of Student Conduct or designee 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:
1. Enrolled students; and
 2. Faculty members; and
 3. Staff members; and
 4. 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; trauma informed practices, how to conduct an investigation, and hearing process that protects the safety of individuals involved and promotes accountability:
1. University Presidents and the Dean of the University of Maine School of Law; and
 2. Title IX Coordinator(s) and Deputy Title IX Coordinators; and
 3. UMS Coordinator of Student Conduct or designee; and
 4. Individuals responsible for conducting Preliminary Inquiries or Formal Investigations; and
 5. Conduct Officers; and
 6. Hearing Board, Appeal Panel or Presidential Appeal Panel members; and
 7. Any other individuals that University Presidents and the Dean of the University of Maine School of Law or the UMS Coordinator of Student Conduct or designee designates to be included in training.

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

IX. STUDENT CONDUCT CODE COMMITTEE

- A. **The Student Conduct Code Committee is responsible for:**
1. Reviewing this Code for potential revision at least once every three (3) years ~~under~~ at any time at the request of:
 - a. Conduct Officers representing at least two (2) ~~institutions of the University;~~ ies; or
 - b. Student government officers representing at least two (2) ~~institutions of the University;~~ ies; or
 - c. Student government officers representing at least one (1) ~~institution of the University and the University of Maine School of Law;~~ or
 - d. The Chancellor.

2. Accepting and responding to feedback that various members of the UMS community may have regarding this Code.
 3. Proposing revisions to this Code to the UMS Board of Trustees.
- B. Student Conduct Code Committee Composition:** The Student Conduct Code Committee will represent the diversity of the University community whenever reasonably practicable. The following will be invited to participate in the Student Conduct Code Committee.
1. A Committee Chair confirmed by the Chancellor.
 2. Up to five (5) faculty, staff, or enrolled students, appointed by the Committee Chair.
 3. One (1) UMS Board Trustee appointed by the UMS Board of Trustees Chair.
 4. One (1) enrolled distance education program student appointed by the UMS Coordinator of Student Conduct or designee.
 5. Two (2) graduate students appointed by the UMS Coordinator of Student Conduct or designee. Graduate students from any University campus institution may serve in this role.
 6. At least three ~~(3)~~ Conduct Officers representing differing ~~institutions~~ Universities and appointed by the UMS Coordinator of Student Conduct or designee.
 7. One (1) University of Maine School of Law ~~School~~ staff member, appointed by the Dean of University of Maine School of Law.
 8. At least three (3) Hearing Board Chairs each representing a different each University institution and appointed by the UMS Coordinator of Student Conduct.
 9. Eight (8) enrolled students, one (1) from each ~~institution and the University Of Maine School Of Law University,~~ nominated as follows:
 - a. Each University's applicable student government body will nominate a slate of at least three (3) enrolled students; ~~then~~.
 - b. Each University President and the Dean of the University of Maine School of Law will choose from their respective slate of nominees one (1) enrolled student representative.

X. AMENDING THE STUDENT CONDUCT CODE

The UMS 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 of each ~~institution~~ University.

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, July 26, 2021

Effective Date: August 1, 2021

**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

Table of Contents	Page
Policy Statement.....	2
I. Jurisdiction.....	3
II. Definitions.....	3
III. Violations.....	5
IV. Sanctions.....	9
V. Procedures.....	10
A. Preliminary Inquiry.....	10
B. Interim Measures or Actions.....	10
C. Notice of Formal Investigation.....	11
D. Formal Investigation.....	11
E. Notice of Administrative Hearing Before the Officer.....	12
F. Administrative Hearing Before the Officer.....	12
G. Right of Review Beyond Administrative Hearing Before the Officer.....	13
H. Responsibilities of the Committee.....	14
I. Right of Review Beyond Committee.....	15
VI. Conduct Committee Composition.....	16
VII. Review Panel Composition.....	16
VIII. Training.....	17
IX. Specific Procedures with Respect to Dating Violence, Domestic Violence, Sexual Assault, or Stalking.....	17
X. Student Conduct Code Review Board.....	17
XI. Amending the Student Conduct Code.....	18

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.

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.

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



AGENDA ITEM SUMMARY

1. **NAME OF ITEM:** Adaptive reuse of Coburn and Holmes Halls – Market Demand and P3 Project Update, UM
2. **INITIATED BY:** Mark R. Gardner, Chair
3. **BOARD INFORMATION:** X **BOARD ACTION:**
4. **OUTCOME:** **BOARD POLICY:**
 Enhance fiscal positioning 702 – Budgets Operating & Capital
 Support Maine through research and 712 – Deby Policy
 economic development 802 – Disposition of Real Property
5. **BACKGROUND:**
 Pursuant to the update presented at the October 30, 2019 meeting of this Committee and other prior briefings, the University of Maine System acting through the University of Maine continues to pursue *Adaptive reuse of Coburn and Holmes Halls*, unused facilities on the Orono campus. These building have been previously identified for reuse or disposition, yet are historic properties. The University of Maine, has utilized the P3 consultant Brailsford & Dunlavy to analyze the nature of the facilities for potential private redevelopment for future uses that would be compatible with the the University of Maine education, research and public service mission. The University of Maine established a Project Team of University of Maine and University of Maine System staff to advise B&D and the Project Team participated in the evaluation, ananalysis and determination of market demand. The Project Team and B&D believe office and hotel concepts, through a public-private partnership that takes advantages of the federal and state Historic Tax Credit Program, are both economically viable and strategically beneficial options to pursue for adaptive reuse of Coburn and Holmes Halls. A companion briefing document reviewing this initiative, the Project Team recommendations, and schedule to move forward is attached as part of this briefing.

Following the recommendations from B&D and the Project Team, the University of Maine plans to pursue a a qualifications-based, public, competitive solicitation in search of potential partners for the project. That solicitation is planned to be in the market place in the fall of 2020, potentially as soon as before the end of September 2020. Exactly how the University of Maine pursues either of the proposed reuses, whether through the active solicitation or some other mechanism, remains to be determined and confirmed based on responses to the RFQ and ongoing diligence by the University of Maine. Based on positive results of the RFQ, the University expects to request further Board consideration over the fall 2020/winter 2021 period.

8/25/2020

Board of Trustees

Mark R. Gardner, Chair
James O. Donnelly, Vice Chair
Ellen N. Doughty, Clerk of the Board
Heather A. Massey, Staff Associate for Board Operations

COMMITTEE ASSIGNMENTS 2021 – 2022

EXECUTIVE COMMITTEE

Mark R. Gardner, Chair
James O. Donnelly, Vice Chair
Sven P. Bartholomew
Lisa M. Eames
James R. Erwin
David M. MacMahon
Kelly A. Martin
Michael H. Michaud
Patricia (Trish) A. Riley

ACADEMIC & STUDENT AFFAIRS COMMITTEE

Lisa M. Eames, Chair
Emily A. Cain
Timothy L. Doak
Beth Dobson
James O. Donnelly
Mark R. Gardner
Roger J. Katz
David M. MacMahon
A Pender Makin
Michael H. Michaud
Patricia (Trish) A. Riley
Faculty Representatives:
Harlan Onsrud, UM
Timothy Surrette, UMA
Clyde Mitchell, UMF
Kennedy Rubert-Nason, UMFK
William Otto, UMM
Lisa Leduc, UMPI
Matthew Bampton, USM
Dmitry Bam, Law School
Student Representatives:
Ameya Karapurkar, UM Grad. Student
Eli Rubin, USM Grad. Student
Abigail Despres, UM
Salvatore Cardinale, UMA
David Ballard, UMF
Rajay Maragh, UMFK
Emma Jones, UMM
Miranda Cole, UMPI
Omar Abduljaleel, USM
Paige Eggleston, Law School

FINANCE/FACILITIES/TECHNOLOGY COMMITTEE

James O. Donnelly, Chair (until Sept. 30, 2021)
Patricia (Trish) A. Riley, Chair (eff. Oct. 1, 2021)
Emily A. Cain
Timothy L. Doak
James R. Erwin
Mark R. Gardner
Roger J. Katz
David M. MacMahon
Kelly A. Martin
Margaret (Peggy) R. Rotundo
Faculty Representatives:
Clyde Mitchell, UMF
Harlan Onsrud, UM
TBD
Student Representatives:
David Ballard, UMF
Eli Rubin, USM
Abby Despres, UM

AUDIT COMMITTEE

David M. MacMahon, Chair
James O. Donnelly
Sven P. Bartholomew
Emily A. Cain
James R. Erwin
Mark R. Gardner
Kelly A. Martin
Michael H. Michaud

HUMAN RESOURCES & LABOR RELATIONS COMMITTEE

Sven P. Bartholomew, Chair
Beth Dobson
James O. Donnelly
James R. Erwin
Mark R. Gardner
Michael H. Michaud
Patricia (Trish) A. Riley

INVESTMENT COMMITTEE

Kelly A. Martin, Chair
Sven P. Bartholomew
James O. Donnelly
Mark R. Gardner
David M. MacMahon
Non-Trustee/Non-Voting Members:
Jim Bradley (1st term - May 2021 - May 2024)
Erik Haywood (until Oct. 2021)
Robert Blackwood (2nd term – exp. Sept. 2022)
Matthew Skaves (1st term - Sept. 2021 - Sept. 2024)

UMS Board of Trustee Representatives on other Boards

BOARD OF TRUSTEE - BOARD OF VISITOR (BOT/BOV)

EXECUTIVE COMMITTEE
Mark Gardner (exp. 2022)
James O. Donnelly (exp. 2022)
Timothy L. Doak (exp. 2022)

UNIVERSITY OF MAINE FOUNDATION

Emily A. Cain (exp. 2022)
Kelly A. Martin (exp. 2022)
Patricia (Trish) A. Riley (exp. 2022)

PULP AND PAPER FOUNDATION

Michael H. Michaud (exp. 2022)

UMS Representative to the MAINE PUBLIC BROADCASTING CORP.

Kathy Olmstead (exp. 2022)

MAINE CENTER VENTURES – Board of Directors

James O. Donnelly
James R. Erwin
Lisa M. Eames

The Board Chair and Vice Chair are ex-officio voting members of all Board Committees and the Chancellor is an ex-officio non-voting member of all Board Committees.

6/14/2021

UNIVERSITY OF MAINE SYSTEM
Board of Trustees
AGENDA CALENDAR

A working calendar for developing agendas and submitting various reports to the Board has been designed in order to allow maximum planning in organizing presentations and reference materials. The calendar identifies the timetable for submission of items and reports which recur every six to 24 months as well as special reports with specific time lines. It does not include general items which are ordinarily on each Board meeting agenda; e.g., reports and consent agenda. The following agenda is subject to change consistent with scheduling, reporting, and other factors that the Chancellor deems necessary to consider such matters.

The Calendar will be updated and included in the Board Meeting materials on a regular basis.

- JANUARY:** Academic Affairs
 Honorary Degree Nominations
 Fiscal Matters
 State Research Report
- MARCH:** Academic Affairs
 Tenure Nominations
 Tenure Report
 Governance/Administration
 Board Calendar
 Establishment of Nominating Committee
 Student Affairs
 Spring Enrollment Update
 Fiscal Matters
 Multi-Year Financial Analysis
- MAY:** Fiscal Matters
 Budgets and Student Charges
 Governance/Administration
 Election of Board Officers
 Confirmation of Board of Visitors
- JULY:** Governance/Administration
 Appointment of Standing Committees
 Human Resources
 Annual Report on Named Chairs and Professorships
- SEPTEMBER:** Fiscal Matters
 Appropriation Request
 Multi-Year Financial Analysis
- OCTOBER:** Fiscal Matters
 Review of Annual Financial Report
- NOVEMBER:** Academic Affairs
 Awarding of Academic Degrees
 Academic Year Calendar
 Student Affairs
 Official Fall Enrollment Update

Capital Project Status Report

Executive Summary

Overview:

Attached is the Capital Project Status Report for the July 26, 2021 Board of Trustees. The report reflects a total of 21 projects. One project was removed and four new projects were added after being approved by the board in May: USM Steam Line, UMPI Wieden Renovation, UM ASCC Addition GEM Lab and UMA Randall Hall.

In reviewing the “Total Approved Funding by Source” graph at the end of this report, a new funding category, Campus Funded Financing, is included. This category demonstrates the use of interim financing in the form of a Bond Anticipation Note (Note) as approved at the March 2021 meeting of the Board. On May 27th, the UMS closed on \$43 million in interim debt financing issued for the UM Ferland Engineering, Education & Design Center and the USM Portland Commons and parking garage projects. Payment of the principal amount of the Note may be made anytime 12 months after, but no later than 14 months after, the closing date. This Note will be refunded primarily with University issued revenue bonds but UMS may refund portions of it with other funding sources as available and permissible like gift monies.

COVID-19 Impact on Capital Construction:

Projects continue to move forward at this time however, impacts continue.

- Projects previously placed on hold have been re-visioned. One remains on hold.
- Previously reported impacts continue to be relevant.
 - In particular, suppliers continue to notify contractors of material shortages and delays with potential schedule and cost impacts to our projects.

Bond Project Status Report:

The special portion of this report calling out only bond projects reflects forty-five (45) projects; an increase in one project since the last report: UMA’s Randall Welcome Center. The projects are currently estimated to account for approximately \$45 million of the \$49 million in voter approved general obligation bond funding. Nearly \$14 million of that has been expended.

Supplemental funding is being leveraged for some of these projects and the total estimated project value across all funds currently stands at over \$57 million, including the bond funding and other project resources. As of this report this number is approximately \$4 million less than previously reported, mainly due to the reduced size of UMA’s Welcome Center project and the campus funding that had been intended to come with the larger project.

The University continues to invest in additional projects as well.

- Ten (10) of the active bond projects also appear on the Capital Project Status Report with approved budgets above board threshold.
- Two (2) projects are expected to be brought to the board for additional authorization as design progresses but are currently in design and pre-design phases with budgets below the board approval threshold.
- The remaining bond funded projects do not have budgets that meet the threshold for Board of Trustees consideration and are therefore not present on the Capital Projects

July 16, 2021

Status Report. As projects are closed out they will be moved to the completed projects section on this report and will remain on the report for documenting purposes until all Bond Projects are completed.

- The Completed project section reflects 12 projects that are complete. There are another three projects in the active projects table listed as complete and one project substantially complete. These will move to the completed section once closeout is completed.

Future reports will be updated to reflect additional active Bond projects as the information becomes available.

Research space approvals:

This report provides timely and appropriate disclosure of Chancellor-approved increases in University owned or occupied space when the space is for research purposes, as approved by the Board of Trustees at the January 2020 Board Meeting:

- Short-term lease; housing for research:
Term: 6/1/21 - 8/31/21
Lessee (Tenant): UM
Location: 522 Mason Bay Rd., Jonesport, ME 04649
SQFT: 1300
- New Lease:
Term Dates: 6/1/21 - 5/31/24
Lessee: UMaine - Maine Sea Grant College Program
Location: 14 Maine Street, Suite 304, Brunswick, ME 04011 (Fort Andross Building)
SQFT: 805 sqft

Harold Alfond Foundation (HAF) Grant funded projects:

The designer selection process in support of the MCECIS Master Plan is ongoing and expected to be complete by the end of July.

A request for qualifications for design of the UMaine Athletics projects was issued in early June and is expected to be complete in August.

USM Portland Development Project:

The Portland Commons' site and foundations work which began in late May continues. Superstructure framing of the Portland Commons is expected to begin in late July and will continue for nearly a year. Underground and aboveground utility relocations and work are underway as well. Career and Student Success Center site work will be starting in July.

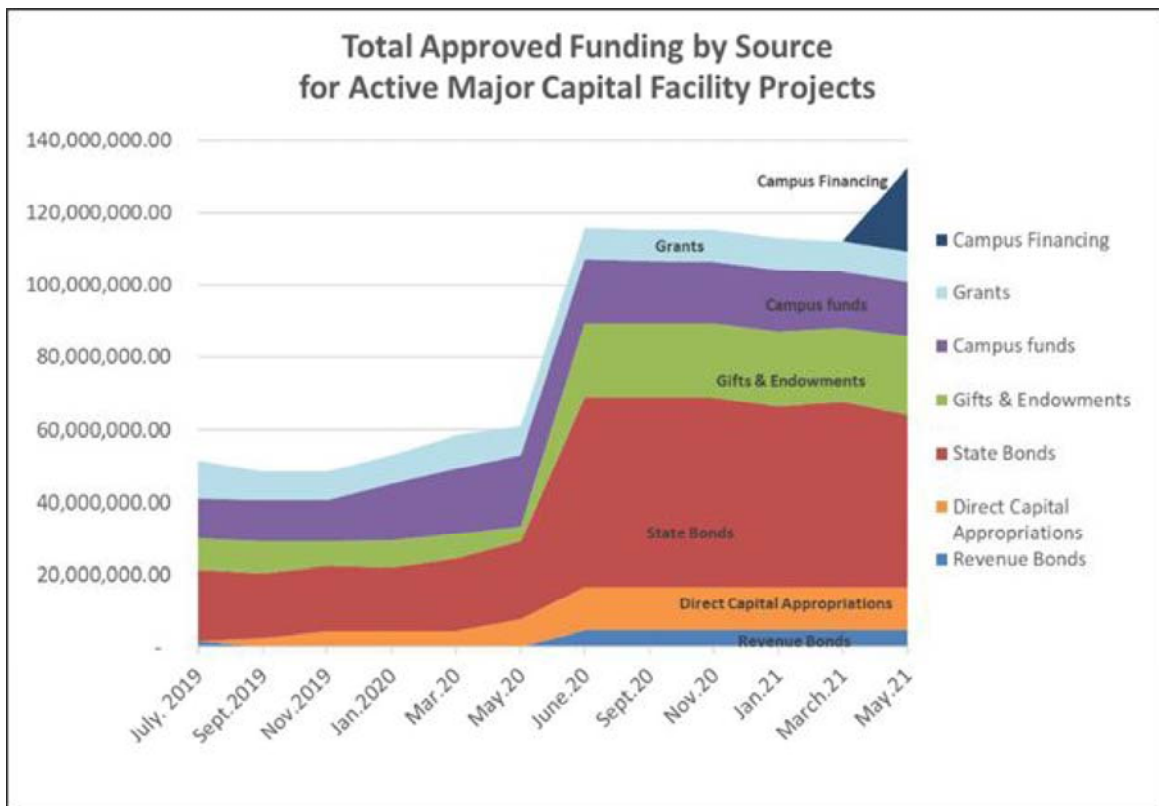
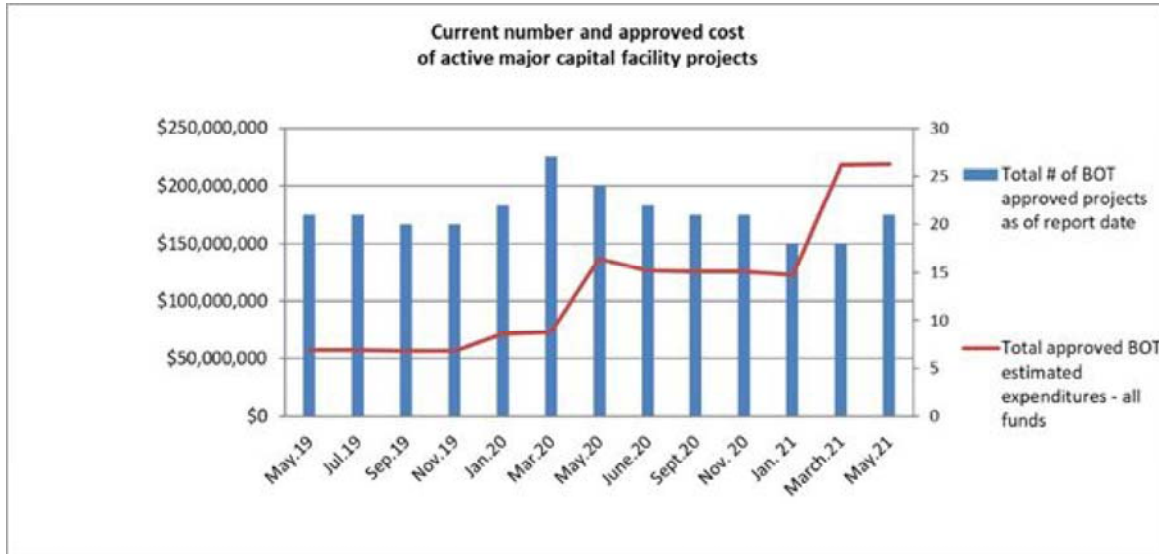
UMF and UMPI Residential Housing P3 Initiative:

Review of potential partners continues. More information expected at the next meeting.

UM Ferland Engineering Education & Design Center Project:

Completion of interior concrete slab placement is slated for early July. Exterior framing, sheathing, and blocking continues in preparation for exterior façade installation. Exterior brick veneer is now expected to begin early July. Elevator and stair shaft construction continues. Interior framing and mechanical piping is underway. The project continues on schedule.

July 16, 2021



*Direct Capital Appropriations funds consist of capital appropriations in anticipation of revenue bonding, as well as MEIF funds.

July 16, 2021

Capital Project Status Report
Board Approved Projects
July 2021 - Board of Trustees
With Grand Totals and % of Current Approved Estimates

Campus, Project Name (Project ID)	Funding Source(s) & each source's share of expenditures to date	Status	Original Estimated Completion	Current Est. Completion	Original Approved Estimate	Current Approved Estimate	Total Expense to Date	% Expended of Current Approved Estimate	Prior Actions, Information & Notes
UMA									
*Randall Welcome Center (1100085)	2018 State Bond (100%)	Construction in Progress	2021	2021	\$2,150,000	\$2,150,000	\$421,307	20%	Board approved \$2.15M May 2021. The approval of 1100085 in May of '21 replaces 1100077.
**Handley Hall A/C replacement (1200029)	2018 State Bond (100%)	Design in Progress	2020	2022	\$575,000	\$575,000	\$26,433	5%	Board approved \$575K in September, 2019.
UM									
*ASCC Building Addition GEM Lab (0000000)					\$1,500,000	\$1,500,000	\$0	0%	Board approved \$1.5M May 2021.
Advanced Structures and Composites Center Expansion/ASCC Equip W2-Thermoplastics Lab/ASCC Equip W2 Tow Carriage (5100316, 5100414, 5100432)	2010 State Bond (49%), Grants (44%), Gifts (7%), Campus E&G Funds (0%)	Project 5100316 is Complete, Project 5100414 Design in Progress, Project 5100432 is Complete	2014	2021	\$6,400,000	\$10,400,000		92%	Board approved \$6.4M in November, 2012. Board approved \$1.6M in March 2014. Board approved increase of \$871,000 in March 2015. BOT approved additional \$1.5M in May 2016 for equipment project.
Darling Marine Center Waterfront Infrastructure (5100459, 5100460, 5100461)	Grants (62%), Campus E&G Funds (32%) Gifts (4%) State Appropriations (2%)	Substantially Complete	2017	2021	\$3,000,000	\$5,200,000	\$4,564,969	88%	Board approved \$3M in July, 2017. Board approved increase of \$2.2M in September, 2019.
UM Ferland Engineering, Education and Design Center (5100458, 5100493, 5100546, 5200604)	Campus Funds (5%), State Approp (60%) Gifts (12%) Campus Financing (23%)	Construction in Progress	2024	2024	\$1,000,000	\$72,000,000		28%	Board approved \$1M in September, 2017. Board approved additional \$8M in May, 2018. Additional \$63M BOT approved March, 2020 Initial occupancy of this facility is expected in 2022; final completion in 2024.
ASCC Renovation - Mezzanine Office Expansion (5100525)	Campus E&G Funds (17%) Grants (83%)	Substantially Complete	2020	2021	\$450,000	\$1,400,000	\$972,396	69%	Board approved \$1,400,000 March, 2020
UM Energy Center Phase II (5100516, 5100517)	Campus E&G Funds (72%) Grants (14%) Other (14%)	Pre-Design in Progress	2023	2022	\$5,700,000	\$5,700,000	\$386,791	7%	Board approved \$5.7M March, 2019.
Neville Hall Renovations (5100534)	State Bond (100%)	Design in Progress	2021	2022	\$1,500,000	\$1,500,000	\$92,015	6%	Board approved up to \$1.5M expenditure in March 2021.
UMF									
Dearborn Gym HW Upgrades (2100087)	2018 State Bond (100%)	Complete	2019	2021	\$600,000	\$850,000	\$812,212	96%	Board approved \$600K in March, 2019. Board approved additional \$250K in May, 2019.
UMFK									
UMFK Enrollment/Advancement Center (3100042)	Bond (100%)	Construction in Progress	2022	2021	\$3,249,000	\$3,249,000	\$1,377,931	42%	Board approved \$2,99M in Bond Funding, March, 2020. Plus, \$259K for a total of \$3,249,000.

Capital Project Status Report
Board Approved Projects
July 2021 - Board of Trustees
With Grand Totals and % of Current Approved Estimates

Campus, Project Name (Project ID)	Funding Source(s) & each source's share of expenditures to date	Status	Original Estimated Completion	Current Est. Completion	Original Approved Estimate	Current Approved Estimate	Total Expense to Date	% Expended of Current Approved Estimate	Prior Actions, Information & Notes
USM									
Bailey Hall Fire Protection and Electrical Upgrades (6100316, 6100323)	2018 State Bond (44%), Campus E&G (56%)	Project 6100316 is Construction in progress, Project 6100323 is Complete	2019	2021	\$2,580,000	\$4,388,000	\$3,340,536	76%	Board approved \$2.58M in January, 2019.
Career and Student Success Center and Portland Residence Hall (6100325, 6100338)	2018 State Bond (31%), Campus Financing (69%)	Construction in Progress	2020	2023	\$1,000,000	\$99,400,000	\$8,839,272	9%	Board approved \$1M in January, 2019. Board approved predevelopment expenditures of up to \$5.7M combined for the two projects in January 2020. Board approved an increase by \$93.7M in February 2021.
USM Center for the Arts (6100300)	Gifts (100%)	Design in Progress	2022	2023	\$1,000,000	\$1,000,000	\$825,977	83%	Board approved \$1M in January, 2018. Board approved in March 2020. Initial spending limit \$400,000 with addl \$800,000 to be authorized by the Chancellor and Vice Chancellor for Finance and Administration and Treasurer and contingent upon site location approval from the City of Portland
Port Parking Garage Study (6100331)	Campus E&G Funds (100%)	Design in Progress	2022	2022	\$1,200,000	\$1,200,000	\$168,570	14%	Board approved \$1.71M in January, 2020.
Wishcamper Parking Lot (6100330)	Campus E&G Funds (100%), Capital Reserves (0%)	Hold	2020	2021	\$1,710,000	\$1,710,000	\$276,382	16%	Board Approved March, 2020. No expenditures as of yet.
Fitness Equipment Purchase and Space Renovation (0000000)		Hold	2020	2021	\$700,000	\$700,000	\$0	0%	Board approved \$600K in May 2021
*USM Steam Line (6100361)	Campus E&G Funds	Construction in Progress	2021	2021	\$600,000	\$600,000	\$0	0%	
UMPI									
*Widen Renovation Bond (7100025)	Bond (100%)	Design in Progress	2020	2021	\$3,757,000	\$3,757,000	\$66,359	2%	Board approved \$3.7M May 2021.
Folsom 105 Nursing Renovation (7100026)	Bond (100%)	Substantially Complete	2020	2021	\$800,000	\$800,000	\$708,308	88%	Board approved \$800K March, 2020.
UMPI Solar Array (7100023)	Campus E&G Funds (100%)	Bidding	2020	2021	\$700,000	\$700,000	\$134,139	19%	Board approved \$700K June, 2020.
Explanatory Notes: * Project is new as of this report. ** Details of this project include updates since the last report. *** This project has been completed since the last report and is not expected to appear on the next report.	Funding source(s) reflects primary source(s) for project.		Calendar Year unless otherwise noted.						Percentage expended reflects total expended as of May 31, 2021 as a percentage of the current approved project estimate.

Bond Project Status Report

Active Bond Projects

July 2021 - Board of Trustees

With Grand Totals and % of Current Approved Estimates

Campus, Project Name (Project ID)	Status	Original Estimated Completion	Current Est. Completion	Funding Source(s) & each source's share of expenditures to date	Estimated Bond Funding for Project	Bond Funding Expended	Total Estimated Project Cost	Prior Actions, Information & Notes
UMA								
Handley Hall A/C Replacement (1200029)	Design in Progress	2020	2022	Bond (100%)	\$525,000	\$26,433	\$575,000	Board approved budget of \$575,000 in September, 2019
**Bangor Welcome Ctr Planning (1100534)	Construction in Progress	2021	2021	Bond (100%)	\$475,000	\$34,327	\$475,000	
**Jewett Hall Boiler Design Work (1200062)	Complete	2021	2021	Bond (100%)	\$305,000	\$307,740	\$321,287	
*Randall Welcome Center (1100085)	Construction in Progress	2021	2021	Bond (100%)	\$2,150,000	\$70,919	\$2,150,000	Board approved \$2.15M May 2021. The approval of 1100085 in May of 21 replaces 1100077.
Randall 2nd Floor Renovations (1100083)	Construction in Progress	2021	2021	Bond (100%)	\$100,000	\$36,605	\$100,000	
Randall Center Student Lounge (1100084)	Construction in Progress	2021	2021	Bond (100%)	\$150,000	\$106,844	\$150,000	
Randall Admissions Renovations (1200083)	Design in Progress	2021	2021	Bond (100%)	\$65,000	\$12,197	\$65,000	
Katz Library HVAC Repairs (1200061)	Design in Progress	2021	2022	Bond (100%)	\$450,000	\$18,779	\$450,000	
Total Bond for Campus						\$613,844	\$4,286,287	

UMF

Dearborn Gym Hot Water Upgrades (2100087)	Complete	2019	2021	Bond (100%)	\$850,000	\$812,381	\$850,000	Board approved \$600K in March, 2019. Board approved addtl \$250K in May, 2019.
Scott Hall Renovations (2100092)	Construction in Progress	2019	2022	Bond (100%)	\$200,000	\$192,888	\$200,000	
Scott North Renovation (2100109)	Design in Progress	2021	2021	Bond (0%)	\$150,000	\$0	\$150,000	
Scott West Renovation (2100110)	Design in Progress	2021	2021	Bond (0%)	\$175,000	\$0	\$175,000	
Dakin Hall Shower Renovations (2100093)	On Hold	2019	2021	Bond (100%)	\$200,000	\$88,332	\$200,000	
Lockwood Hall Shower Renovations (2100094)	On Hold	2019	2021	Bond (100%)	\$200,000	\$84,199	\$200,000	
Stone Hall Renovations (2100095)	Construction in Progress	2019	2022	Bond (100%)	\$200,000	\$85,002	\$200,000	
274 Front St Renovation (2100096)	On Hold	2020	2022	Bond (64%) Campus (36%)	\$450,000	\$29,492	\$1,000,000	Approved budget of \$450,000, as it remains in study/design phase.
FRC Roof Replacement (2100111)	Design in Progress	2021	2021	Bond (0%)	\$60,000	\$0	\$60,000	
FRC Facade Replacement (2100112)	Design in Progress	2022	2022	Bond (0%)	\$60,000	\$600	\$60,000	
**Exterior Painting Merrill Hall (2200096)	Bidding	2020	2021	Bond (100%)	\$40,000	\$764	\$40,000	
Olsen Center Renovations (2100102)	On Hold	2023	2023	Bond (100%)	\$1,900,000	\$63,506	\$1,900,000	Approved budget of \$300,000, as it remains in study/design phase.
Manitor Library Renovations (2100103)	Construction in Progress	2021	2022	Bond (100%)	\$300,000	\$224,250	\$300,000	
Campus ADA Ramps (2100104)	Construction in Progress	2021	2021	Bond (100%)	\$115,000	\$17,215	\$100,000	
Roberts HVAC Upgrade (2100106)	Design in Progress	2021	2021	Bond (100%)	\$150,000	\$16,335	\$150,000	
Merrill Hall HVAC Upgrade (2100107)	Design in Progress	2021	2021	Bond (100%)	\$400,000	\$0	\$400,000	
Ricker Addition Renovation (2100108)	Design in Progress	2021	2021	Bond (0%)	\$175,000	\$5,587	\$175,000	
Total Bond for Campus						\$5,625,000	\$1,620,551	\$6,160,000

Bond Project Status Report
Active Bond Projects
July 2021 - Board of Trustees
With Grand Totals and % of Current Approved Estimates

Campus, Project Name (Project ID)	Status	Original Estimated Completion	Current Est. Completion	Funding Source(s) & each source's share of expenditures to date	Estimated Bond Funding for Project	Bond Funding Expended	Total Estimated Project Cost	Prior Actions, Information & Notes
UM								
Neville Hall Renovation (5100534)	Design in Progress	2021	2022	Bond (100%), Campus E&G (0%)	\$1,500,000	\$93,313	\$1,500,000	Board approved up to \$1.5M expenditure in March 2021.
Total Bond for Campus					\$1,500,000	\$93,313	\$1,500,000	
UMFK								
**UMFK Enrollment/Advancement Center (3100042)	Construction in Progress	2022	2021	Bond (100%)	\$2,990,000	\$1,377,931	\$3,249,000	Board approved \$2.99M in Bond Funding, March, 2020. Plus, \$259K for a total of \$3,249,000.
Total Bond for Campus					\$2,990,000	\$1,377,931	\$3,249,000	
USM								
**Career and Student Success Center (6100325)	Construction in Progress	2022	2023	Bond (100%)	\$19,000,000	\$2,775,298	\$26,551,000	Board approved \$1M in January, 2019. Board approved predevelopment expenditures of up to \$5.7M combined with the residence hall project in January 2020. Board approved an increase by \$93.7M in February 2021, of that amount, the specific budget for the CSSC is \$26.6M
Bailey Hall Fire Protection and Electrical Upgrades (6100316, 6100323)	Project 6100316 Construction in Progress, Project 6100323 is Complete	2019	2021	Bond (44%), Campus E&G Funds (56%)	\$1,460,000	\$1,456,999	\$4,388,000	Board approved \$2.58M in January, 2019. Board approved additional \$1.808M in January, 2020.
Nursing Simulation Lab Science (6100327)	Complete	2021	2021	Bond (100%)	\$1,500,000	\$1,301,212	\$1,500,000	Board approved \$1.5M in January, 2020.
**Robie Andrews Renovation (6100339)	Construction in Progress	2021	2021	Bond (100%)	\$491,605	\$57,470	\$491,605	
Total Bond for Campus					\$22,451,605	\$5,590,979	\$32,930,605	
UMPI								
**Wieden Renovation Bond (7100025)	Design in Progress	2020	2021	Bond (100%)	\$3,757,000	\$67,165	\$3,757,000	Approved budget of \$125,000, as it remains in study/design phase. Board approved \$3.7M May 2021.
Folsom 105 Nursing Renovation (7100026)	Substantially Complete	2020	2021	Bond (100%)	\$800,000	\$708,308	\$800,000	Board approved \$800K March, 2020.
Total Bond for Campus					\$4,557,000	\$75,473	\$4,557,000	
Totals:					\$41,343,605	\$10,072,091	\$52,682,892	

Bond Project Status Report
Active Bond Projects
July 2021 - Board of Trustees
With Grand Totals and % of Current Approved Estimates

Campus, Project Name (Project ID)	Status	Original Estimated Completion	Actual Completion	Funding Source(s) & each source's share of expenditures to date	Estimated Bond Funding for Project	Bond Funding Expended	Total Estimated Project Cost	Campus
Completed Bond Projects								
Augusta Campus Welcome Center (1100077)	Closed	2021	2021	Bond (100%)	\$350,388	\$350,388	\$350,388	UMA
274 Front St Acquisition (2100089)	Complete	2019	2019	Bond (100%)	\$850,820	\$850,820	\$850,820	UMF
UMF Campus Paving (2100097)	Complete	2019	2019	Bond (100%)	\$97,338	\$97,338	\$97,338	UMF
FRC Floor Renovation (2100098)	Complete	2019	2019	Bond (100%)	\$209,503	\$209,503	\$209,503	UMF
Dakin Flooring, Ceiling, Light (2100105)	Complete	2021	2021	Bond (100%)	\$206,187	\$206,187	\$206,187	UMF
UMM Science Building Roof Replacement (4100042)	Complete	2020	2020	Bond (100%)	\$280,487	\$280,487	\$280,487	UMM
UMM Dorward Hall Roof Replacement (4100043)	Complete	2020	2020	Bond (100%)	\$296,092	\$296,092	\$296,092	UMM
UMM Sennett Roof Replacement (4100044)	Complete	2020	2020	Bond (100%)	\$201,257	\$201,257	\$201,257	UMM
UMM Reynolds Center Roof Repair (4200044)	Complete	2020	2020	Bond (100%)	\$154,226	\$154,226	\$154,226	UMM
UMM Site Work (4200045)	Complete	2020	2020	Bond (100%)	\$57,365	\$57,365	\$57,365	UMM
Woodward Hall Renovations (6100301)	Complete	2019	2019	Bond (86%), Campus E&G Funds (14%)	\$1,008,395	\$1,008,395	\$1,172,840	USM
Ricci Lecture Hall Renovations (6100308)	Complete	2019	2020	Bond (31%), Gifts (43%), Campus E&G Funds (26%)	\$172,010	\$172,010	\$564,197	USM
Totals:					\$3,884,068	\$3,884,068	\$4,440,700	
GRAND Total					\$45,227,673	\$13,956,159	\$57,123,592	
(Active and Completed Projects)								
Explanatory Notes: * Project is new as of this report. ** Details of this project include updates since the last report. Completed projects will remain on this report unless otherwise specified.	Funding source(s) reflects primary source(s) for project.	Calendar Year unless otherwise noted.			Bond Funding expended reflects total expended as of May 31, 2021.			

UMS Named Chairs and Professorships FY2021 Annual Report

Campus	Chair/Professorship/ Libra	Name	Position Title	Annual Compensation	Start Date	End Date	Expires (FY)
UM	Adelaide C. Bird and Alan L. Bird Professorship in History	Elizabeth McKillen	Professor of History	\$4,000.00	9/1/2015	8/31/2020	2021
UM	Adelaide C. Bird and Alan L. Bird Professorship in History	Stephen Miller	Professor of History	\$4,000.00	9/1/2015	8/31/2020	2021
UM	C. Ann Merrifield Professorship in Science Education	Michelle Smith	Assistant Professor of Biological Sciences	\$5,000.00	9/1/2015	8/31/2020	2021
UM	Henry W. Saunders Distinguished Professor of Hardwood	Robert Wagner	Director of the Cooperative Forestry Research Unit and Professor of Forest Ecosystem Science	\$7,000.00	7/1/2004	3/31/2021	2021
UM	Louis C. Calder Professorship in Pulp and Paper Technology	Douglas Bousfield	Professor of Chemical Engineering	\$10,000.00	1/1/2016	12/31/2020	2021
USM	Edward S. Godfrey Professor	Peter Pitegoff	Professor of Law	\$10,000.00	6/27/1905	-	ongoing
USM	USM Distinguished Professor	Burt Loudon	Professor of Philosophy	\$2,500.00	7/4/1905	-	ongoing
UM	Edwin L. Giddings Professor of Forest Policy	Adam Daigneault	Associate Professor of Forest Resources	\$5,000.00	10/1/2016	9/30/2021	2021
UM	Bailey Professorship	Dr. Daniel Bilodeau	Associate Professor of Theatre	\$2,000.00	9/1/2018	6/1/2022	2023
UM	Trustee Professorship	Dr. Ramesh Gupta	Professor of Mathematics and Statistics	\$12,500.00	9/1/2018	8/31/2023	2024
UM	Trustee Professorship	Dr. Michael Kinnison	Professor of Evolutionary Applications	\$12,500.00	9/1/2019	6/1/2020	2020

UMS Named Chairs and Professorships FY2021 Annual Report

UMFK	Trustee Professorship	Dr. Steven Pane	Professor of Music	\$12,500.00	9/1/2019	6/1/2020	2020
UMA	Trustee Professorship	Dr. Laura Corlew	Assistant Professor of Psychology	\$15,028.00	9/1/2019	6/1/2020	2020
USM	Libra Professorship	Dr. Ervin staub	Professor Emeritus from U Mass Amherst	\$14,500.00	9/1/2019	8/31/2020	2020
UM	Libra Professorship	Dr. Mark Richard	Professor of History and Canadian Studies at SUNY	\$15,000.00	9/1/2019	6/1/2020	2019
UMF	Libra Professorship	Dr. Dan Beach-Quick	Associate Professor of English & Creative Writing	\$2,450.00	9/1/2019	6/1/2020	2019
UMF	Libra Professorship	Dr. Dephine Letort	Professor of Anglophone Studies	\$3,820.00	9/1/2019	6/1/2020	2019
UM	Trustee Professorship	Dr. Craig Mason	Professor of Education	\$12,500.00	9/1/2020	8/31/2021	2020
UMA	Trustee Professorship	Peter Precourt	Professor of Art	\$15,028.00	9/1/2020	6/01/2021	2020
UMF	Trustee Professorship	Dr. Kristen Case	Associate Professor of English	\$5,000.00	9/1/2020	6/30/2021	2020
UMFK	Trustee Professorship	Dr. Scott Brickman	Professor of Music and Education	\$12,500.00	9/1/2020	6/01/2021	2020
USM	Libra Professorship	Dr. Ilka Pinz	Department of Biology	\$160,566.30	9/1/2019	6/01/2021	2020
UMF	Libra Professorship	Simon Peter Mtuy		\$8,240.00	9/1/2019	6/01/2021	2020
UMF	Libra Professorship	Tara Beth Mtuy		\$6,240.00	9/1/2019	6/01/2021	2020
UM	Libra Professorship	Allen Jeffs		\$15,000.00	9/1/2019	6/01/2021	2020
UMFK	Libra Professorship	Ken Baldauf	Professor from Florida State University	\$4,402.00	9/1/2019	6/01/2021	2020
UMFK	Libra Professorship	Mark Winne	Senior Advisor from the Center for Livable Future	\$3,850.00	9/1/2019	6/01/2021	2020
UM	Libra Professorship	Dr. Jeffrey Gauthier	Libra Assistant Professor of Management	\$200,000.00	9/1/2019	8/31/2023	2024
UMFK	Trustee Professorship	Shawn Graham	Associate Professor of Counseling	\$6,310.00	9/1/2021	6/1/2022	2021
UMA	Trustee Professorship	Dr. Richard Nelson	Professor of Music	\$14,999.30	9/1/2021	6/1/2022	2021
USM	Trustee Professorship	Dr. Paula Gerstenblatt	Assistant Professor of Social	\$12,500.00	9/1/2021	6/1/2022	2021

UMS Named Chairs and Professorships FY2021 Annual Report

UMF	Trustee Professorship	Dr. Nicole Coffey Kellett	Associate Professor of Anthropology	\$5,000.00	9/1/2021	6/1/2022	2021
UMF	Libra Professorship	Caryn Waechter		\$33,700.00	1/1/2021	6/1/2022	2021
UMA	Libra Professorship	Dr. Anthony James	Professor from Miami University	\$120,880.00	9/1/2021	6/1/2022	2021
UM	Trustee Professorship	Dr. David Handley	Professor of Horticulture	\$12,500.00	9/1/2021	6/1/2022	2022



University of Maine System
Management Group Appointments/Changes
Board of Trustees Meeting July 2021

Campus	Name	Position Title	Effective Date	Prior Salary	New Salary	Previous Position Title	Notes
UMA	Pamela MacRae	Dean of the College of Arts & Sciences	6/28/2021		\$ 110,000		New Hire
UM	Khodadad Varahramyan	Vice President for Research and Dean of the Graduate School	5/1/2021	\$ 206,601	\$ 226,601		Equity Increase



Adaptive Reuse of Historic Coburn and Holmes Halls

Board of Trustees Meeting



7.26.21

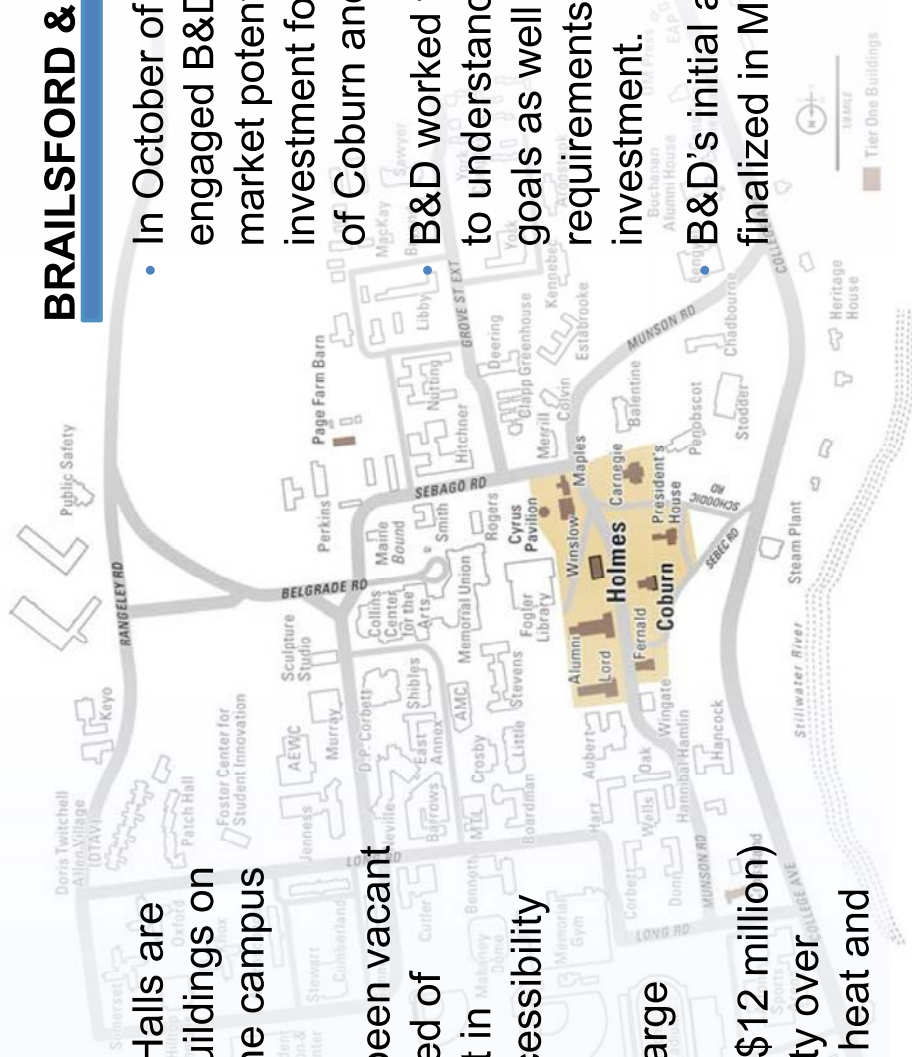
1 INITIATIVE OVERVIEW

CURRENT STATE

- Coburn and Holmes Halls are designated historic buildings on the University of Maine campus in Orono.
- Both buildings have been vacant since 2009 and in need of significant investment in maintenance and accessibility upgrades.
- Both buildings have large amounts of deferred maintenance (\$10 to \$12 million) and cost the University over \$100,000 annually to heat and minimally maintain.

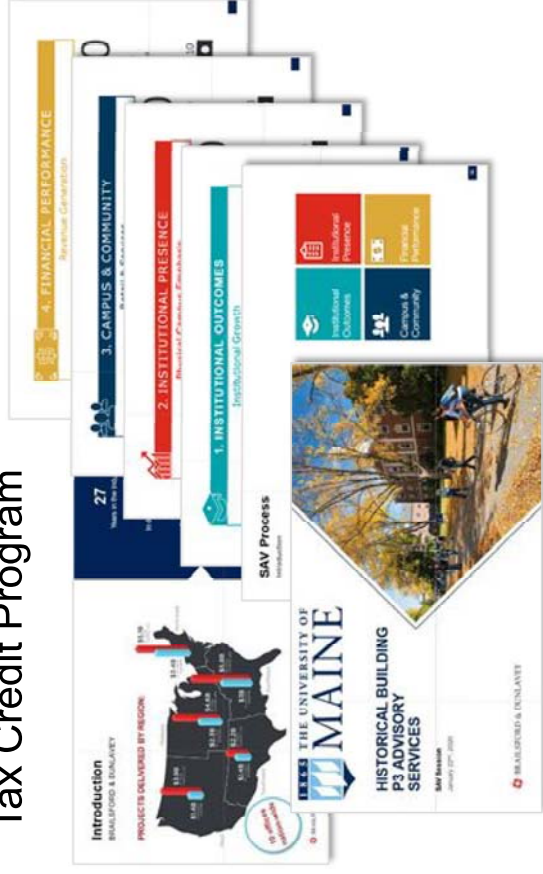
BRAILSFORD & DUNLAVEY

- In October of 2019 UM/UMS engaged B&D to analyze the market potential for private investment for the adaptive reuse of Coburn and Holmes Halls.
- B&D worked with the core team to understand UM/UMS strategic goals as well as the economic requirements for private investment.
- B&D's initial assessment was finalized in May 2020.



2 BRAILSFORD & DUNLAVEY INITIAL ASSESSMENT

- Two market segments achieve both the strategic outcomes for UM and economically viable; Office Space and Hospitality
- Public-private partnership take advantage of state and federal Historic Tax Credit Program



- Risk transfer work session concluded that optimal delivery and financing structure is a private equity transaction
 - Reduces risk to UMaine
 - Achieves strategic outcomes of adaptive reuse and elimination of deferred maintenance
 - Economically viable because of tax credits
 - Leverage private investment to achieve a very valuable new asset for the campus and community
 - Generates more property tax for Orono
- Next steps identified
 - Use RFQ to identify market interest
 - Follow with RFP to make official award

3 RFQ SOLICITATION PROCESS



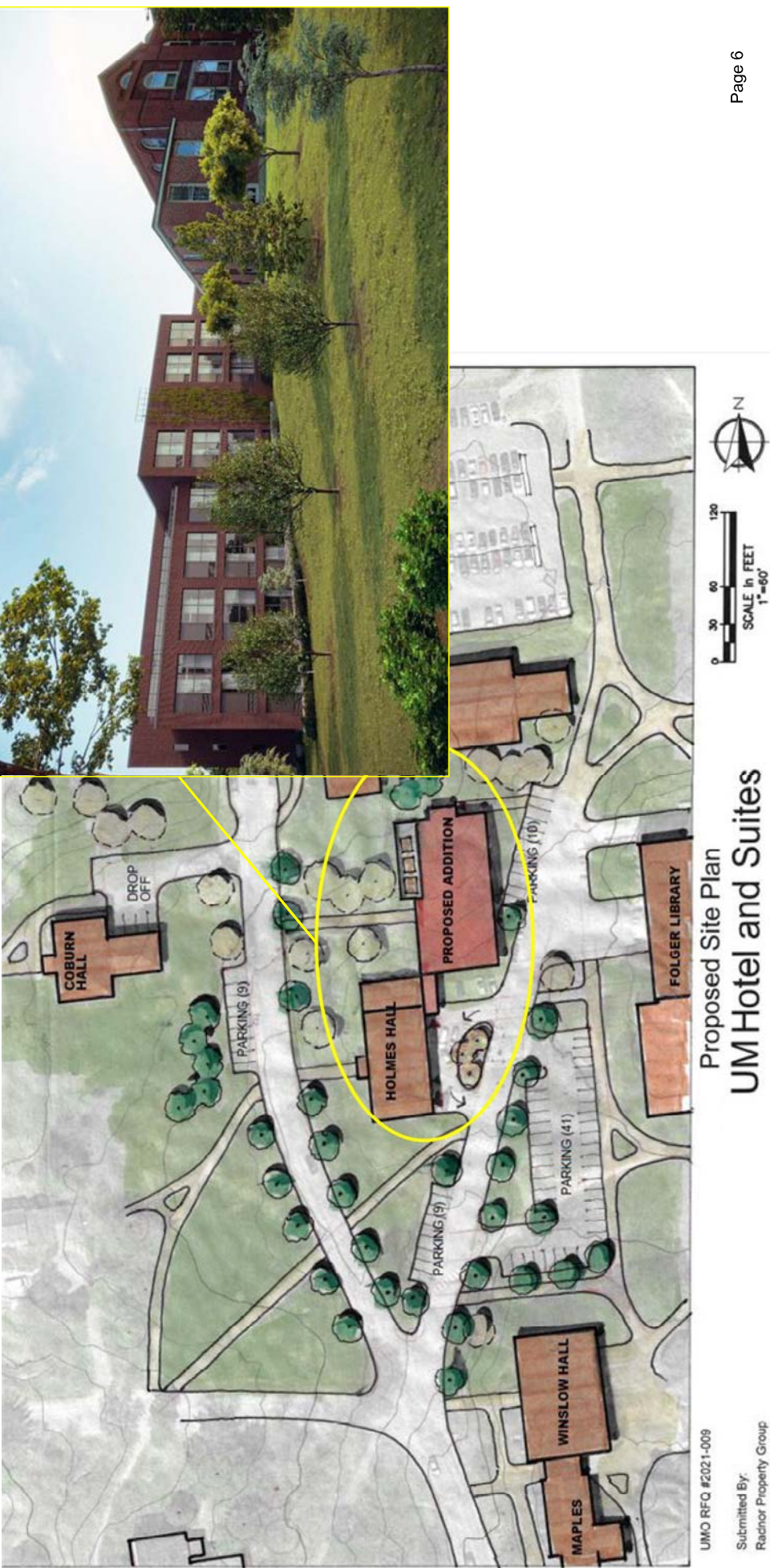
- Request for Qualification (RFQ) 2021-009 was posted publically on October 6, 2020
 - Pre-bid zoom event was held on October 14, 2020 to allow UM/UMS/B&D to speak directly to interested parties about the project
 - 4 responses were received ahead of the November 30, 2020 deadline
 - Elliott Sidewalk Communities (Maryland)
 - Orion Student Housing (Massachusetts and Texas)
 - Pike Properties (Maine)
 - Radnor Property Group (Pennsylvania)
- All 4 developers were deemed qualified through the RFQ process and invited to respond to the RFP

4 RFP SOLICITATION PROCESS



- Request for Proposals (RFP) 2021-017 was posted on December 15, 2020
- 3 out of 4 qualified respondents submitted proposals for boutique hotels.
- The UMS/UM P3 core team held interviews on February 26, 2021
- On March 2, 2021, the UMS/UM core team evaluated and scored the 4 proposals
- On April 21, 2021, the core team made the award to Radnor Property Group

Radnor site renderings



Radnor Property Group

Radnor's partners for this project include:

- Archetype Architects
Portland, ME
- Carroll Associates
Portland, ME
- Wright-Ryan Construction
Portland, ME
- MacRostie Historic Advisors
Augusta, ME
- Maine Course Hospitality Group
Freeport, ME

Radnor's experience with similar P3 historic redevelopment projects:



Bucknell University
Downtown Project
(2007-2015)



Philadelphia Episcopal
Cathedral Project
(2013-2015)



YMCA/Wilkes University
Redevelopment
(2011-2012)



King's College
O'Hara Hall
(2008-2009)

6 TERMS OF ENGAGEMENT WITH RADNOR

UMaine signed a non-binding term sheet with Radnor on June 25, 2021 that outlines the terms to be included in definitive agreements

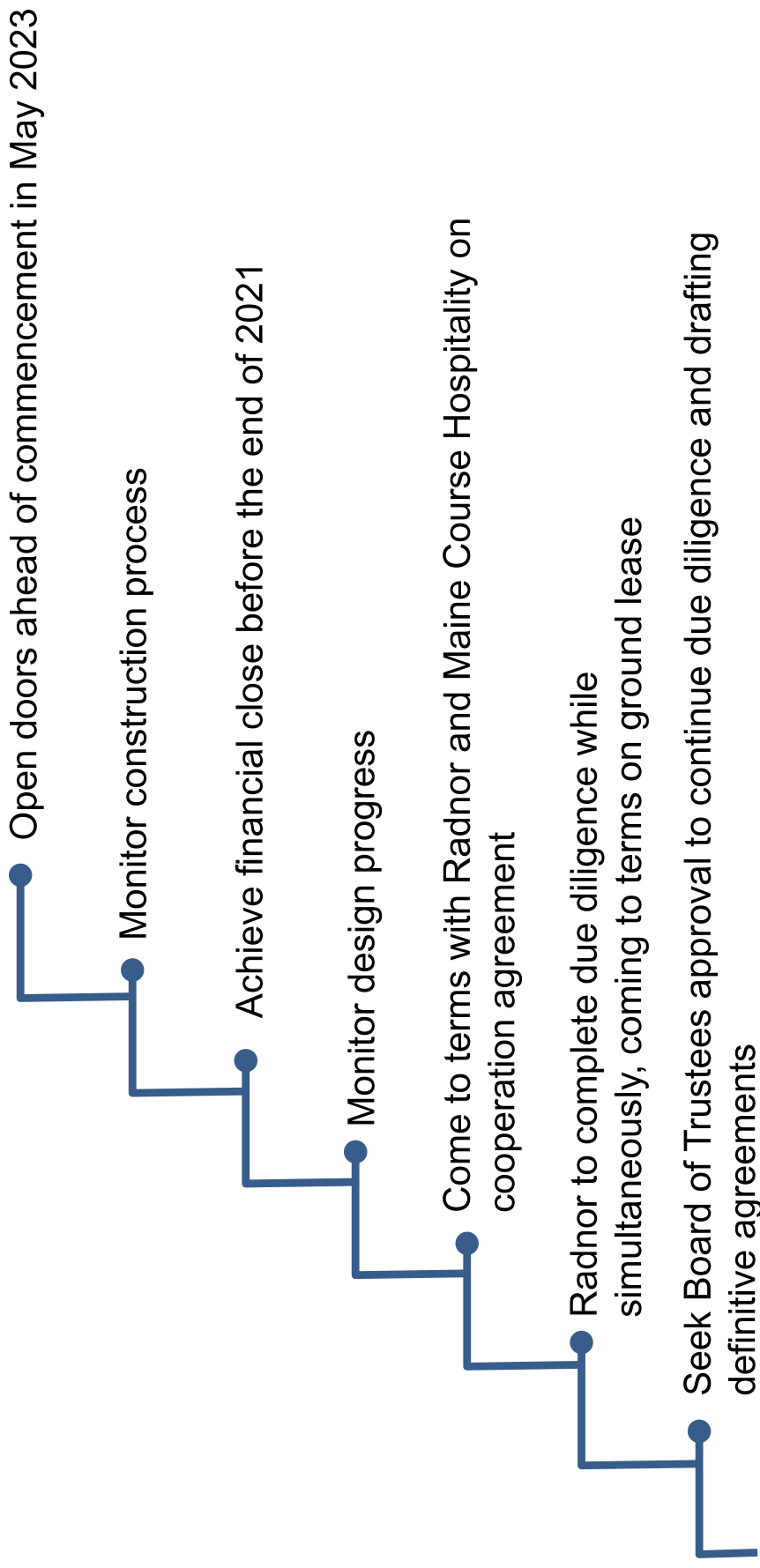
- Coburn and Holmes Halls will be leased to Radnor Property Group for 99 years for the construction and management of an 87 room boutique hotel
- If Radnor opts to sell the asset, UM/UMS will have the right of first refusal for purchase
- Asset returned to UM/UMS after 99 years in “first-class condition”
- UM/UMS have the option to buyout the project at 75 years and the parties will work to identify additional buyout times that will be identified in definitive agreements
- Radnor brings a combined \$17.2 million in total investment (including tax credits) to the project (assumes that the project is awarded \$1.7million in New Market Tax Credits; if the project is not awarded NMTC, UM would have to fund \$1.7million)
- UM guarantee; If the project does not achieve underwritten net operating income, UM will fund the gap up to a cap (the cap for the first year of operation is \$450k) UM guarantee will cease to be in effect after 25 years

7 BENEFITS TO UMAINE



- Private company running the business and investing in UMaine
- Two beautiful and historic buildings – but vacant since 2009 with approx. \$12 million in deferred maintenance – converted into useful assets for the UMaine community.
- \$17.2 million private investment (if NMTC are awarded) into the University
- First on-campus hotel for any UMS campus
- Quality, on-campus accommodations for people visiting the University for work, athletics or entertainment purposes
- Premier accommodations run by a first-class operator of hotel/lodging
- Multiple revenue streams from the project
 - Annual lease payment of \$30k (increased 5% every 5 years)
 - Catering and event revenue for Auxiliary Services
 - Upside revenue sharing if projected net operating income is exceeded

8 NEXT STEPS

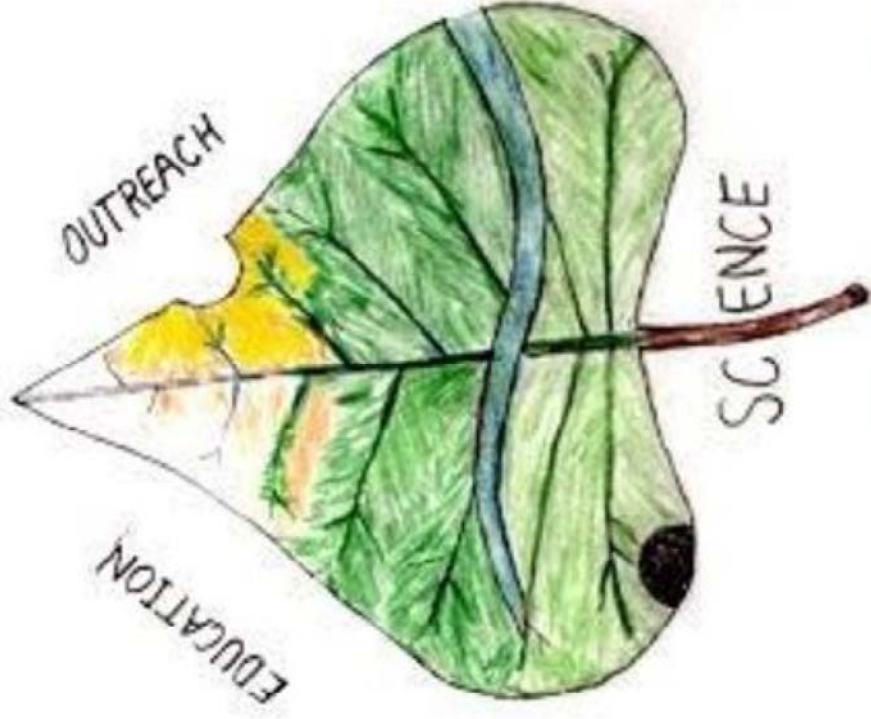




Thank you



Transforming the global change experience through inclusive science engagement



Synergistic goals

- **UMFK mission:** “Nurture and engage a diversity of learners ... through affordable, technologically-enhanced, and professionally-focused educational programs.”
- **UMS Imperative for Change:** “Ensure equal and inclusive access, ... provide instruction and research and experiential learning opportunities from a foundation of racial and economic justice.”
- **Teaching and mentoring philosophy:** Provide compassionate, inclusive learning experiences for future healthcare workers, Earth stewards, leaders and makers
- **Resilience building:** Raise awareness, increase science literacy, promote science-based solutions to global change threats
- **Workforce preparation:** Support “green” jobs, confer technical skills, develop socio-emotional, multicultural, and leadership skills
- **Pandemic triage:** Support students’ immediate socio-emotional needs

Ecologist engagement in translational science is imperative for building resilience to global change threats

Kennedy Rubert-Nason¹, AM Aramati Casper², Matt Jurjonas³,
Caitlin Mandeville⁴, Rebecca Potter⁵, Kirsten Schwarz⁶

¹ *University of Maine at Fort Kent, Fort Kent, USA* ² *Colorado State University, Fort Collins, USA* ³ *North Carolina State University, Raleigh, USA* ⁴ *Norwegian University of Science and Technology, Trondheim, Norway* ⁵ *University of Dayton, Dayton, USA* ⁶ *University of California Los Angeles, Los Angeles, USA*

Corresponding author: Kennedy Rubert-Nason (kennedy.rubertnason@maine.edu)

Academic editor: J.Martinez-López | Received 9 February 2021 | Accepted 12 April 2021 | Published 23 April 2021

Citation: Rubert-Nason K, Casper AMA, Jurjonas M, Mandeville C, Potter R, Schwarz K (2021) Ecologist engagement in translational science is imperative for building resilience to global change threats. *Rethinking Ecology* 6: 65–92. <https://doi.org/10.3897/rethinkingecology.6.64103>

Transformative learning through inclusive engagement in science

- Foundational and advanced coursework...
 - General chemistry, limnology, biochemistry
- interwoven with experiential learning...
 - Paid internships
 - Independent and directed study courses
- that is grounded in social and learning theories.
 - Kolb, D.A., R. Fry. 1975. Towards and applied theory of experiential learning. In C. Cooper, editor. Theories of Group Processes. John Wiley & Sons, New York.
 - Bloom, B. S., Engelhart, M. D., Furst, E. J., Hill, W. H., Krathwohl, D. R. 1956. Taxonomy of educational objectives: The classification of educational goals. Handbook I: Cognitive domain. David McKay Company, New York.

Current and planned initiatives

- Support student success and engagement
- Develop a computational tool to rapidly detect changes in forest health with remote sensing
- Predict how climate change impacts on tree health
- Support the local community

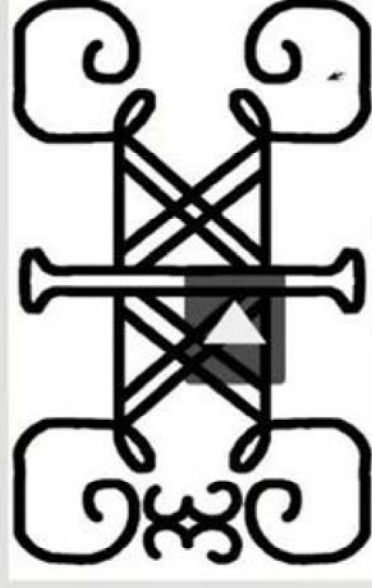
Fusing Indigenous and Western knowledge systems in the tide of global change



- Webinars address intersectionality of Wabanaki and contemporary Western science perspectives on global change
- Build relationships among Wabanaki cultural knowledge keepers, young environmental stewards, and faculty
- Raise awareness of sociocultural and scientific challenges faced by Indigenous communities
- Support students' socioemotional wellness
- Potential pathway to student recruitment

<https://www.umfk.edu/student-life/activities/indigenous-western-knowledge/>

Key Frames: Indigenous Research Methods and Wabanaki Ecological Knowledge



<https://www.umfk.edu/student-life/activities/indigenous-western-knowledge/>

Predicting forest health from remotely-sensed hyperspectral images

- Collect high-resolution images of poplar and spruce forests using drones
- Calibrate images to visual survey, physiological, and phytochemical data → predict impaired tree health
- Publication potential
- Engages 3-4 students/summer
- Funded by MEIF and SCI grants (<https://umaine.edu/meif/>)

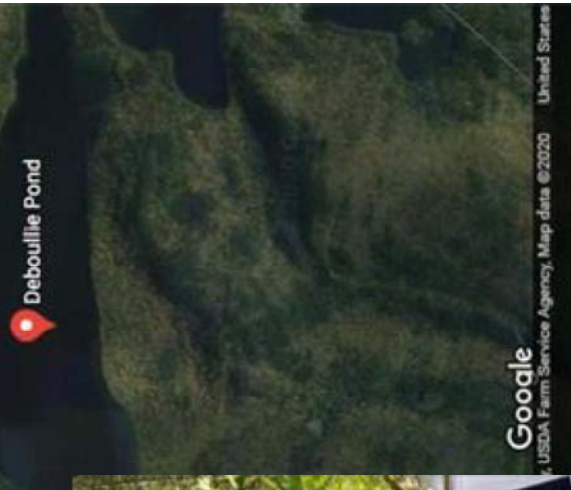
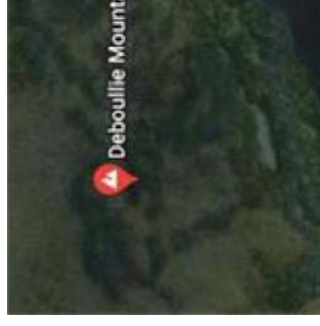


Photo: Brandon Dayton

Understanding how climate change affects trees

- How do poplar and spruce trees respond to environmental stressors such as drought, frosts and fire?
- Mortality
- Growth
- Physiology
- Chemical defenses
- Greenhouse/field studies
 - Experimental design & analysis
 - Hands-on learning
 - Publication potential¹
- Engages 3-4 students/AY



1. Rubert-Nason, K.F.; Couture, J.J.; Gryzmala, E.A.; Townsend, P.A.; Lindroth, R.L. Plant, Cell and Environment. 2017, 40, 2743–2753.

New: Licor-6800 photosynthesis analyzer



- Evaluate how environmental stress affects plant physiology by measuring CO₂ uptake, H₂O transpiration
- Hands-on training

New: Shimadzu LC-2030 HPLC



- Separates and quantifies dissolved chemicals
 - e.g., plant chemical defenses
- Hands-on training (e.g., CHY 330)

Helping the local community overcome a water quality challenge

- Frequent algal blooms due to phosphorus contamination
- Provide technical expertise and support
- Students learn to evaluate water quality and identify pollution sources
- Engaged 2 students summer 2019

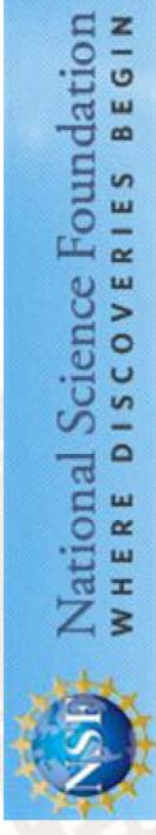


In prep: Citizen science technologies for STEM education in comparative forest ecology

- Collaborative proposal with UMFK, UMaine, and Colorado State University

• If funded, it will support:

- Student success (K-12 and college)
- Student recruitment
- Professional development
- Climate change awareness
- Development of digital learning tools
- Research on teaching and learning
- Research in forest ecology
- Leadership and multicultural skills



www.citsci.org

Programs for Examination

University of Southern Maine
July 2021





Vision 2028

The Four Pillars of USM's Academic Vision

- I. A Focus on Relationships
- II. A Future-Forward Curriculum
- III. The Integration of Learning and Work
- IV. A Mission of Service and Citizenship





PROGRAM INVENTORY

Overview

53 Undergraduate Majors: Rich range of liberal arts and sciences majors plus pre-professional degrees; most popular majors are **business, nursing, biology, and psychology**

26 Master's Degrees: Applied focus including LOS, MPH, MPPM, MSW, MS Ed, MSN, MMusic

5 Doctoral Programs: DNP, OTD, and PhDs in Ed Leadership, Ed Psychology, and Leadership and Organizational Studies

29 Graduate Certificates and Certificates of Advanced Study (Education, Nursing, etc.)

10 Accelerated Pathways (3+3 and 4+1 undergraduate to graduate programs)

Programs of Distinction

Applied Digital Sciences: Technology/Cybersecurity; Engineering/CERL; MIST Lab (BIO, ART, COS)

Public Health: BS and MPH with deep roots in Cutler and the Maine Rural Health Research Center

Music and the Arts: School of Music; Art and Theater Programs embedded in Portland

Education: 1,296 Graduate Students matriculated in the School of Education (Fall 2020)



PORTLAND • GORHAM • LEWISTON • ONLINE

Academic Unit Metrics

Number of Programs: _____

(Name of Program): # credits to graduate

(Name of Program): # credits to graduate

Number of Undergraduate Majors (Certificate/Bachelor's)

Number of Minors

Number of Graduate Majors (Master's/Doctorate)

Number of Degrees Conferred (previous year)

Number of Total Student Credit Hours (SCH)

Average SCH per Faculty Member**

SCH by AFUM Faculty**

SCH by PATFA Faculty**

% SCH by Part-time Faculty**

SCH by non AFUM/non PATFA Faculty**

% SCH by non AFUM/non PATFA Faculty**

SCH in Core Courses

SCH at Portland Campus¹SCH at Gorham Campus²SCH at Lewiston Campus³SCH Delivered Online⁴

Internships

Service Learning)?)

ACADEMIC UNIT SNAPSHOT*

Science, Technology, and Health

Chemistry

2018-2019

Academic Year	2018	2019	%Δ	5-Year Trend
Number of Undergraduate Majors (Certificate/Bachelor's)	67	71	6.0%	
Number of Minors	58	58	0.0%	
Number of Graduate Majors (Master's/Doctorate)	-	-	*	
Number of Degrees Conferred (previous year)	6	6	0.0%	
Number of Total Student Credit Hours (SCH)	3,974.0	4,049.5	1.9%	
Average SCH per Faculty Member**	518.5	486.0	-6.3%	
SCH by AFUM Faculty**	2,413.0	2,617.5	8.5%	
SCH by PATFA Faculty**	1,545.0	1,360.5	-11.9%	
% SCH by Part-time Faculty**	38.9%	33.6%	-13.6%	
SCH by non AFUM/non PATFA Faculty**	16.0	71.5	346.9%	
% SCH by non AFUM/non PATFA Faculty**	0.4%	1.8%	338.5%	
SCH in Core Courses	1,507.0	1,652.5	9.7%	
SCH at Portland Campus ¹	3,590.0	3,653.5	1.8%	
SCH at Gorham Campus ²	330.0	339.0	2.7%	
SCH at Lewiston Campus ³	54.0	-	-100.0%	
SCH Delivered Online ⁴	-	54.0	*	
# Internships			*	
Service Learning)?)			*	




Personnel

Total Faculty (FTE)**
Total AFUM Full-time Faculty (FTE)**
Faculty FTE with Admin Duties**
Total PATFA Faculty (FTE)**
Total non AFUM/non PATFA Faculty (FTE)**
Average UG Section size Fall/Spring/Summer***
Average UG Section size Fall/Spring***
Estimated Advisees/Faculty (# Majors/# FT Faculty)

7.7	8.3	9%	
6.0	7.0	17%	
1.0	1.0	0%	
1.7	1.3	-20%	
0.0	0.0	*	
24.1	23.7	-2%	
25.4	24.6	-3%	
8.7	8.5	-3%	

Base Budget



Total Budget for Department/Program
(Includes Staff Salaries)
Total Salary for AFUM Faculty
Cost per SCH (Total Budget/SCH)

2017-18	2018-19		
897,377	995,248	10.9%	
435,403	530,076	21.7%	
225.81	245.77	8.8%	

Program Measures

Overall Teaching Quality (Average Score)
Advising Satisfaction (% Satisfied)
Alumni Employment Rate

NSSE Senior Satisfaction Score (Average)
NSSE Senior "Would Recommend" Score (Average)

2017-18	2018-19	%Δ	5-Year Trend
4.24	4.26	0.5%	
83%	90%*	#VALUE!	
		*	

2015	2018	%Δ	6-Year Trend
n/a	n/a	*	
n/a	n/a	*	



Academic Snapshot, Quick View

PSYCHOLOGY

	Base-Funded Faculty FTE		Undergraduate Instructional Course Staffing		Avg UGRD Credit Hours Generated
	Tenure and Tenure Track	Non-Tenure Track	%CredHrs Generated by Part-Time Faculty	College Median Avg Section Size	
AY2019-2020	6.3	0.0	32.73%	33.3	4997.5
AY2018-2019	6.3	0.0	22.81%	33.6	4867.7
AY2017-2018	5.0	0.0	8.76%	40.0	4867.7
3yr average	5.9	0.0	21.43%	35.6	4911.0

SCH / FTE

832.37



Academic Plans: Grow or Maintain

Strategic Growth Areas

- Art and Design (including Industrial Design)
- Digital Sciences and Technology (including Artificial Intelligence, Computer Science, Cybersecurity, Data Science, Game Design)
- Engineering (Industrial Engineering)
- Music
- Nursing and Interprofessional Education in Allied Health Fields
- Public Health and Policy

Maintain

- Biology, Business, Chemistry, Criminology, Economics, Education, Geography, Health Sciences, History, Political Science, Math, Physics, Psychology, Social Work, Sociology, Theater



Transform or Transition

- **LAC Academic Programs:** Move all programs to the academic administration of other colleges (CAHS and CSTH)
- **Women and Gender Studies:** Offer at NEBHE rate; decrease operating expenses by sharing administrative support
- **English:** Increased focus on writing following changes to USM Core
- **Tourism and Hospitality:** Stand-alone program with only 1 FTF, investigating a merger with another academic department
- **Recreation and Leisure:** Former stand-alone program with 2 FTF, moved into the Department of Exercise, Health, and Sport Science



Sunset

- **Natural and Applied Sciences:** Program Suspension (APL X-P.4, formerly Board Policy 305.4); teach-out complete

Year	Majors	Degrees	Section Size
AY 2020	11	1	7.9
AY 2019	15	4	3.5
AY 2018	19	7	5.8
AY 2017	25	9	6.6
AY 2016	31	6	7.2

- **Master of Science in Gifted and Talented Education:** Admissions suspended due to a lack of interest in the full degree; serving state needs through a certificate program instead

Programs for Examination

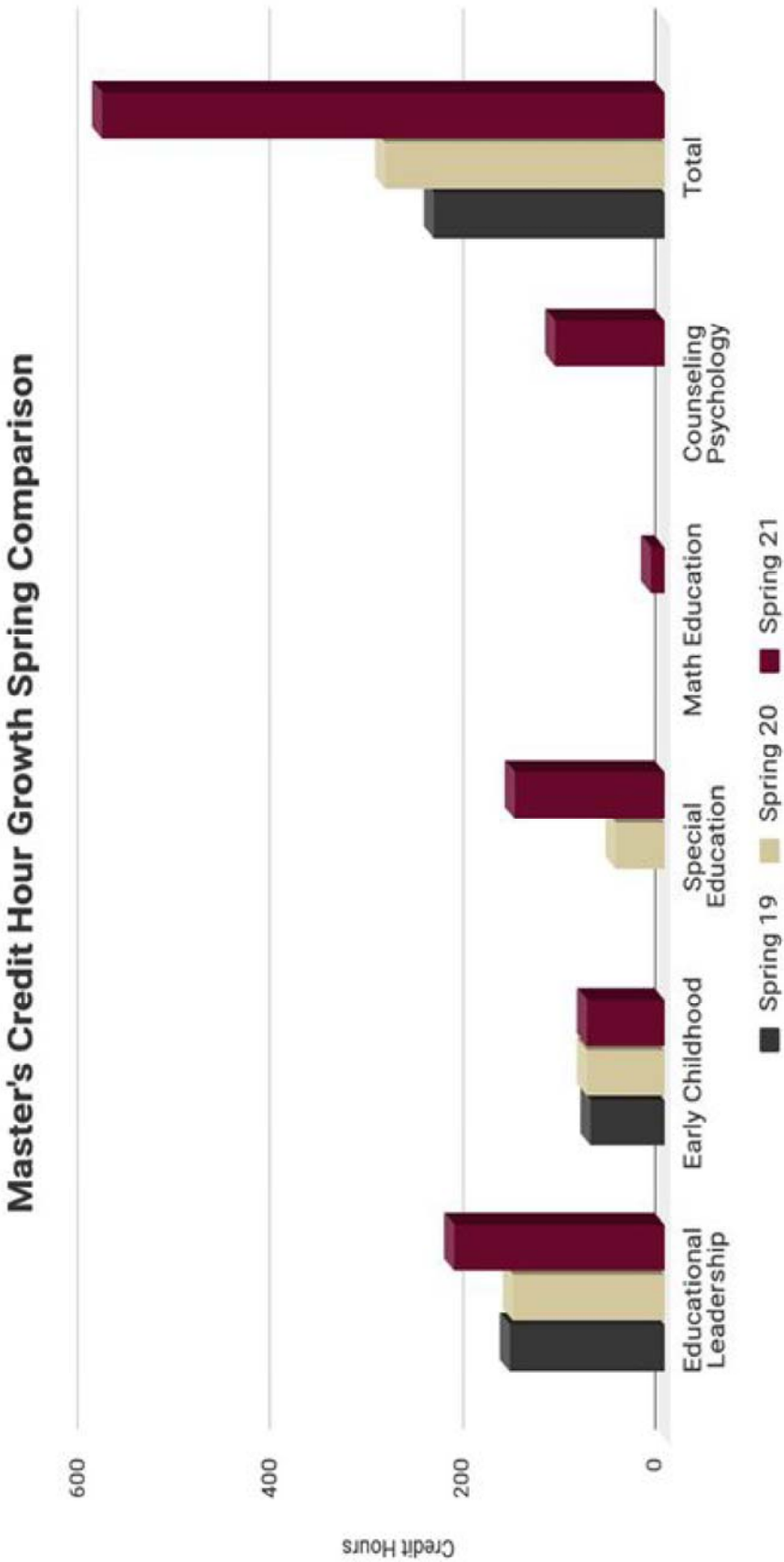
University of Maine at Farmington
July 2021





UMF Inventory

- 38 bachelor's degree programs, 5 undergraduate certificates, 12 graduate certificates, the Maine Mathematics Coaching Program, and the following graduate programs:
 - M.S.Ed. in Educational Leadership
 - M.S.Ed. in Early Childhood Education
 - M.S.Ed. in Special Education
 - M.S. Ed. in Mathematics Education (new)
 - MA in Counseling Psychology
 - Collaboration with UM and USM to offer M.Ed. in Instructional Technology
- 2021 Strategic Plan will continue to shape this portfolio
 - Expand online offerings, growth in other markets (Early College, Adult Learners)
 - Experiential learning, leveraging place
 - Reimagine and reframe liberal arts for current workforce
- Potential conversion of core curriculum from 4 to 3 credits



Summary Screen: UMF's Instructional Economics **GRAYASSOCIATES**

This is the summary screen for UMF's version of Gray's Program Economics Platform.





The Case of International and Global Studies

- Interdisciplinary major offered without adding new faculty
- Fall 2019 PFE data flagged IGS, showing 3-year average enrollment of 17.3 students and 3 degrees conferred
- In 2019-20, enrollment increased to 27 students with 4 degrees conferred
- Fall 2020 enrollment stable at 25 students (but see spring '21)
- Approval of study abroad waivers and capstone course substitutions
- An online version of INS 100S was offered in summer 2020 and is scheduled to be offered again in summer 2021. This online course is marketed for UMF students, early-college students, and students across the system.
- DOE Virtual Global Experience
- Micro credentials: Global Competency
- Establish an IGS ScholarWorks page to publish and showcase high quality student projects, interviews with faculty, students, and alumni, and other content.

Curricular Efficiency

In October 2020, UMF Academic Affairs undertook a self-study of curricular efficiency across all divisions, including graduate studies, for AY 2021-22 and 2022-23. This was informed by a Gray Associates study and workshop that identified areas of inefficiency.

Adjustments to the Spring 2021 schedule also followed a more selective approach to enrollment evaluation and program need.

- 18 class sections were cancelled this spring resulting in a savings of **\$64,010 to \$83,083** in part-time and overload salaries, depending on replacement costs. (Some faculty were also reassigned to other service roles.)
- This represents as much as a 27% overall savings on the FY21 PT/OL budget of \$309,064.

As new cycling plans are implemented consistently for the academic years '21-22 and '22-23 with the following outcomes:

- Immediate reduction of approximately **28** course offerings for FY22
 - Humanities: 6; Psychology: 4; Mathematics: 3; VAPA: 4; SSB: 5; NASC: 3; CEHR: 3
 - directly impacting the PT/OL budget by requiring fewer overloads
 - increasing coverage of courses previously assigned to part-time instructors
- Replacement/overload costs are estimated to be \$5,000/course, this would equate to \$140,000 in savings. Combined with a prorated savings based on the Spring 21 reductions applied over both fall 2021 and spring 2022 semesters (but accounting for some overlap in Spring 21 and AY21 efficiencies), an overall reduction in PT/OL expenditures totaling **\$200,000** is the reduction target for FY22.





Initiatives

- Nursing Program collaboration with UMA
- Summer 21 course offerings:
 - Business Communication, Human Resources Management, Diverse Programming in Early Childhood Environments, Math Content for Elementary School Teachers, Local Stories (and family history), Discovering Poetry and Teaching English as a Second Language.
 - In addition, a group of highly focused one- and two-credit technical courses are also being offered. These include topics such as SQL, Excel and VBA, Python, R and Data Visualization with Tableau. These courses count towards the new UMF Data Analytics minor for matriculated students or can be used to jumpstart preparation for certain certification exams.
- First-year Fusion

Vice Chancellor for Research and Innovation Update

UMS BOT Meeting

July 26, 2021

Joan Ferrini-Mundy
Vice Chancellor for Research and Innovation
President, University of Maine and University of Maine at Machias
joan.ferrini-mundy@maine.edu



Update Topics

1. New internal grants Supported by UMS: MEIF and RRF
2. Research development efforts UMS-wide
3. State and Federal Highlights



Maine Economic Improvement Fund Small Campus Initiative

Small Campus Initiative (SCI) created by UMS in 2009 to provide MEIF funds (3% of total allocation) to the five smaller campuses of the University of Maine System and to Maine Maritime Academy.

- \$520,500 available in FY21
- UMaine's Office of Research Development (ORD – Jason Charland) assists the UMS VCRI with managing the SCI application and merit review process.
- ORD provides direct assistance to grantees in their pursuit of follow-on funding

2021 MEIF Small Campus Initiative Program

2021 MEIF Grantees:

Nicole Rogers, UMFK Assistant Professor of Forestry, “Monitoring the Impacts of Climate Change on Forest Dynamics in Northern Maine”



Rafiul Hassan, UMPI Associate Professor of Computer Science, “Distributed Machine Learning Approaches for Big Data Analysis”



2021 MEIF Small Campus Initiative Program

2021 MEIF Grantees (continued):

Elisha Sirois, UMA Medical Laboratory Technology Program Coordinator, “MLT Program: Modernization and Meeting the Demand”



Brian Beal, UMM Professor of Marine Ecology, “Applied R&D to Foster Economic Growth in Maine’s Shellfish Aquaculture Industry”



UMS Research Reinvestment Fund (RRF)

The purpose of RRF is to strengthen UMS R, D, & I activities critical to the future of Maine

UMS RRF Advisory Board:

1. Heather Ball, Assistant Vice President of Academic Affairs and Associate Professor of Special Education, UMM
2. Scott Bloomberg, Associate Professor of Law, Maine Law
3. Jason Charland, Senior Advisor to the President and Director of Research Development, UMaine
4. Greg Fahy, Dean of Arts and Sciences, UMA
5. Jason Johnston, Dean, College of Arts and Sciences; Associate Professor of Wildlife Ecology, UMPI
6. Krishna Kaphle, Associate Professor of Mathematics, UMFK
7. Gina Oswald, Assistant Professor of Rehabilitation Services, UMF
8. Kris Sahonchik, Director, USM Research & Cutler Institute for Health and Social Policy
9. Terry Shehata, Senior Policy Associate for Research and Economic Development and Maine Economic Improvement Fund Coordinator, USM
10. Kody Varahramyan, VP for Research and Dean of the Graduate School, UMaine
11. Jake Ward, VP for Innovation and Economic Development, UMaine

2021 UMS Research Reinvestment Fund (RRF)

2021 RRF Competitive Grant Programs for UMS Researchers

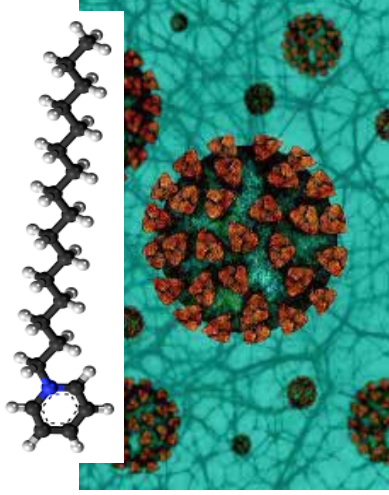
1. Covid-19 Rapid Response Grants
2. Research Network Planning Grants
3. Interdisciplinary Undergraduate Research Collaboratives
4. Maine Innovation Research Technology Accelerator

Special emphasis encouraged applicants to focus on:

- *Research Learning Experiences*
- *State Economic Recovery*
- *Continuing the UMS Rural Health Grand Challenge*



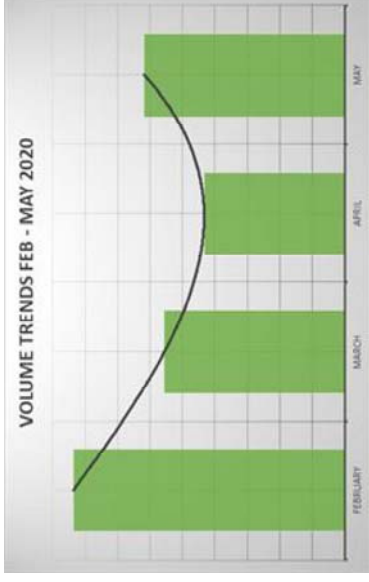
Covid-19 Rapid Response Grants



Re-purposing
drugs for Covid-19
and flu



Municipal capacity for
Covid-19 response

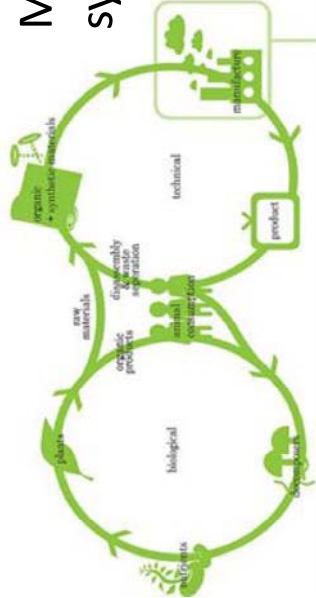


Cellulose nano-
materials for
disinfectant wipes





Covid-19 Rapid Response Grants (cont'd)



Maine circular food
system infrastructure



UMS Research Collaboration Networks
Downeast Rural
Health Research
Collaborative
Institute



Community
resilience to crisis





Interdisciplinary Undergraduate Research Collaboratives (IURCs)

Biochar applications and workforce



Assessing disparities in access to advanced medical therapy



Climate change effects on wild mammal ranges and disease



Community health workers for rural health



Natural resource strategies for rural resilience





Interdisciplinary Undergraduate Research Collaboratives (IURCs) continued



Maine coastal
community
partnership



Undergraduates in
interdisciplinary
microbial study



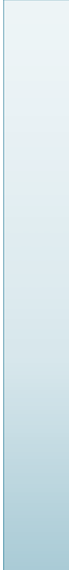
Healthy rural
ecosystem for
community vitality



UMaine Research Affiliates Pilot Program

Designed to expand the reach of, capacity, and collaboration possibilities for full-time, research active faculty and staff located at other UMS campuses who desire to have formal access to the built research infrastructure that exists at the flagship campus in Orono.



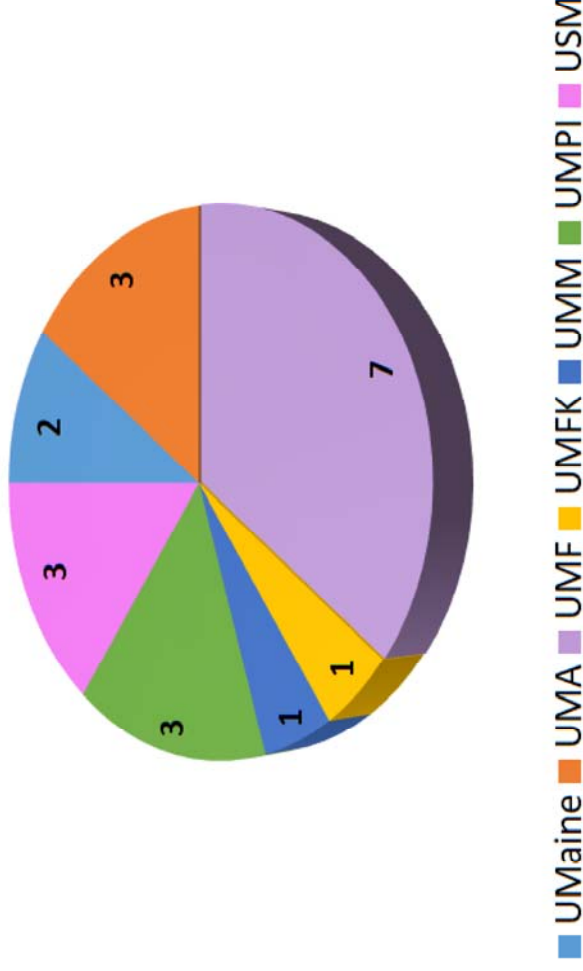


Program Participants/Goals

Plan/Goals

1. Monthly meetings from July 2021 to June 2022
2. Cohort and collaborative team building
3. Development of a grant calendar 2-year plan
4. Pursuit of extramural funding, with direct support from ORD staff

Applicant Campus Breakdown (20 total)



Name	Title	Campus
<u>Amanda Nowak</u>	Director of Prison Education Partnership	UMA
<u>Valerie Rubinsky</u>	Assistant Professor Communication	UMA
<u>Juyoung Shim</u>	Assistant Professor Biology	UMA
<u>Nicole Achey</u>	Assistant Professor Rehabilitation Services	UMF
<u>Jennifer Blossom</u>	Assistant Professor Psychology	UMF
<u>Rachel Hovel</u>	Assistant Professor Aquatic Biology	UMF
<u>Shannon Larsen</u>	Associate Professor Elementary Education	UMF
<u>Gina Oswald</u>	Associate Professor Rehabilitation Services	UMF
<u>Doni Schwalb</u>	Assistant Professor Environmental Biology	UMF
<u>Kathryn Will</u>	Assistant Professor Literacy	UMF
<u>Kaisa Cripps</u>	Assistant Professor Business	UMFK
<u>Sara Flanagan</u>	Assistant Professor Special Education	UM
<u>Deborah Saber</u>	Associate Professor Nursing	UM
<u>Tora Johnson</u>	Associate Professor GIS	UMM
<u>Bee Chim</u>	Assistant Extension Professional	UMPI
<u>Fred Strickland</u>	Assistant Professor Cybersecurity/CIS	UMPI
<u>Li Zuo</u>	Associate Professor Biology	UMPI
<u>Tara Casimir</u>	Assistant Professor Nursing	USM
<u>Emily Newell</u>	Assistant Professor Sport Management	USM
<u>Scott Eaton</u>	Assistant Professor Mechanical Engineering	USM

State and Federal Highlights: In collaboration with Sam Warren



Maine Jobs & Recovery Plan

- Governor Mills' plan to invest State's share of \$1.1B in American Rescue Plan Relief (LD 1733)
- Focuses on recovery from pandemic, long-term economic growth and infrastructure revitalization
- Required legislative approval
- Proposes \$35M over two years for one-time UMS workforce development and research investments
- Provides UMS other opportunities for funding, partnership (e.g. forest products and aquaculture innovation, healthcare workforce development, etc.)



Talent, Research & Innovation for Maine (TRI-Maine)

- Invests \$35M in UMS infrastructure most critical to state's companies and communities, focus on strengthening heritage industries, rural regions
- Shovel-ready capital projects and high-impact paid internships/RLEs selected for ability to rapidly advance recommendations of both 10-year State plan and Economic Recovery Committee
- Planned projects include:
 - UMaine Green Engineering and Materials Factory of the Future (GEM)
 - UMaine Aroostook Farm Research & Education Center (Presque Isle)
 - UMF Sweatt-Winter Child Care Center Expansion
 - UMaine Food Innovation Cluster Laboratory
 - USM Dubyak Center for Digital Science & Innovation
 - UMaine Sustainable Aquaculture Workforce & Innovation Center
 - Small campus competitive funds for innovative workforce development, student support

"To achieve maximum economic benefit, Maine must make investments that leverage existing strengths – especially those of the University of Maine – to capitalize on our state's unique assets – most notably our natural resources – and global market trends."

-UMS VCRI Joan Ferrini-Mundy to Legislature's Appropriations Cmte.



DC Update: In collaboration with Sam Warren

Congressionally directed spending/community-funded projects

- VCRI office solicited and received several dozen proposals from across UMS
- Proposals advanced for congressional consideration based on:
 - Fit and eligibility for earmark process
 - Match with delegation interests and state needs
 - Strong demonstrated community support
 - Collaboration among UMS universities

Infrastructure investment

Historic funding for research and innovation in President Biden's FY22 budget request



Extramural funding spotlight

University of Maine Faculty secure \$3.4M in June through two Health Resources and Services Administration (HRSA) awards to address state healthcare workforce needs

UMaine received \$1.8M through the HRSA *Nursing Workforce Diversity* program led by UMaine School of Nursing Director, Dr. Kelley Strout. This grant will commit to faculty development, student support, and curricular enhancements to advance the interests of diversity, equity, and inclusion both within the School of Nursing and the broader Maine nursing workforce, including a major collaborative partnership in with Northern Light Health linking also to that hospital system's institutional diversity, equity, and inclusion efforts. A core piece of the project involves faculty exchanges with Morgan State University, a Public Urban University and HBCU in Baltimore, Maryland.

<https://umaine.edu/news/blog/2021/06/09/umaine-school-of-nursing-receives-1-7m-grant-to-help-diversify-maine-workforce/>



Discussion, Questions, Next Steps