

**University of Maine System**  
**STUDENT CONDUCT CODE**

**Effective Date: August 1, 2021**

**Revised by the Student Conduct Code Committee  
and accepted by the Board of Trustees, July 26, 2021**



*Maine's  
Public  
Universities*

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# UNIVERSITY OF MAINE SYSTEM

## STUDENT CONDUCT CODE

### POLICY STATEMENT

The purpose of this University of Maine System Student Conduct Code (this "Code") is to promote the pursuit of activities that contribute to the intellectual, ethical, and physical development of the individuals under the auspices of the University of Maine System and the individual university 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](mailto: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 charge(s) will be filed and if so, what 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 (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 charge(s) will be filed and if so, what charges; 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 charges are being filed, the Parties will receive simultaneous notification of the Conduct Officer's decision not to file charges 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.

1. 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 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 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) 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 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](mailto: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