

2022

Annual Safety and Security Report

(Reporting Year 2021)

Eastern Maine Community College
354 Hogan Road
Bangor, ME 04401
www.emcc.edu

Available **ONLINE** :
<https://www.emcc.edu/student-life/resources/safety-security/crime-report/>

Table of Contents

Letter from the President	3
Clery Act Overview	3
Clery Act Reporting	4
Reporting of an Emergency or a Crime	5
EMCC Campus Resources	6
Timely Warnings/Campus Crime Alerts	6
Crime Prevention and Safety Programs	6
CARE Team/Behavioral Intervention Team	7
Reporting Crimes	8
Reporting Suspicious Activity	9
Off Campus Crime	9
Firearms	9
Voluntary and Confidential Crime Reporting	9
Building Maintenance, Security, and Access	10
Campus Safety and Security Authority	10
Emergency Preparedness and Response Planning	10
Emergency Response Team	10
Emergency Alert System	11
Surveillance Cameras	11
Emergency and Evacuation Procedures	11
Drugs and Alcohol	12
Preventing and Responding to Incidents of Sexual Misconduct and Domestic Violence/Stalking	13
Resources for Survivors of Sexual Assault and/or Domestic Violence	14
Protection Orders	16
Confidentiality Statement	17
Alcohol Amnesty Statement	17
Registered Sex Offenders	17
Missing Person Procedure	18
Annual Fire Safety Report for Residence Halls	19
Affirmative Action Statement	21
Crime Definitions	22
Geographical Definitions	24
Clery Act Crime Statistics 2019-2021	25
Hate Crimes 2019-2021	27
Links and appendices	
POLICIES also available at: https://mymccs.me.edu/ICS/MCCS_Policies/	
Campus Map	29
Campus Security Authorities	29
Alcohol and Drug Policies	29

Policies Prohibiting Sexual Misconduct and Grievance Procedures	30
Firearms policy	49
Student Code of Conduct	51

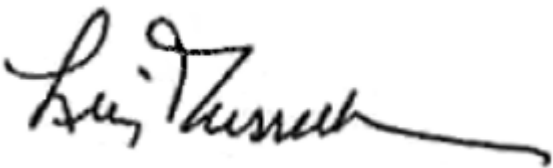
Letter from the President

Creating a safe and welcoming learning environment for all members of our community is a priority for Eastern Maine Community College (EMCC). All members of our community - students, faculty and staff - play a role in maintaining a safe campus.

Each year when we send out this report and throughout the year, community members are encouraged to practice awareness and vigilance when it comes to safety and hold all members of the community to this standard. The various measures EMCC personnel take to enhance safety and security and provide critical information through posters and training are described in this report. Our new Director of Campus Safety and Security is updating our Emergency Action Plan, and we are in the process of installing key access to enhance the security of all our campus buildings. Our staff works collaboratively with local police and emergency response personnel in Bangor, Dover-Foxcroft and East Millinocket on both crime prevention and response to emergency situations.

The Annual Security Report provides information regarding the incidents of crime on our campus as well as safety resources available to the EMCC community such as important information about EMCC's emergency messaging service (RAVE Alert) and emergency preparedness. Community members can also find summaries of key policies and procedures that link to complete policy documents and contact information for local resources in the Annual Security Report.

Our community relies upon all members to play their part in maintaining a campus environment where all feel safe and are able to focus on learning.



Elizabeth Russell
President

Clery Act - Annual Safety and Security Report

The Eastern Maine Community College Annual Safety and Security Report is published in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"). This report includes statistics for the previous three years concerning reported crimes that occurred on campus and on public property within, or immediately adjacent to and accessible from the campus. The statistics include crimes reported directly to local law enforcement agencies and to "campus security authorities." "Campus security

authorities” are defined by the Clery Act as college officials who have “significant responsibility for student and campus activities, including, but not limited to, student services, residence life, and the campus safety and security team. The report also includes institutional procedures concerning campus safety and security, alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, and others. These processes are reviewed annually to assess their effectiveness and compliance with applicable statutes.

Overview

The following policies and procedures are provided as part of EMCC’s commitment to safety and security on campus and are in compliance with the Clery Act of 1998. EMCC is a public college located in Bangor, Maine, and is one of seven campuses that comprise the Maine Community College System (MCCS). EMCC also operates two remote locations, offering courses in Dover-Foxcroft and East Millinocket, Maine. Approximately 1820 students were enrolled at the time of this writing, and the College employs approximately 127 staff and faculty. While the majority of classes were offered on-line during the reporting year 2021, the campus is once again open with most courses now offered in person. Recent steps taken to improve security on the campus include increased presence of safety and security officers and the addition of more security cameras around the campus. The Campus also has an updated Emergency Management Plan. The college has contracted on-site security officers. The safety and security officers work under the supervision of the campus Director of Campus Safety and Security and work closely and cooperatively with the Bangor Police (BPD) and Bangor Fire (BFD) Departments. The safety and security officers do not carry weapons and cannot make arrests but will contact the BPD if such action is required.

The College continued to respond to the COVID-19 pandemic during the reporting year 2021, which involved many safety modifications, with a significant number of courses taught remotely. Only 1 residence hall was regularly occupied, with the other reserved for isolation housing. As a result, changes to this document may be required to be temporary or permanent depending on the outcome of the pandemic, CDC guidance and/or due to Maine State Governor’s Office Executive Orders.

Clery Act Reporting

Publication of this annual report is required by federal law. The annual crime statistics were compiled by the Vice President of Student Affairs, the Director of Campus Safety and Security, and the Director of Residence Life and Student Engagement. The police departments in the communities of Bangor, Dover-Foxcroft and East Millinocket, Maine were asked to provide information about crimes occurring on our 3 campuses or adjacent public property. Information was provided by the Bangor Police Department, the Bangor Fire Department and other relevant local and state police agencies. The College’s yearly crime statistics are compiled on a calendar-year basis in accordance with the definitions of crimes provided by the Federal Bureau of Investigation (FBI) for use in the Uniform Crime Reporting (UCR) system. The report includes statistics for the previous three years concerning crimes that occurred on campus and were reported to local law enforcement agencies and to “campus security authorities.” or designated campus officials. Additionally, these statistics include people referred for campus disciplinary action for categories required under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, including liquor and drug law violations and illegal weapons possession. Statistical information for certain off-campus locations or property owned or controlled by the College, as well as public property within or immediately adjacent to and accessible from campus, are collected or requested from local police departments. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year in which the crime was reported. The crime statistics tables are reflective of the requirements mandated by federal law for compiling this report. A daily crime log is available for public review. Contact Jodie Fairbank at jfairbank@emcc.edu.

REPORTING AN EMERGENCY OR CRIME	
Emergency telephone numbers include:	
911	Bangor Fire Department, EMS, or Police Emergency
(207) 947-7382	Bangor Police Department (non-emergency)
(207) 564-8021	Dover Police Department (non-emergency)
(207) 746-3555	E. Millinocket Police Department (non-emergency)
(207) 745-6090	Campus Safety & Security
(207) 871-4720	Poison Control Center
(800) 222-1222	Northern New England Poison Center
(800) 432-7381 or (207) 973-3700	Maine State Police (Bangor)
(207) 773-7000	Northern Light Eastern Maine Medical Center
(207) 262-1006 or (207) 907-1000	St. Joseph's Hospital
(207) 723-5161	Millinocket Regional Hospital
(207) 564-8401	Mayo Hospital
Crisis telephone numbers include:	
1-800-871-7741	Rape Response Services Penobscot and Piscataquis Counties
1-800-656-4673	National Sexual Assault Hotline
1-800-799-7233	National Domestic Violence Hotline
1-800-624-8404	Adult Protective Service and Guardianship
1-800-452-1999	Child Abuse and Neglect
1-800-204-2803	Info line Emergency Social Svc. Referral
1-207-941-2907	Maine Mental Health Connections
1-888-568-1112	Maine Crisis Line
1-207-947-0496 /800-863-9909	Abused Women – Spruce Run

Reporting an Emergency or Crime

EMCC Campus Resources

Counseling	Dr. Salena King-Caruso counseling@emcc.edu 974-4858
Title IX coordinator / VP for Student Affairs	Dr. Elizabeth True etrue@emcc.edu 974-4673
Student Code of Conduct / Associate Dean of Student Success	Dr. Christy Oliveri coliveri@emcc.edu 974-4664
Accessibility Coordinator	Dr. Elizabeth Daigle edaigle@emcc.edu 974-4868
Financial Aid	974-4625 finaid@emcc.edu
Equal Opportunity Office	Dusty Adams 974-4637
Director of Campus Safety	Jodie Fairbank jfairbank@emcc.edu 974-4853

Choosing who to tell, and when and how to tell someone, is a vital part of a survivor's recovery process. Recovering from the crisis of a violation can impact on a student's academic work and class attendance. Victims should be encouraged to seek a counselor to help them through the recovery process.

Important sources of help for residential students on campus are the Director of Student Involvement and Residential Life and/or the Resident Directors. Campus sources of support and help may also include: the Vice President for Student Affairs, the Associate Dean, the Campus Psychologist, the Director of Campus Safety, the Navigator, faculty, deans, or department chairs.

Timely Warnings/Campus Crime Alerts

EMCC is committed to promoting a safe and secure environment for all members of the college community. In compliance with the Clery Act, the College will provide a timely warning (Campus Crime Alert) to the college

community of any criminal activity that represents a continuing threat to that community. The need for Campus Crime Alerts to the campus community are determined by an analysis of the nature of the crime, the continuing danger to the campus community and any possible risk of compromise to ongoing law enforcement efforts. Campus Crime Alerts will be promptly and properly disseminated to the college community and other entities deemed relevant, through the College's RAVE emergency notification system, college website (www.emcc.edu), the EMCCportal, electronic mail, posters and flyers, and/or any other means that are available and appropriate.

Safety Programs and Promoting Crime Prevention

Crime prevention at EMCC is based on minimizing or eliminating criminal opportunities and encouraging students and employees to be responsible for their own safety/security and the safety/security of others. The College conducts crime prevention programs upon request to educate the EMCC community on measures the community can take to reduce the chances of becoming a victim of crime. Crime prevention programs for resident students are arranged on an as-needed basis by residence staff. Examples of crime prevention programs offered to all students in 2021 include:

- Cup of Tea video to promote awareness of consent for sexual activity
- Who Will You Be bystander intervention video
- Guest speakers on bystander intervention, sexual assault, consent
- Sex Bingo program

New students are provided with information regarding Sexual Harassment and Title IX as part of the on-line New Student Orientation. During in-person Welcome Days, the Director of Campus Safety provides information to new students and their parents regarding safety resources on and off campus, safety tips, situational awareness, the RAVE Emergency Alert System, as well as EMCC's card access.

In addition, a student handbook is provided during residence hall orientation and includes crime prevention and personal safety tips. The resident directors of each hall are responsible for student safety programming, safety related room inspections, and training of staff on proper emergency procedures. The campus safety and security officers offer student, faculty, and staff escort services to and from class upon request. The College's crime prevention efforts are based on the dual concepts of eliminating or minimizing criminal opportunities whenever and wherever possible and encouraging students to be responsible for their own security and the security of others. Security is always a topic of concern among the staff because of the general complacency that can occur when serious incidents do not often happen.

CARE/Behavioral Intervention Team

Faculty, administrators, mental health professionals and campus safety personnel serve on the EMCC CARE team which reviews Students of Concern reports and refers students to appropriate services. If a student exhibits concerning behavior which represents a threat to self or others, the CARE team members also serve as a Behavioral Intervention Team. The team discusses engagement strategies and interventions as well as support services.

Access to Campus Facilities

Campus policies govern access to all campus facilities. Security is monitored, in part, by housekeeping staff, residential life staff, and the Safety and Security Department which includes contracted security personnel. Access to residential life facilities is by keying and by assigned responsibility. Specific residential life policies assist in governing access to student housing units.

Campus Housing

Both residence halls are chemical-free and are locked 24 hours a day. In addition, each building is staffed with a live-in Resident Director as well as Resident Assistants who live on each floor and supervise and monitor the security of the building. Both halls provide cable TV, wireless and hardwired internet, on-site laundry, mail service, vending machines and common rooms with flat-screen TVs, microwaves, game tables and other amenities such as game and surround sound systems.

Guests must be at least 18 years old and have a valid photo ID (State or College). Exceptions may be made at the Resident Director's discretion for visiting family members.

Security Personnel and Services

Security services are available from the on-duty security officer for students or employees. If anyone would like to utilize the security escort service, call (207) 745-6090 all day/night Monday through Friday and 7:00 pm through 7:00 am Saturday and Sunday. Prior arrangements can be made by calling (207) 745-6090, or by filling out a request card located outside of the security office.

Reporting Crimes

Victims or witnesses of a crime should contact the appropriate EMCC staff members or the Bangor (or Dover-Foxcroft or East Millinocket) Police Department as soon as they are aware that a crime has been or is being committed on or near campus. At the student's request, officers or administrators will assist in this notification.

A crime may be reported:

- In person at the Security Services primary location at Maine Hall
- By calling the Security Services Office at (207) 745-6090
- By calling the Residential Life office at (207) 974 4690
- By calling the Director of Campus Safety at (207) 974-4853
- By calling the Bangor Police Department at 911 for emergencies

Any student has the right to file a complaint through the Student Code of Conduct and/or to pursue criminal charges. EMCC encourages and supports students who do so. Procedures for on-campus disciplinary actions in cases of alleged sexual assault, domestic violence, dating violence or stalking shall follow the guidelines and/or sanctions outlined in the Student Code of Conduct. This includes all rights and procedures regarding student appeals.

A student has the option of meeting with either the College Affirmative Action Officer to discuss any harassment concerns or the college disciplinary officer, to discuss judicial alternatives without an official report being filed. EMCC staff and faculty can discuss the specifics of a case with family members only if the student gives permission; family members are not routinely notified. It is up to the student whether he/she decides to file a formal complaint and/or pursue charges.

Reporting Suspicious Activity

Students and employees are urged to contact EMCC personnel and/or the Bangor Police Department if they notice unusual, suspicious or criminal activity. Suspicious individuals should be reported to Safety and Security, especially if they are seen:

- Attempting to enter a residence hall or a student's room
- Entering an office or lab without apparent purpose
- Loitering in a parking lot, or near residence halls or offices; in possession of two bicycles or bicycle parts
- Trying to forcibly enter a car, window or door
- Attempting to solicit funds
- Acting in a loud, disruptive or threatening manner

Off-Campus Crime

While the local police department has primary jurisdiction for law enforcement services at off-campus locations, off-campus student violations of the law or the Student Code of Conduct may be addressed by the student Code of Conduct. Campus Safety works collaboratively with local law enforcement and frequently exchanges information when appropriate.

Firearms

In accordance with the policy of the Maine Community College System, no person (except law enforcement personnel on campus for official purposes) may possess a firearm on the EMCC campus. This prohibition includes residence halls and motor vehicles parked on college property.

Voluntary and Confidential Crime Reporting

If any EMCC student or employee is a victim of a crime and does not want to pursue action through the criminal justice system, they may still make a confidential report. Any staff member in Student Services, Housing and Residence Life (including resident directors or resident assistants), or campus safety and security officers can file a report on the details of the incident without revealing the student or employees' identity or the identity of others. In addition, the professional counselor on campus may inform students they are counseling that confidential crime reporting is available. The purpose of a confidential report is to allow the College to take steps to ensure the future safety of our students. However, the College may not be able to fully investigate or resolve a confidential report. Reports of crimes filed in this manner are counted and disclosed with the College's annual crime statistics report if their accuracy can be confirmed.

Daily Crime Report

The Safety and Security Department maintains a Daily Crime Log that records the date the incident was reported, all crimes and other serious incidents that occur on campus, in a non-campus building or property, on public property, or within the office's patrol jurisdiction. The Daily Crime Log is available for public inspection at the Safety and Security Department during regular business hours.

The Daily Crime Log includes the nature, date, time, and general location of each crime reported to the office. The office posts specific incidents in the Daily Crime Log within two business days of receiving a report of an incident and reserves the right to exclude reports from the log under certain circumstances.

Building Maintenance, Security, and Access

Most campus buildings and facilities are accessible to the campus community, guests and visitors during normal business hours. Most exterior doors on campus buildings are locked and secured after normal operating hours. Buildings are also open on weekends and holidays on an as-needed basis. Residence halls require an EMCC identification card, or assigned key at all times for entrance. Only EMCC students, Resident Directors, Director of Student Engagement and Residence Life, and staff from campus security and facilities may gain access beyond the interior entryway into the living area. Visitors to the residence halls must be escorted by their resident host at all times, including while in the resident's room. Residents are responsible for the behavior of their visitors while they are on campus and can be held responsible for any violations committed by them of the Student Code of Conduct (Student Handbook). Any problems with the residence hall access control system should be reported to the respective resident assistant/resident director. EMCC is committed to maintaining a safe environment for students, faculty, and staff that extends to maintenance issues such as campus landscaping, lighting, and door locks. Key staff members, facilities maintenance staff, and our evening security officers routinely check the campus for maintenance, safety, and security issues. All members of the campus community are encouraged to report any issues such as exterior lighting deficiencies to security at 745-6090.

Campus Safety and Security Authority

College officials have the authority to ask persons for identification and to determine whether individuals have lawful business at EMCC. (Campus safety and security officers have the authority to issue parking tickets which are billed to the financial accounts of students.) No EMCC personnel are authorized to arrest. Criminal incidents are referred to the Bangor Police Department which has jurisdiction at EMCC, and to the VP of Student Affairs for possible disciplinary action. In addition to the regular welcome presence of a BPD officer on campus, EMCC maintains a highly professional working relationship between the campus security team and the police department. All crime victims and witnesses are strongly encouraged to immediately report any crime to the BPD. Prompt reporting will allow for Campus Crime Alerts for the campus community and the accurate disclosure of Clery Act crime statistics. When an EMCC student is involved in an off-campus offense, campus officials may assist with the investigation in cooperation with the local police department. The BPD routinely works and communicates with the EMCC Director of Campus Safety on incidents occurring on-campus, in the immediate neighborhood and business areas surrounding our campus.

Emergency Response

Emergency situations on the main EMCC campus are responded to by the Bangor Police Department and/or the Bangor Fire Department. Emergencies at the East Millinocket and Dover-Foxcroft campuses are responded to by the police department and fire department in each town. Depending upon the situation, other emergency services may be provided by the community in which the campus is located as well as county, state, and federal emergency response services. Emergency procedures and notification methods are reviewed frequently. Questions pertaining to emergency procedures or disabilities should be referred to the Director of Campus Safety at 974-4853.

Emergency Response Team

EMCC's Emergency Response Team is comprised of key campus administrators and a notification system that includes 911-to-text software that alerts all members of the team whenever a 911 call is made from campus. Team members train annually using tabletop exercises. When an emergency on campus takes place, members of the Emergency Response Team are notified either by text message or direct communication by faculty or staff and arrive on the scene of an emergency to ensure appropriate support is provided and appropriate emergency personnel are *en route*.

Emergency Alert System

EMCC uses the RAVE Alert System to notify students, faculty and staff of emergency situations and provide direction. The RAVE System utilizes text, email and other social media to alert of emergency situations. The system is tested frequently in the form of utilizing the system to alert of weather-related closings and the system provides an interface that logs the data to include what type of alert was distributed and to whom.

Surveillance Cameras

EMCC has recently revamped their security camera software into a new NAS (Network Attached Storage) solution that allows for expansion of capabilities with no additional cost for the software or future updates. The cameras and their locations will be expanded with 15 standard cameras being purchased to replace/deploy based on the plan and need from EMCC Security. Four additional PTZ cameras have also been purchased for expanded viewing and capabilities in areas such as parking lots. Coverage and camera abilities will be expanded as needed based on the direction from the Director of Campus Safety.

Evacuation Procedures

The decision to immediately evacuate buildings or the entire campus will be made by the President (or her designee) in coordination with the college Core Response Team and Emergency Action Plan. However, in the case of a fire, building evacuation will begin immediately upon sounding of the alarm without waiting for the order from campus staff. EMCC has various systems in place for communicating information quickly that may include audible and visual alarms in each building, the RAVE Alert System, telephones, e-mail, the EMCC website, and/or verbal directives that will be used for notification to evacuate. Evacuation of the college will generally fall into two categories:

- Limited evacuation of a building or designated area
- General evacuation of the entire campus.
- In general, you should plan ahead for possible evacuations and know evacuation routes from your office or classroom and the campus.

Buildings

- If the fire alarm is activated, leave the building immediately; do not assume it is a false alarm
- Assist people with disabilities and special needs in exiting the building
- Do not return for personal items
- Do not go into the restrooms
- Do not use the elevators
- Direct visitors or anyone needing assistance to stairwells and exits
- When you are outside, check in with your supervisor, department personnel or instructor so everyone can be accounted for

Campus Evacuation

- All persons (students and staff) are to vacate immediately that area of the campus in question and relocate to another part of the campus grounds or off campus as directed
- Students and staff will be informed by our Emergency Notification System, email, campus administrator, security staff, or other forms of communication as required by the college Emergency Action Plan

Evacuation of Persons with Special Needs

All persons at EMCC, including those with special needs, must prepare for emergencies ahead of time. EMCC

recommends that all persons with disabilities or other special needs ask a co-worker, friend or fellow student to provide assistance if an emergency develops. This “evacuation assistant” should be informed about what disabilities you have and how he or she can best help you.

If you are unable to leave the building due to a physical disability:

- Go to the nearest area where there are no hazards
- Contact campus staff for assistance by telephone (745-6090) or use other means to advise them of the situation
- Be sure to give them the building and room number so they can send help to you
- If possible, signal out the window to on-site emergency responders
- Try to establish a “buddy” system to have someone ready to assist you

To assist visually impaired persons:

- Announce the type of emergency
- Offer your arm for guidance
- Tell the person where you are going, obstacles you encounter
- When you reach safety, ask if further help is needed

To alert people with hearing limitations:

- Turn lights on/off to gain the person’s attention, or
- Indicate directions with gestures, or
- Write a note with evacuation directions

To evacuate people using crutches, canes, or walkers:

- Assist and accompany to evacuation site if possible, or
- Use a sturdy chair (or one with wheels) to move the person, or
- Help carry the individual

To evacuate people using wheelchairs:

- Non-ambulatory persons’ needs and preferences vary. Individuals at ground floor locations may exit without help
- Others have minimal ability to move—lifting may be dangerous
- Some non-ambulatory persons have respiratory complications
- Remove them from smoke and vapors immediately
- Wheelchair users with electrical respirators get priority assistance
- Most wheelchairs are too heavy to take down stairs
- If needed, contact the security department at 745-6090 or dial 911. Give building and room number
- Consult with the person to determine best carry options only as a last resort, otherwise wheelchair users should shelter in place and await professional assistance
- Reunite the person with the chair as soon as it is safe to do so

Drugs and Alcohol

The use, possession, sale or distribution of alcoholic beverages or illegal drugs is prohibited on college property or at college related events, as is being under the influence or knowingly in the presence of drugs or alcohol while on college property or at college-related events under the Student Code of Conduct. Exceptions to the College Chem-Free policy can be made by the President. Violations of the code may result in sanctions up to and including dismissal from the College. EMCC prohibits the possession or use of illegal drugs or alcohol on the campus, property owned or controlled by EMCC, or as part of any activity of EMCC. Students, staff, faculty, or visitors are

prohibited from attending their work and/or learning environments under the influence of alcohol or illegal drugs. Doing so would not only negatively affect the individual's learning, performance, and safety, but also that of the people around them and the college community as a whole. Individuals who violate this policy and/or federal or state law risk institutional sanctions, including dismissal from the college, as well as legal action. For more information about drug and alcohol policies on campus, please consult the Maine Community College System Alcohol & Drugs Policy (804). While EMCC does not offer substance/alcohol abuse programs, we do provide professional and confidential counseling as well as referrals to students on campus through our School Psychologist – Salena King-Caruso, who can be reached at (phone # or sking@emcc.edu). Students (who have alcohol or other substance abuse issues) are also strongly encouraged to contact their medical provider or, in crisis, the Maine Statewide Crisis Hotline at 1-888-568-1112.

Due to the statistics concerning drinking and driving and due to the strict drunk driving law in the State of Maine, Eastern Maine Community College is committed to preventing intoxicated persons from driving. Eastern Maine Community College students, staff and faculty are encouraged to do everything possible to prevent an intoxicated person from driving.

Commuters and other guests who visit the campus, including the residence halls, are expected to be familiar with rules and regulations. Intoxication will not be accepted as a defense or excuse for disorderly conduct and/or damage to property on campus. The Director of Campus Safety, Resident Assistants, Resident Directors, the Director of Student Involvement and Residential Life, Security Officers and members of the Eastern Maine Community College administration have the right to inspect bags or packages on campus that they suspect may contain alcohol and/or drugs.

Residents are not allowed to store containers (full or empty) of beer or alcohol in their rooms in the residence halls. Residents are not allowed to display alcohol containers or other alcohol/drug paraphernalia in the windows or on the doors of the rooms. No possession or consumption of controlled substances is permitted on campus in accordance with State Laws. Non-residents may not transport alcohol into the residence halls. This applies to all non-residents regardless of age.

For more information concerning EMCC's Alcohol and Drug Policy, please see the 2022-2023 Student Handbook by visiting the following link:

<https://www.emcc.edu/student-life/resources/student-handbook/>

Preventing and Responding to Incidents of Sexual Misconduct/Domestic Violence/Stalking

Any behavior that constitutes a sexual assault under this policy will subject the offender to disciplinary action, up to and including dismissal, whether or not criminal charges are filed and without regard to whether the conduct occurred on or off campus. In addition, sexual assault, rape and other sexual offenses are illegal under Maine criminal statutes and may be separately prosecuted in a court of law.

Sexual assault occurs when a person performs or compels another person to perform any sexual act or to have any form of sexual contact without consent. Rape is a specific kind of sexual assault that involves any vaginal, oral, anal, or urethral penetration with any body part or object without consent. Consent requires mutually understandable and communicated words and/or actions demonstrating agreement to participate in the proposed sexual act. Failure to object does not constitute consent. Consent does not exist where it is not expressly given. Consent cannot be given by a person with a mental impairment (ex. from alcohol or drug use), or when the victim is physically helpless (ex. when asleep or incapacitated). Consent can also not be given where there are threats or intimidation. Attempted sexual assault or rape occurs when a person intends to commit the offense

and engages in conduct that could lead to it.

The College can refer victims of sexual offenses to counseling support and police assistance, if desired. Care and consideration of the victim's wishes will be considered throughout the intervention process.

Individuals who feel that they are victims of any sexual offense are urged to file a complaint with the Bangor Police Department and the College Title IX Coordinator. The College System's Council, with recommendation from the Coordinator and Director of Campus Safety will determine the outcome of the investigations and possible disciplinary actions. The College is also responsible for providing trained advisors for complainants (alleged victims) and respondents (alleged perpetrators) of Title IX cases.

The College strongly recommends that all victims seek immediate medical assistance. A victim may have internal or external injuries and may need treatment for disease or infection. Additionally, the College strongly recommends that all victims seek counseling and emotional assistance. A full range of support services can be initiated through the Sexual Assault Crisis Center by calling 1-800-871-7741.

EMCC's standards of conduct and the student disciplinary process are outlined in the Student Code of Conduct. The college's procedures for disciplinary action in cases that involve sexual offenses comply with the Higher Education Amendment (HEA) of 1992 and the Violence Against Women Act of 1994. In those cases required by the HEA and VAWA, the accuser and the accused are entitled to the same opportunities throughout the investigative and disciplinary process, including to have others present during the investigative interview and/or during an Appeal Committee hearing and attendant proceedings. For further information about the disciplinary system, contact Kris Kelley, Director of Student Engagement at 207-974-4696 or Christy Oliveri, Associate Dean of Student Success at 207-974-4664.

Resources for Survivors of Sexual Assault and/or Domestic Violence	
Counseling	Dr. Salena King-Caruso counseling@emcc.edu 974-4858
Title IX Coordinator / VP for Student Affairs	Dr. Elizabeth True etrue@emcc.edu 974-4673
Student Code of Conduct /	Dr. Christy Oliveri

Associate Dean of Student Success	coliveri@emcc.edu 974-4664
Maine Sexual Assault Helpline	888-871-7741
ME Coalition to End Domestic Violence	1-866-834-HELP
Bangor Police	911 or 974-7384
Director of Campus Safety	Jodie Fairbank jfairbank@emcc.edu 974-4853

The College strongly recommends that victims of sexual assault:

- Seek immediate medical assistance. A victim may have internal or external injuries and may need treatment for disease or infection
- Report such acts to the Director of Campus Safety, the College Title IX Coordinator, the Campus Security Department and/or the Bangor Police Department. Filing a report with the police provides the opportunity for collection of evidence helpful in prosecution that cannot be obtained later
- Ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical exam and sexual crimes investigation kit administered by trained hospital personnel
- At the victim's request, security officers or college administrators will assist in the notification of local law enforcement. The College's disciplinary system may proceed against any alleged violator of EMCC policy, whether or not state or federal criminal proceedings exist or are pending.
- Seek counseling and/or emotional assistance and support. The Student Services office can assist with this. Speaking with a trained counselor can be critical to the emotional or mental well-being of the victim following trauma.

The College will consider requests for changes in academic accommodations and work with victims to reach a reasonable solution. The College will consider requests for changes in on-campus living accommodations on a space available basis

College Procedures for Investigating and Resolving a Title IX Complaint

Below is a summary of the process for allegations that meet the Title IX definition of sexual harassment. Allegations that meet Title IX definition must contain:

- Alleged conduct that constitutes sexual harassment if proved;
- Alleged conduct was against a person in the

United States;

- Alleged conduct was against a person participating, or attempting to participate, in an EMCC educational program or activity; or
- Alleged conduct was at an EMCC location, during an EMCC activity or program, or when EMCC had substantial control over both the respondent and the context.

Students, faculty, and staff are advised to report allegations of sexual harassment immediately, or as soon as possible. Reports can be made via mail, email, phone, or in person. Reports should be made to the Title IX Coordinator, Elizabeth True at etrue@emcc.edu or (207) 974-4673. If allegations meet that Title IX definition, then the ensuing investigation and resolution of a Title IX complaint will include the following elements:

- Supportive measures offered to a person at the time of a report
- Notice of formal complaint to the complainant and the respondent
- Emergency removal of respondent (if necessary)
- Informal resolution (only if both parties agree)
- Investigation: The investigation has 60 days from the filing of formal complaint to a draft report with the final report due to all parties 10 days before a live hearing
- Live hearing
- Findings: Both parties shall be notified simultaneously in writing and provided with the written findings
- Appeals: The president or designee shall simultaneously issue a written decision to both parties with the result of the appeal and the rationale for the decision

Decision Maker, in accordance with this Procedure and the MCCS Rules for Title IX Live Hearings and shall use the preponderance of the evidence standard.

View the MCCS Title IX Sexual Harassment Procedure here:

https://mymccs.me.edu/ICS/icsfs/Procedure_202.2.pdf?target=035119b9-058b-4252-b76f-df6becb7b980

College Procedures for Investigating and Resolving Sexual Harassment Complaints Not Meeting Title IX Definitions

Below is a summary of the process for allegations that do not meet the Title IX definition of sexual harassment. Individuals who believe that they are victims of sexual harassment must contact the Title IX Coordinator or the EO Officer. The Title IX Coordinator will determine the applicable procedure after review of the allegations. The investigation and resolution will have the following elements:

- Informal procedure (only if both parties agree)
- Within ten working days of receiving the complaint
- Meet with complainant to discuss the complaint
- Provide notice to the respondent. Formal Procedure will be completed in 60 calendar days from receipt of a complaint within the first 10 working days of receiving a complaint.
- Begin formal investigation
- Interview the respondent

Appeals of College Response to Complaint - Appeals request can be made of the College President or MCCS Director of Human Resources

- An investigation is complete when the pertinent supervisor, EO Officer, or student code of conduct officer

determine that no additional fact finding is required

- Action upon findings from the investigation

View the MCCS procedures for Discrimination, harassment, sexual harassment and affirmative action complaints which do not meet Title IX definitions here:

https://mymccs.me.edu/ICS/icsfs/Procedure_201.1_and_202.1.pdf?target=81dffbac-8015-48b0-8df0-cae73a43accf

Supportive Measures Offered at the Time of Sexual Assault Report and Formal Complaint

Supportive measures are individualized, non-disciplinary services offered as appropriate and as reasonably available, without fee or charge. The measures are designed to restore or preserve equal access to an educational program or activity without unreasonably burdening the other party. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus. EMCC shall maintain confidentiality for any student receiving supportive measures that they receive, to the extent possible. The Title IX Coordinator will implement and monitor the supportive measures

Protection Orders

Students have the right to request from a court that a temporary or permanent restraining order, or other protection or no-contact order be issued against an alleged offender. Only the police, and not College security, have the authority to enforce such an order by arresting a person who violates the order. The student should promptly inform the Vice President of Student Affairs if such an order is obtained so that the College may be better prepared to more promptly contact the police if necessary.

Confidentiality Statement

The College uses best efforts to protect the confidentiality of the identity and allegations involved in a report, including keeping all records confidential to the extent permissible by law. Information regarding sexual misconduct or assault reports, and any investigation or review of those reports, including sanctioning determinations, will be shared among College officials with a legitimate educational interest or with external individuals or entities only on a need-to-know basis and only as permitted by College policy and applicable law. The College will be required to disclose the Complainant's name, statements and allegations to the Respondent. The College may choose to comment publicly, in writing or otherwise, to the extent permitted by law, regarding the decision reached if, in the judgment of the College, the best interests of the community would be served by such a disclosure. If possible and appropriate, the anonymity of the student(s) involved will be protected.

A student may choose to speak **confidentially** to the College Counselor prior to or without making a report.

Alcohol Amnesty Statement

Students who report sexual misconduct will not be disciplined for alcohol violations that are disclosed by their report or disclosed during a related follow-up and are related to the events surrounding the reported misconduct.

Registered Sex Offenders

In compliance with the Campus Sex Crimes Prevention Act of 2000, members of the EMCC community may contact the Maine Sex Offender Registry at their website <http://sor.informe.org/sor/>

for information concerning registered sex offenders.

The Bangor Police Department maintains a list of registered sex offenders in the Bangor area. Anyone desiring information on a specific known sex offender may receive that information by contacting the Bangor Police Department at (207) 947-7384. A date of birth of the sex offender will be required

Missing Person Procedure

The purpose of this procedure is to establish protocols for EMCC's response to reports of missing students, as required by the Higher Education Opportunity Act of 2008. This procedure applies to students who reside in EMCC campus residence halls. For purposes of this procedure, a student may be considered to be a "missing person" if the person's absence is contrary to their usual pattern of behavior and unusual circumstances may have caused the absence. Such circumstances may include, but not be limited to, a report or suspicion that the missing person may be the victim of foul play, has expressed suicidal thoughts, is drug dependent, is in a life-threatening situation, or has been with persons who may endanger the student's welfare.

Procedures for designation of emergency contact information

1. Adult Students (18+) and emancipated minors

Students are given the opportunity during their housing registration process to designate an individual or individuals to be contacted by the College no more than 24 hours after the time that the student is determined to be missing in accordance with the procedures set forth below. A designation will remain in effect until changed or revoked by the student.

2. Minor Students (under 18 years old and adults with legal guardians).

In the event a student who is not emancipated is determined to be missing pursuant to the procedures set forth above, the College is required to notify a custodial parent or guardian no more than 24 hours after the student is determined to be missing in accordance with the procedures set forth below. During their housing registration process, parents or legal guardians may also identify individuals the school should contact (significant others, family in the area, etc.).

Official notification procedures for missing persons

1. Any individual on campus who has information that a residential student may be a missing person must notify the Director of Student Engagement and Residential Life as soon as possible.
2. The Director of Student Engagement, or their designee, will gather all essential information about the residential student from the reporting person and from the student's acquaintances (description, clothes last worn, where student might be, who student might be with, vehicle description, information about the physical and mental well-being of the student, an up-to-date photograph, class schedule, etc.). Appropriate campus staff will be notified to aid in the search for the student.
3. If the above actions are unsuccessful in locating the student or it is apparent immediately that the student is a missing person (e.g., witnessed abduction), the College will contact the Bangor Police Department to report the student as a missing person and BPD will take charge of the investigation.

No later than 24 hours after determining that a residential student is missing, the VP of Student Affairs will notify the emergency contact (for students 18 and over) or the parent/guardian (for students under the age of 18) that the student is believed to be missing.

Campus communications about missing students

In cases involving missing persons, law enforcement personnel are best situated to provide information to the media that is designed to elicit public assistance in the search for a missing person. Therefore, all communications regarding missing students will be handled by outside law enforcement authorities, who may consult with the Director of Campus Safety. All inquiries to the College regarding missing students, or information provided to any individual at the College about a missing student, shall be referred to the Director of Campus Safety and/or their designee, who shall refer such inquiries and information to law enforcement authorities. Prior to providing the EMCC community with any information about a missing student, the VP of Student Affairs and/or their designee shall consult with the BPD to ensure that communications do not hinder the investigation.

Fire Safety Systems at EMCC Campus					
Student Housing Facility	Sprinkler system	Smoke Detection	Fire Extinguishers	Emergency Evacuation Plans	# of Fire Drills per Calendar Year
Acadia Hall	Yes	Yes	Yes	Yes	2
Kineo Hall	Yes	Yes	Yes	Yes	2

Clery Act Fire Safety Statistics									
Student Housing Facility	2019			2020			2021		
	Fires	Injuries	Death	Fires	Injuries	Death	Fires	Injuries	Death
Acadia Hall	0	0	0	0	0	0	0	0	0
Kineo Hall	0	0	0	0	0	0	0	0	0
TOTALS	0	0	0	0	0	0	0	0	0

In the Event of a Fire

1. Sound the alarm from the nearest fire alarm box, remove yourself to safety
2. Immediately call 911 (8-911 from Bangor campus phones) give your name, the location of the fire by building name, number, and address or the nearest building if not a structure fire, and the nature of the fire.

All members of the EMCC community are encouraged to report any known residence hall fire incidents to the Director of Campus Safety (974-4853, any resident director or resident assistant, the Director of Campus Safety and Security or the Bangor Fire Department.

Supervised Fire Drills

At move-in, residents are informed of points of egress and evacuation staging areas. Supervised unannounced fire drills are conducted for each residence hall in the fall and spring semesters in cooperation with the Bangor

Fire Department. Additionally, each time new residents occupy a building during the summer, the EMCC staff person coordinating the group's stay ensures that the temporary residents are familiar with evacuation routes and procedures.

Fire Safety Education

All resident directors (RDs) and resident assistants (RAs) receive fire safety and emergency action plan training and are responsible for covering these policies and procedures with residents during the opening community meetings. All residence hall rooms are equipped with evacuation maps which indicate the safest and most direct exit routes from the room in case of an emergency.

Fire Safety Violations and Prohibitions (including rules on portable electrical appliances, smoking and open flames)

The Student Code of Conduct prohibits "creation of a fire hazard or other dangerous condition" and forbids "unauthorized use or possession of weapons, explosive components or chemicals, including fireworks, firearms, explosives, gas or compressed air." The fire code prohibits certain activities and devices from residence halls. For community safety, residents are expected to comply with the following:

- Unless specifically authorized, no cooking of any kind is permitted in the residence hall rooms. Toasters, toaster ovens, mini grills, rice cookers, electric skillets and hot pots are not allowed. There are no publicly available kitchen facilities in either residence hall
- No appliances other than those specified in the appliances section of the Residence Life Guide are permitted in the residence hall rooms
- No candles or incense are allowed
- No microwave ovens, other than specific models permitted by the College
- Gasoline and flammables like paint thinner or stripper may not be stored in the residence halls
- Light fixtures may not be tampered with, especially using items that may serve as electrical conductors. No lights of any kind on strings/cords are allowed.
- Multiple plug outlets are not allowed unless they contain a surge protector. Surge protectors usually contain lights and an on/off switch. They should be stored flat on the floor and should not be daisy-chained (one surge protector cannot be plugged into another surge protector)
- No excessive use of paper on doors and walls is permitted
- No posters, articles of clothing or other items should be taped or hanging near the door of your room where they might obstruct your route of egress from the room
- No tape of any kind should be placed on electric cords and electric cords should not run under carpeting
- No extension cords are allowed. (Surge protectors can be purchased at the hardware store with cords up to 12 ft.)
- Appliances such as irons, hair flat irons or curlers should be turned off and not plugged in when not in use
- No items should be touching, hung from or stored within 18 inches of any sprinkler head. No items should be hung from pipes

All residents are given a copy of the *Residence Life Guide* at move-in that includes rules related to permitted small appliances and fire safety in general.

Notice of Nondiscrimination/Affirmative Action Statement

Eastern Maine Community College does not discriminate as proscribed by federal and/or state law on the basis of actual or perceived race, color, religion, ancestry or national origin, sex, sexual orientation, including gender identity or expression, age, familial status, genetic information, disability, or Vietnam era veteran status in specified programs and activities. Inquiries about the College's compliance with, and policies that prohibit discrimination on, these bases may be directed to:

Equal Employment Officer Dusty Adams/Maine Hall EMCC, 354 Hogan Road, Bangor, ME 04401

Telephone: 207-974-4637 Maine Relay Service: 800-457-1220 E-mail: dadams@emcc.edu

and/or Title IX Coordinator (sex discrimination) Dr. Elizabeth True, 125 Katahdin Hall, EMCC, 354 Hogan Road, Bangor, ME 04401

Telephone: 207-974-4673. Maine Relay Service: 800-457-1220 E-mail: etrue@emcc.edu

and/or United States Department of Education Office for Civil Rights 33 Arch Street, Suite 900 Boston, MA 02110 Telephone: 617-289-0111 TTY/TDD: 617-289-0063 Fax: 617-289-0150 E-mail: OCR.Boston@ed.gov Internet: <http://www.ed.gov/about/offices/list/ocr/index.html?src=oc> and/or Maine Human Rights Commission (MHRC) 51 State House Station Augusta, ME 04333-0051 Telephone: 207-624-6050 TTY/TDD: 207-624-6064 Fax: 207-624-6063 Internet: <http://www.state.me.us/mhrc/index.shtml> and/or Equal Employment Opportunity Commission 475 Government Center Boston, MA 02203 Telephone: 617-565-3200 1-800-669-4000 TTY: 617-565-3204 1-800-669-6820 Fax: 617-565-3196 Internet: <http://www.eeoc.gov/>

Inquiries about the College's policies that prohibit discrimination on these bases may be directed to the Affirmative Action Officer or MHRC identified above.

Questions, concerns, complaints and/or grievances about discrimination in any areas of the college should be directed to Eastern Maine Community College's designated Affirmative Action Officer.

Affirmative Action Officer: Dusty Adams
Director of Human Resources
(207) 974-4633
Email address: dadams@emcc.edu

Reasonable accommodations will be made for students with disabilities as required by Section 504 of the Rehabilitation Act of 1973 (34 CFR Part 104) and Title II of the Americans with Disabilities Act of 1990 upon request.

ADA Compliance Officer: Dusty Adams
Director of Human Resources
(207) 974-4633
Email address: dadams@emcc.edu

504 Coordinator: Elizabeth Daigle
Coordinator of Disability Services
(207) 974-4868
Email address: edaigle@emcc.edu

***Please see the applicable laws below.**

*Title IX of the Educational Amendments of 1972 (34 CFR part 106),

*Title VI of the Civil Rights Act of 1964 (34 CFR Part 100),

*Section 504 of the Rehabilitation Act of 1973 (34 CFR Part 104),

*Title II of the Americans with Disabilities Act (ADA) of 1990 and its implementing regulations

Student Responsibility

Students must assume responsibility for their own personal safety and the security of their personal belongings by taking simple, common-sense precautions. For example, resident hall room doors should be locked at night and when the room is unoccupied. Valuable items such as stereos, cameras, computers, laptops, gaming systems and televisions should be marked with an engraving instrument. Bicycles should be registered with the local police and should be secured with a sturdy lock. Students with cars must have a valid EMCC Parking Permit displayed in their front windows, park them in their assigned area and are encouraged to keep their vehicles locked at all times. Valuables should be locked in the trunk.

Clery Crime Definitions

Definitions of crimes for which occurrences are to be reported:

Murder/Non-negligent Manslaughter—The willful (non-negligent) killing of a human being by another.

Negligent Manslaughter—The killing of another person through gross negligence

Sex Offenses — Under the VAWA and Clery Acts, sex offenses (rape, fondling, incest, or statutory rape) are defined and reported in accordance with the FBI’s Uniform Crime Reporting Program* as follows:

Rape — 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.

*Note: Under State of Maine Statutes, **Gross Sexual Assault** is defined in Maine Title 17-A, M.R.S.A., Chapter 11.*

Fondling —The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest — Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape — Sexual intercourse with a person who is under the statutory age of consent.

*The definition of **rape** is from the Summary Reporting System (SRS) User Manual; whereas, the definitions of **fondling, incest, and statutory rape** are from the National Incident-Based Reporting System (NIBRS) User Manual. Both of these manuals are from the FBI’s Uniform Crime Reporting Program.

Aggravated assault—Unlawful attack upon another with intent to inflict severe injury or great bodily harm

Burglary—Unlawful entry into a structure to commit a felony or theft

Arson—Willful or malicious burning/attempt to burn structure, vehicle, or personal property of another

Motor vehicle theft—Theft of automobiles, trucks, etc., including "joyriding" (taking by person without lawful access)

Bias or Hate Crimes: *(only reported when the crime was motivated by hate or bias based on the following)*

Race	Ethnicity
Gender	Disability
Gender Identity	Sexual Orientation
Religion	National Origin

VIOLENCE AGAINST WOMEN ACT OFFENSES

Dating Violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. The existence of such a relationship is determined based on the following factors:

1. The dating relationship must have existed within the past six months;
2. The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; AND
3. The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

Domestic violence is defined as a felony or misdemeanor crime of violence committed— a) By a current or former spouse or intimate partner of the victim; b) By a person with whom the victim shares a child in common; c) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; d) By 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.

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) Fear for the person's safety or the safety of others; or (B) Suffer substantial emotional distress. For the purposes of this definition— a) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. b) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. c) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Clery Reporting - Definitions of crimes for which arrests must be reported

Liquor Law Violations: violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages.

Drug Abuse Violations: violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation or use.

Weapons Possessions: violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

It is the policy of the Eastern Maine Community College to ensure that the victims and witnesses to crime are aware of their right to report criminal acts to the police and to report College policy violations to the appropriate office (e.g. student conduct violations to the Residential Directors). However, if a reporting person requests anonymity, this request must be honored to the extent permitted by law. Accordingly, no information should be included on an incident report that would personally identify the victim without his/her consent. Based on information received, EMCC will determine the category of the crime or incident and the location under which the incident should be reported in the Annual Security Report. Clery and associated legislation requires that each department's records related to the Clery reportable crime statistics be retained for seven years.

Clery Geography Definitions

The Director of Campus Safety is responsible for identifying and updating all information regarding campus geography for the purposes of the ASR.

On Campus – Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any buildings or property that is within or reasonably contiguous to the area identified in the sentence above that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

On-campus Student Housing Facility – any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility. This definition includes the following types of housing: a) Undergraduate, graduate and married student housing. b) Single family houses that are used for student housing. c) Summer school student housing. d) Buildings that are used for student housing but also have faculty, staff or other individuals living there.

Non-campus building or property – Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property – All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus. Public property refers to property owned by a public entity, such as a city or state government.

CRIMINAL OFFENSE AND CRIME STATISTICS MAIN CAMPUS

Offense (by Hierarchy)	Year	On Campus *	Non-Campus	Public Property	Total/Unf**	Residential Facilities
Murder / Non-Negligent Manslaughter	2021	0	0	0	0/0	0
	2020	0	0	0	0/0	0
	2019	0	0	0	0/0	0
Negligent Manslaughter	2021	0	0	0	0/0	0
	2020	0	0	0	0/0	0
	2019	0	0	0	0/0	0
Rape	2021	0	0	0	0/0	0
	2020	0	0	0	0/0	0
	2019	0	0	0	0/0	0
Fondling	2021	0	0	0	0/0	0
	2020	0	0	0	0/0	0
	2019	0	0	0	0/0	0
Incest	2021	0	0	0	0/0	0
	2020	0	0	0	0/0	0
	2019	0	0	0	0/0	0
Statutory Rape	2021	0	0	0	0/0	0
	2020	0	0	0	0/0	0
	2019	0	0	0	0/0	0
Robbery	2021	0	0	0	0/0	0
	2020	0	0	0	0/0	0
	2019	0	0	0	0/0	0
Aggravated Assault	2021	0	0	0	0/0	0
	2020	0	0	0	0/0	0
	2019	0	0	0	0/0	0
Burglary	2021	0	0	0	0/0	0
	2020	0	0	0	0/0	0
	2019	0	0	0	0/0	0
Motor Vehicle Theft	2021	0	0	0	0/0	0
	2020	0	0	0	0/0	0
	2019	0	0	0	0/0	0
Liquor Law Arrests	2021	0	0	0	0/0	0
	2020	0	0	0	0/0	0
	2019	0	0	0	0/0	0

Offense (by Hierarchy)	Year	On Campus *	Non-Campus	Public Property	Total/Unf**	Residential Facilities
Drug Law Arrests	2021	1	0	0	1/0	1
	2020	0	0	0	0/0	0
	2019	0	0	0	0/0	0
Weapons Law Arrests	2021	0	0	0	0/0	0
	2020	0	0	0	0/0	0
	2019	0	0	0	0/0	0
Arson	2021	0	0	0	0/0	0
	2020	0	0	0	0/0	0
	2019	0	0	0	0/0	0

*On Campus category includes incidents reported in Residential Facilities category

**Unf – Unfounded complaint as determined by a police officer

VIOLENCE AGAINST WOMEN ACT (VAWA) OFFENSES

Offense (by Hierarchy)	Year	On Campus *	Non-Campus	Public Property	Total/Unf**	Residential Facilities
Domestic Violence	2021	0	0	0	0/0	0
	2020	0	0	0	0/0	0
	2019	0	0	0	0/0	0
Dating Violence	2021	0	0	0	0/0	0
	2020	0	0	0	0/0	0
	2019	0	0	0	0/0	0
Stalking	2021	0	0	0	0/0	0
	2020	0	0	0	0/0	0
	2019	0	0	0	0/0	0

*On Campus category includes incidents reported in Residential Facilities category

**Unf – Unfounded complaint as determined by a police officer

LIQUOR, DRUG, AND WEAPONS JUDICIAL REFERRALS STATISTICS

Liquor, Drug, Weapon Judicial Referrals	Year	On Campus *	Non-Campus	Public Property	Total/Unf**	Residential Facilities
Liquor Law Violations Referred for Disciplinary Action	2021	3	0	0	3/0	3
	2020	0	0	0	0/0	0
	2019	3	0	0	3/0	3
Drug Law Violations Referred for Disciplinary Action	2021	0	0	0	0/0	0
	2020	0	0	0	0/0	0
	2019	0	0	0	0/0	0
Weapons Law Violations Referred for Disciplinary Action	2021	0	0	0	0/0	0
	2020	0	0	0	0/0	0
	2019	0	0	0	0/0	0

*On Campus category includes incidents reported in Residential Facilities category

**Unf – Unfounded complaint as determined by a police officer

HATE CRIME STATISTICS

Eastern Maine Community College is required to publish statistics on crimes which are defined as hate crimes. The hate crime statistics are to be listed by category of prejudice. The numbers for most of the specific crime categories are part of the overall statistics reported for each year. In addition the other crimes reported, the following crimes, if committed as a hate or bias crime, are also reported: Simple Assault, Intimidation, and any other crime that involves bodily injury that is not already included in the required reporting categories. If a hate crime occurs where there is an incident involving Intimidation, Vandalism, Larceny, Simple Assault, or otherbodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document. If there is evidence that the offender was motivated to commit the offense because of their bias against the victim's race, sexual orientation, gender, religion, ethnicity, national origin, gender identity, or disability, the crime is reported in both the hate crime statistic and the campus crime statistics.

2019: No hate crimes reported

2020: No hate crimes reported

2021: No hate crimes reported

CRIMINAL OFFENSE AND CRIME STATISTICS – DOVER-FOXCROFT CAMPUS

No crimes reported in 2019-2021

CRIMINAL OFFENSE AND CRIME STATISTICS – E. MILLINOCKET CAMPUS

No crimes reported in 2019-2021

THE STUDENT'S RESPONSIBILITY

Students must assume responsibility for their own personal safety and the security of their personal belongings by taking simple, common sense precautions. For example, resident hall room doors should be locked at night and when the room is unoccupied. Valuable items such as stereos, cameras, computers, laptops, gaming systems and televisions should be marked with an engraving instrument. Bicycles should be registered with the local police and should be secured with a sturdy lock. Students with cars must park them in their assigned area and are encouraged to keep their vehicles locked at all times. Valuables should be locked in the trunk. Students should report any suspicious looking individuals appearing to be out-of-place in or around the residence halls or campus buildings. Also, any unusual incidents in and around campus buildings should be reported to the security department at (207) 745-6090. Lockers are available in Maine Hall at no cost.

**To report a crime, contact the on duty Security Officer
at: (207) 745-6090**

LINKS AND APPENDICES

APPENDIX A: Campus Map

Campus Map:

https://emcc.college-tour.com/?pk_campaign=Website%20Links&pk_kwd=Website%20Launch

APPENDIX B: Campus Security Authorities

The law defines a Campus Security Authority as “an official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.” People who hold the following positions have been identified by the Academy as a Campus Security Authority:

- Associate Dean of Student Success
- Campus Security Officers
- Director of Campus Safety and Security
- Director of Student Involvement and Residential Life
- Executive Assistant to the President
- Faculty Advisors to Student Organizations
- President
- Resident Assistants
- Resident Directors
- Vice President for Academic Affairs
- Vice President for Advancement
- Vice President for Student Affairs

APPENDIX C:

Policy regarding the possession, use or sale of alcoholic and illegal drugs

All students, faculty and staff should be familiar with the Maine State Laws, the Student Code of Conduct, and Eastern Maine Community College’s policies pertaining to drugs and alcohol. Violation of the laws, codes or policies may result in referral to the alcohol and drug awareness program; termination of residence hall contracts; disciplinary action, including possible dismissal from school programs; and/or legal action.

Students, faculty and staff are not permitted to possess and/or consume alcoholic beverages anywhere on the Eastern Maine Community College campus. This applies to any and all functions open to the public such as entertainment, dances, athletic events, and any out-of-doors activities on any part of the campus. This policy also applies to the residence halls where compliance with the section of the Alcohol Policy is the joint responsibility of the room occupant(s) and any visitor(s). Special community events may have alcohol served, only at the discretion of the College President.

Eastern Maine Community College residence halls are chemical free. Students in violation of this policy may be dismissed from the halls. Intoxication on the campus will not be tolerated. Any person who is observed to be “under the influence” will have disciplinary action taken against him/her.

Due to the statistics concerning drinking and driving and due to the strict drunk driving law in the State of Maine, Eastern Maine Community College is committed to preventing intoxicated persons from driving. Eastern Maine Community College students, staff and faculty are encouraged to do everything possible to prevent an intoxicated person from driving.

Commuters and other guests who visit the residence halls are expected to be familiar with rules and regulations. Intoxication will not be accepted as a defense or excuse for disorderly conduct and/or damage to property on campus.

Students who appear unable to safely use dangerous equipment in the respective technology labs or shops will be asked by faculty to leave the area and may be required, at the request of the faculty, to meet with a counselor for further assessment before being allowed to return to the shop or lab.

Resident Assistants, Resident Directors, the Director of Student Involvement and Residential Life, Security Officers and members of the Eastern Maine Community College administration have the right to inspect bags or packages on campus that they suspect may contain alcohol and/or drugs.

Residents are not allowed to store containers (full or empty) of beer or alcohol in their rooms in the residence halls. Residents are not allowed to display alcohol containers or other alcohol/drug paraphernalia in the windows or on the doors of the rooms. No possession or consumption of controlled substances is permitted on campus in accordance with State Laws. Non-residents may not transport alcohol into the residence halls. This applies to all non-residents regardless of age.

Any individual using illegal drugs (including alcohol for those not legally sanctioned), or abusing legal drugs, will not be exonerated from the legal consequences of their action. An individual is expected to assume responsibility for his/her own behavior while drinking or using any drug and must understand that being under the influence in no way lessens his/her accountability. For more information concerning Eastern Maine Community College's Alcohol and Drug Policy, please see the 2019-2020 Student Handbook by visiting the following link: <https://www.emcc.edu/student-life/resources/student-handbook/>

APPENDIX D

Policies prohibiting sexual misconduct and grievance procedures

CAMPUS SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING POLICY

Policy and Definitions:

Eastern Maine Community College does not tolerate sexual assault, domestic violence, dating violence, or stalking in any form. Our policy prohibits any unlawful sexual act or sexual contact without consent. Violators of this policy will be subject to disciplinary measures as described in the MCCS Student Code of Conduct, up to and including dismissal.

Eastern Maine Community College accepts the following definitions of sexual assault and related terms:

Sexual Assault: sexual assault includes (but does not require) forced sexual penetration. In addition to what is commonly known as rape, sexual assault includes acquaintance rape, forced anal intercourse (sodomy), forced oral sex, and forced penetration of genital or anal openings. Sexual assault may or may not involve coercion.

Sexual assault also occurs when the victim is unconscious or otherwise incapable of resisting and has not consented to the act.

Forced Sexual Contact: the unwanted touching, directly or through clothing, of an intimate part of another person such as a sexual organ, buttocks or breast.

Rape: a form of sexual assault that involves forced sexual intercourse against the will of the victim. Type of force may include physical violence, physical coercion, or the threat of physical harm to the victim. Maine State Law has replaced the crime of "rape" with the crime of "gross sexual assault." Effective August 1993, a new definition for the rape category was established for the Campus Awareness Act of 1990. The rape category now includes forcible rape, forcible fondling, non-forcible incest, and statutory rape.

Acquaintance Rape: sexual assault by a spouse, partner, date, casual friend or acquaintance. Acquaintance rape is as much a serious crime as stranger rape and the same campus rules, criminal laws, and penalties apply to both. Acquaintance rape often occurs out of some level of mutually acceptable sexual activity until, at some point, the victim has stopped consenting and is forced.

Sexual Harassment: sexual harassment is a violation of college policy and civil law that involves unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct related to sex.

Sexual harassment includes any unwelcome sexual attention. It is usually repeated behavior, but could be one serious incident. Sexual harassment may be blatant as:

- Deliberate touching, pinching, caressing
- Attempts to fondle or kiss
- Pressure for dates or sex
- Requests for sex in exchange for grades or promotions

Sexual harassment may also be more subtle - like staring, sexual jokes, teasing, sexually demeaning remarks, starting or participating in rumors of a sexual nature, and using terms of familiarity (honey, dear, sweetie, etc.). Although such forms of harassment may be unintentional, words and behaviors are harassing as they are heard and seen as such by others.

Sexual harassment usually occurs in situations in which one person has power over another; however, it can also occur between equals. Both men and women can be sexually harassed. Sexual harassment can also occur between members of the same sex.

Sexual harassment is a form of sex discrimination that is illegal under federal and state law.

Important Note: Consent can never be assumed. Choosing to be under the influence of alcohol or drugs does not signal consent to sexual activity. Consent to one type of sexual contact does not mean consent to other types of sexual contact during the same or subsequent encounters.

MAINE STATE LAW

Maine State Law states that “gross sexual assault” and “unlawful sexual contact” are serious crimes that result in a criminal record and are punishable by imprisonment and/or monetary fine.

Domestic Violence – Assault against a person who has a certain relationship with another person.

Dating Violence – Controlling, abusive, and aggressive behavior in a romantic relationship.

Stalking - The actor intentionally or knowingly engages in a course of conduct directed at or concerning a specific person that would cause a reasonable person to suffer serious inconvenience or emotional distress; to fear bodily injury or to fear bodily injury to a close relation; to fear death or to fear the death of a close relation; to fear damage or destruction to or tampering with property; or to fear injury to or the death of an animal owned by or in the possession and control of that specific person.

VICTIM’S RIGHTS AND EASTERN MAINE COMMUNITY COLLEGE’S OBLIGATIONS

The wishes of the student who has been sexually assaulted will predominate in any decisions regarding investigation, complaint or prosecution EXCEPT when there is clear danger to one or more members of the campus community because of an assailant or assailants. All colleges including Eastern Maine Community College are required under Federal Law to inform members of the College about violent crimes that occur on campus. It is important to note, however, that only general details regarding the location of the assault and/or description of the assailant will be made available to the college as required.

REPORTING PROCEDURES

Judicial/Legal Option:

Any student has the right to file a complaint through the Student Code of Conduct and/or to pursue criminal charges. Eastern Maine Community College encourages and supports students who do so. This allows the College the opportunity to investigate and prosecute crimes which ensure the well-being of campus community members, to prevent an assailant from assaulting others in the future, and to send a clear signal to anyone who does not understand that such actions constitute a crime. Procedures for on-campus disciplinary actions in cases of alleged sexual assault, domestic violence, dating violence or stalking shall follow the guidelines and/or sanctions outlined in the Student Code of Conduct. This includes all rights and procedures regarding student appeals.

A student has the option of meeting with either the College Affirmative Action Officer to discuss any harassment concerns or the college disciplinary officer, to discuss judicial alternatives without an official report being filed. Eastern Maine Community College staff and faculty can discuss the specifics of a case with family members only if the student gives permission; family members are not routinely notified. It is up to the student whether

he/she decides to file a formal complaint and/or pursue charges.

GETTING HELP FOR VICTIMS IS IMPORTANT

If someone has been sexually assaulted, he/she has been victimized. The assailant is at fault and such behavior is not acceptable. Students are encouraged to tell someone about a sexual assault, domestic violence, dating violence, or stalking. Students should not avoid asking for help because of embarrassment, fear of not being believed, fear of being blamed for the violation, or because the violation occurred off campus. Students have a variety of options for help during a sexual assault crisis as well as after the incident. The options outlined below include resources for emergency, medical and emotional concerns.

CRISIS/EMERGENCY OPTIONS - AVAILABLE 24 HOURS A DAY

Emergency, City of Bangor	911
Rape Response Services	1-800-310-0000
Adult Abuse	1-800-624-8404
Adult Protective Service – Intake	1-800-624-8404
Child Abuse	1-800-452-1999
Info line Emergency Social Svc. Referral	1-800-204-2803
Mental Health	1-800-245-8889
Youth Crisis Stabilization	1-800-499-9130
Abused Women – Spruce Run	1-207-947-0496
Northern Light Health (EMMC)	1-207-973-7000
St. Joseph Hospital	1-207-262-1000
Millinocket Regional Hospital	1-207-723-5161

PERSONAL SUPPORT OPTIONS

Choosing who to tell, and when and how to tell someone, is a vital part of a survivor's recovery process. Recovering from the crisis of a violation can have impact on a student's academic work and class attendance. Victims should be encouraged to seek a counselor to help them through the recovery process.

Important sources of help for residential students on campus are the Director of Residential Life and/or the Resident Directors who have received training. Campus sources of support and help may also include: Campus Psychologist, Disciplinary Officer, faculty, deans, or department chairs.

Any questions concerning this report or to request a copy of this report, please contact:

Elizabeth True
Title IX Coordinator
Eastern Maine Community College

**SEXUAL HARASSMENT AND CONSENSUAL RELATIONS POLICY
GENERAL ADMINISTRATION**

College Senate Chair:

College President:

MCCS 202

EMCC 202

Sexual harassment, a form of sex discrimination, is a violation of state and federal law and a violation of this policy when engaged in by employees or students. For purposes of this policy, “sex” includes gender as well as sexual orientation, gender identity and gender expression. Any Maine Community College System employee or student who violates this policy or the applicable laws will be subject to disciplinary action.

A. Maine Human Rights Act and Title VII of the Civil Rights Act of 1964 - Under the Maine Human Rights Act and Title VII of the Civil Rights Act of 1964, sexual advances, requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature, including conduct based on sex, constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or educational benefits; or
2. Submission to or rejection of such conduct is used as the basis for an employment or education decision affecting an individual; or
3. Such conduct is so severe or pervasive as to have the purpose or effect of substantially interfering with an individual’s academic or work performance or creating an intimidating, hostile or offensive employment, educational or living environment; and
4. A person of reasonable sensibilities would clearly understand that the conduct was unwelcome, harmful or offensive.

MCCS

REFERENCES: 5 M.R.S.A. §4551– §4632, 5 M.R.S.A. §4601–§4604, U.S.C. §2000e, et seq.

REPLACED:

DATE ADOPTED: June 24, 2009

DATE(S) AMENDED: November 29, 2012, January 24, 2018, July 8, 2020 (effective August 14, 2020)

References: MCCS 202

Effective: March 30, 2006

Replaces: All prior policies and procedures

Reviewed: 3/5/2018; 3/8/2021

Page 2

SEXUAL HARASSMENT/CONSENSUAL RELATIONS #202

B. Title IX of the Education Amendments Act of 1972 - Title IX of the Education Amendments of 1972 has similar proscriptions against the same types of unwelcome sexual and sex-based conduct prohibited by Title VII and the Maine Human Rights Act, although with different definitions of the prohibited conduct. Title IX also includes sexual assault, stalking, dating violence and domestic violence within the definition of sexual harassment. Jurisdictional requirements must be met for the conduct to be governed by Title IX.

Under Title IX, sexual harassment is unwelcome conduct based on sex that satisfies one of more of the following:

1. An MCCS employee conditions the provision of an MCCS aid, benefit, or service on an individual's participation in unwelcome sexual conduct.
2. Unwelcome sexual conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to MCCS education programs or activities.
3. Sexual assault, domestic violence, dating violence and stalking as defined by federal law and set forth in MCCS Procedure 202.2.

The alleged conduct also must have occurred against a person in the United States participating or attempting to participate in an MCCS education program or activity at a location owned or controlled by MCCS, and MCCS had substantial control over the alleged perpetrator and the context in which the alleged sexual harassment occurred.

C. Complaints and Investigations - Individuals who believe that they are victims of sexual harassment must contact the Title IX Coordinator to file a complaint. It is the policy of the Maine Community College System to provide fair and impartial investigations, consistent with related MCCS procedures and guidance, that will protect the rights of persons filing sexual harassment complaints, the persons complained against, and the Maine Community College System. All conduct within the scope of Title IX is governed by MCCS Procedure 202.2. All other allegations of sexual harassment are governed by MCCS Procedure 202.1. The Title IX Coordinator will determine the applicable procedure after review of the allegations.

Additionally, individuals may also file a sexual harassment complaint with the Maine Human Rights Commission within 300 days of the alleged incident. Further information is available from the Maine Human Rights Commission at State House Station 51, Augusta, Maine 04333, (207) 287-2326, and/or from the United States Department of Education, Office for Civil Rights, 33 Arch Street, Suite 900, Boston, Massachusetts 02110, tel. 617-289-0111, TTY/TTD 617-289- 0063, and fax 617-289-0150. College

presidents are directed to take appropriate steps to distribute this policy statement and to inform students and employees of procedures for making complaints.

Page 3

SEXUAL HARASSMENT/CONSENSUAL RELATIONS #202

D. Retaliation - It is a violation of this policy to retaliate against a person who in good faith reports or participates in an investigation of sexual harassment. A person may be found responsible for retaliation even if not found responsible for the underlying alleged sexual harassment.

E. False Reports - It is a violation of this policy to intentionally file a report of any kind with a College official when the person knows that such report, by fabrication or material embellishment, is false.

EMCC Policy 501.1 Student Sexual Misconduct and Assault: to define and proscribe non-consensual sexual activities between students.

MAINE COMMUNITY COLLEGE SYSTEM

STUDENT AFFAIRS
Section 501.1

SUBJECT: STUDENT SEXUAL MISCONDUCT AND ASSAULT

PURPOSE: To define and proscribe non-consensual sexual activities between students

A. Introduction

Certain sexual activities can produce emotional and physical distress and constitute violations of criminal law. Other sexual activities can produce significant regrets or misunderstandings. The purposes of this procedure are to notify students of their responsibilities when engaging in sexual activities, and to protect students from those who do not meet these responsibilities. This procedure supplements the MCCS Student Code of Conduct (“Code”) by defining the non-consensual sexual activities that constitute violations of the Code; explaining the procedures that will apply to the handling of such alleged violations; and providing important additional information to all students. The intention is to inform students in detail of their responsibilities under the Code, and to assist the Colleges in investigating and resolving cases alleging such violations.

B. Personal Responsibilities

In addition to the responsibilities students have under the Code of Conduct and this procedure, students are strongly advised to heed numerous other personal responsibilities. In order to avoid the problems identified above, as well as problems related to unwanted pregnancies, sexually transmitted diseases and other personal difficulties, all students are advised to:

1. Pursue or permit sexual activities of any kind only with a person with whom there is an established relationship;
2. Pursue or permit sexual activities of any kind only while not under the influence of drugs or alcohol; and
3. Communicate expressly, at the time of possible sexual activities, their respective desire, comfort and clear agreement to engage in any sexual activities at such time, and communicate the specific activities to which they consent.

C. Definitions

For purposes of this procedure, the following terms have the following meanings.

1. **“Reliable Consent”** means a person’s:
 - a. Voluntary agreement;
 - b. Communicated by words;
 - c. At the time of the sexual activity;
 - d. To engage in each of the sexual activities at issue in a given case.

Such agreement must be expressly requested and, if given, expressly stated. Current agreement must not be assumed or inferred from previous instances when reliable consent was given by the Complainant. Agreement from a person who is visibly intoxicated or otherwise impaired shall not be regarded as reliable consent. Agreement to engage in one sexual activity (such as a touching) is not agreement to engage in a different sexual activity (such as an act). Agreement can be withdrawn at any time and, if so withdrawn, the sexual activity shall stop.

2. **“Acquiescence”** means a person’s submission to engaging in one or more sexual activities without communicating either an express verbal agreement or an express physical or verbal objection.
3. **“Sexual misconduct”** means the following where there is no reliable consent:
 - a. **“Sexual touching,”** which means any intentional touching of the breasts, buttocks, groin or inner thigh, directly or through clothing, and for the purpose of arousing or gratifying sexual desire; or
 - b. **“Sexual contact,”** which means any intentional touching of the genitals or anus, directly or through clothing, other than as would constitute a sexual act, for the purpose of arousing or gratifying sexual desire or for the purpose of causing bodily injury or offensive physical contact; or
 - c. **“Sexual act,”** which means any intentional act done for the purpose of arousing or gratifying sexual desire when that act involves direct physical contact between the:
 - 1) Genitals of one and the mouth or anus of another; or
 - 2) Genitals of one and the genitals of another; or
 - 3) Genitals or anus of one and an instrument or device manipulated by another person.
4. **“Sexual assault”** means any sexual misconduct as defined above where, at the time of the sexual activity, the Complainant:
 - a. Expressly communicated by words or physical act(s) a timely objection; or
 - b. Was visibly intoxicated or otherwise visibly impaired; or
 - c. Was unconscious, incapacitated, or otherwise unaware that sexual activity was occurring or about to occur; or
 - d. Was placed in reasonable fear of physical injury or other harm because of the Respondent’s use or threatened use of physical force or other harm.
5. **“Complainant”** means a person who believes he or she experienced sexual misconduct or assault by student.
6. **“Respondent”** means a student accused of sexual misconduct or assault.

7. **“Retaliation”** means pressuring a person to drop or support a complaint or to provide false or misleading information; pressuring a person to participate or refrain from participating as a witness in a proceeding; or engaging in conduct that may reasonably be perceived to affect adversely that person's educational, living, or work environment for making a good-faith report or participating in good faith in an investigation.

D. Prohibited Conduct

It is a violation of the Student Code of Conduct for a student to intentionally engage in sexual misconduct or sexual assault, or to retaliate against a person who in good faith reports or participates in an investigation under this procedure. A student may be found responsible for retaliation even if not found responsible for the underlying alleged sexual misconduct or assault.

E. Reports to a College

1. **When to Report.** Students are advised to report allegations of sexual misconduct or sexual assault immediately or as soon as possible.
2. **Where to Report.** To ensure the most prompt response, reports should be given to the Dean of Students and/or Enrollment Services. Any other employee who receives such a report shall immediately share the report with the Dean of Student and/or Enrollment Services.
3. **What to Report.** A complaint may be made orally or in writing, and should be as specific as possible. A report should disclose the identity of the person(s) alleged to have engaged in the sexual misconduct or sexual assault, and the location(s), date(s) and description of the alleged acts. A College cannot take complaints “off the record.” Once a College receives such information, it has a duty to investigate and possibly take action even if, at the time of the complaint, the Complainant does not want the College to do either. Unless the Complainant signs a written statement specifying withdrawal of the complaint, the Complainant may not be deemed to have withdrawn her or his complaint.
4. **False Reports.** It is a violation of the Code for any student to intentionally file a report of any kind with a College official when the student knows that such report, by fabrication or material embellishment, is false.

F. Information Provided to a Complainant at the Time of a Report

At the time of a report to the Dean of Student and/or Enrollment Services, the College shall provide to the Complainant a copy, or hypertext links to copies, of the Code, this Procedure and the Appendices to this Procedure. Students are hereby advised of the following:

1. **Preserving Evidence.** It is important to preserve physical evidence in order to help prove a criminal sexual assault, stalking, domestic violence, other acts of violence occurring within a dating relationship, or to help obtain a protective order;

2. **Confidentiality.** The College uses best efforts to protect the confidentiality of the identity and allegations involved in a report, including keeping all records confidential to the extent permissible by law. Information regarding sexual misconduct or assault reports, and any investigation or review of those reports, including sanctioning determinations, will be shared among College officials with a legitimate educational interest or with external individuals or entities only on a need-to-know basis and only as permitted by College policy and applicable law. A College will be required to disclose the Complainant's name, statements and allegations to the Respondent. A College may choose to comment publicly, in writing or otherwise, to the extent permitted by law, regarding the decision reached if, in the judgment of the College, the best interests of the community would be served by such a disclosure. If possible and appropriate, the anonymity of the student(s) involved will be protected;
3. **Counseling, Health and Mental Health Services.** Counseling, health and mental health support services are available either on campus or in the area. A list of such services is attached in the *Appendix* to this procedure;
4. **Law Enforcement.** The complainant has the right to contact, and file a criminal complaint with, the police. A list of such authorities is attached in the *Appendix*. The police can advise and assist with the Complainant's option to request from a court that a temporary or permanent restraining order, or other protection or no-contact order be issued against an alleged offender; and
5. **Victim Advocacy and Legal Assistance Services.** Victim advocacy and legal assistance services are also available. A list of such services is attached in the *Appendix*.

G. Investigations

The College shall use the Code of Conduct in conducting an investigation of reports or allegations of sexual misconduct or sexual assault.

H. Interim Steps While an Investigation is Conducted

A College shall consider what interim steps, if any, should be taken until the investigation and findings are complete. Such steps include, for example, changing the affected student(s) academic, living, transportation, and working situations if requested and reasonably available.

I. Participation during Proceedings

Consistent with the Code, both the Complainant and the Respondent shall have the same opportunity to have others present during internal disciplinary proceedings, including the opportunity to be accompanied to related meetings by an advisor of their choice.

J. Outcomes

At the time that the College makes its final findings, the College shall in writing notify simultaneously the Complainant and Respondent of:

1. Whether the Respondent was found to violate the Code and, if so, the provisions violated and discipline imposed; and
2. The Respondent's and Complainant's rights under the Code to appeal the findings and any discipline.

K. Discipline

A violation of this procedure shall result in discipline under the Code. Because of the wide range that can exist between cases of violent misconduct and cases of poor communication, the following guidelines shall assist Colleges in determining the appropriate discipline for each case.

1. **Sexual Assault vs. Sexual Misconduct.** Findings of sexual assault shall be regarded as more severe than findings of sexual misconduct.
2. **Types of Sexual Misconduct.** Findings of a sexual act shall be regarded as a more severe form of sexual misconduct than findings of sexual contact, and findings of sexual contact shall be regarded as a more severe form of sexual misconduct than findings of sexual touching.
3. **Cases of Acquiescence.** Findings that a student did not obtain express verbal agreement and instead relied upon mere acquiescence shall be regarded as important but less severe than cases involving sexual assault.
4. **Repeat Violators.** Findings that a student was previously found responsible for sexual misconduct or sexual assault shall be regarded as more severe than a first-offender.

L. Retaliation

The College will take appropriate steps to ensure that a person who in good faith reports or participates in an investigation under this procedure will not be subjected to retaliation by the Respondent or others. Anyone who has experienced retaliation is strongly encouraged to report that concern using the procedures in *Section C* above.

M. Protective Orders

Complainants have the right to request from a court that a temporary or permanent restraining order, or other protection or no-contact order be issued against an alleged offender. Only the police, and not College security, have the authority to enforce such an order by arresting a person who violates the order. The Complainant should, therefore, promptly inform the Dean of Student and/or Enrollment Services if such an order is obtained so that the College may be better prepared to more promptly contact the police if necessary.

N. Primary Authority and Annual Training

The Dean of Student and/or Enrollment Services at each college shall have primary responsibility for overseeing the application of this procedure. The Deans shall ensure that Disciplinary Officers, Resident Directors, Resident Assistants, Disciplinary Committee Members and other pertinent employees are annually informed about this procedure. The Deans shall

further consult with the MCCS General or Assistant Counsel on questions arising under, or recommendations to improve, this procedure.

O. Other

Nothing in this procedure shall be construed to confer a private right of action upon any person to enforce the provisions of this procedure.

P. Appendices

The Appendix of services and authorities referenced in *Section F* above is attached to this procedure.

REFERENCES: 20-A M.R.S.A. §12706(7); The Campus SaVE Act (§304 of the re-authorized Violence Against Women Act of 2013 (VAWA); 20 U.S.C. §1092(f)(8) (Clery); MCCS Policies 501 and 807; MCCS Procedure 501.2

DATE ADOPTED: June 24, 2014

DATE(S) AMENDED:

APPENDIX

SEXUAL ASSAULT SUPPORT SERVICES

Maine Coalition Against Sexual Assault (MeCASA)

24 hour statewide sexual assault crisis and support line
1-800-871-7741 (voice) 711 (Maine Relay)

The regional sexual assault crisis and support centers that comprise the Maine Coalition Against Sexual Assault are:

Sexual Assault Response Services of Southern Maine

York and Cumberland Counties
24 hour support line: 1-800-313-9900
www.sarsonline.org

Sexual Assault Support Services of Midcoast Maine

Eastern Cumberland, Lincoln, Sagadahoc, Knox and Waldo Counties
24 hour support line: 1-800-822-5999
Anywhere in Maine: 1-800-871-7742
TTY: 1-888-458-5599
www.sassmm.org

Sexual Assault Prevention & Response Team

Androscoggin, Franklin and Oxford Counties, and the Towns of Bridgton and Harrison
24 hour helpline: 1-888-458-5599
TTY: 1-888-458-5599
www.sapars.org

Sexual Assault Crisis & Support Center

Kennebec and Somerset Counties
24 hour support line: 1-800-871-7741
www.silentnomore.org

Rape Response Services

Penobscot and Piscataquis Counties
24 hour hotline: 1-800-310-0000
TDD: 1-888-458-5599
www.rrsonline.org

AMHC Sexual Assault Services

Aroostook, Hancock & Washington Counties
(207)-498-6431
www.amhc.org

United Somali Women of Maine

Androscoggin and Cumberland Counties
(207) 753-0061
www.uswofmaine.org

Other Maine-based Sexual Violence Services

Maliseet Domestic Violence and Sexual Assault Program
(207) 532-6401

Penobscot Nation, Domestic Violence and Sexual Assault Services
(207) 817-7498

Passamaquoddy Peaceful Relations
1-877-853-2613

National Resources

National Sexual Assault Hotline: 1-800-656-HOPE

National Sexual Assault Online Hotline : <https://ohl.rainn.org/online/>

For a list of resources with particular focus on the needs of LGBTQ persons,
see: <http://barcc.org/information/resources-online/glb>

POLICE DEPARTMENTS

Central Maine Community College

Auburn Police Department
60 Court Street
Auburn, Maine 04210
(207) 333-6650

Southern Maine Community College

South Portland, Maine
30 Anthoine Street
South Portland, Maine 04106
(207) 799-5511

Eastern Maine Community College

Bangor Police Department
240 Main Street
Bangor, Maine 04401
(207) 947-7382

Washington County Community College

Calais Police Department
North Street
Calais, Maine 04619
(207) 454-2751

Kennebec Valley Community College

Fairfield Police Department
One Police Plaza
Fairfield, Maine 04937
(207) 453-9321

York County Community College

Wells Police Department
1563 Post Road
Wells, Maine 04090
(207) 646-9354

Northern Maine Community College

Presque Isle Police Department
(207) 764-4476
43 North Street, Suite 2
Presque Isle, Maine 04769

MEDICAL HOSPITALS

Blue Hill Memorial Hospital

57 Water Street, Blue Hill, Maine 04614
(207) 374-3400
<http://www.bhmf.org>

Bridgton Hospital

10 Hospital Drive, Bridgton, Maine 04009
(207) 647-6000
<http://www.bridgtonhospital.org/>

C.A. Dean Memorial Hospital

364 Pritham Avenue, Greenville, Maine 04441
(207) 695-5200
<http://www.cadean.org/>

Calais Regional Hospital

24 Hospital Lane, Calais, Maine 04619
(207) 454-7521
<http://www.calaishospital.com/>

Cary Medical Center

163 Van Buren Road, Suite #1, Caribou, Maine 04736
(207) 498-3111
<http://www.carymedicalcenter.org/>

Central Maine Medical Center

300 Main Street, Lewiston, Maine 04240
(207) 795-0111
<http://www.emmc.org>

Down East Community Hospital

11 Hospital Drive, Machias, Maine 04654
(207) 255-3356
<http://www.dech.org/>

Eastern Maine Medical Center

489 State St., Bangor, Maine 04402
(207) 973-7000
<http://www.emmc.org>

Franklin Memorial Hospital

111 Franklin Health Commons, Farmington, Maine 04938
(207) 778-6031
<http://www.fchn.org/>

Houlton Regional Hospital

20 Hartford Street, Houlton, Maine 04730
(207) 532-2900
<http://www2.houltonregional.org/>

Inland Hospital

200 Kennedy Memorial Drive, Waterville, Maine 04901
(207) 861-3000
<http://www.inlandhospital.org/>

LincolnHealth

35 Miles St., Damariscotta, Maine 04543
(207) 563-1234
<http://www.lchcare.org>

Maine Coast Memorial Hospital

50 Union Street, Ellsworth, Maine 04605
(207) 667-5311
<http://www.mainehospital.org>

MaineGeneral Medical Center

35 Medical Center Parkway, Augusta, Maine 04330
(207) 626-1000
<http://www.maine-general.org/>

Maine Medical Center

22 Bramhall Street, Portland, Maine 04102
(207) 662-0111
<http://www.mmc.org/>

Mayo Regional Hospital

897 West Main Street, Dover-Foxcroft, Maine 04426
(207) 564-8401
<http://www.mayohospital.com/>

Mercy Hospital

144 State Street, Portland, Maine 04101
(207) 879-3000
<http://www.mercyhospitalstories.org/>

Mid Coast Hospital

123 Medical Center Drive, Brunswick, Maine 04011
(207) 729-0181
<http://www.midcoasthealth.com/>

Millinocket Regional Hospital

200 Somerset Street, Millinocket , Maine 04462
(207) 723-5161
<http://www.mrhme.org>

Mt. Desert Island Hospital

10 Wayman Lane, Bar Harbor, Maine 04609
(207) 288-5081
<http://mdihospital.org/site/>

Northern Maine Medical Center

194 East Main Street, Fort Kent, Maine 04743
(207) 834-3155
<http://www.nmmc.org/>

Parkview Adventist Medical Center

329 Maine Street, Brunswick, Maine 04011
(207) 373-2000
<http://www.parkviewamc.org>

Pen Bay Medical Center

6 Glen Cove Drive, Rockport, Maine 04856
(207) 596-8000
<http://www.penbayhealthcare.org/penbaymedicalcenter/>

Penobscot Valley Hospital

Box 368, Lincoln, Maine 04457
(207) 794-3321
<http://www.pvhme.org/>

Redington-Fairview General Hospital

46 Fairview Avenue, Skowhegan , Maine 04976
(207) 474-5121
<http://www.rfgh.net/>

Rumford Hospital

420 Franklin Street, Rumford, Maine 04276
(207) 369-1000
<http://www.rumfordhospital.org/>

Sebasticook Valley Health

447 North Main Street, Pittsfield, Maine 04967
(207) 487-4000
<http://www.sebasticookvalleyhealth.org/>

Southern Maine Health Care-Sanford Medical Center

25 June Street, Sanford, Maine 04073
(207) 283-7000
<http://www.smmc.org/>

St. Joseph Hospital

PO Box 403, Bangor, Maine 04401
(207) 262-1000
<http://www.stjoeshealing.org>

St. Mary's Regional Medical Center

P.O. Box 291, Lewiston, Maine 04243
(207) 777-8100
<http://www.stmarysmaine.com/>

Stephens Memorial Hospital

181 Main Street, Norway, Maine 04268
(207) 743-5933
<http://www.wmhcc.org>

The Aroostook Medical Center

140 Academy Street, Presque Isle, Maine 04769
(207) 768-4000
<http://www.tamc.org/>

Waldo County General Hospital

PO Box 287, Belfast, Maine 04915
(207) 338-2500
<http://www.wcgh.org/index.html>

York Hospital

15 Hospital Drive, York, Maine 03909
(207) 363-4321
<http://www.yorkhospital.com/>

LEGAL SERVICES

Pine Tree Legal Services

Free legal services for low –income Maine residents
for non-criminal matters

Augusta Office

Somerset, Lincoln and Knox Counties
39 Green Street
P.O. Box 2429
Augusta, Maine 04338-2429
(207) 622-4731 or (207) 623-7777

Bangor Office

Penobscot, Piscataquis and Waldo
115 Main Street, 2nd floor
Bangor, Maine 04401
(207) 942-8241

Lewiston Office

Androscoggin, Oxford and Franklin
37 Park Street, Suite 401
Lewiston, Maine 04243-0398
(207) 784-1558

Machias Office

Washington and Hancock
13 Cooper Street
P.O. Box 278
Machias, Maine 04654
(207) 255-8656

Cumberland Legal Aid Clinic

A legal aid clinic operated by the University of
Maine School of Law. Services provided to low-
income individuals with legal cases in Southern
Maine courts (Cumberland, parts of York,
Sagadahoc and Androscoggin counties) for most
types of civil, criminal, juvenile and family
matters.

Greater Portland area – (207) 780-4370
Toll free: (877)-780-2522
[http://mainelaw.maine.edu/programs-
centers/clac.html](http://mainelaw.maine.edu/programs-centers/clac.html)

Portland Office

Cumberland, York, Sagadahoc,
Androscoggin, Oxford, Franklin, Lincoln
and Knox
88 Federal Street
P.O. Box 547
Portland, Maine 04112
(207) 774-8211

Presque Isle Office

Aroostook County
373 Main Street
Presque Isle, Maine 04769
(207) 764-4349

All Offices

TTY: 711
<http://www.ptla.org>

Maine Lawyer Referral Service

A referral service operated by the Maine State Bar Association.

1-800-860-1460
<http://www.lrs@mainebar.org>

Maine Volunteer Lawyers Project

Free legal information and pro bono legal representation for qualifying low-income individuals state-wide.

Portland: (207) 774-4348
Toll free: (800)-442-4293
<http://www.vlp.org>

MAINE COMMUNITY COLLEGE SYSTEM

HEALTH AND SAFETY Section 803

SUBJECT: FIREARMS

PURPOSE: To regulate the possession on MCCS property

A. Rationale

The Board of Trustees accepts the recommendation of law enforcement that ready access to firearms by a person in distress contributes significantly to the likelihood of violence. The trustees also recognize the dangers posed by the accidental or careless discharge of a firearm on property owned, operated or occupied by the MCCS. This policy shall be enforced in good faith for the purpose of furthering safety on each campus.

B. Definitions

For purposes of this policy, the following terms have the following meanings:

1. “Firearm” means any weapon, whether loaded or unloaded, which is designed to expel a projectile by the action of an explosive and includes any such weapon commonly referred to as a pistol, revolver, rifle, gun, semi-automatic gun, machine gun, shotgun or any other weapon that can be made into a firearm by inserting a firing pin, or other similar thing, or by repair;
2. “Possession” means ownership, care, custody or control whether concealed or in plain view; and
3. “Property” means all colleges, campuses, off-campus centers, buildings, parking lots and all other grounds owned, operated or occupied by an entity of the MCCS.

C. Regulation

Pursuant to 20-A M.R.S.A. §10009, no person other than those specified below may possess a firearm on property owned, operated or occupied by a college and/or the System. This prohibition includes residence halls and motor vehicles parked on such property. This prohibition also includes any concealed weapon because a concealed carry permit does not authorize firearm possession in a location where, as under §10009, possession has been lawfully prohibited pursuant to express statutory authority. Persons who violate this policy may be subject to removal, discipline and/or other lawful remedies.

This regulation shall not apply to:

1. Law enforcement officials; and
2. Supervised educational program personnel expressly approved in advance by a college president.

D. Use of Storage at Local Police Stations

A college or other M CCS location may not store firearms other than as a temporary or interim safety precaution. Each college should determine whether firearm storage for persons attending or visiting an M CCS property is available at a local police station and/or place of business, and advise accordingly those persons who seek such storage.

E. Notice

Each M CCS location shall provide at each location notice of this policy by publications, website and/or signage.

REFERENCES: §12706 (1) and (13); 20-A M.R.S.A. §10009 (superceding P.L. 2007, ch. 67 which amended 20-A M.R.S.A. §6552); 17-A M.R.S.A. §2 (12-A)

DATE ADOPTED: June 24, 2009

DATE(S) AMENDED: May 3, 2013

APPENDIX F: Student Code of Conduct

MAINE COMMUNITY COLLEGE SYSTEM

STUDENT AFFAIRS Section 501

SUBJECT: STUDENT CODE OF CONDUCT

PURPOSE: To establish a uniform Student Code of Conduct

The colleges of the MCCS shall use the following Student Code of Conduct.

I. Purpose of Code

The College requires students to conduct their affairs with proper regard and mutual respect for the College and the members of its community. In seeking to encourage responsible conduct, the College will rely upon counseling and admonition. When necessary, the College will use this Code in a prompt, fair and impartial manner to: 1) ensure the orderly administration of the College's academic, athletic and social offerings; 2) secure the opportunity of all students to pursue peacefully their educational objectives; 3) protect the health, safety and welfare of the College and the members of its community; and 4) maintain and protect the real and personal property of the College and the members of its community.

This Code applies *in addition* to other College and System policies and regulations, local ordinances, and state and federal laws. Students whose conduct violates those authorities may also be subject to their sanctions and penalties. Finally, the Residence Hall Agreement between a student and the College imposes similar but additional responsibilities and obligations, and students whose conduct violates both that Agreement and this Code may be disciplined by the College under either or both.

II. Persons Governed by Code

As used in this Code, "student" means any person who a) has been notified of admission to a College; b) is taking courses or otherwise pursuing studies at or through a College; c) has a continuing relationship with a College even if not officially enrolled for a particular term; or d) has withdrawn from a College while a disciplinary matter is pending.

This Code applies to students and to organizations that are student organizations at the time of the alleged conduct. Students and student organizations are also responsible for the conduct of their guests, and this Code may be invoked against students and student organizations whose guests violate the Code. When a student is alleged to have violated the Code at a College other than the College in which the student is enrolled, the violation will be referred for disposition to the student's campus of enrollment.

III. Conduct Governed by Code

This Code applies to conduct, wherever it occurs, that: 1) involves the real property owned, occupied or otherwise used by the College; 2) involves the personal property owned, occupied or

used by the College community; 3) involves a College or College-related activity, event or function; 4) poses an imminent or substantial threat to persons or property in the College community; and/or 5) otherwise interferes with the objectives or adversely affects the interests of the College or members of its community. Examples of violations of this Code include, but are not limited to:

- A. **Fraudulent conduct**, which includes, but is not limited to: 1) supplying or assisting to supply false information to College personnel; 2) violating a professional code of conduct or ethics; 3) unauthorized representation of the College or its personnel; 4) failing to identify oneself to College personnel; and/or 5) tampering with or falsifying official documents or records.

Allegations of plagiarism, cheating and other forms of academic misconduct shall first be handled pursuant the MCCS policies on academic misconduct and/or student issues arising at clinical affiliates which provide(s) for specific procedures and sanctions. Once the procedures and sanctions of those policies have been applied, the provisions of this Code shall apply.

- B. **Conduct that disregards the welfare, health or safety of the College community**, which includes, but is not limited to: 1) assault, harassment or intimidation; 2) false reports of fire or other dangerous conditions; 3) unauthorized use or possession of weapons, explosive components or chemicals, including fireworks, firearms, explosives, gas or compressed air; 4) disturbing authorized activities or the peaceful operation of the College; 5) use, possession, sale or distribution of alcoholic beverages or drugs as prohibited by law or College policy; 6) being under the influence or knowingly in the presence of drugs or alcohol while on College property or at College related events; 7) action prohibited by health or safety regulations; 8) creation of a fire hazard or other dangerous condition; 9) restriction of vehicular or pedestrian traffic flow into or out of College property or facilities; 10) action that produces mental or physical discomfort, embarrassment, harassment or ridicule to any member of the College community; 11) intentionally placing a person or persons in reasonable fear of physical harm; 12) lewd or indecent behavior; 13) tampering with fire or safety equipment; 14) parking violations; 15) disobeying the lawful order of College personnel; and/ or 16) any other conduct that threatens or endangers the health or safety of one's self or others.
- C. **Sexual Misconduct and Sexual Assault**, as defined in and governed by the MCCS Student Sexual Misconduct and Assault Procedure.
- D. **Improper use of property**, which includes but is not limited to 1) misuse, destruction, defacement or unauthorized requisition, removal or use of College or College community property; 2) unauthorized presence on College property; and/or 3) violation of College or System computer use policies.

- E. Other conduct that interferes with the orderly business of the College**, which includes, but is not limited to 1) interference with or interruptions of classes and other college activities; 2) failure to comply with a sanction or special terms and conditions of admission, enrollment and/or participation imposed by the College; 3) interference or refusal to cooperate with an inquiry under the Code; 4) continuous violations of the Code; 5) aiding, abetting or inciting others to commit or cover-up a violation of the Code; 6) retaliation against a person for reporting an alleged violation of the Code; 7) acts of discrimination in violation of College or System policy; 8) conduct prohibited by civil or criminal law (including, but not limited to, acts of domestic violence, stalking and other acts of violence occurring within a dating relationship); 9) conduct that constitutes “special circumstances” as set forth in MCCS Policy 504, Section B.3.a-g; and/or 10) conduct prohibited by College or System policy.

IV. Sanctions for Code Violations

Students who violate this Code may be subject to one or more sanctions which include, but are not limited to: 1) an apology; 2) reprimand; 3) probation; 4) work or service requirement; 5) restitution; 6) fine; 7) prohibition from College classes, functions or facilities; 8) special terms and conditions of enrollment and/or participation; 9) forfeiture of room fee, room deposit and security deposit; 10) suspension or dismissal from a portion of the College; 11) suspension or dismissal from the whole of the College; 12) revocation of admission or a degree; 13) withholding a degree; and/or 14) any other action as the College deems appropriate. The Dean of Students may suspend immediately a student if the Dean determines that the student’s presence at the College poses an imminent threat of harm to self or others, or to property in the College community. Such suspension shall take effect when so designated and may not be stayed pending appeal unless otherwise determined by the College President.

V. Procedure

A. General

In applying the provisions of this Code, MCCS accords students alleged to have violated this Code the following opportunities. First, students have the opportunities to be advised of the charges and the nature of the evidence against them, and be heard before an impartial decision-maker. Second, students have the opportunities to have sanctions based on substantial evidence (a standard of “more probable than not”); the decision explained in writing; and, in a Stage Two proceeding, have questions asked of opposing witnesses. Finally, students have the opportunities to be assisted by a person who may observe the proceeding and advise the student, but who may not speak on behalf of the student or otherwise participate in the proceeding. In cases where suspension or dismissal is likely or where criminal charges are pending, such an assistant may be an attorney, but such an attorney shall not be at the college’s expense.

B. Stage One

The College Dean of Students (“Dean”) and/or Disciplinary Officer (“Officer”) (collectively “Investigator”) shall investigate alleged violations of this Code. Such inquiries shall include notice to the student of the: 1) complaint; 2) Code sections that may have been violated; and 3) possible sanctions that may be imposed. The student shall be given an opportunity to be interviewed.

The Investigator may consider any information that the Investigator believes may be relevant and reliable information in determining whether it is more probable than not that the alleged conduct occurred, and that such conduct violated the Code. Upon concluding the inquiry, the Investigator shall notify the student in writing of the Investigator’s findings of fact, Code provision(s) violated, if any, and a sanction(s), if any. The Investigator’s decision shall take effect when so noted. Sanctions, other than interim suspension, may, in the discretion of the Dean, be stayed during any appeal. The Dean, but not an Officer, may at this stage impose a sanction of dismissal or suspension.

C. Stage Two

A student who does not accept discipline imposed at Stage One may request a Stage Two proceeding. A person materially affected by the alleged Code violation (such as the victim of the alleged conduct) may request a Stage Two proceeding in order to review a Disciplinary Officer’s decision either to dismiss or impose a relatively low sanction in the case.

1. Request

A request for a Stage Two proceeding must be submitted in writing to the Dean within two (2) school days following the day the student receives the Investigator’s written decision, and must state specifically the grounds for the request. A student who fails to file a proper and timely request may be deemed to have waived the right.

2. Committee

A Stage Two proceeding shall be heard by a Disciplinary Committee (“Committee”) which shall consist of at least three and not more than five members, each appointed by the College President. At least one member should be a faculty member and one member may be a student. The President shall appoint a Chair.

3. Hearing

After receiving the student’s request, the Committee Chair shall notify the student, Dean and/or Officer of the time and location for the hearing. A hearing shall be held as soon as practical and shall proceed as follows: The Committee Chair shall preside; the Dean and/or Officer will present the charges, information and findings against the student; the student will respond to the case presented by

the Dean and/or Officer; and the Dean and/or Officer and student may then each summarize orally their position.

All or a portion of the hearing may, at the discretion of the Committee, be closed to persons other than those recognized by the Chair. If a student does not attend the hearing, the Committee may commence the hearing or continue the hearing to a later time or date. Only the members of the Committee may pose questions to the witnesses or parties. The Committee is not bound by court rules of evidence or procedure.

4. Decision

The Committee will convene in closed session to find facts and determine any Code violation(s). The Committee may consider any relevant and reliable information in determining whether it is more probable than not that the alleged conduct occurred, and that such conduct violated the Code. The Committee is not bound by the Investigator's findings and sanctions. The Committee may impose any appropriate sanction up to and including dismissal. Disciplinary sanctions imposed by the Committee take effect immediately unless otherwise specified. A majority of Committee members present and voting will prevail.

D. Stage Three

A student may appeal to the College President only a Committee sanction of suspension or dismissal from the College. Such appeal must be submitted in writing to the President within two (2) school days following the day when the student receives the Committee's written decision, and must state specifically the grounds for appeal. Such appeals shall be limited to the Committee's procedures and the appropriateness of the sanction. A student who fails to file a proper and timely appeal may be deemed to have waived the right to appeal. The President may also grant a request by a person materially affected by the alleged Code violation to review a decision of the Disciplinary Committee to dismiss a case or to impose a relatively low sanction. In all cases, the President shall issue a written decision as soon as practical after the hearing. The President is not bound by the decisions of either the Investigator or Committee.

VI. Notice and Receipt of Notice

A College may provide a notice under this Code to a student either in person or to the student's most recent electronic, campus or U.S. mail address on file at the College. A student will be deemed to have received such notice immediately when informed in person; within 24 hours when notified by electronic or campus mail; and within 72 hours of the date of mailing when notified by U.S. mail. In all instances, a student has an affirmative duty to remain in contact with the College while a matter is pending under this Code.

VII. Coordination of this Code with the MCCS Policy on Special Conditions

When the student conduct at issue involves “special circumstances” as described in MCCS Policy 504, the College may seek guidance from the provisions of that policy.

VIII. Certain Athletic Determinations

The provisions of this Code apply to misconduct related to participation in athletics. The procedures of this Code do not, however, apply determinations of whether a student may be a member of, or receive playing time for, a college athletic team because the student has engaged in conduct detrimental to the team. Those determinations shall be made by the coach, provided that the affected student may appeal the coach’s decision to the College Dean of Students.

For purposes of this provision, “conduct detrimental to the team” includes, but is not limited to, conduct that is unsportsmanlike to fans, officials or opposing coaches or players; disruptive to practices and other team events; brings disruption or disrepute to the team through misconduct or violations of law, College or System policy; or is otherwise contrary to the principles taught through athletic competition, such as reliability, diligence, commitment, teamwork and the willingness to take seriously the duty to represent the College honorably during competition. Each College may adopt a more specific definition of “conduct detrimental to the team” that furthers the educational purposes of athletic competition.

IX. Traffic Violations

A student violation of a rule governing a moving, parked or standing vehicle on property owned, operated or under the control of the MCCS shall be processed under this Code only if the sanction sought by a college is suspension or expulsion from college for that violation. In all other cases, a college shall provide a process that permits a student an informal opportunity to contest the alleged violation before a person designated by the college to hear such contests.

X. Definitions

The following terms have the following meanings when used in this Student Code of Conduct, unless the context indicates otherwise:

“**Code**” means this Student Code of Conduct; “**College**” means a college of the Maine Community College System; “**College Activity**” means an activity under the auspices of the College, including activities of students and student organizations; “**College Community**” means any person or organization that attends, performs services for, is employed by, visits or otherwise uses the College; “**College Personnel**” means any instructor, administrator, employee, committee or contractor of the College or System; “**Course**” means any class of instruction, regardless of credit, offered by the College; “**President**” means a College President; “**Property**” means the real and personal property controlled through ownership, rental, charter or other means by the System, College, State of Maine or a member of the College Community. “Property” includes written documents and computer programs, files and resources; “**School Day**” means a day that the College is open for instruction; “**Student Organization**” means an

organization that acts or purports to act for a student in matters regarding the College;
and “**System**” means the Maine Community College System.

REFERENCES: 20-A M.R.S.A. §12706(7); *MCCS Policy 504*

DATE ADOPTED: June 24, 2009

DATE(S) AMENDED: April 28, 2010; June 22, 2011; May 3, 2013; June 25, 2014; June 21,
2017