



PROCEDURE ON SEXUAL ASSAULT

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 taken into account 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 with the Dean of Students.

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 (800) 871-7741.

EMCC's standards of conduct and the student disciplinary process are outlined in the Student Code of Conduct and are prompt, fair, and impartial. The College's procedures for disciplinary action in cases that involve sexual offenses comply with the Higher Education Amendment (HEA) of 1992. In those cases required by the HEA, the accuser and the accused are entitled to the same opportunity 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 the Dean of Student Affairs at (207)974-4673. Maine law prohibits conduct that falls within the broad definitions of sexual violence and intimate partner violence, as well as stalking. These categories of conduct are similar to those prohibited by Title IX, but the definitions differ. In addition, unlike Title IX, these categories are not included within the state definition of sexual harassment. The definitions of sexual violence, intimate partner violence and stalking as defined by Maine law are set forth below and in Procedure 202.2.



COLLEGE PROCEDURES FOR INVESTIGATING AND RESOLVING A SEXUAL MISCONDUCT COMPLAINT

Below is a summary of the process for allegations that meet the Title IX or Maine State Law definition of sexual misconduct. 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.
- Policy 202.2 provides the full definitions according to Title IX and Maine State Law.

Students, faculty, and staff are advised to report allegation of sexual harassment immediately, or as soon as possible. Reports can be made via mail, email, phone, web form, or in person. Reports should be made to the Title IX Coordinator, Elizabeth True at etrue@maineccc.edu or (207)974-4673 or to the Confidential Resource Advisor

A Confidential Resource Advisor (CRA) is a valuable source of information for emergency and ongoing support services, available to both students and employees. Seeking services from a CRA does not constitute a report, complaint or notice to the college of the alleged misconduct and does not initiate any action by the college. Further, the CRA is prohibited from reporting the incident to the college or law enforcement unless required to do so by law or requested by the person seeking services.

To contact the CRA for confidential support and resources, contact either EMCC's CRA or the 24/7 statewide sexual assault support line.

Confidential Resource Advisor

Gwen Walsh, MCCS
mccscra@maineccc.edu
(207)629-0442

Statewide Sexual Assault Support Line
1-800-871-7741

If allegations meet the 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. 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.

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 measure that they receive, to the extent possible. The Title IX Coordinator will implement and monitor the supportive measures. Both the Title IX Coordinator or the Confidential Resource Advisor (CRA) may implement supportive measures.

COLLEGE PROCEDURE FOR DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT AND AFFIRMATIVE ACTION COMPLAINTS

Harassment, including sexual harassment, (hereinafter collectively called “harassment”) and discrimination (including retaliation, intimidation and coercion) on the basis of race, color, national origin, age, ancestry, genetic information, sex, religion, veteran status, sexual orientation, including gender identity or expression, familial status and disability (hereinafter called “discrimination”) are a violation of certain federal and/or state laws, as well as certain Maine Community College System (MCCS) and EMCC policies. In addition, federal and/or state law require in some, and permit in other, instances the MCCS and Colleges to engage in affirmative action in its educational and employment activities. You can find who to report to at EMCC by visiting <https://www.emcc.edu/non-discrimination/>



EMCC CAMPUS RESOURCES

EMCC Campus Resources	
Counseling Services	emcccounseling@maineccc.edu (207)974-4858
Title IX Coordinator	Elizabeth True etrue@maineccc.edu (207)974-4673
Student Code of Conduct	Elizabeth True etrue@maineccc.edu (207)974-4673
Accessibilities/Student Accommodations	Elizabeth Daigle emccaccess@maineccc.edu
Confidential Resource Advisor	Bridget Riffel emcccounseling@maineccc.edu
Mental Health Crisis Hotline	24/7 Crisis Services (888) 568-1112
Affirmative Action Officer	Dusty Adams dadams@maineccc.edu (207)974-4637

EMCC Off-Campus Resources	
Maine Coalition Against Sexual Assault (MeCASA)	24 hour statewide sexual assault crisis and support line 1-800-871-7741 (voice) 711 (Maine Relay)
Maine Coalition to End Domestic Violence	Statewide Domestic Abuse Helpline 1-800-437-1220
Bangor Police Department	(207)947-7384 or 911 for emergencies
Northern Light Eastern Maine Medical Center	(207)973-7000
St. Joseph's Hospital SAFE Program	(207)907-3371
Mabel Wadsworth Center	(207)947-5337
Pine Tree Legal Services – Bangor Office	(207)942-8241



REPORTING OF AN EMERGENCY OR A CRIME

Crime and emergencies can be reported by contacting any of the following authorities at any time of day

Bangor Police Department	911 or (207)947-7384
Bangor Fire Department	911 or (207)922-4680
Emergency Medical Services Ambulance	911 or (207)262-3115
Non-Life Threatening Campus Emergencies	(207)745-6090
Poison Control Center	1-800-222-1222
Students and Employees involved in an accident on campus should complete an accident report form in the Business Office as soon as safely and reasonably possible following the incident.	

SEX OFFENDER REGISTRY

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 for information concerning registered sex offender: <https://sor.informe.org>