

Maine College of Health Professions
Annual Campus Safety, Security and Fire Report
2022



For the
Students, Faculty and Staff of MCHP

This report includes campus safety policies and procedures and statistics concerning campus crime for the past three calendar years. It is for the information of students, employees, parents, prospective students and prospective employees. This report describes how CMMC/MCHP Security responds to crime, and how students, faculty, staff can work together to maintain a safe community. The booklet complies with the Jeanne Clery Disclosure of Campus Security policy and Campus Crime Statistics Act.

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Security Department

The Maine College of Health Professions is located on the campus of Central Maine Medical Center. Certain departments and resources of the hospital are shared including the Human Resources Department, the Security Department, and employee assistance resources. The Security Department for the Maine College of Health Professions (hereafter named 'Campus Security' or just 'Security') is located within the hospital at 60 High St. Lewiston Maine. The non-emergency phone number to the Security department is 207-795-2299; the emergency number is 207-795-5000 (or simply ext. 5000 using on-campus phones). The Security department staff includes the Regional Director of Security as well as trained security officers who are available 24 hours a day, 7 days a week.

Cooperative Law Enforcement Functions

Security officers do not have the authority to arrest, but cooperate with local law enforcement agencies. Campus Security does not have working memoranda of understanding for the investigation of alleged criminal offenses with the local law enforcement agencies in as much as law enforcement will investigate those alleged criminal offenses.

Campus security officers do have the authority to ask persons for identification and determine whether individuals have lawful business at the Maine College of Health Professions. Security officers conduct investigations of all incidents and submit detailed reports. Campus Security officers work closely with the investigative staff at the Lewiston Police Department when incidents arise that require joint investigative efforts, resources, crime related reports and exchange of information as deemed necessary.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 require the distribution of an annual security report to all current faculty, students and staff. The annual security report includes statistics for the previous three years concerning reported crimes that occurred on campus, in on-campus housing facilities, and on public property within or immediately adjacent to and accessible from the campus. The report also includes institutional policies concerning campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, domestic and dating violence, stalking and fires.

Annual Report – Campus Crime, Fire, Alcohol and Illegal Drugs

This information is provided to meet the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 and has been prepared by Campus Security.

Each fall, email notification is made to students and employees providing web site address access for this report. The URL is also included on the website of the Maine College of Health Professions, under disclosures. You can link directly to the college website at <http://www.mchp.edu/security-data>.

Preparation of Disclosure of Crime Statistics

The Vice President of Academic and Student Affairs prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998. Information on campus crime, arrest and referral statistics include those reported to Campus Security, and the Lewiston Police Department.

These statistics may also include crimes that have been reported on a voluntary or confidential basis. A procedure is in place to anonymously capture crime statistics disclosed confidentially during such a session.

Campus Security Authorities

A Campus Security Authority is a member of the Campus Security Department. A Campus Security Authority is also an official of the college who has significant responsibility for students and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.

Maine College of Health Professions Campus Security Authorities

| | | |
|--------------------|------------------------|-------------------------------|
| President | Title IX Coordinator | Campus Security |
| Dr. Monika Bissell | Dr. Alexander Clifford | 207-795-2299 |
| 207-795-2846 | 207-795-2858 | 60 High St. |
| 70 Middle St | 70 Middle St. | (Director, Security Officers) |

Reporting Criminal Activities or Emergencies

Community members, students, faculty, staff and guests are encouraged to report all crimes and public safety related incidents to Campus Security in a timely manner.

Campus Security's **non-emergency** number is 207-795-2299.

Emergency calls should be made to:

If on campus but not in a building call 911 or 207-795-5000

If inside the college, dorms or hospital and you have access to a campus phone, call:

General Emergency/physical harm - x5000 or 9-911

Hostage situation – 9-911

Security/Bomb threat – 9-911

Fire – 9-911

If inside the college or hospital and you do **not** have access to a campus phone, call:

General Emergency/physical harm – 207-795-5000 or 911

Hostage situation – 911

Security/Bomb threat – 911

Fire – 911

All numbers containing '5000' connect directly with Campus Security at 60 High St. When dialing either the non-emergency number (207-795-2299), or the emergency number '5000', *from an on-campus phone*, the phone number and location will appear on the security officer's computer screen. When calling 911 (if not in a campus building) or 9-911 (if IN a campus building), the call is directed to the Lewiston/Auburn Emergency Communication Center.

There are blue lighted emergency phone boxes located in parking lots throughout the college and hospital campus (A, I, J, L, N, R, S, & Oak St. lot- see map on page 67) and the parking garage (all levels and within the

elevator). These are emergency phones with panic buttons that immediately ring into Campus Security. You may use these to report a criminal incident, a fire or other type of emergency or to request assistance of any kind from Campus Security. Non-Emergency phones are also available in the college, residence hall, and hospital which can be used to dial for help or assistance.

Persons desiring more confidentiality may also go to Security at 60 High St., or go to a faculty member or staff member at the college. Security is open day and night if you need to report a crime. Individuals can also go directly to the Lewiston Police Department to make their report. Persons may report criminal activity to local law enforcement officials or to Campus Security.

If you call Campus Security, please provide the following information:

Your name

Location and description of the incident you are reporting

A description of any vehicles or suspects involved in the incident

The most important thing to remember is that suspicion of a crime does not require proof. If you suspect that a crime is being committed or has been committed, call Security immediately.

When a crime is reported to Security or other appropriate officials of the College, it will normally be investigated by Security and/or the police. In addition, if the suspect is a student, there may be an inquiry by College officials with respect to student conduct, or if the suspect is an employee of the College and inquiry may be conducted by the Human Resources Department or other appropriate College officials. The college takes every report of criminal activity seriously and takes appropriate action, consistent with applicable laws, public safety, and campus safety.

Anonymous Confidential Reporting

If you are a victim of a crime and do not want to pursue action within the College System, or the criminal justice system, you may still want to consider making a confidential report. With your permission, a report can be filed on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the College can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the college.

Members of the campus community can also report an incident anonymously by going to the Anonymous Reporting Form www.mchp.edu/consumer-disclosures, completing the form, and depositing it in the lock box at the main entrance of MCHP.

Definition of Crimes – The Clery Act

The following definitions are to be used for reporting crimes listed in The Clery Act in accordance with the Federal Bureau of Investigation Uniform Crime Reporting Program. The definitions for murder; robbery; aggravated assault; burglary; motor vehicle theft; weapons: carrying, possessing etc...; law violations; drug abuse violations; and liquor law violations are from the Uniform Crime Reporting Handbook. The definitions of the sex offenses are excerpted from the National Incident-Based Reporting System edition of the Uniform Crime Reporting Handbook. The definitions of larceny-theft, simple assault, intimidation, and

destruction/damage/vandalism of property are from the Hate Crime Data Collection Guidelines of the Uniform Crime Reporting Handbook.

Arson – Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc...

Aggravated Assault – The unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.

Burglary – The unlawful entry into a building or other structure with the intent to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Sexual Assault – Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

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.

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

Incest – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape – Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Criminal Homicide-Manslaughter by Negligence – The killing of another person through gross negligence.

Criminal Homicide- Murder and Non-negligent Manslaughter- The willful (non-negligent) killing of one human being by another.

Robbery- The taking, or attempting to take, anything of value from the care, custody, or control of a person or persons by force of threat or force of violence and/or by putting the victim in fear.

Weapons: Carrying, Possessing, etc. – The 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, this classification encompasses weapons offenses that are regulatory in nature.

Liquor Law Violations – The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Drug Abuse Violations – The violation of laws prohibiting the production, distribution and /or use of certain controlled substances and the equipment of devices utilized in their preparation and/or use. The unlawful cultivation, manufacturing, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Larceny/Theft Offenses – The unlawful taking, carrying, leading, or riding away of property from the possession, or constructive possession of another person.

Motor Vehicle Theft – The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned – including joyriding)

Domestic Violence – A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies (under VAWA), or 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.

Dating Violence – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of the relationship; and the frequency of interaction between the persons involved in the relationship.

Stalking – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

Hate Crime Definitions

Hate Crime: A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. For the purpose of this section, the categories of bias include the victim’s actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

For purposes of reporting under the Clery Act, a hate crime is defined as including the offenses of criminal homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, criminal mischief/vandalism, and any other crime involving bodily injury.

Simple Assault – an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bone, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Criminal Mischief/Vandalism – To willfully or maliciously destroy, damage, disfigure, or deface, any public or private property, real or personal, without the consent of the owner or the person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

Larceny-Theft (Except Motor Vehicle Theft) – The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Intimidation – To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Crime & Fire Statistics Report

The statistical report for the prior 3 calendar years is shown at <http://www.mchp.edu/security-data>.

The following is a list of location definitions provided for better understanding of how statistics are counted and categorized.

Geographic Definitions

Campus

- (1) Any building or property owned or controlled by an institution of higher education within the same reasonable contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
- (2) Property within the same reasonable contiguous geographic area of the institution but controlled by another person, is used by student, and supports institutional purposes (such as the full campus of Central Maine Medical Center).

Public Property – All public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution of the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.

Building and Grounds Security

The Maine College of Health Professions campus is open to the public; however the Academic building is available to authorized members of the campus community, to official visitors and to individuals who have legitimate business needs during hours the building is open. Access to the building is controlled by an electronic access control system which allows only current students, faculty, staff, security, and certain members of Central Maine Medical Center's administration, environmental services, and plant operations personnel unrestricted access to the building. All other individuals requesting access must report to the receptionist to request access.

The College is secured by key-locks, electronic access control, and is patrolled by officers from Campus Security.

Security officers perform regular building checks (twice per 8 hour shift) 24 hours a day, 7 days a week. Students and any other authorized individuals should immediately report any suspicious activity, suspicious person, or crimes in progress to campus Security.

Security phones, which are identified and visible by a blue light, are located throughout the campus parking areas. Students, faculty, and staff feeling the need can pick up these phones and will be connected directly to Security. Parking lots and sidewalks are well lit, as are the entrances to the College and the residence hall.

Crime Prevention Resources and Service

Campus Security and members of the College community believe that safety prevention requires a teamwork approach. During orientation in the fall, students are informed of services offered by Campus Security. Presentations, which provide information about ways to maintain personal safety and residence hall security, are given by Security Officers during this mandatory orientation. Information about dating violence, domestic violence, sexual assault and stalking is also presented, usually by a representative from Safe Voices and/or the Title IX Coordinator. Employees of the college are also presented this information during mandatory orientation upon hire.

The following is a list of Crime Prevention Programs and Campaigns offered/sponsored by the College and Campus Security:

Presentations at Orientation:

Topics include general campus safety, how to avoid being a victim, how and who to contact in the event a crime is committed, or if feeling insecure about personal safety, what to do in a situation where there is an armed person on campus, safe and positive bystander interventions, Title IX information regarding dating violence, domestic violence, sexual assault, and stalking, as well as services and resources available, and who to contact for more information or to file a report.

Crime Prevention and Title IX brochures, and other printed material are presented as a formal part of new student orientation at the start of the academic year. Additionally, Safe Voices flyers are posted in every restroom with information as to how to contact a Safe Voices representative both by phone and in person when one is present on the hospital campus (each Wednesday from 8am—12:30 pm). Information as to where and when a Safe Voices representative will be on campus is also provided on the hospital portal which can be accessed by all employees.

Safety Escort Program:

Security provides personal safety escorts for persons walking from one point on campus to another point on campus and individuals traveling from the campus to their vehicles after dark.

Security Alarm System:

A computer-enhanced alarm system is installed in four different locations throughout the College, which when triggered strobe lights are activated, and an audible alarm that is received at Campus Security, and is simultaneously transmitted to Lewiston Police Department. Control mechanisms are clearly marked and are accessible to all members of the College community.

Security Alerts:

In the event that criminal or hazardous activity requires timely notice to alert the College and hospital community of a potentially dangerous situation, Security generates alerts that override all campus networked computers. Additionally, safety alerts are sent to all students, faculty, and staff through email and text message (to those who have provided their cell phone number) to forewarn individuals when the campus is experiencing an emergency situation.

Campus Parking Lots and Campus Lighting

Risk assessment on parking lots is performed biannually by the Operations & Compliance Manager of Plant Operations, and Security. Additionally, lighting is inspected/monitored on a regular basis by Security for malfunctions and work orders are submitted in order to repair any issues.

Safety Phones

All safety phones are inspected by Security to ensure proper functioning and to ensure the blue light is illuminated. Work orders are generated for any repairs needed

Violence Against Women Reauthorization Act

The Maine College of Health Professions (MCHP) denounces harassment of and discrimination against any and all individuals or groups. This policy applies to all MCHP community members, including students, employees, volunteers, independent contractors, visitors and any individuals regularly or temporarily employed, studying, living, visiting, conducting business or having any official capacity with the college or on college property. All the aforementioned are responsible for understanding and complying with this policy.

This policy provides community members with the structure and guidance to assist those who have been affected by sexual harassment, sexual violence, stalking or intimate partner violence, whether as a Complainant, a Respondent, or a third party, and to provide fair and equitable procedures for investigation and resolution of reports.

When used in this policy, "Complainant" refers to an individual who identifies as being a victim or survivor of sexual harassment, sexual violence, and stalking or intimate partner violence. A "Respondent" refers to an individual who has been accused of prohibited conduct under this policy. "A third party" refers to any other participant in the process, including a witness to the incident or an individual who makes a report on behalf of someone else.

All MCHP community members are responsible for their actions and behavior, and are required to follow college policies and local, state, and federal law. This policy applies to conduct occurring on MCHP property or at college-sanctioned events or programs that take place off campus including, but not limited to, community-engaged learning, and community service events. In situations in which both the Complainant and Respondent are members of the MCHP community, this policy will apply regardless of the location of the incident. In particular, off campus conduct that is likely to have a substantial adverse effect on, or poses a threat of danger to, any member of the MCHP community or the Maine College of Health Professions is covered under this policy.

A Complainant is encouraged to report the misconduct to the college regardless of where the incident occurred, or who committed it. The college has jurisdiction to take disciplinary action against a Respondent who is a current student or employee. Even if the college does not have jurisdiction over the respondent, the

college will take prompt action to provide for the safety and well-being of the complainant and the broader campus community using all available resources.

Notice of Non-Discrimination

The Maine College of Health Professions is committed to providing equal opportunity and an educational and work environment free from any discrimination on the basis of race, color, national or ethnic origin, religion, sex, sexual orientation, gender identity or gender expression, age, disability, genetic information, or veteran status and other legally protected statuses in the recruitment and admission of its students, in the administration of its education policies and programs, or in the recruitment and terms and conditions of employment of its faculty and staff. The Maine College of Health Professions shall adhere to all applicable state and federal equal opportunity laws and regulations. The college is dedicated to ensuring access, fairness and equity for all persons in its educational programs, related activities and employment, including those groups who have faced historical barriers to full and fair integration and participation. The Maine College of Health Professions maintains a continuing commitment to identify and eliminate discriminatory practices in every phase of college operations. This policy addresses all forms of sex discrimination, including sexual harassment, sexual violence, stalking, and intimate partner violence. The Maine College of Health Professions does not discriminate on the basis of sex in its educational, extracurricular, or other programs or in the context of employment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides that: No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Title IX is enforced by the Office for Civil Rights within the U.S. Department of Education, which has promulgated regulations explaining and implementing Title IX. Sex discrimination and sexual harassment are also prohibited under Title VII of the Civil Rights Act of 1964, and the Maine Human Rights Act, the regulations of both the Equal Employment Opportunity Commission and the Maine Human Rights Commission, and other applicable statutes.

This policy prohibits sexual harassment, sexual violence, stalking, and intimate partner violence against the MCHP community members of any gender, gender identity, gender expression, or sexual orientation. This policy also prohibits gender-based harassment that does not involve conduct of a sexual nature. The college also recognizes that harassment related to an individual's gender, gender identity or expression, or sexual orientation can occur in conjunction with misconduct related to an individual's race, color, national or ethnic origin, religion, age, disability or other statuses. Targeting individuals on the basis of these characteristics violates college policy and community principles. Under these circumstances, the college will coordinate the investigation and resolution efforts to address harassment related to the targeted individual's gender, gender identity or expression, or sexual orientation together with the conduct related to the targeted race, color, national or ethnic origin, religion, age, disability or other statuses.

The Maine College of Health Professions, as an educational community, will respond promptly and equitably to reports of sexual harassment, sexual violence, stalking, intimate partner violence, and any discriminatory actions in order to eliminate the harassment, prevent its recurrence, and address its effects on any individual or the community.

A. Role of the Title IX Coordinator

The President of MCHP has designated Dr. Alexander Clifford to serve as the college's Title IX Coordinator. The Title IX Coordinator oversees the college's centralized review, investigation, and resolution of reports of sexual harassment, sexual violence, stalking, and intimate partner violence. The Title IX Coordinator also coordinates the college's compliance with Title IX and other applicable statutes.

The Title IX Coordinator is:

- Responsible for oversight of the investigation and resolution of all reports of sexual harassment, sexual violence, stalking, and intimate partner violence involving students, staff, administrators, faculty, vendors, and visitors;
- Knowledgeable and trained in College policies and procedures and relevant state and federal laws;
- Available to advise any individual, including a Complainant, a Respondent or a third party, about the courses of action available at the college, both informally and formally, and in the community;
- Available to provide assistance to any college employee regarding how to respond appropriately to a report of sexual harassment, sexual violence, stalking, or intimate partner violence;
- Responsible for monitoring full compliance with all procedural requirements and time frames outlined in this policy;
- Responsible for training, prevention and education efforts and periodic reviews of climate and culture; and
- Responsible for compiling annual reports.

Inquiries or complaints concerning the application of Title IX may be referred to the college's Title IX Coordinator and/or to the U.S. Department of Education's Office for Civil Rights or Maine Human Rights Commission:

Dr. Alexander Clifford

Title IX Coordinator

Phone: 207-795-2858

Email: cliffoal@mchp.edu

Web: www.mchp.edu

Maine Human Rights Commission

#51 State House Station

Augusta, ME 04333

Phone: 207-624-6290

Fax: 207-624-8729

Web: www.maine.gov/mhrc/

Office for Civil Rights

U.S. Department of Education

Boston Office

5 Post Office Square, 8th Floor

Boston, MA 02109-3921

Phone: 617-289-0111

Fax: 617-289-0150

Email: ocr.boston@ed.gov

<https://www2.ed.gov/about/offices/list/ocr/index.html>

In addition to the Title IX Coordinator, inquiries involving employees may also be referred to:

United States Equal Employment
Opportunity Commission
Boston Office
John F. Kennedy Federal Building
Boston, MA 02203
Phone: 800-669-4000
Fax: 617-565-3196
Web: www.eeoc.gov/

Maine Human Rights Commission
#51 State House Station
Augusta, ME 04333
Phone: 207-624-6290
Fax: 207-624-8729
Web: www.maine.gov/mhrc/

Privacy vs. Confidentiality

The Maine College of Health Professions is committed to protecting the privacy of all individuals involved in a report of sexual misconduct, including sexual harassment, sexual violence, stalking, or intimate partner violence. All college employees who are involved in the college's Title IX response, including investigators and sanction board members, receive specific instruction about respecting and safeguarding private information. Throughout the process, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the report. Such a review is essential to protecting the safety of the Complainant, the Respondent, and the broader campus community and to maintaining an environment free from sex discrimination and gender-based harassment. Privacy and confidentiality have distinct meanings under this policy.

A. Privacy

Privacy generally means that information related to a report of misconduct will only be shared with a limited group of individuals. The use of this information is limited to those college employees who "need to know" in order to assist in the active review, investigation or resolution of the report. While not bound by confidentiality, these individuals will be discreet, and respect and safeguard the privacy of all individuals involved in the process.

B. Confidentiality

Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual. These campus and community professionals include mental health providers, ordained clergy, and rape crisis counselors, all of whom have legally protected confidentiality. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others or as otherwise required by law.

An individual who seeks completely confidential assistance may do so by speaking with professionals who are mandated by law to protect the confidentiality of disclosure. Confidential resources available to students include counselors provided through Ability Assist, and counseling provided by ordained clergy in the Multi-faith Chaplaincy at CMMC. Employees may access confidential assistance through the Ability Assist Program and also the Multi-faith Chaplaincy at CMMC. Community resources include Sexual Assault Prevention and Response Services (SAPARS), Sexual Assault Maine Coalition Against Sexual Assault, Safe Voices, and Tri-County Mental Health Services. Information shared with these resources will remain confidential and will not be shared with the college or anyone else without express permission of the individual seeking services.

When a report involves suspected abuse of a minor under the age of 18, these confidential resources are required by state law to notify Maine Office of Child and Family Services and/or the District Attorney's office.

An individual who has experienced sexual misconduct may also seek assistance from a medical provider. In general, the disclosure of private information contained in medical records is protected by the Health Insurance Portability and Accountability Act (HIPAA). The individual has the right to request that a survivor advocate be present and to request that law enforcement not pursue a criminal charge. Neither campus nor community medical providers will notify the college of the report.

Anonymous statistical information must be shared with public safety where required by the Clery Act. Annual Clery reporting to the U.S. Department of Education is required by educational institutions for certain offenses that have been reported at a campus location. The information contained in the Clery Report only tracks the number of Clery-reportable offenses occurring at campus locations or college-sponsored programs (e.g., study away) and does not include the names or any other identifying information about the person(s) involved in the report.

C. Responsible Employee

Any college employees responsible for student welfare are required to share a report of sexual harassment to the Title IX Coordinator. Under Title IX, a college is required to take immediate and corrective action if a "responsible employee" knew or, in the exercise of reasonable care, should have known about sexual or gender-based harassment that creates a hostile environment. A "responsible employee" includes any employee who:

- Has the authority to take action to redress the harassment;
- Has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees; or
- A student could reasonably believe has the authority or responsibility to take action. All employees responsible for student welfare and all supervisors are considered "responsible employees." This will include, for example, faculty; administrators; security officers; and professional staff. Before a Complainant reveals information that the Complainant may wish to keep confidential, a responsible employee should make every effort to ensure that the Complainant understands:
 - (i) the responsible employee's obligation to report the name of the Respondent involved in the alleged violation, as well as relevant facts regarding the alleged incident (including the date, time, and location), to the Title IX Coordinator,
 - (ii) the Complainant's option to request that the college maintain confidentiality, which the college will consider, and
 - (iii) the Complainant's ability to share information with confidential resources as described in the section above.

The college encourages that any employee who becomes aware of sexual harassment or misconduct or other potentially discriminatory behavior to contact the Title IX Coordinator. All administrators, faculty members, and staff are aware of their responsibility to assist students, faculty, and staff in reporting alleged incidents of sex discrimination or gender-based harassment to the Title IX Coordinator.

The Title IX Coordinator will conduct an initial assessment of the conduct; the Complainant's expressed preferences, if any, as to course of action; and the necessity for any interim remedies or accommodations to protect the safety of the Complainant or the community. The goal is to eliminate any hostile, intimidating, or offensive environment.

Any student or employee who believes they are the victim of sexual harassment or other forms of sexual misconduct should report the incident promptly in the manner most comfortable to them.

D. Request for Confidentiality

The college will pursue a course of action consistent with the Complainant's request where possible. Where a Complainant requests that their name or other identifiable information not be shared with the Respondent or that no formal action be taken, the college will balance this request with its dual obligation to provide a safe and non-discriminatory environment for all MCHP community members and to remain true to principles of fundamental fairness that require notice and an opportunity to respond before action is taken against a Respondent. In making this determination, the college may consider, among other factors, the seriousness of the conduct, the respective ages of the parties, whether the Complainant is a minor under the age of 18, whether there have been other complaints or reports of harassment or misconduct against the Respondent, the existence of independent evidence, and the rights of the Respondent to receive notice and relevant information before disciplinary action is sought. The Title IX Coordinator will evaluate requests for confidentiality.

The college will take all reasonable steps to investigate and respond to the report consistent with the request for confidentiality or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the Complainant. The college will assess any barriers to proceeding, including retaliation, and will inform the Complainant that Title IX and college policy prohibit retaliation. The college will take rigorous responsive action to protect the Complainant.

Where the college is unable to take action consistent with the request of the Complainant, the Title IX Coordinator will inform the Complainant about the college's chosen course of action, which may include the college seeking disciplinary action against a Respondent. Alternatively, the course of action may also include steps to limit the effects of the alleged harassment and prevent its recurrence that do not involve formal disciplinary action against a Respondent or revealing the identity of the Complainant. Anonymous statistical information must be shared with public safety where required by the Clery Act. Annual Clery reporting to the U.S. Department of Education is required by educational institutions for certain offenses that have been reported at a campus location. The information contained in the Clery Report only tracks the number of Clery-reportable offenses occurring at campus locations or college-sponsored programs (e.g., study away) and does not include the names or any other identifying information about the person(s) involved in the report.

E. Timely Warning

If a report of misconduct discloses a serious, immediate or continuing threat to the MCHP community, the college may issue a campus-wide timely warning or notification (which may take the form of an email to campus) to protect the health or safety of the community and to heighten safety awareness. A timely warning may include a campus-wide notification for a report of sexual assault, stalking, and intimate partner violence.

The timely warning will not include any identifying information about the Complainant. Even where there is no imminent threat, the college may send campus-wide notifications on all reported forms of sexual misconduct.

At no time will the college release the name of the Complainant to the general public without the express consent of the Complainant. The release of the Respondent's name to the general public is guided by Family Educational Rights and Privacy Act (FERPA) and the Jeanne Clery Act. The college may share non-identifying information about reports received in aggregate form, including data about outcomes and sanctions.

All college proceedings are conducted in compliance with the requirements of FERPA, 2013 Reauthorization of the Violence Against Women Act, the Clery Act, Title IX, state and federal law, and college policy. No information shall be released from such proceedings except as required or permitted by law and college policy.

Prohibited Conduct and Definitions

The Maine College of Health Professions prohibits all forms of sexual misconduct and gender-based harassment, including sexual violence, intimate partner violence, and stalking. Each of these terms encompasses a broad range of behavior. In general, sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to incapacitation. Intimate partner violence refers to any act of violence or threatened act of violence, sexual or otherwise, against a person who is or has been involved in a sexual, dating, domestic or other intimate relationship with that person. Stalking refers to a course of conduct directed at a specific person that would cause a person to fear for their safety or the safety of others.

Sexual misconduct can occur between individuals who are known to one another or have an intimate or sexual relationship, or may involve individuals who are not known to one another. Sexual misconduct can be committed by men or by women, and it can occur between people of the same or different sex.

The college prohibits the following specific conduct:

A. Sexual Harassment

Sexual harassment is any unwelcome sexual advances, requests for sexual favors, and other verbal, written, visual, or physical conduct of a sexual nature when one or more of the following occur:

- 1) Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, evaluation of academic work, or participation in any aspect of a College program or activity;
- 2) Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; or
- 3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or equal opportunity to participate in or benefit from college employment, programs or activities. That is, the conduct is sufficiently serious, pervasive or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment under both a subjective and objective standard.

Sexual harassment also includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex/gender or sex/gender stereotyping, even if the acts do not involve conduct of a sexual nature.

A single or isolated incident of sexual harassment alone may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to create a hostile environment, particularly if the harassment is physical. The determination of whether an environment is “hostile” must be based on all the circumstances. These circumstances could include, but are not limited to:

- a. The frequency of the speech or conduct;
- b. The nature and severity of the speech or conduct;
- c. Whether the conduct was physically threatening;
- d. Whether the speech or conduct was humiliating;
- e. The effect of the speech or conduct on the Complainant’s mental and/or emotional state;
- f. Whether the speech or conduct was directed at more than one person;
- g. Whether the speech or conduct arose in the context of other discriminatory conduct;
- h. Whether the speech or conduct unreasonably interfered with the Complainant’s educational opportunities or performance (including study abroad), college-controlled living environment, work opportunities or performance;
- i. Whether a statement is a mere utterance of an epithet which engenders offense in an employee or a student or offends by mere discourtesy or rudeness; and/or
- j. Whether the speech or conduct deserves the protections of academic freedom.

A single or isolated incident of sexual harassment alone may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to create a hostile environment, particularly if the harassment is physical.

Sexual harassment:

May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.

Does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents.

May be committed by anyone, regardless of gender, age, position, or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational or employment relationships, harassment can occur in any context.

May be committed by a stranger, an acquaintance, or someone with whom the Complainant has an intimate or sexual relationship.

May be committed by or against an individual or may be a result of the actions of an organization or group.

May occur by or against an individual of any sex, gender identity, gender expression or sexual orientation.

May occur in the classroom, in the workplace, in residential settings, or in any other setting.

May be a one-time event or can be part of a pattern of behavior.

May be committed in the presence of others or when the parties are alone.

May affect the Complainant and/or third parties who witness or observe harassment and are affected by it.

Examples of conduct that may constitute sexual harassment as defined above may include a severe, persistent or pervasive pattern of unwelcome conduct that includes one or more of the following:

Physical conduct:

- Unwelcome touching, sexual/physical assault, impeding, restraining, or blocking movements
- Unwanted sexual advances within the employment or academic context

Verbal conduct:

- Making or using derogatory comments, epithets, slurs or humor
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations
- Objectively offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes, or anecdotes

Visual or non-verbal conduct:

- Leering, making sexual gestures, displaying of suggestive objects or pictures, cartoons or posters in a public space or forum
- Severe, persistent, or pervasive visual displays of suggestive, erotic, or degrading sexually oriented images that are not pedagogically appropriate

Written conduct:

- Letters, notes or electronic communications containing comments, words, or images described above Quid pro quo conduct:
- Direct propositions of a sexual nature between those for whom a power imbalance or supervisory or other authority relationship exists
- Offering employment benefits in exchange for sexual favors
- Making submission to sexual advances an actual or implied condition of employment, work status, promotion, grades, or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose
- Making or threatening reprisals after a negative response to sexual advances

Sexual harassing behaviors differ in type and severity. Key determining factors are that the behavior is unwelcome; is based on sex or gender stereotypes; and is reasonably perceived as severe, pervasive, objectionable or offensive under both a subjective and objective assessment of the conduct.

B. Sexual Assault (Sexual Violence)

Sexual assault is defined as having or attempting to have sexual intercourse with another individual, including:

By the use of force or threat of force;

Without effective consent; or

Where that individual is incapacitated or physically and/or mentally unable to make informed, reasonable judgments.

Sexual intercourse includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand) or object, or oral penetration involving mouth to genital contact.

This definition conforms to the FBI's Uniform Crime Report and Clery Act definition of 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." Under Maine state law, however, the rape definition differs in that it requires proof of an element of force or threat of force. Our definition incorporates both.

C. Non-Consensual Sexual Contact ("Fondling" Under Clery)

Having sexual contact with another individual for the purpose of sexual gratification:

By force or threat of force;

Without effective consent; or

Where that individual is incapacitated or physically and/or mentally unable to make informed, reasonable judgments.

Sexual contact includes intentional contact with the intimate parts of another, causing another to touch one's intimate parts, or disrobing or exposure of another without permission. Intimate parts may include the breasts, genitals, buttocks, groin, mouth or any other part of the body that is touched in a sexual manner.

D. Sexual Exploitation

Sexual exploitation occurs when an individual takes non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or to benefit or advantage anyone other than the one being exploited.

Examples of sexual exploitation include, but are not limited to:

Surreptitiously observing another individual's nudity or sexual activity or allowing another individual or group to observe consensual sexual activity without the knowledge and consent of all parties involved;

Non-consensual sharing or streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;

Distributing sexually intimate or sexual information about another person;

Prostituting an individual;

Inducing another to expose their own genitals in non-consensual circumstances;

Knowingly exposing another individual to a sexually transmitted infection (STI) or virus without their knowledge;

Sexually-based stalking and/or bullying; and inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

E. Stalking

Stalking occurs when a person engages in a course of conduct or repeatedly commits acts toward another person, under circumstances that would:

- 1) Place the person in reasonable fear for safety, or of harm or bodily injury to self or others; or
- 2) Reasonably cause substantial emotional distress to the person.

A course of conduct refers to a pattern of behavior of two or more acts over a period of time that can be reasonably regarded as likely to alarm, harass, or cause fear of harm or injury to that person or to a third party. The feared harm or injury may be physical, emotional, or psychological, or related to the personal safety, property, education, or employment of that individual. Stalking may involve individuals who are known to one another or have an intimate or sexual relationship, or may involve individuals who are not known to one another.

Stalking includes cyber-stalking, a particular form of stalking in which technological means are used to pursue, harass, or make unwelcome contact with another person in an unsolicited fashion. Such methods include the use of the Internet, emails, social networks, or blogs; landlines and cell phones; text messaging; global positioning systems; spyware on a person's computer or cellphone; or other similar devices or forms of contact.

Examples of stalking include:

Non-consensual communication including telephone calls, text messages, email messages, social network site postings, letters, gifts, or any other communications that are unwanted and/or place another person in fear;

Following, pursuing, waiting or showing up uninvited at a classroom, workplace, residence, or other locations frequented by the person;

Leaving unwanted written messages, objects or gifts;

Vandalizing a person's property;

Surveillance and other types of observation by physical proximity or electronic means, accessing email accounts;

Spreading lies or rumors about a person, for example, filing false reports, posting or distributing personal or false information;

Manipulative or controlling behaviors, such as threats to harm oneself in order to force contact;

Assaulting or killing the victim's pet;

Threatening physical contact against a person or their friends and family; or

Any combination of these behaviors directed toward an individual person.

F. Indecent Exposure

A person commits indecent exposure if that person intentionally shows their genitals in a public place or in another place where there are other persons present under circumstances in which one knows or should know that this conduct is likely to affront or alarm.

G. Intimate Partner Violence

Intimate partner violence refers to dating violence, domestic violence or relationship violence. Intimate partner violence includes any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual, dating, domestic, or other intimate relationship with the Respondent. Intimate partner violence can encompass a broad range of behavior including, but not limited to, physical violence, sexual violence, emotional abuse, and economic abuse. It may involve one act or an ongoing pattern of behavior. Intimate partner violence may take the form of threats, assault, property damage, violence, or threat of violence to one's self, one's sexual or romantic partner or to the family members or friends of the sexual or romantic partner. Intimate partner violence affects individuals of all genders, gender identities, gender expressions, and sexual orientation and does not discriminate by racial, social, or economic background.

The college will not tolerate intimate partner violence of any form. For the purposes of this policy, the college does not define intimate partner violence as a distinct form of misconduct. Rather, the college recognizes that sexual harassment, sexual assault, sexual exploitation, harm to others, stalking, and retaliation all may be forms of intimate partner violence when committed by a person who is or has been involved in a sexual, dating or other social relationship of a romantic or intimate nature with the Complainant.

Under Clery and the Campus SaVE Act, the college will record and report all relevant incidents of intimate partner violence.

H. Physical Assault

Physical assault is a purposeful action meant to threaten or endanger the health or safety of any person. Examples include, but are not limited to, fighting, pushing, kicking, punching, hitting with or throwing an object, or biting. This behavior is typically treated as a violation of the MCHP Code of Student Conduct and the Employee Disruptive and Inappropriate Behavior policy. When these acts occur in the context of intimate

partner violence or when the behavior is perpetrated on the basis of sex or gender, the misconduct will be resolved under the Title IX - Anti-Violence, Discrimination, & Harassment Policy.

I. Prohibited Relationships by Persons in Authority

Sexual, romantic or other intimate relationships in which one party maintains a direct supervisory or evaluative role over the other party are prohibited. In general, this includes all sexual or other intimate relationships between students and their employers, supervisors, professors, advisors or other college employees. Similarly, college employees (faculty and staff) who supervise or otherwise hold positions of authority over others are prohibited from having a sexual or other intimate relationship with an individual under their direct supervision. The college does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the college. However, faculty, administrators, and others who educate, supervise, evaluate, employ, counsel, or otherwise guide students should understand the fundamentally asymmetrical nature of the relationship they have with students or subordinates. Intimate or sexual relationships where there is differential in power or authority produce risks for every member of our community and undermine the professionalism of employees and supervisors. In either context, the unequal position of the parties presents an inherent element of risk and may raise sexual harassment concerns if one person in the relationship has the actual or apparent authority to supervise, evaluate, counsel, or otherwise make decisions or recommendations as to the other person in connection with their employment or education at the college.

Sexual relations between persons occupying asymmetrical positions of power, even when both consent, raise suspicions that the person in authority has violated standards of professional conduct and potentially subject the person in authority to charges of sexual harassment based on changes in the perspective of the individuals as to the consensual nature of the relationship. Similarly, these relationships may impact third parties based on perceived or actual favoritism or special treatment based on the relationship. Therefore, persons with direct supervisory or evaluative responsibilities who contemplate beginning or are involved in such relationships are required to promptly:

- 1) Discontinue any supervising role or relationship over the other person; and
- 2) Report the circumstances to their own supervisor.

Examples of evaluative responsibilities include, but are not limited to, performance evaluations, salary decisions, decisions regarding promotion, or decisions on continuation of employment for a person with whom they have a consensual relationship. Failure to fully or timely comply with these requirements is a violation of this policy, and the person in authority could be subject to disciplinary action, up to and including dismissal from employment by the college.

All violations, complaints, or concerns regarding this policy should be reported to the Title IX Coordinator.

J. Retaliation

Retaliation is any act or attempt to retaliate or seek retribution against any individual or group of individuals involved in the report, investigation and/or resolution of an allegation of sexual misconduct or harassment. Forms of retaliation include intimidation, threats, pressuring, harassment, continued abuse or violence, slander and libel, or preventing participation in college activities or proceedings. Retaliation can be committed by any individual or group of individuals, not just a Respondent or Complainant. Retaliatory conduct by

community members and third-parties is prohibited regardless of whether it occurs on or off campus, in person, or through social media, e-mail, or other forms of communication.

Any form of retaliation should be reported to the Title IX Coordinator immediately. The college cannot stop retaliation until it is reported. Once notified, the college will take immediate and responsive action to any report of retaliation and may pursue disciplinary proceedings independent of the sanction or protective measures imposed in response to the underlying allegations of Sexual Misconduct or Harassment. Disciplinary action may include termination of employment or dismissal from the college.

Consent and Related Definitions

A. Consent

Consent consists of an active, conscious, and voluntary decision by each participant to engage in mutually agreed-upon sexual activity. Consent must exist from the beginning to end of each sexual activity or each form of sexual contact. An individual who is physically incapacitated by alcohol or other drug consumption (voluntary or involuntary) or is asleep, unconscious, unaware, or otherwise physically helpless is considered unable to give consent.

The following are essential elements of effective consent:

Informed and reciprocal

All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way.

Freely and actively given

Consent cannot be gained by force, coercion, deception, threats; by ignoring or acting in spite of the objections of another; or by taking advantage of the incapacitation of another individual.

Mutually understandable

Consent consists of mutually understandable words and/or actions that indicate an unambiguous willingness to engage freely in sexual activity. In the absence of clear communication or outward demonstration, there is no consent. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response. Relying solely upon non-verbal communication can lead to a misunderstanding or false conclusion as to whether consent was sought or given. If at any time during the sexual activity, an individual is hesitant, confused, uncertain, or is no longer an enthusiastic participant, both parties should stop and clarify verbally the other's willingness to continue before continuing such activity.

Not indefinite

Either party may withdraw consent at any time. Withdrawal of consent may be expressed by "no" or outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once consent is withdrawn, sexual activity must cease immediately.

All parties must obtain mutually expressed or clearly stated consent before continuing further sexual activity. Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity.

Not unlimited

Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant.

Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of a relationship, consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity each time such activity occurs. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.

In the State of Maine, consent cannot be given by minors who are 14 or 15, if the actor is at least 5 years older than the minor. Consent cannot be given by minors under 14 years of age, regardless of the age of the Respondent. For this reason, any sexual act with an individual under 14 is considered a felony.

B. Force

Force is the use or threat of physical violence, intimidation, or coercion to overcome an individual's freedom of will to choose whether or not to participate in sexual activity. Such action would cause a person to fear for their physical or psychological well-being. For the use of force to be demonstrated, there is no requirement that a Complainant resists the sexual advance or request. However, resistance by the Complainant will be viewed as a clear demonstration of non-consent.

C. Coercion

Coercion is the use of pressure that compels another individual to initiate or continue sexual activity against their will. Coercion can include a wide range of behaviors, including intimidation, manipulation, implied threats or blackmail which places a person in fear of immediate harm or physical injury or causes a person to engage in unwelcome sexual activity. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to "out" someone based on sexual orientation, gender identity or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity. Coercing an individual into engaging in sexual activity violates this policy in the same way as physically forcing someone into engaging in sexual activity.

D. Incapacitation

Incapacitation is a state where an individual cannot make an informed and rational decision to engage in sexual activity because they lack conscious knowledge of the nature of the act (e.g., to understand the who, what, when, where, why or how of the sexual interaction). Incapacitation is defined as the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically unable to make informed, reasonable judgments. An individual is incapacitated, and therefore unable to give consent, if they are asleep, unconscious, or otherwise unaware that sexual activity is occurring.

Incapacitation may result from the use of alcohol and/or drugs. Incapacitation is a state beyond drunkenness or intoxication. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation. The impact of alcohol and drugs varies from person to person; however, warning signs that a person may be

approaching incapacitation may include slurred speech, vomiting, unsteady gait, odor of alcohol, combativeness, or emotional volatility.

Evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual's:

- decision-making ability;
- awareness of consequences;
- ability to make informed judgments; or
- capacity to appreciate the nature and the quality of the act.

Evaluating incapacitation also requires an assessment of whether a person should have been aware of the Complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the Respondent's position.

An individual who engages in sexual activity with someone the individual knows or reasonably should know is incapable of making a rational, reasonable decision about whether to engage in sexual activity is in violation of this policy.

E. Alcohol or Other Drugs

In general, sexual contact while under the influence of alcohol or other drugs poses a risk to all parties. Alcohol and drugs impair a person's decision-making capacity, awareness of the consequences, and ability to make informed judgments. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. If there is any doubt as to the level or extent of the other individual's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity. Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual harassment, sexual violence, stalking, or intimate partner violence and does not diminish one's responsibility to obtain informed and freely given consent.

Resources

The Maine College of Health Professions is committed to treating all members of the community with dignity, care and respect. Any member of the college community (student or employee) who experiences or is affected by sexual harassment, sexual violence, stalking or intimate partner violence, whether as a Complainant, a Respondent, or a third party, will have equal access to support. Counseling services are also available through Ability Assist services. Non-employees will be given information regarding counseling services available in the community.

The college recognizes that deciding whether to make a report, either to the college or law enforcement, and choosing how to proceed can be difficult decisions. The college encourages all individuals affected by sexual misconduct to seek the support of campus and community resources. These professionals can provide guidance in making decisions, information about available resources and procedural options, and assistance to either party in the event that a report and/or resolution under this policy is pursued. Individuals are encouraged to use all available resources on and off campus, regardless of when or where the incident occurred.

The Maine College of Health Professions is committed to providing a comprehensive and integrated prevention, education, and awareness program that attends to the multifaceted dynamics of sexual

harassment, sexual violence, stalking, and intimate partner violence. The college strives to create a non-discriminatory and harassment-free living, learning, and working environment for all members of the MCHP community, including students, staff, faculty, and visitors.

The MCHP's Title IX Coordinator in conjunction with Campus Security oversees all college education and prevention programs and develops initiatives to respond to campus needs and climate.

A. Awareness and Prevention of Sexual Misconduct

All incoming students and new employees will receive primary prevention and awareness programming as part of their orientation. Returning students and employees will receive ongoing training and education on a periodic basis. Educational programs focused on sexual misconduct include an overview of the College's policies and procedures, relevant definitions, including prohibited conduct, discussion of the impact of alcohol and illegal drug use, effective consent, safe and positive options for bystander intervention, and information about risk reduction. The Maine College of Health Profession's Title IX Coordinator works with Campus Security to schedule the education and prevention programs offered. All educational programs include a review of resources and reporting options available for students, faculty and staff.

B. Emergency Support and Response Services in the Event of Sexual Violence

MCHP encourages all community members to seek assistance from a medical provider and/or law enforcement as soon as possible after an incident of sexual violence. This is the best option to provide physical safety, emotional support, and medical care to a survivor. It is also the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. The college will escort any MCHP community member to a safe place, provide transportation to the hospital, assist in coordination with law enforcement, and the Title IX Coordinator will be notified.

Assistance is available from Campus Security and local law enforcement 24 hours a day, year- round, by calling Security and/or the Lewiston Police Department. Any individual can request that a member of Campus Security and/or Lewiston Police Department respond and take a report. An officer from the Lewiston Police Department can meet with a student or employee on campus wherever they are most comfortable. Campus Security will provide transportation upon request to a medical center and contact the police department upon request.

Emergency Response Services

911 (if using an off-campus phone)
9-911 (if using an on-campus phone)

Campus Security

Emergency:
207-795-5000 (if using an off-campus phone)
5000 (if using an on campus phone)

or

Non-emergency:
207-792-2299

Lewiston Police Department
207-784-6421

Medical Resources

A medical provider can provide emergency and/or follow-up medical services. The medical exam has two goals: first, to diagnose and treat the full extent of any injury or physical effect (including prevention of sexually transmitted illnesses [STI] or possibility of pregnancy) and second, to properly collect and preserve evidence. The exam may include testing and prophylactic treatment for HIV/AIDS, STIs, and pregnancy; a thorough physical examination, which includes the genital and/or anal area; and a blood draw. There is a limited window of time (typically 72-96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any particular course of action. The decision to seek timely medical attention and gather any evidence, however, will preserve the full range of options to seek resolution under this policy or through the pursuit of criminal prosecution.

On campus, the CMMC Emergency Department can provide medical care to students & employees; **Central Maine Medical Center** provides forensic exams and, hence, is the preferred medical center for sexual assault forensic examinations in the area. St. Mary's Medical Center can provide medical treatment but does not offer forensic exams. Survivors have the option of contacting an advocate from Sexual Assault Prevention and Response Services (SAPARS, www.sapars.org) to accompany them to access off-campus resources.

Central Maine Medical Center (CMMC)
Emergency Room: 207-795-2200
300 Main Street, Lewiston, ME 04240

CMMC provides medical care and forensic exams, which are performed by trained sexual assault forensic (nurse) examiners (SAFE).

St. Mary's Medical Center
Emergency Room: 207-777-8120
93 Campus Avenue, Lewiston, ME 04240

St. Mary's Hospital provides medical treatment only.

C. Confidential Resources and Support

MCHP encourages all community members to make a prompt report of any incident of sexual harassment, sexual violence, stalking or intimate partner violence to local law enforcement and the college. For individuals who are not prepared to make a report, or who may be unsure what happened, but are still seeking

information and support, there are several legally-protected confidential resources on campus and in the local community, including counseling and support services.

Individuals affected by sexual harassment, sexual violence, stalking, and intimate partner violence may want to consult with someone in a confidential manner without making a report to the college or triggering an investigation. The trained professionals listed in this section are designated as confidential and may not share information about a patient/client (including whether or not that individual has received services) without the individual's expressed consent unless there is imminent danger to you or others or as otherwise required by law. They may, however, submit non-identifying information about the incident for the purposes of making a statistical report under the Clery Act, as previously described in the Privacy and Confidentiality Section.

On Campus Confidential Resources

Central Maine Medical Center (CMMC)

Emergency Room: 207-795-2200

300 Main Street, Lewiston, ME 04240

CMMC provides medical care and forensic exams, which are performed by trained sexual assault forensic (nurse) examiners (SAFE).

Multi-faith Chaplaincy- Spiritual Care at CMMC

Call 207-795-2291

Hours: Monday - Friday 8:30 am to 4:30 pm

Closed major federal holidays

Manager of Spiritual Care

Phone: 207- 795-2290

Administrative Assistant

Phone: 207-795-2291

Assistant Chaplain

Phone 207-795-2291

Off Campus- Community Resources

Support for Victims of Relationship and Sexual Violence

Maine Coalition Against Sexual Assault

800-871-7741 Available 24/7

www.mcedv.org

Safe Voices

800-559-2927 Available 24/7 (domestic & dating abuse)

484 Main St. Lewiston, Maine 04240

www.safevoices.org

A confidential domestic violence helpline staffed by trained, caring and confidential advocates. Provides individual support, legal advocacy, support groups, and shelter for survivors of domestic abuse.

St. Mary's Medical Center

Emergency Room: 207-777-8120
93 Campus Avenue, Lewiston, ME 04240
St. Mary's Hospital provides medical treatment.

Maine Coalition against Sexual Assault

24 hour helpline: 800-871-7741

National Domestic Violence Hotline

24 hour helpline: 800-799-7233

Rape, Abuse, Incest National Network (RAINN)

24 hour helpline: 800-656-4673

Sexual Assault Prevention and Response Services (SAPARS)

24 hour helpline: 1-800-871-7741 TTY: 1-888-458-5599 www.sapars.org

Tri-County Mental Health Services Crisis Center

24 hour helpline: 888-568-1112

D. Additional Campus Resources (designated as Private Resources)

In addition to the confidential resources listed above, MCHP community members have access to a variety of resources provided by the college. The professionals listed below are trained to support individuals affected by sexual harassment, sexual violence, stalking, or intimate partner violence and to coordinate with the Title IX Coordinator consistent with the college's commitment to a safe and healthy educational and work environment. While not bound by confidentiality, these resources will maintain the privacy of an individual's information within the limited circle of those involved in the Title IX resolution process.

Title IX Coordinator

Dr. Alexander Clifford
207-795-2858
cliffoal@mchp.edu

President of MCHP

Monika Bissell, DBA
207-795-2840
bisselmo@mchp.edu

Title IX Committee Members:

Leanne Moreira: 207-795-2141 moreirle@mchp.edu
Lesa Rose: 207-795-2858 rosele@mchp.edu

Campus Security

Open 24 hours a day, 7 days a week

60 High St. Lewiston, Maine
Emergency: 207-795-5000 (or dial 5000 from any campus phone)
Director of Security
(207)795-294

Security is an immediate option to report an incident of sexual violence, stalking, or intimate partner violence. Security also provides community members with an escort on campus.

E. Additional Community Resources

Students, faculty and staff members may also access additional resources located in Lewiston/Auburn. These organizations can provide crisis intervention services, counseling, medical attention and assistance in working with the criminal justice system. Off-campus resources can assist individuals wishing to make a report to the college, but will not notify the college without the Complainant's consent. All individuals are encouraged to use the resources that are best suited to their needs, whether on or off campus.

Androscoggin County Victim-Witness Advocate

Androscoggin County Courthouse
2 Turner Street, Auburn, ME 04210
207-783-7311

Androscoggin County District Attorney

Androscoggin County Courthouse
2 Turner Street, Auburn, ME 04210
207-783-7311

<http://www.androscoggincountymaine.gov/DA/DA.htm>

Maine Victim's Compensation Program

Office of the Attorney General
6 State House Station Augusta, Maine 04333-0006
207-624-7882 | 800-903-7882

www.maine.gov/ag/crime/victims_compensation/index.shtml

NotAlone.gov (<https://www.justice.gov/ovw/protecting-students-sexual-assault>)

Federal website dedicated to providing information and resources regarding sexual assault.

Reporting

The college is committed to providing a variety of accessible means of reporting sexual misconduct so that all instances of sexual assault or harassment will be reported. All MCHP community members, even those who are not obligated by the college's Title IX - Anti-Violence, Discrimination, & Harassment Policy, are strongly encouraged to report information regarding any incident of sexual misconduct or harassment to the Title IX Coordinator.

The Title IX Coordinator is specifically charged with coordinating the initial assessment, initiating the investigation, and responding to allegations or sexual misconduct or harassment to stop the conduct, address its effects, and prevent its recurrence. At the time a report is made, a Complainant does not have to decide whether or not to request disciplinary action. Choosing to make a report and deciding how to proceed after making the report can be a process that occurs over time. To the extent possible, the college will respect an individual's autonomy in making these decisions and provide support that will assist each individual in making that determination.

Any individual who reports sexual harassment, sexual violence, stalking, or intimate partner violence can be assured that all reports will be investigated and resolved in a fair and impartial manner. Complainants,

Respondents, and all individuals involved can expect to be treated with dignity and respect. In every report under this policy, the college will make an immediate assessment of any risk of harm to the Complainant or to the broader campus community and will take steps necessary to address those risks. These steps will include interim measures to provide for the safety of the Complainant or others involved and the campus community. In this process, the college will balance the Complainant's interest with its obligation to provide a safe and non-discriminatory environment for all members of the college community.

A. Reporting to and Coordination with Law Enforcement

The college encourages Complainants to pursue criminal action for incidents of sexual harassment, sexual violence, stalking, and intimate partner violence that may also be crimes under Maine criminal statutes. The college will assist a Complainant, at the Complainant's request, in contacting local law enforcement and will cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process to the extent permitted by law. Except where the Complainant is less than 18 years old, the college will generally respect a Complainant's choice whether or not to report an incident to local law enforcement, unless the college determines that there is an overriding issue with respect to the safety or welfare of the college community. When a report involves suspected abuse of a minor under the age of 18, the college is required by state law to notify the Maine Office of Child and Family Services and/or the District Attorney's office.

The college's policy, definitions, and standard of proof may differ from Maine criminal law. A Complainant may seek resolution through the college's complaint process, may pursue criminal action, may choose one but not the other, or may choose both. Neither law enforcement's decision whether or not to prosecute a Respondent nor the outcome of any criminal prosecution are determinative of whether sexual harassment, sexual violence, stalking, or intimate partner violence has occurred under this policy. Proceedings under the college's Title IX - Anti-Violence, Discrimination, & Harassment Policy may be carried out prior to, simultaneously with, or following civil or Criminal proceedings off campus.

At the request of local law enforcement, the college may agree to defer its Title IX fact gathering until after the initial stages of a criminal investigation. The college will nevertheless communicate with the Complainant regarding Title IX rights, procedural options, and the implementation of interim measures to assure safety and well-being. The college will promptly resume its Title IX fact gathering as soon as it is informed that law enforcement has completed its initial investigation.

B. Campus Reporting Options

The college encourages all individuals to report sexual misconduct and harassment to any college employee the Complainant trusts. In general, most college employees do not have legally protected confidentiality. Under Title IX, a college is required to take immediate and corrective action if a "responsible employee" knew or, in the exercise of reasonable care, should have known about sexual or gender-based harassment that creates a hostile environment. A "responsible employee" includes any employee who:

- Has authority to take action to redress the harassment;
- Has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees; or
- A student could reasonably believe has the authority or responsibility to take action.

All MCHP community members, even those who are not obligated to do so by this policy, are strongly encouraged to report information regarding any incident of sexual harassment, sexual violence, stalking, or

intimate partner violence directly to the Title IX Coordinator or a member of the Title IX Committee. The college cannot take appropriate action unless an incident is reported to the college.

With the exception of those employees who have legally recognized confidentiality, all college employees with responsibility for the welfare of students and all supervisors, including faculty, staff, administrators, and security officers, are required to share with the Title IX Coordinator any report of sexual misconduct or harassment they receive or of which they become aware.

Volunteers who have responsibility for the welfare of other students are also required to report to the Title IX Coordinator any incident of sexual misconduct or harassment of which they become aware.

On Campus Reporting Options:

Title IX Coordinator
Dr. Alexander Clifford
207-795-2858
cliffoal@mchp.edu

Campus Security
Open 24 hours a day, 7 days a week
60 High Street | 207-795-2299
Emergency:
207-795-5000 if using off campus phone
Dial 5000 if using any phone on campus
Director of Security
(207)795-2294

Security is an immediate option to report an incident of sexual violence, stalking, or intimate partner violence. Security provides community members with an escort on campus.

President of MCHP
Monika Bissell, DBA
207-795-2840
bisselmo@mchp.edu

Title IX Committee Members:
Leanne Moreira: 207-795-2141 moreirle@mchp.edu
Lesia Rose: 207-795-2858 rosele@mchp.edu

C. Anonymous Reporting

Any individual may make an anonymous report concerning an act of sexual harassment, sexual violence, stalking, or intimate partner violence. An individual may report the incident without disclosing their name, identifying the Respondent, or requesting any action. Depending on the extent of information available about the incident or the individuals involved, however, the college's ability to respond to an anonymous report may be limited.

The college has created an online form for reporting anonymously (www.mchp.edu/consumer-disclosures). The completed form can be placed in the secure drop box at the main entrance of the college. The Title IX Coordinator will receive the anonymous report and will determine any appropriate response or action, including individual or community remedies as appropriate. In consultation with the Director of Security, the Title IX Coordinator will determine if the anonymous report provides sufficient information to submit a Clery crime report.

D. Reporting Sexual Harassment

In the event that an individual believes that they may be experiencing behavior that constitutes sexual harassment, they should document the behavior and report it to the Title IX Coordinator or a member of the Title IX Committee.

E. Reporting Considerations: Timeliness of Report and Location of Incident

Complainants and third-party witnesses are encouraged to report sexual harassment, sexual violence, stalking, and intimate partner violence as soon as possible in order to maximize the college's ability to respond promptly and effectively. The college does not, however, limit the time frame for reporting. If the Respondent is no longer a student or employee or is not a member of the MCHP community, the college may not be able to take disciplinary action against the Respondent, but will still seek to meet its Title IX obligations by taking steps to end the harassment, prevent its recurrence, and address its effects.

An incident does not have to occur on campus to be reported to the college. All college community members are responsible for their actions and behavior, whether the conduct in question occurs on campus or in another location. Members of the college community have a responsibility to adhere to college policies and local, state, and federal law. As a result, this policy applies both to on-campus and off-campus conduct. In particular, off-campus conduct that is likely to have a substantial adverse effect on any member of the college community or MCHP may be addressed under this policy.

F. Amnesty for Alcohol or Other Drug Use

The college seeks to remove any barriers to reporting. An individual who reports sexual harassment or misconduct, either as a Complainant or a third party, will not be subject to disciplinary action by the college for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The college may, however, initiate an educational discussion or pursue other educational or therapeutic remedies regarding alcohol or other drugs for those individuals.

G. Statement Against Retaliation

It is a violation of college policy to retaliate in any way against an individual because they raised allegations of sexual harassment, sexual violence, stalking, or intimate partner violence. The college recognizes that retaliation can take many forms, may be committed by or against an individual or a group, and that a Complainant, Respondent, or third party may commit or be the subject of retaliation.

The college will take immediate and responsive action to any report of retaliation and will pursue disciplinary action as appropriate. An individual reporting sexual harassment or misconduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is later not proven to be a violation under this policy.

H. False Reports

The college takes the accuracy of information very seriously, as a charge of sexual harassment, sexual violence, stalking, or intimate partner violence may have severe consequences. Knowingly making a false

report or complaint under this policy, or knowingly providing false or intentionally misleading information during an investigation, may result in disciplinary action up to and including dismissal from the college or termination of employment. A good faith complaint that results in a determination that the evidence is not sufficient to support a formal charge or to constitute a violation of this policy is not considered to be a false report. When a Complainant or third party witness is found to have fabricated allegations or given false information with malicious intent or in bad faith, that individual may be subject to disciplinary action. Similarly, a Respondent or witness who is later proven to have intentionally given false information during the course of an investigation or judicial action may be subject to disciplinary action. It is a violation of the Code of Student Conduct, and the False Report policy to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

I. Reports involving Minors or Suspected Child Abuse

When a report involves suspected abuse of a minor under the age of 18, the college is required by state law to notify the Maine Office of Child and Family Services and/or the District Attorney's office. This requirement extends to resources designated as confidential by the college, including ordained Multi-faith Chaplains.

Interim Measures, Remedies, and Accommodations

Upon receipt of a report, the college will impose reasonable and appropriate interim measures designed to eliminate the hostile environment and protect the parties involved. The college will make reasonable efforts to communicate with the parties to ensure that all safety, emotional and physical well-being concerns are being addressed. Interim measures may be imposed regardless of whether formal disciplinary action is sought by the Complainant or the college.

A Complainant or Respondent may request, through legal means, a No Contact Order or other protective measure, or the college may choose to impose interim measures at its discretion to ensure the safety of all parties, the broader college community and/or the integrity of the process.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The college will take immediate and responsive action to enforce a previously implemented measure. Interim measures will be kept confidential, to the extent that maintaining the confidentiality would not impair the ability of the college to provide the interim measures.

A. Range of Interim Measures

Interim measures will be implemented at the discretion of the college. Potential remedies, which may be applied to the Complainant and/or the Respondent, include:

- Providing access to counseling services and assistance in setting up an initial appointment;
- Imposing restriction of interaction between parties;
- Rescheduling of exams and assignments (in conjunction with appropriate faculty);
- Providing alternative course completion options (with the agreement of the appropriate faculty);

- Changing a class schedule, including the ability to take deferral, drop a course without penalty or transfer sections (with the agreement of the appropriate faculty);
- Changing a work schedule or job assignment;
- Assisting complainant or respondent in finding alternative housing arrangements;
- Limiting an individual or organization’s access to certain college facilities or activities pending resolution of the matter;
- Providing a voluntary leave of absence;
- Providing an escort to ensure safe movement between classes and on-campus activities;
- Assist survivors in obtaining medical services;
- Providing academic support services, such as tutoring;
- Imposing interim suspension or leave;
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy.

B. Interim Suspension or Leave

Where the report of sexual harassment, sexual violence, stalking, or intimate partner violence poses a substantial and immediate threat of harm to the safety or well-being of an individual, members of the campus community, or the performance of normal college functions, the college may place a student or student organization on interim suspension or impose a leave for an employee. Pending resolution of the report, the individual or organization may be denied access to campus, campus facilities and/or all other college activities or privileges for which the individual or organization might otherwise be eligible, as the college determines appropriate. When interim suspension or a leave is imposed, the college will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

Students may be placed on interim suspension at the discretion of the President (or designee). Faculty and staff may be placed on leave at the discretion of the President (or designee).

Title IX Review, Investigation, and Resolution

A. Overview of Procedural Options (students, staff, faculty)

Upon receipt of a report, The Title IX Coordinator and/or an appropriate subgroup of the college’s Title IX Committee will conduct an initial Title IX Review. The goal of this review is to provide an integrated and coordinated response to reports of sexual harassment or misconduct. The review will consider the nature of the report, the safety of the individual and of the campus community, and the Complainant’s expressed preference for resolution.

At the conclusion of the assessment, the college may choose to pursue Informal Resolution, a remedies-based approach that does not involve disciplinary action against a Respondent, or refer the matter for a college-based investigation and the Formal or Judicial Resolution process. The goal of the investigation is to gather all relevant facts and establish if there is sufficient information to determine whether a violation occurred.

The initial steps for resolution of a complaint against a student, an employee or a faculty member will involve the same stages: an initial assessment, investigation, and either informal or formal resolution. There are specific procedures for resolving complaints against a student respondent (see Procedures for Resolving Complaints Against a Student section below), and against a faculty or staff respondent (see the CMHC's Disruptive and Inappropriate Behavior policy).

B. Role of the Title IX Coordinator and Title IX Committee

The President of MCHP has designated Dr. Alexander Clifford to serve as the college's Title IX Coordinator. The Title IX Coordinator oversees the college's centralized review, investigation, and resolution of reports of sexual harassment, sexual violence, stalking, and intimate partner violence. The Title IX Coordinator, or his/her designee, also coordinates the college's compliance with Title IX and other applicable statutes.

The Title IX Coordinator is supported by the Title IX Committee. Members of this committee include faculty and at least one staff member. The Title IX Coordinator and the Title IX committee work with the Regional Director of Security in addressing all Title IX reports. In addition, based on the role of the Complainant and the Respondent, a representative from Human Resources may also work with The Title IX Coordinator, the Title IX Committee and the Regional Director of Security to address Title IX reports. Composition of the committee will be limited to a small group of individuals who "need to know" in order to implement procedures under this policy.

Although a report may be made to any college employee, the college seeks to ensure that all reports are referred to the Title IX Committee to ensure consistent application of the policy to all individuals and allow the college to respond promptly and equitably to eliminate the harassment, prevent its recurrence and address its effects. The members of this committee oversee the resolution of a report under this policy.

Resources are available for both students and employees, whether as Complainants or Respondents, to provide guidance throughout the investigation and resolution of the complaint. Interim remedies are also available to provide protection and security.

C. Initial Title IX Review

In every report of sexual harassment or misconduct, the college will make an immediate assessment of any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. These steps may include interim protective measures to provide for the safety of the individual and the campus community.

The initial review will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made. Thereafter, further action may be initiated depending on a variety of factors, such as the Complainant's wish to pursue disciplinary action, the risk posed to any individual or the campus community by not proceeding, and the nature of the allegation.

D. Investigation

Where the Title IX assessment concludes that disciplinary action may be appropriate, the college will initiate an investigation. The Title IX Coordinator, having experience in investigating allegations of sexual harassment and sexual misconduct, is designated as the investigator who will conduct a thorough, impartial, and fair

investigation. The investigation may, if and when appropriate, involve a member of Campus Security, and/or the Lewiston Police Department, to assist the college in its fact gathering and determination of a finding. Any investigator chosen to conduct the investigation must be impartial and free of any conflict of interest.

The investigator will conduct the investigation in a manner appropriate in light of the circumstances of the case, which will typically include interviews with the Complainant, the Respondent and any witnesses. The investigator will also gather any available physical evidence, including documents, communications between the parties, and other electronic records as appropriate. In gathering the facts, the investigator may consider prior allegations of, or findings of responsibility for, similar conduct by the Respondent to the extent such information is relevant.

As part of the investigation, the college will provide an opportunity for the parties to present witnesses and other evidence. Witnesses must have observed the acts in question or have relevant information and cannot be participating solely to speak about an individual's character. The investigator will provide periodic updates to the Title IX Committee, particularly regarding any emerging needs for the Complainant or Respondent for additional interim measures and regarding estimated timelines.

The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial and fair, and all individuals will be treated with appropriate sensitivity and respect. As previously described in the Privacy vs. Confidentiality Section, the investigation will be conducted in a manner that is respectful of individual privacy concerns.

The college will seek to complete the investigation within 20 (twenty) calendar days of receiving the complaint, but this time frame may be extended depending on the complexity of the circumstances of each case. At the conclusion of the investigation, the investigative report will be completed by the Title IX Coordinator and will follow the relevant procedures for Formal Resolution depending on whether the Respondent is a student, faculty member, or staff member.

Information gathered during the review or investigation will be used to evaluate the responsibility of the Respondent, provide for the safety of the Complainant and the college campus community, and impose remedies as necessary to address the effects of the conduct cited in the report. At the conclusion of the investigation, the college will notify all parties that the investigation is complete and provide information about next steps in the process.

Based on the information gathered in the initial Title IX Review and/or full investigation, the college will take appropriate measures designed to end the misconduct, prevent its recurrence and address its effects.

The Title IX Coordinator will document each report or request for assistance in resolving a case involving charges of sexual misconduct, whether formal or informal, and will review and retain copies of all reports generated as a result of investigations. These records will be kept confidential to the extent permitted by law.

E. Informal or Remedies-Based Resolution

Informal resolution is a remedies-based, non-judicial approach designed to eliminate a hostile environment without taking formal disciplinary action against a Respondent. Where the Title IX Review concludes that informal resolution may be appropriate, the college will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the Complainant's access to the

educational activities at the college and to eliminate a hostile environment. Examples of protective remedies are detailed in the Interim Measures section above. Other potential remedies include targeted or broad-based educational programming or training, direct confrontation of the Respondent and/or indirect action by the Title IX Coordinator or the college. Depending on the form of informal resolution used, it may be possible to maintain anonymity.

The college will not compel a Complainant to engage in mediation or a restorative justice process, to directly confront the Respondent, or to participate in any particular form of informal resolution. Mediation or restorative practices, even if voluntary, may not be used in cases involving sexual violence or assault. The decision to pursue informal resolution will be made when the college has sufficient information about the nature and scope of the conduct, which may occur at any time. Participation in informal resolution is voluntary, and a Complainant can request to end informal resolution at any time.

The Title IX Coordinator will maintain records of all reports and conduct referred for informal resolution. Informal resolution will typically be completed within thirty (30) business days of the initial report.

F. Formal or Judicial Resolution

Disciplinary action against a Respondent may only be taken through Formal Resolution procedures. Because the relationship of students, staff, and faculty to the college differ in nature, the procedures that apply when seeking disciplinary action necessarily differ as well. Each of the procedures, however, is guided by the same principles of fundamental fairness and respect for all parties, which require notice, an equitable opportunity to be heard, and an equitable opportunity to respond to a report under this policy. The specific procedures for Formal Resolution will vary based upon the role of the Respondent:

- For a complaint against a student, disciplinary action may be taken by the Administrative Council after the investigator has determined that a violation has occurred.
- For a complaint against an employee, disciplinary action may be taken at the conclusion of the investigation by the President of MCHP and CMMC Human Resources.

Procedures for Resolving Complaints Against a Student

The Maine College of Health Professions has established the Title IX - Anti-Violence, Discrimination, & Harassment Policy that articulates the college's community standards and includes definitions of prohibited conduct and key concepts. This policy also outlines the resources and reporting options available to the college community and methods of addressing cases involving sexual harassment, sexual violence, stalking, or intimate partner violence. This section of the security report details the specific procedures for resolving a complaint of sexual misconduct or harassment where a student is identified as the Respondent.

A. Preliminary Concerns

Timing of Reports

Complainants and third-party witnesses are encouraged to report sexual harassment, sexual violence, stalking, and intimate partner violence as soon as possible in order to maximize the college's ability to respond promptly and effectively. The college does not, however, limit the time frame for reporting. If the Respondent is no longer a current student, the college may not be able to take disciplinary action against the Respondent, but will still seek to meet its Title IX obligations by taking steps to end the harassment, prevent its recurrence,

and address its effects. A current student is defined as someone who has matriculated and has not formally severed recognized student status with the college. A student retains this status throughout the student's career at the college, including academic terms, scheduled vacations, summer months, and periods of leave or off-campus study.

Jurisdiction

An incident does not have to occur on campus to be reported to the college. All college community members are responsible for their actions and behavior, whether the conduct in question occurs on campus or in another location. Members of the college community have a responsibility to adhere to college policies and local, state, and federal law. As a result, this policy applies both to on-campus and off-campus conduct. In particular, off-campus conduct that is likely to have a substantial adverse effect on any member of the college community or MCHP may be addressed under this policy.

Effect on Criminal Proceedings

The college encourages Complainants to pursue criminal action for incidents of sexual harassment, sexual violence, stalking, and intimate partner violence that may also be crimes under Maine criminal statutes. The college's policy, definitions, and standard of proof may differ from Maine criminal law. The college will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation using the procedures outlined here except at the request of local law enforcement during the initial stages of a criminal investigation. Neither law enforcement's decision whether or not to prosecute a Respondent nor the outcome of any criminal prosecution are determinative of whether sexual harassment, sexual violence, stalking, or intimate partner violence has occurred under this policy.

Effect of Pending Complaint on Respondent

If a Respondent elects to withdraw from the college after an investigation has commenced but prior to a final resolution, the student record of the Respondent will reflect a withdrawal and shall contain the notation "Voluntary withdrawal with disciplinary charges pending." A Respondent electing to withdraw from the college under these conditions shall have no right to apply for readmission. In exceptional circumstances, the President may grant permission to apply for readmission to a withdrawing or withdrawn student. If such special permission is granted, readmission will not be automatic and may be subject to such terms and conditions as the President may deem to be appropriate.

Amnesty for Alcohol and Other Drug Use

The college seeks to remove any barriers to reporting. An individual who reports sexual harassment or misconduct, either as a Complainant or a third party, will not be subject to disciplinary action by the college for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The college may, however, initiate an educational discussion or pursue other educational or therapeutic remedies regarding alcohol or other drugs for those individuals.

Advisors

The Complainant and Respondent have the right to be assisted by an advisor of their choosing. The college encourages Complainants and Respondents to select an advisor who is familiar with the policies and procedures regarding Title IX, but the final decision rests with each individual. Parties may share information related to a complaint with individuals that may support or assist them in presenting their case.

An advisor serves to guide the student through the all phases of the process and may accompany the student to any meeting throughout the process. The role of the advisor is one of support, but not active participation. The advisor should assure that the student clearly understands all questions asked, and that the student clearly communicates their account of events. The advisor may also help the student identify appropriate witnesses. The advisor's role during an investigatory interview or subsequent meeting is as a silent observer. The advisor may not make arguments, ask questions, or speak for a Complainant, Respondent, or third party. Similarly, the advisor may not interact with the investigator during the course of an investigation. The advisor may request a recess during an investigatory interview or meeting to consult with the student, but not while any question is pending before the student. Any advisor who becomes disruptive in any meeting may be removed from that that meeting or prohibited from participation in the remainder of the process. The advisor may accompany a student to any meeting with an investigator or with a College employee. Any person who serves as an advisor should plan to make themselves available for meetings throughout the process.

Any advisor selected who has not received Title IX training must attend a meeting with the Title IX Coordinator or a member of the Title IX Committee prior to attending any case related meeting in order to understand the college's processes and their role. A witness for the case at hand may not serve as an advisor to any party involved.

Witnesses called to speak with an investigator as part of this process also have the right to bring an advisor of their choosing to all meetings related to the investigation. This advisor must be a member of the MCHP community (current faculty, staff, or student) and serves in a role similar to that described above.

Agreements not Recognized by the College

Other than a judicial order, the college will not recognize agreements between the Complainant and Respondent in which the college did not participate unless reviewed and approved by the Title IX Coordinator.

Time Frames

The College seeks to resolve all reports within 60 days of the initial report. All time frames expressed in this policy are meant to be guidelines rather than rigid requirements. Extenuating circumstances may arise that require the extension of time frames, including extension beyond 60 days. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances.

In general, a Complainant and Respondent can expect that the process will proceed according to the time frames provided in this policy. In the event that the investigation and resolution time frame needs to be extended for good cause, the College will provide written notice to all parties of the reason(s) for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness. Both Complainant and Respondent will be given timely notification of any meetings (Complainant present only, Respondent present only, or both present) at which they may be present.

Where the Respondent is a second semester senior, the college may withhold that student's MCHP degree pending conclusion of the sexual misconduct proceedings. The college reserves the right to restrict a student's participation in college programs while an investigation is pending.

Communications

All communications and notices required by these procedures may be made electronically, in hard copy, or in person.

Standard of Proof

The Investigator will determine the Respondent's responsibility by the preponderance of the evidence standard which is whether the information provided supports a finding that it is "more likely than not" that the Respondent is responsible for the alleged violation.

Records

The investigative report, including all documents, information, and other evidence, and the documentation regarding any finding, sanction, and appeal will serve as the formal record of the proceedings and will be maintained by the Title IX Coordinator as part of the Respondent's conduct record. If a student has been found responsible for a violation of this policy, such records may be used in reviewing any further conduct issues consistent with this policy and the Code of Student Conduct.

All records shall be held and reported according to the college policy on Reporting Student Disciplinary Matters.

B. Initiating a Report

Any person who has experienced an incident of sexual misconduct or harassment, as defined in the Title IX - Anti-Violence, Discrimination, & Harassment Policy, may file a report against a MCHP student responsible for that conduct. Students filing complaints may request that the college initiate its formal, judicial resolution option, its informal remedies-based resolution option, or to take no action.

At the time a report is made, a Complainant does not have to decide whether or not to request disciplinary action. Choosing to make a report and deciding how to proceed after making the report can be a process that occurs over time. To the extent possible, the college will respect an individual's autonomy in making these decisions and provide support that will assist each individual in making that determination.

Where a Complainant requests that their name or other identifiable information not be shared with the Respondent or that no formal action be taken, the college will balance this request with its dual obligation to provide a safe and non-discriminatory environment for all MCHP community members and to remain true to principles of fundamental fairness that require notice and an opportunity to respond before action is taken against a Respondent. In making this determination, the college may consider:

- The seriousness of the conduct;
- The respective ages and roles of the Complainant and Respondent;
- Whether there have been other complaints or reports of harassment or misconduct against the Respondent;
- The rights of the Respondent to receive notice and relevant information before disciplinary action is sought;
- If circumstances suggest there is an increased risk of the Respondent committing additional acts of sexual violence or other violence;

- Whether the Respondent has a history of arrests or records from a prior school indicating a history of violence;
- Whether the alleged perpetrator threatened further sexual violence or other violence against the student or others;
- Whether the sexual violence was committed by multiple perpetrators;
- If the circumstances suggest there is an increased risk of future acts of sexual violence under similar circumstances;
- Whether the sexual violence was perpetrated with a weapon;
- Whether the school possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence).

The Title IX Coordinator in consultation with the Title IX Committee will evaluate requests for confidentiality.

In exceptional cases, such as cases threatening community safety, the college may make a determination that further action is required even if the Complainant desires no action or an informal, remedies-based resolution. As set forth in the Title IX - Anti-Violence, Discrimination, & Harassment Policy, reports of sexual misconduct undergo a Title IX Review to determine the appropriate response in such cases.

C. Information for Complainant and Intake Meeting

After receipt of the report, the Title IX Coordinator will conduct an intake meeting with the Complainant. At this meeting, the Title IX Coordinator will inquire into the nature of the complaint and allegation of misconduct. The Complainant will be informed of all interim measures and resolution options available under this policy, and encouraged to select an advisor who is familiar with Title IX. The Complainant will be informed of the prohibition against retaliation and instructed not to destroy any potentially relevant documentation or evidence in any format. The Complainant will be given a copy of the Title IX - Anti-Violence, Discrimination, & Harassment Policy, and a summary of pertinent information from VAWRA section of this report.

D. Title IX Review

In every report of sexual harassment or misconduct, the college will make an immediate assessment of any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. These steps may include interim protective measures to provide for the safety of the individual and the campus community.

As part of the initial assessment of the facts, the college will:

- Assess the nature and circumstances of the allegation;
- Address immediate physical safety & emotional well-being;
- Notify the Complainant of the right to contact law enforcement and seek medical treatment;
- Notify the Complainant of the importance of preservation of evidence;
- Enter the report into the college's daily crime log;

- Assess the reported conduct for the need for a timely warning under the Clery Act;
- Provide the Complainant with information about on and off-campus resources;
- Notify the Complainant of the range of interim accommodations and remedies;
- Provide the Complainant with an explanation of the procedural options, including remedies-based resolution and judicial resolution;
- Identify an advisor and/or support person for the Complainant and Respondent;
- Assess for pattern evidence or other similar conduct by Respondent;
- Discuss the Complainant's expressed preference for manner of resolution and any barriers to proceeding;
- Explain the college's policy prohibiting retaliation.

E. Interim Measures

Upon receipt of a complaint, the Title IX Coordinator, in consultation with the Title IX Committee, will review the allegations and determine the necessity and scope of any interim measures to prevent further acts of harassment, misconduct, or retaliation and to provide a safe educational and work environment. Potential remedies, which may be applied to the Complainant and/or the Respondent, include:

- Providing access to counseling services and assistance in setting up an initial off-campus appointment;
- Imposing a No Contact Order (on campus) between parties;
- Rescheduling of exams and assignments (in conjunction with appropriate faculty);
- Providing alternative course completion options (with the agreement of the appropriate faculty);
- Changing a class schedule, including the ability to take deferral, drop a course without penalty or transfer sections (with the agreement of the appropriate faculty);
- Changing a work schedule or job assignment;
- Changing an on-campus housing assignment;
- Providing assistance from college support staff in completing housing relocation;
- Limiting an individual's or organization's access to certain college facilities or activities pending resolution of the matter;
- Providing a voluntary leave of absence;
- Providing an escort to ensure safe movement between classes and activities;
- Providing access to medical services;
- Providing academic support services, such as tutoring;
- Imposing interim suspension or leave;

- Any other remedy that can be tailored to the involved individuals (students or employees) to achieve the goals of this policy.

F. Withdrawal of Complaint

Prior to the completion of the resolution options described in this policy, the Complainant may withdraw the sexual misconduct complaint. Withdrawal of the complaint will, in most circumstances, end any investigation or process taking place under this policy. The college reserves the right to move forward with a complaint, even after the Complainant withdraws it, in order to protect the interests and safety of the college community.

G. Summary of Resolution Options

a. Informal, Remedies-Based Resolution

Informal resolution is a remedies-based, non-judicial approach designed to eliminate a hostile environment without taking formal disciplinary action against a Respondent. Where the Title IX Review concludes that informal resolution may be appropriate, the college will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the Complainant's access to the educational activities at the college and to eliminate a hostile environment. Examples of protective remedies are detailed in the Interim Measures section above. Other potential remedies include targeted or broad-based educational programming or training, direct confrontation of the Respondent and/or indirect action by the Title IX Coordinator or the college. Depending on the form of informal resolution used, it may be possible to maintain anonymity.

The college will not compel a Complainant to engage in mediation or a restorative justice process, to directly confront the Respondent, or to participate in any particular form of informal resolution. Mediation or restorative practices, even if voluntary, may not be used in cases involving sexual violence or assault. The decision to pursue informal resolution will be made when the college has sufficient information about the nature and scope of the conduct, which may occur at any time. Participation in informal resolution is voluntary, and a Complainant can request to end informal resolution at any time.

The Title IX Coordinator will maintain records of all reports and conduct referred for informal resolution. Informal resolution will typically be completed within thirty (30) business days of the initial report.

b. Formal Resolution

Disciplinary action against a Respondent may only be taken through the Formal Resolution process. The Formal Resolution process contains three phases: Investigation, Sanction, and Appeal. This process is outlined in detail below.

H. Responding to Report

a. Information for Respondent and Intake Meeting

After receipt of the report, the intake meeting with the Complainant, and the Title IX Review, the Title IX Coordinator will conduct an intake meeting with the Respondent if deemed appropriate. At this meeting, the person conducting the intake will discuss the nature of the complaint and allegation of misconduct and the procedures for the method of resolution being initiated. The

Respondent will be encouraged to select an advisor from the college, preferably one who is familiar with policies and procedures regarding Title IX. The Respondent will be informed of the prohibition against retaliation and instructed not to destroy any potentially relevant documentation or evidence in any format. The Respondent will be given a copy of the Title IX - Anti-Violence, Discrimination, & Harassment Policy, and a summary of pertinent information from the VAWRA Act section of this report. The Respondent will also be offered support resources on and off campus as described in the Resources section of this report. If the Respondent fails to meet and cooperate with the person conducting the intake meeting, the investigator, or any other person during this process, the resolution of the complaint will proceed without input from the Respondent.

b. Acceptance of Responsibility

After the initial intake meeting, the Respondent may choose to accept responsibility for all or part of the alleged misconduct. If the Respondent accepts responsibility for the alleged misconduct, the process may, but will not necessarily proceed to the Investigation phase. The Title IX Coordinator may proceed directly to the Sanction phase to determine an appropriate sanction for the Respondent. If the Respondent disputes any aspect of the allegations, the matter will proceed to an Investigation.

At any point in the process, the Respondent may accept responsibility for the alleged misconduct. In such cases, the Title IX Coordinator may proceed directly to the Sanction phase to determine an appropriate sanction for the Respondent.

I. Formal or Judicial Resolution Procedures

a. Investigation Phase

i. Investigator

The Title IX Coordinator, having experience in investigating allegations of sexual harassment and sexual misconduct, is designated as the investigator who will conduct a thorough, impartial, and fair investigation. The investigator must be impartial and free of any conflict of interest, therefore if there is a conflict, an alternate investigator will be chosen. A member of Campus Security may also be deemed an investigator if the situation requires their involvement.

The investigation is designed to provide a fair and reliable gathering of the facts. All individuals in the investigation, including the Complainant, the Respondent and any third-party witnesses, will be treated with appropriate sensitivity and respect. Consistent with the need for a full assessment of the facts, the investigation will safeguard the privacy of the individuals involved.

ii. Investigation Process

The investigator will coordinate the gathering of information from the Complainant, Respondent, and other individuals or entities with relevant information regarding the complaint. The investigator will share with the Complainant and Respondent for comment or rebuttal, information and documentation considered material to the findings related to the complaint. The investigator may consider prior allegations of, or findings of responsibility for, similar conduct by the Respondent. The Complainant and Respondent will have an equal opportunity to be heard, to submit evidence, and to identify witnesses who may have relevant information. The investigation will typically be completed within twenty (20) calendar days. Given the availability of witnesses or complexity of the circumstances, this time frame may be extended as necessary to ensure the integrity and

completeness of the investigation. The investigator will provide periodic updates to the Title IX Committee, particularly regarding any emerging needs that would require additional interim measures for the Complainant or Respondent or regarding any adjustments to estimated timelines.

Information gathered during the investigation will be used to evaluate the appropriate course of action, provide for the safety of the individual and the campus community, and impose remedies as necessary to address the effects of the conduct cited in the report.

The investigator will employ the following processes in the investigation of the complaint:

1. Document/Records Review

In addition to reviewing any documents submitted by the Complainant and Respondent, the investigator will try to obtain such other physical or medical evidence relevant to the investigation as the investigator determines, in his or her judgment, to be necessary, including but not limited to documents, police records, electronic or other record of communications between the parties or witnesses, records or other relevant information. In obtaining such evidence, the investigator will comply with applicable laws and college policies.

2. Site Visits

The investigator may visit relevant sites or locations and record observations through written or photographic documentation.

3. Complainant and Respondent Interviews

The investigator will interview the Complainant and the Respondent separately and may interview one or both more than once as necessary. The Complainant and Respondent may be accompanied by their respective advisors.

4. Witness Interviews

The investigator will make a good faith effort to contact and interview any witnesses identified by the parties or in the documentation, including those no longer at the college. The investigator may also interview any other individual he or she finds to be potentially relevant to the allegations of the complaint. The investigator will inform each witness or other individual interviewed that they are prohibited from retaliating against the Complainant and Respondent or other witnesses.

5. Experts

The investigator may contact any expert the investigator determines is necessary to ascertain the facts related to the complaint. An expert witness may be contacted for an informal consultation or for professional opinion regarding information learned from the investigation.

6. Prior Sexual History, Bad Acts, or Pattern Evidence

In general, in a case where the Respondent raises consent as a defense, any prior consensual relationship between the parties may be deemed relevant to assess the manner and nature of communications between the parties, but not necessarily determinative. As noted in the Title IX - Anti-Violence, Discrimination, & Harassment Policy, a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Generally, prior sexual history of the Complainant or Respondent will not be considered relevant to an investigation. However, in limited circumstances, such as pattern evidence, it may be relevant in the determination of responsibility or, in the case of Respondent, assigning of a sanction. Additionally, a prior finding (post appeal rights) of responsibility for a similar act of sexual misconduct will always be deemed relevant and may be considered in making a determination as to responsibility and/or assigning of a sanction.

If either party wishes to bring forth information concerning the other party's sexual history, bad acts, or pattern evidence, such requests must be made during the course of the investigation to the investigator, who is responsible for determining its relevance.

iii. Report

At the conclusion of the investigation, the investigator will prepare a written investigative report summarizing and analyzing the relevant facts determined through the investigation, referencing any supporting documentation or statements. In preparing the report, the investigator will review all facts gathered to determine whether the information is relevant and material to the determination of responsibility given the nature of the allegation. In general, the investigator may redact information that is irrelevant, more prejudicial than probative, or immaterial. The investigator may also redact statements of personal opinion, rather than direct observations or reasonable inferences from the facts. Further, the investigator may redact any statements regarding general reputation or any character trait. The investigative report may include summaries of interviews with the Complainant, Respondent, third-party witnesses, experts, and any other individuals with relevant information, photographs of relevant sites or physical evidence, electronic records and forensic evidence. The investigator may provide a summary of impressions including context for the evidence.

Before the report is finalized, the Complainant and Respondent will be given the opportunity to review their own statement and other relevant information collected during the investigation, including the statements of the other party and any witnesses.

A Complainant or Respondent may submit any additional comment or evidence to the investigator within five (5) business days of the opportunity to review the relevant portions of the investigative file.

Upon receipt of any additional information by the Complainant or Respondent, or after the five (5) day comment period has lapsed without comment, the investigator will make a finding as to whether there is sufficient information alleged to suggest that a policy violation may have occurred.

iv. Findings

The investigative report will include a determination by the investigator as to whether the Respondent is responsible for a violation or violations of the Title IX - Anti-Violence, Discrimination, & Harassment Policy using the preponderance of the evidence standard. This determination may be accompanied by a rationale or further information if deemed appropriate.

v. Distribution to Parties

The Title IX Coordinator will provide the Complainant and Respondent with a final copy of the investigative report and the findings and will inform them of the next steps in the process including the option to appeal, if applicable.

Should the Respondent be found not responsible for a violation of the Title IX - Anti-Violence, Discrimination, & Harassment Policy by the investigator, the Complainant retains the option to appeal on limited grounds as described in the Appeals phase section below.

Should the Respondent be found responsible, the case will proceed to the sanction phase. Both parties may opt to appeal the finding prior to the start of the sanction phase on limited grounds using the procedures described in the Appeals section below. Appeals filed in this manner must be submitted within ten (10) calendar days of the receipt of the finding. The Complainant and Respondent shall retain the full right to appeal on limited grounds following the decision of the Administrative Council.

b. Sanction Phase: Administrative Council

Should the Respondent be found responsible for a violation of the Title IX - Anti-Violence, Discrimination, & Harassment Policy by the investigator, the case will proceed to the sanction phase where the Administrative Council will review the investigative report to impose an appropriate sanction. Generally, the Administrative Council shall meet to determine the appropriate sanction within ten (10) calendar days of completion of the investigative report.

i. Composition of the Administrative Council

The Administrative Council is composed of the President of MCHP, the Vice President of Academic and Student Affairs, the Vice President of Finance, the Director of Admissions, the Dean of Medical Imaging, and the Dean of Nursing.

All members of the Administrative Council shall be voting members. All members of the Administrative Council shall be trained annually regarding the dynamics of sexual misconduct, the appropriate manner in which to receive and evaluate sensitive information, the manner of deliberation, the application of the preponderance of the evidence standard, relevant sanctioning precedent (which shall inform but not bind the Council), and the college's policies and procedures. The training shall also stress the importance of confidentiality and privacy of all parties. If the Title IX Coordinator is a member of the Administrative Council, he/she will recuse him/herself from the voting process.

ii. Review of Investigative Report and Finding

The Administrative Council shall have access to the investigative report, finding, and all related documents to review prior to making a decision on an appropriate sanction. **All documents provided to the Administrative Council shall have all personally identifiable information for all students involved redacted.**

After reviewing the report and finding, if the Council feels that more information is required, they may refer the case back to the investigator for further clarification.

iii. Review of Other Relevant Information and Opportunity to Respond

The Administrative Council shall have access to other relevant information in the Respondent's student file, including prior student conduct history. **This information shall have personally identifiable student information redacted.** The Complainant and Respondent shall have access to this information prior to its presentation to the Council, and shall have an opportunity to respond via a written statement to be provided to the Council. Only information related to the information presented from the Respondent's student file shall be permitted in this statement.

The Complainant and Respondent shall have the opportunity to present a statement to the Council describing the impact of the case on them. This statement may be presented in writing to the Council or in person. If presented in person, the Council will not ask any questions of the individual present. Any advisor who may be present may not make any statements to the Council. If both the Complainant and Respondent wish to make in-person statements to the Council, they shall not be present in the room together. To the extent either party requires support in preparing such a statement, the college will provide assistance.

iv. Sanction Statement

The Administrative Council may impose any sanction defined in the Code of Student Conduct, including probation, suspension, and expulsion.

Any student found responsible for a sexual assault violation will likely face a recommended sanction of suspension or expulsion.

Any student found responsible for a non-consensual sexual contact violation (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.

Any student found responsible for a sexual exploitation or sexual harassment violation will likely receive a recommended sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.

The Administrative Council reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. The Council will not deviate from the range of recommended sanctions unless compelling justification exists to do so.

v. Deliberations

After a thorough review of the investigative report, finding, all other related documents, other relevant information, and any response from the Complainant or Respondent, the Administrative Council shall deliberate regarding the appropriate sanction. The sanction shall be determined by a majority vote of the voting members of the Council present. Should there be a tie, the President shall cast the deciding vote.

vi. Notice of Outcome

The final written notice of outcome shall be simultaneously provided in writing to both the Complainant and the Respondent by the Title IX Coordinator. The college will also provide written notice, at the same time to both parties, of any change in the outcome that occurs before the outcome becomes final. Both parties have the right to be informed of the outcome. The notice of outcome will include the finding as to whether there is a policy violation, the rationale for the result, and a brief summary of the evidence on which the decision is based, as appropriate. In addition, the Respondent will be fully informed of any sanctions. For reports involving sexual violence, the Complainant will be fully informed of any sanctions and remedies that directly relate to Complainant, including information about the Respondent's presence on campus (or in a shared class or dormitory), that may help a Complainant make informed decisions or work with the college to eliminate harassment and prevent its recurrence. For all other reports under this policy, the Complainant will be informed of only those sanctions that directly relate to the Complainant, consistent with FERPA and other applicable law. The notice shall include information regarding the right to appeal the outcome for both the Complainant and Respondent.

c. Appeal Phase

The Program Dean, the President, and the Chairman of the Board of Trustees of the College serve as appeal officers for all violations of the Title IX - Anti-Violence, Discrimination, & Harassment Policy using the procedures outlined below, and detailed in the Fair Treatment Policy. All matters involved in this procedure will be confidential.

i. Eligibility, Timeline, Filing Procedures, and Review of Appeals

- Either the Complainant or Respondent may file an appeal within five (5) school days of notification of the decision. Appeals must be filed in writing and submitted to the appellant's Dean's Office.
- The Dean will respond in writing within five (5) school days from the receipt of the written dispute/appeal.
- If the dispute is not resolved to the satisfaction of the appellant, an appeal may be made to the President of the College. This written appeal must be submitted within five (5) school days following the written response from the Dean.
- The President of the College will respond in writing to the appeal within five (5) school days.
- If the dispute/appeal is not resolved, it is the appellant's responsibility to submit a written request to the President of the College for activation of the AD-HOC Fair Treatment Committee within five (5) school days.

- The President of the College activates and refers the dispute/appeal to the AD-HOC Fair Treatment Committee within five (5) school days.
- The AD-HOC Fair Treatment Committee will convene and hear the dispute/appeal within five (5) school days. The appellant will have a private and separate meeting with the Committee. The Committee will receive all documents and evidence and compile minutes of their proceedings.
- The AD-HOC Fair Treatment Committee will submit a written report, including findings, documents, and recommendations within five (5) school days, to the President of the College, the Dean, and the appellant.
- Should the recommendations of the AD-HOC Fair Treatment Committee not be acceptable to either the appellant or the President of the College, the dispute will be presented in writing to the Chairman of the Board of Trustees of the College by either party, within five (5) school days.
- The Chairman of the Board of Trustees or designee will investigate the dispute and render a decision within (10) school days. This decision is final and binding upon all parties involved.

Each involved party in this fair treatment process may be accompanied by an advisor of their own choosing during any step of the procedure.

ii. Grounds for Appeal

The Complainant and/or Respondent may appeal the parts of final outcome directly relating to him/her. Dissatisfaction with the outcome of the hearing is not grounds for appeal. Appeals may be based only on one or more of the following grounds:

- a procedural error that may have had a prejudicial effect upon the outcome of the proceedings;
- new evidence that was discovered after the investigation and could not have been discovered previously that might have had an effect upon the outcome of the proceedings, or
- the sanction imposed on the Respondent is grossly inappropriate.

The receipt of the appeal will be acknowledged in writing (which can include email).

iii. Review for Appeal

All appeals are limited to the three possible grounds. The appeal shall consist of a plain, concise, and complete written statement outlining the facts that support the available grounds for the appeal.

The appeal will be conducted in an impartial manner according to the Fair Treatment Policy. In any request for an appeal, the burden of proof lies with the party requesting the appeal (the appellant), as the original determination and sanction are presumed to have been decided reasonably and appropriately.

The appeal is not a new review of the underlying matter. The decision shall affirm the original finding of the investigator and the sanction imposed by the Administrative Council unless the

appeals officer (Dean, President or Chairman of the Board of Trustees for the College) sustains one of the grounds for appeal, in which case the appeals officer can:

- Refer a case to the original or new investigator if new evidence is present or if there were prejudicial procedural errors; or
- Refer a case back to the Administrative Council if the sanction is considered to be grossly inappropriate.

Appeals are not intended to be full rehearing of the complaint (de novo). This is not an opportunity for the appeals officer to substitute his/her judgment for that of the original investigator or Administrative Council merely because s/he disagrees with its finding and/or sanctions. Appeals decisions are to be deferential to the original or new investigator or the Administrative Council except where there is clear error.

iv. AD-HOC Fair Treatment Committee Members

When the appellant is a student, the AD-HOC Fair Treatment Committee will consist of:

- Their Program Dean
- One uninvolved student appointed by the Dean
- One uninvolved student selected by the involved student
- Academic Advisor
- Uninvolved faculty member appointed by the Dean
- Uninvolved faculty member selected by the involved student

When the appellant is an employee, the AD-HOC Fair Treatment Committee will consist of:

- Their Dean
- Two uninvolved faculty or staff members appointed by the President
- One faculty or staff member designated by the involved employee

v. Appeal Decision and Notification

The appeal decision will include a rationale and shall be presented simultaneously in writing to both the Complainant and Respondent by the Title IX Coordinator. Sanctions imposed are implemented immediately after all appeals. In cases where the appeal results in reinstatement to the institution or of privileges, all reasonable attempts will be made to restore the student to their prior status, recognizing that some opportunities lost may be irretrievable in the short term. Appeal decisions are final.

Sex Offender Registration

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where laws enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

In the State of Maine, convicted sex offenders must register with the law enforcement agency having jurisdiction in those areas where the offender is domiciled, resides, works or attends school. You can access the State of Maine website at <http://sor.informe.org/cgi-bin/sor/index.pl>.

Risk Reduction, Warning Signs of Abusive Behavior and Future Attacks

No victim is ever to blame for being assaulted or abused. Unfortunately, a person who is the victim of sexual or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk, to recognize warning signs of abusive behavior and how to avoid potential attacks.

Warning Signs of Abusive Behavior

Domestic and dating abuse often escalates from threats and verbal abuse to violence. And, while physical injury may be the most obvious danger, the emotional and psychological consequences of domestic and dating violence are also severe. Warning signs of dating and domestic violence include:

1. Being afraid of you partner.
2. Constantly watching what you say to avoid a “blow up.”
3. Feelings of low self-worth and helplessness about your relationship.
4. Feeling isolated from family or friends because of your relationship.
5. Hiding bruises or other injuries from family or friends.
6. Being prevented from working, studying, going home, and/or using technology (including your cell phone).
7. Being monitored by your partner at home, work or school.
8. Being force to do things you don’t want to do.

Help Reduce Your Risk and Avoid Potential Attacks

If you are being abused or suspect that someone you know is being abused, speak up or intervene.

1. Get help by contacting Security or the Title IX Coordinator.
2. Learn how to look for “red flags” in relationships so you can learn to avoid some of those characteristics in future partners.
3. Consider making a report with Campus Security and/or The Title IX Coordinator and ask for a “no contact” directive from the College to prevent future contact.
4. Learn more about what behaviors constitute dating and domestic violence, understand it is not your fault, and talk with friends and family members about ways you can be supported.
5. Trust your instincts-if something doesn’t feel right in a relationship, speak up or end it.

Sexual Assault Prevention (From RAINN) In a Social Situation

While you can never completely protect yourself from sexual assault, there are some things you can do to help reduce your risk of being assaulted in social situations.

1. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
2. Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
3. Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
4. Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
5. Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
6. If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

If Someone is Pressuring You

If you need to get out of an uncomfortable or scary situation here are some things that you can try:

1. Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
2. Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
3. Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
4. Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
5. Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
6. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Safe and Positive Bystander Interventions

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, try to kiss, inappropriately touch, or have sex with people who are incapacitated, or who are resisting, or seem uncomfortable with the behavior.
3. Speak up when someone discusses plans to take sexual advantage of another person, or if someone is exhibiting discriminatory or harassing behavior.
4. Believe someone who discloses sexual assault, abusive behavior, is experiencing stalking, or other forms of violent, discriminating or harassing behavior.
5. Refer people to on- or off-campus resources for support in health, counseling, or with legal assistance.

College Alcohol, Drug, and Weapons Policies

Alcoholic Beverages/ Illicit Drugs

No alcoholic beverages or illicit drugs/substances or weapons are allowed on any part of the Maine College of Health Professions campus at any time.

Consuming, keeping, or distributing any alcoholic beverage or illicit substances on the College campus shall result in the person being ***immediately expelled from the Maine College of Health Professions, immediately moving out of their dorm room, or both.***

The possession of illicit drugs or substances is a civil and/or criminal offense under Maine law. The possession, or use or distribution of illicit drugs or substances by anyone at the College is strictly prohibited;

In accordance with Maine Law, the College will proceed to appropriately involve police officials to enforce this policy, and thus individuals may be subject to prosecution under the full extent of the law.

Drug-Free Campus Policy

The Maine College of Health Professions works to provide a drug-free environment for all employees and students.

On the College premises or at College-sponsored activities, the following acts are prohibited:

- distribution, possession, use of, or attempt to purchase any illegal drug or controlled substance without legal authorization
- providing alcoholic beverages to individuals under 21, or possession of alcoholic beverages by individuals less than 21
- possession of an open container of an alcoholic beverage in a public place without the express permission of the owner, public intoxication, driving while intoxicated, and drinking alcoholic beverages in an unlicensed public place

Marijuana Use

Federal law and the Drug Free Schools and Workplace Acts make possession and use of marijuana on campus and clinical settings illegal, even in states with medical or recreational marijuana laws, including Maine. Thus, the College does not permit the use of medical or recreational marijuana anywhere on campus or in the clinical setting.

Disciplinary Sanctions

As an employee/student of the College, you are hereby informed that the unlawful manufacture, distribution, dispensing, possession, use of, or attempt to purchase any illegal drug or controlled substance will result in dismissal from the College or termination of employment with the College. A controlled substance includes opiates, cocaine and its derivatives, hallucinogenic substances, marijuana, amphetamines, barbiturates, and other narcotic drugs, a complete list of which is found in Schedules I-V of Section 812 in Title 21 of the United States Code. In accordance with Maine Law, the College will proceed to appropriately involve police officials to enforce this policy, and thus individuals may be subject to prosecution.

The sanctions here also pertain to the prohibited acts listed above related to alcoholic beverages possession and use.

To continue to work for or attend the College, you must agree to abide by this drug-free campus policy

Annual Notification

The College will provide to employees and students on an annual basis information on the following:

- Standards of conduct that clearly prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on the school's property or as part of any of the school's activities.
- Description of applicable legal sanctions under state, local and federal law.
- Description of health risks.
- Description of available counseling, treatment rehabilitation, or re-entry programs
- Clear statement that the school will impose sanctions for violation of standards of conduct and a description of sanctions.

Weapons Policy

Possessing or using weapons, explosives, flammable substances or other dangerous devices are not allowed on any part of the Maine College of Health Professions campus at any time.

A weapon is any object or substance designed and/or used to inflict a wound, to cause injury, or to incapacitate, and includes, but is not limited to all firearms, pellet guns, air pistols, air rifles, all knives, black jacks, metal knuckles, fireworks, explosives, biological agents and chemicals such as Mace and/or tear gas. Replicas and facsimiles of weapons are also prohibited.

Possession of a weapon may result in expulsion from the College and eviction from the College residence hall if applicable.

In accordance with Maine Law, the College will proceed to appropriately involve police officials to enforce this policy, and thus individuals may be subject to prosecution.

Campus Emergency Response & Evacuation Procedures

Emergency Preparedness

The College's Emergency Operations Plan is part of Central Maine Medical Center's Emergency Operations Plan. The College conducts numerous exercises each year, which have included field exercises and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the college.

The Security officers and supervisors have received training in Incident Command and Responding to Critical Incidents on Campus. When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually the Security Department, the Lewiston Police Department and the Lewiston Fire Department. They typically respond and work together to manage the incident. Depending on the nature of the incident, other city, federal and private agencies could also be involved in responding to the incident.

Security has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, Security has a responsibility to respond to such incidents to determine if the situation does in fact; pose a threat to the community. If that is the case, Federal Law requires that the institution immediately notify the campus community or the appropriate segments of the community that may be affected by the situation. In the event of a confirmed serious incident which poses an immediate threat to members of the MCHP community, Security will immediately determine the content of the message and will use some or all of the systems described in the Timely Warnings section of this report, to communicate the threat to the MCHP community. Security will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: Campus Security, the Lewiston Police Department, the Lewiston Fire Department and Emergency Medical Services, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

CMMC Safety policies including emergency preparedness and fire safety are found in the Safety Manual found on the CMMC portal. All faculty, staff, and students of the College must be familiar with the Safety Manual. CMMC thoroughly reviews the Safety Manual on an ongoing basis.

Each resident in on-campus housing is also responsible for knowing the information contained in the Fire Instruction sheet posted in the individual's room on the inside of the door, (these are to be visible at all times).

All students must know the location of alarm switches, fire extinguishers, and fire exits. It is important that individuals know how to properly use fire extinguishers.

Surveillance:

- a. The College has security cameras located in the front lobby and entrance area.
- b. All visitors are required to sign in at the front desk.

- c. All classrooms will be locked while class is in session.
- d. Students, faculty, and staff will be notified of any existing or potential campus security issues through the SONIS system.

Preparedness:

- a. CMMC requires & provides annual education on policy and procedure for all students, staff, faculty, and administration.
- b. Evacuation routes are posted in hallways and classrooms.
- c. Phones are located in classrooms, in the first floor hallway, and in the 2nd floor common area.
- d. The College conducts evacuation drills a minimum of once a year.
- e. Dorm rooms have instructions posted on room doors as to what to do in case of emergency

Evacuation:

If evacuation is called for, the same procedures for evacuation due to fire/internal disaster will be followed (see below)

Shelter in Place Procedure

(External threats that require individuals to be sheltered in the building)

Overall Procedures

- 1. Individuals who are outdoors should go inside the facility immediately.
- 2. Instruct everyone to move to an interior area without windows if required. Seek guidance from the senior MCHP staff member present.
- 3. Close all windows and doors in your area.
- 4. If possible, report your status to faculty or senior MCHP staff member present.
- 5. Await instructions and be prepared to implement other protocols if directed to do so.

Hostile Threat in the Building

Faculty in a class session: Take sign-in sheets during an evacuation if possible.

Run, Hide, Fight.

Faculty, Staff, & Students Responsibilities

- 1. Call 911- do not hang up; if possible, activate the two-button panic alarms located throughout the building.
- 2. Run: Evacuate if possible, assembling in the CMMC cafeteria.
 - a. Provide or obtain assistance for individuals moving to the CMMC cafeteria if possible.
 - b. Be alert to people or conditions that might pose a danger to evacuees. If you encounter a significant hazard, quickly evaluate the situation and alter the evacuation route accordingly.
 - c. Faculty will account for students in their class. The senior MCHP staff member present will account for staff/faculty.
 - d. Report any missing persons to the senior MCHP staff member who will notify CMMC security.

- e. The first MCHP staff member in the cafeteria with SONIS access will send a text/e-mail alert to all SONIS users that campus is closed until further notice.
 - f. Do not leave the cafeteria or re-enter MCHP property until authorized by CMMC security or senior MCHP staff member present.
3. Hide: If evacuation is not possible, find a safe place to hide.
 - a. Lock the door, turn off ringer/vibration on cell phone, turn off lights, and block door if possible.
 - b. Remain hidden until law enforcement and a senior MCHP staff member gives the “All Clear” signal. Remain hidden until you recognize the voice of the person giving the “All Clear” signal.
 4. Fight: If a threatening person is attacking and running/hiding are not possible, commit to your actions of fighting and improvising weapons until the threat is subdued.

Timely Warnings - Emergency Notifications Systems

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the College and Campus Security will provide timely warnings upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on campus.

The Director of Security & Campus Safety or a designee will develop timely warning notices for the College Community to notify members of the community about serious crimes against people that occur on campus, where it is determined that the incident may pose an ongoing threat to members of the College Community. Timely Warning Notices are usually distributed for the following Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications:

Arson

Criminal homicide

Robbery

Aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by Security & Campus Safety.

For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other College community members, therefore; a Timely Warning Notice would not be distributed. Sexual assaults are considered on a case by case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by Security. Timely Warning Notices may be distributed for other crimes as determined necessary the Director of Security or his or her designee in his or her absence.

Security does not issue a timely warning or emergency notification for the above listed crimes if:

The suspect is apprehended and the threat of imminent danger to the campus community has been mitigated by the apprehension: if a report was not filed with Security or if Security was not notified by campus security authorities in a manner that would allow the department to post a “timely” warning to the community. Unless there are extenuating circumstances, a report that is filed more than five days after the date of the alleged incident may not allow Security to post a “timely” warning to the community. This type of situation will be evaluated on a case-by-case basis.

In an effort to provide timely notice to the College community, and in the event of a serious incident which may pose an on-going threat to members of the College community; a Timely Warning Notice is sent to all students and employees on campus by the following methods:

- **Directed Communications email:** The MCHP/CMMC email system alerting students, faculty, and staff.
- **Alerts issued on all Campus networked computers**
- **Face to face communication**

Notification Process

- a. An administrator will send an electronic message through SONIS Web (the college's student information system) to inform the student population that the building is in lockdown and that no one will be able to enter the building.
- b. Security will send Alert via CMMC networked computer system (NetPresenter)
- c. Security will not respond directly to the scene to avoid jeopardizing the situation or putting themselves at risk.
- d. The Lewiston Police Department will respond to the scene. Once on the scene, the senior officer from the Lewiston Police Department would assume command of the situation. Security will cooperate with the Lewiston Police Department to provide any assistance necessary.

A copy of the timely warning or emergency notification will be filed in the corresponding case file.

The decision to issue a timely warning or emergency notification shall be decided on a case-by-case basis in compliance with the Clery Act. The decision is made by the Director of Security, or designee, considering all available facts, whether the crime is considered a serious or continuing threat to students or employees and the possible risk of compromising law enforcement efforts.

Emergency Notification System

The MCHP Emergency Notification System currently uses a secure, web-based service to selectively store electronic contact information provided by students, faculty, and staff, through which the College is, would be able to communicate information and instructions in the event of an emergency. Emergency messages are sent simultaneously via voice mail, email, and/or text messaging to all of the numbers and addresses on file for each person. The benefits to the SONIS service are its immediacy and direct access to members of the College community through multiple points of contact. This service compliments other mechanisms the College has in place to respond to emergencies and relay critical information using the most appropriate channels. These include email, a siren, and a blue strobe light alert system used when there is imminent danger to the community.

Annual Fire Safety Report

If fire occurs in the college, or surrounding parking areas, community members should immediately dial 9-911 if using campus phones (or 911 from personal phones). This will ring directly to the Lewiston/Auburn 911 Communication Center. If a fire occurs in the Wilson dormitory or hospital, the number to dial is 4911. This will ring in to the switchboard operator at the hospital who will take information such as the location and nature of the fire. The switchboard operator will initiate a response by contacting the Lewiston/Auburn 911 Communication Center. If a member of the MCHP community finds evidence of a fire that has been

extinguished, and the person is not sure whether Security has already responded, the community member should immediately notify CMMC's Fire Marshall to investigate and document the incident.

Safety Officer, Emergency Preparedness Department
207-795-2988

The fire alarms alert community members of a potential hazard and community members are required to heed their warning, and evacuate a building immediately upon hearing a fire alarm in a facility. Avoid using an elevator and use the nearest stairwell and/or exit to leave the building immediately. Community members should familiarize themselves with the exits in each building.

Security publishes this fire safety report of its annual Clery Compliance document, which contains information with respect to the fire safety practices and standards for MCHP & CMMC. This report includes statistics concerning:

- the number of fires,
- the cause of each fire,
- the number of injuries and death related to a fire, and
- the value of the property damage caused by a fire.

The compliance document is available for review 24 hours a day on the MCHP website at <http://www.mchp.edu/security-data>.

Fire Protection Equipment/Systems

The College, hospital and dormitory are equipped with automatic fire detection and alarm systems which are constantly monitored at CMMC's central fire panel. Additionally, fire extinguishers are located in 1st & 2nd floor hallways, in the Science lab of the college, and on each floor of the dormitory. Fire Drills are conducted twice annually at the college, and annually at the dormitory. All students and employees are required to complete annual education on fire prevention.

FIRE / INTERNAL DISASTER PLAN

FIRE – Always take sign-in sheets during an evacuation. Follow RACE principles.

Faculty & Staff Responsibilities

1. Activate fire alarm as soon as notification is received. Call 911-do not hang up. Do not wait to verify fire.
2. Close but do not lock doors.
3. Take sign-in sheets with you (if in a class).
4. Provide or obtain assistance for individuals with special needs in moving to an appropriate area of refuge.
5. Do not take the elevator.
6. If you encounter fire, any other significant hazard or find the designated pathway blocked, quickly evaluate the situation and seek an alternate route.
7. Evacuate to the far side of CMMC Parking lot J. Do not leave.
8. During the evacuation, remain alert to any potential hazards in the area. Hazards may exist due to vehicular traffic, dangerous individuals, or other situations.
9. Review sign-in sheet and organizational structure once at evacuation site.
10. Report any missing persons to the senior MCHP official on-site and CMMC security.
11. Do not leave the evacuation area unless released by the senior MCHP official or CMMC security.

12. Return to building only after CMMC security gives the “All Clear” signal.

Note: External facility users are responsible for exiting the building and their own accountability.

Student Responsibilities

1. Activate fire alarm as soon as notification is received. Call 911 do not hang up. Do not wait to verify fire.
2. Close but do not lock doors.
3. Provide or obtain assistance for individuals with special needs in moving to an appropriate area of refuge.
4. Do not take the elevator.
5. If you encounter fire, any other significant hazard or find the designated pathway blocked, quickly evaluate the situation and seek an alternate route.
6. Evacuate to the far side of CMMC Parking lot J. Do not leave.
7. During the evacuation, remain alert to any potential hazards in the area. Hazards may exist due to vehicular traffic, dangerous individuals, or other situations.
8. Report to faculty member or senior MCHP official for accountability.
9. Report any missing individuals that you do not see at evacuation area to a faculty member or MCHP official.
10. Do not leave the evacuation area unless released by the senior MCHP official or CMMC security.
11. Return to building only after CMMC security gives the “All Clear” signal.

