



# Saint Joseph's College of Maine

<b>Policy Name:</b>	<b>Gender-Based Misconduct, Violence &amp; Discrimination</b> Policy regarding gender-based harassment, hostile environment, indecent exposure, intimate partner violence, nonconsensual sexual contact, prohibited relationships by persons in authority, retaliation, sexual assault, sexual exploitation, sexual harassment, sexual intimidation, and stalking.		
<b>Adopted:</b>	8/14/2020	<b>Reviewed:</b>	3/2/2021
<b>Responsible Office:</b>	Campus Life	<b>Responsible Executive:</b>	Christine LeMoult, MSW Assistant Dean of Students and Title IX Coordinator
<b>Contact Information:</b>	Christine LeMoult, MSW (207) 893-6606 Clemoult@sjcme.edu Heffernan Building/Office #115		



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## 1. Policy Overview

### a. Statement

Saint Joseph's College Gender-Based Harassment, Discrimination, Violence & Sexual Misconduct Policy (henceforth The Policy) prohibits all forms of gender-based misconduct, including but not limited to gender-based discrimination, sexual harassment, sexual exploitation, intimate partner violence, stalking, and sexual assault.

### b. Reason for Policy

- 1) Saint Joseph's College is committed to providing a community in which the learning, working, and living environment reflects our Core Values. The College recognizes its responsibility to ensure a safe, secure community that values individuals' fundamental rights and personal dignity.
- 2) Compelled by our Core Values and in compliance with Title IX of the Higher Education Amendments of 1972<sup>1</sup>, as well as the Violence Against Women Reauthorization Act of 2013, this Policy provides resources and recourse for those whose rights have been violated. Further, the Policy details the process of a prompt, fair, impartial investigation, and resolution of gender-based discrimination and power-based violence.
- 3) This Policy also addresses the College's commitment to prevention by addressing awareness activities, discussing primary prevention initiatives, and specifying training expectations for College personnel.

### c. Application of Policy

This Policy applies to the conduct of all members of our community, including Saint Joseph's College students,<sup>2</sup> faculty, staff, Trustees, volunteers, independent contractors, campus visitors, and others affiliated with College programs or events.

### d. Jurisdiction of Policy

- 1) The College may investigate any reported violations of this policy that occur in the context of a College program or activity or that otherwise impact the College's learning and working environment, regardless of whether the reported misconduct occurred on or off-campus.<sup>3</sup>
- 2) This Policy applies to any allegation of gender-based harassment, discrimination, violence and/or sexual misconduct made against an individual (the Respondent) whether that allegation is made by the alleged victim (the Complainant) or a third party (the Reporter). Every allegation will be taken seriously with the safety of all parties and the larger campus community paramount.
- 3) For violations related to the Discriminatory Harassment Policy, employees should report to their supervisor or the Human Resource Department of Saint Joseph's College.

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<sup>1</sup>Title IX of the Higher Education Amendments of 1972 prohibits discrimination based on sex in education programs and activities.

<sup>2</sup> Student: defined by Saint Joseph's College, a student is an individual enrolled in a minimum of one class or certificate program either online or on-campus (e.g. Study Away Program).

<sup>3</sup> Including incidents which occur outside of the U.S. (e.g., Study Away Programs, International Service Trips, etc.)



## 2. Prohibited Conduct

- a. Gender-based Harassment
- b. Hostile Environment
- c. Indecent Exposure
- d. Intimate Partner Violence
- e. Nonconsensual sexual contact
- f. Prohibited Relationships by Persons in Authority
- g. Retaliation
- h. Sexual Assault
- i. Sexual Exploitation
- j. Sexual Harassment
- k. Sexual Intimidation
- l. Stalking

### Prohibited Conduct: Definitions

**Gender-based Harassment:** harassment due to someone's gender identity, orientation, and expression, actual or perceived. To constitute harassment, the conduct must unreasonably interfere with an individual's education/academic activities, work performance, or perceived safety. Gender-based harassment includes intimidating, hostile, demeaning, or offensive academic, employment, or living environments.

**Hostile Environment:** unwelcome conduct of a sexual or gender-based nature with the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive environment for that individual's employment, education, living environment or participation in a College activity.

A person does not have to be the direct target of harassment to report it. Harassing behavior toward others may be so offensive, demeaning, or disruptive as to constitute a hostile work or academic environment, even if the harassment is not specifically directed at the observer or individual lodging the complaint. Alleged harassment will be evaluated according to the objective standard of a reasonable person. A single, isolated incident of sexual or gender-based harassment may, based on the facts and circumstances, create a hostile environment.

**Indecent Exposure:** 1) a sexualized behavior in a public place or knowingly exposing one's genitals in a public place and under circumstances where the act is likely to cause affront or alarm; 2) exposing one's genitals with the intent to be seen from a public place or from another private place

or exposing one's genitals with the intent that one will be seen by another person in that private place under circumstances that one knows the act will likely cause affront or alarm.

**Intimate Partner Violence** (also referred to as dating violence, relationship violence, domestic violence, or dating violence): acts of violence, threats, stalking, or intimidation that harm or injure a person in a current or former intimate relationship. Acts may be emotional, psychological, economic, physical, or sexual in nature.

The College recognizes that sexual harassment, sexual assault, sexual exploitation, stalking, and retaliation all may be forms of intimate relationship violence when committed by a person who is or has been involved in a sexual, dating, domestic, or other social relationship of a romantic or intimate nature. Examples include, but are not limited to:

- Name-calling and insults;
- Public humiliation;
- Reckless behavior;
- Harassment directed toward friends, family, or acquaintances;
- Verbal and/or physical threats;
- Knowingly restricting the movements of another person and/or moving a person, without that person's consent;
- Property damage, and/or striking another person (pushing, slapping, punching, etc.); and
- Manipulative or controlling behaviors, including threats to harm oneself to force contact.



- Using children, pets, or other loved ones to manipulate one's behavior.

**Non-Consensual Sexual Contact:** intentional contact, direct or indirect, without consent. This can include non-consensual sexual contact 1) of the breasts, genitals, buttocks, or groin of another, or 2) making another touch an individual or themselves with or on any of these body parts without their consent.

**Prohibited Relationships by Persons in Authority:** sexual, romantic, or other intimate relationships between persons occupying asymmetrical positions of power, even when both consent, including when one party maintains a direct supervisory or evaluative role (e.g., performing evaluations, making salary, promotion, and/or continuity of employment decisions).

Prohibited relationships by Persons in Authority generally include all sexual or other intimate relationships between students and their employers, supervisors, professors, coaches, advisors, or other College employees. Similarly, college employees 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.

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.

**Retaliation:** any act of retribution or intimidation, direct or indirect, against individuals who in good faith, assert their right to bring a complaint under this Policy or participate in any part of the investigation or hearing related to a report, including individuals who file a third-person report or the Respondent. Any individual or group of individuals, not limited to the Respondent or Complainant, can be held responsible for retaliation. Retaliation is considered a separate offence from the original complaint and will be considered independently from the merits of the underlying complaint.

Retaliation can include continued acts of abuse or violence, or acts or attempted acts to intimidate, threaten, pressure, harass, or slander.

**Sexual Assault:** penetration, however slight, of the vagina, anus, or mouth by a body part or an object, without consent. Acts by strangers, acquaintances, and intimate partners are covered equally under this policy.

**Sexual Exploitation:** non-consensual or abusive sexual misuse, abuse, or manipulation of another for personal advantage, or to give an advantage or benefit to anyone other than the person(s) being exploited. Examples of sexual exploitation include, but are not limited to:

- Sexual-based stalking and/or bullying;
- Knowingly assisting another person with committing an act of sexual misconduct, including inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity;
- Knowingly exposing another individual to a sexually transmitted infection (STI) or virus without their knowledge;
- Surreptitiously observing another individual's nudity or sexual activity, and/or allowing another individual or group to observe consensual sexual activity without the knowledge and consent of all parties involved (Voyeurism);
- Inducing another to expose their own genitals in non-consensual circumstances;
- non-consensual removal of a condom during sexual activity (aka, stealthing)
- Non-consensual recording of any person engaged in sexual or intimate activity in a private space;
- Distributing sexual information, images, or recordings about another person without that person's consent; and
- Prostituting or trafficking of an individual.

**Sexual harassment:** unwelcome sexual advances, requests for sexual favors, and/or other written, verbal, non-verbal, or physical conduct or communication of a sexual nature. Sexual harassment also includes harassment based on gender, sexual orientation, gender identity, or gender expression. Sexual harassment may be committed by anyone regardless of gender identity and may occur between member of the same or different sex. Sexual harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment does not have to be sexual in nature and can include offensive remarks about a person's sex or gender identity.

Sexual harassment is present when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment;



- Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile or offensive educational or employment environment.

**Sexual Intimidation:** threatening behavior of a sexual nature directed at another person or group that reasonably leads the target(s) to fear for their physical well-being or to engage in sexual conduct for self-protection. Sexual intimidation may include threatening to sexually assault another person or engage in indecent behavior.

**Stalking:** conduct that would cause a reasonable person(s) to fear for their safety or the safety of others; or suffer emotional and/or psychological distress. Stalking includes cyber-stalking, a form of stalking in which technological means are used to pursue, harass, or make unwelcome contact with another person. Examples of stalking include, but are not limited to:

- Non-consensual communication including telephone calls, text messages, email messages, social network website postings or messages, letters, gifts, or any other communication that is unwanted and/or instill fear in another person, which can include third party communication;
- Following or pursuing a person and/or waiting, or showing up uninvited at a residence, classroom, workplace, or other locations frequented by the person;
- Monitoring, observing, engaging in surveillance, or other types of observation by physical proximity or electronic means;
- Interfering with or vandalizing a person's property (including pets);
- Spreading lies or rumors about a person; and/or
- Manipulative or controlling behaviors, using children, pets, or other loved ones against the person; isolation; using one's privilege, or threats to harm oneself to force contact.



### 3. Related Concepts and Terms

- a. Advocate
- b. Advisor
- c. Coercion
- d. Complainant
- e. Confidentiality and Privacy
- f. Confidential Resource
- g. Consent
- h. Force
- j. Incapacitation
- j. Intimate relationship
- k. Live Hearing
- l. Reporter
- m. Respondent
- n. Responsible Employee

**Advocate:** a no-cost, off-campus, confidential support for individuals. Advocates can help navigate both on and off-campus resources, accommodations, and procedures. Advocates can support an individual whether a report is made or not.

To obtain an advocate, contact the local domestic violence resource center or sexual assault response service (see page 37 for contact information).

**Advisor:** a required position for Formal Resolution the function of which is to guide the Complainant and Respondent through the process and accompany their advisee to any meeting for Formal Resolution under this Policy and posing cross examination questions on behalf of their advisees during the Live Hearing. Apart from the Live Hearing, where the advisors will have the opportunity to pose questions as part of the live hearing process, the Advisor may not speak for the Complainant or Respondent or otherwise direct questions or address others present in all meetings.

While Advisors are frequently members of the Saint Joseph's College Community, any consenting individual may assume this role. If a Complainant or Respondent does not identify an Advisor, the College will appoint someone to serve in that function. An Advisor cannot serve in a different role during the proceedings (e.g., witness). Prior to the Live Hearing, an orientation to protocols and expectations will be available to Advisors for both parties.

**Campus Security Authority:** an employee responsible for reporting to the official or office designated by the

institution to collect crime report information (which at SJC is the Campus Safety Department). Saint Joseph's College will annually identify individual(s) and organization(s) affiliated with the institution that qualify as Campus Security Authorities and notify them of and train them on their responsibilities. Campus Security Authorities are required to report crimes immediately to the Campus Safety Department.

**Coercion:** the use of pressure that compels another individual to initiate or continue sexual activity against their will. Such action would cause a person to fear immediate harm or physical injury or cause a person to engage in unwelcome sexual activity. Coercion can include a wide range of behaviors, including intimidation, manipulation, implied threats, or blackmail.

**Complainant:** the person alleged to have been subjected to conduct in violation of this Policy.

**Confidentiality and Privacy:** confidentiality and privacy are important considerations in matters related to Prohibited Conduct and may affect individuals differently. While closely related, privacy and confidentiality are distinct terms that are discussed below and in more detail in the Policy.

**Confidentiality:** protections provided to information disclosed in legally protected or privileged relationships under Maine state law (see **Confidential Resource**).

**Privacy:** the discretion that will be exercised by those at the College "in a need to know" and during any





sexual misconduct report, investigation, or resolution. While not bound by the same constraints of confidentiality, those employees involved in the sexual misconduct process are expected to be discreet, respectful, and take measures to ensure the privacy of all individuals involved.

Conversations with individuals designated as private resources constitute a report to the College and will require an inquiry.

**Confidential Resource:** a designated professional who, under Maine law, is prohibited from disclosing without an individual's written permission (including data related to services rendered), information gathered within the scope of the provision of professional services.

Except in very limited situations such as when failure to disclose information would result in imminent danger to an individual or others, a Confidential Resource is legally compelled to protect disclosures of gender-based violence and as such are exempt from reporting such incidents to the Title IX Coordinator or law enforcement.

Conversations with a Confidential Resource do not constitute a report to the College and will not prompt an investigative response.

Confidential resources can provide information about reporting options on and off-campus; direct individuals to resources on and off-campus, including accommodations, advocacy, counseling, and medical care; and provide individuals with immediate and long-term support.

On-campus Confidential Resources include (see page 36 for contact information):

- Athletic Trainers;
- College Priest/Chaplain;
- Counseling Center staff; and
- Health & Wellness Center staff

Off-campus (community) Confidential Resources for students and employees include (see page 37 for contact information):

- CIGNA/EAP (for employees),
- Sexual Assault Response Services of Southern Maine (SARSSM); and
- Through These Doors.

**Consent:** active, knowing, unambiguous, and voluntary agreement between all the parties involved in a sexual activity.

Consent must exist from the beginning to the end of each sexual act or each form of sexual contact. Consent can be withdrawn at any time. When consent is withdrawn and outwardly communicated as such, sexual activity must cease. Prior consent does not imply current or future consent; even in the context of an ongoing relationship, consent must be sought and freely given for each instance of sexual contact.

Consent cannot be gained by force or coercion, by ignoring or acting despite the objections of another, or by taking advantage of the incapacitation of another, where the actor knows or reasonably should have known of such incapacitation.

Effective Consent cannot be given by minors, developmentally disabled individuals, or persons incapacitated.

**Force:** the use or threat of physical violence, intimidation, or coercion to overcome an individual's freedom to choose whether to participate in sexual activity. Such action would cause a person to fear for their physical or psychological well-being.

While resistance by an individual will be deemed as a clear demonstration of non-consent, absence of resistance does not negate the possibility of force.

**Incapacitation:** a state wherein 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; the inability, temporarily or permanently, to give consent because one is mentally and/or physically unable to make informed, reasonable judgments (e.g., to understand the who, what, when, where, why, or how of the sexual interaction). An individual may appear to be giving consent but may not have the capacity to do so.

An individual is deemed incapacitated if they are asleep, unconscious, or otherwise unaware that sexual activity is occurring. Incapacitation may but may not always result from the use of alcohol and/or drugs.

**Signs of Incapacitation:** while the impact of alcohol and drugs varies from person to person, warning signs that a person may be incapacitated include:

- Slurred speech;
- Vomiting;
- Unsteady gait;
- Odor of alcohol;
- Combativeness;
- Loss of or impaired consciousness; and/or





- Emotional volatility.

***Standards of Incapacitation:***

- Incapacitation is a state beyond drunkenness or intoxication. Consumption of alcohol and/or other drugs alone is insufficient to establish incapacitation.
- Because alcohol and other drugs impact each individual differently, an individual assessment is necessary to determine how the consumption of alcohol and/or drugs affects an individual's decision-making ability, awareness of consequences, ability to make informed judgements, and capacity to appreciate the nature and quality of the act.
- A determination of incapacitation includes an assessment of whether a person should have been aware of the Reporting Party's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a reasonable person.

**Intimate Relationship:** a social relationship of a romantic or sexual nature.

**Live Hearing:** a component of a Title IX Formal Investigation in which witnesses – including Complainant and Respondent parties – can be submitted to facilitated cross-examination. Though the Live Hearing must be held in real time with both parties present, the complainant and the respondent may choose to attend remotely.

**Reporter:** an individual who reports alleged conduct in violation of this Policy. The Reporter may be the Complainant or any other third party.

**Respondent:** an individual accused of conduct that might be a violation of this Policy.

**Responsible Employee:** one who is required to report any disclosure of gender-based misconduct to the Title IX Coordinator as soon as they are made aware of the conduct.



#### 4. Reporting Prohibited Conduct

##### a. Reporting Options

##### 1) Confidential Resource -On Campus<sup>4</sup>

- (a) Those SJC employees who, outside of extraordinary circumstances, are prohibited from disclosing reports of gender-based harassment, discrimination, or violence to the Title IX Coordinator or law enforcement, by virtue of law governing their profession or as designated by the College without explicit consent from the reporting individual.
- (b) Individuals who desire anonymity in discussing and seeking assistance about sexual misconduct should contact and/or be referred to a Confidential Resource.
- (c) Confidential Resources can provide:
1. information about reporting options
  2. direct individuals to resources on and off campus who might assist with accommodations, advocacy, mental health counseling, and medical care
  3. provide individuals with immediate and long-term support
- (d) **On-campus Confidential Resources Include: (see table below for contact information)**
1. Athletic Trainers Employed by the College (confidentiality does not apply to coaches and other staff)
  2. College Chaplain
  3. Counseling Center Personnel
  4. Health Center Personnel

Confidential On-campus Resource:	Contact Information	Description of Services
Athletic Trainers employed by the Athletic Department	Zachary Chase: <a href="mailto:zchase@sjcme.edu">zchase@sjcme.edu</a> Tiffany Miller-Gagnon: <a href="mailto:tgagnon@sjcme.edu">tgagnon@sjcme.edu</a> (207) 893-6677; Location: Harold Alford Center	Provide athletic training resources to student-athletes.
College Chaplain	Fr. Gabriel Muteru 207-893-7791; <a href="mailto:gmuteru@sjcme.edu">gmuteru@sjcme.edu</a> Location: Mercy Center- Heffernan Building	Provides spiritual direction and support for individuals
Counseling Center	(207) 893-6631 <a href="mailto:CounselingCenter@sjcme.edu">CounselingCenter@sjcme.edu</a> Location: 1st Floor St. Joseph's Hall	Provides mental health counseling and crisis response services, including after-hour emergency consultation
Health Center	(207) 893-6634 <a href="mailto:healthcenter@sjcme.edu">healthcenter@sjcme.edu</a> Location: 1st Floor Carmel Hall	Provides walk-in and preventative medical care

<sup>4</sup> Any Confidential Employee who is not a licensed mental health counselor or pastoral counselor serving in those roles must provide non-identifying aggregate information regarding any Clery crime known to them directly to Campus Safety.



**2) Confidential Resource -Off Campus (see table below of contact information)**

- (a) Community resources are also available to those impacted by gender-based violence and discrimination. Professionals affiliated with these resources are also subject to State Law which prohibits disclosure of information without consent from the reporting individual.
- (b) Confidential Off-Campus Resources can provide no-cost support and advocacy, among other services.

Confidential Off-campus Resource	Contact Information	Description of Services
CIGNA Employee Assistance Program	Call: 877-622-4327 www.myCIGNA.com Employer ID: sjcme	Mental health consultation and counseling for SJC employees
Sexual Assault Response Services of Southern Maine	Helpline: 1-800-871-7741	24/7 Free and confidential sexual violence support
Through These Doors	Helpline: 1.800.537.6066	24/7 Free and confidential Relationship violence and stalking support

**3) Title IX Coordinator and Deputy Title IX Coordinator (see table below for contact information)**

- (a) Pursuant to Title IX of the Education Amendments of 1972 and the U.S. Department of Education's implementing regulations, the College's Title IX Coordinator has primary responsibility for coordinating the institution's efforts to comply with and carry out responsibilities under Title IX which prohibits sex discrimination in all operations of the College, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX..
- (b) Gender-based misconduct, violence, and discrimination against students, employees, and other members of the College community (see prohibited conduct) can be a form of sex discrimination under Title IX. The Title IX Coordinator oversees the College's response to reports and complaints that involve possible sex discrimination to monitor outcomes, identify and address any patterns, and assess effects on the campus climate so the College can address issues that affect the wider school community.
- (c) Among other tasks, the Title IX Coordinator is the primary individual designated by the College to receive complaints of gender-based misconduct, violence, and discrimination from any member of the College community. The Title IX Coordinator or designee conducts initial intake interviews, determines and implements appropriate interim protective measures, handles informal resolutions of appropriate grievances, and directs cases that are not resolved informally to the appropriate body for further investigation and adjudication.



Title IX Officers	Contact Information	Function
Christine LeMoult, MSW Assistant Dean of Students and Title IX Coordinator	(207) 893-6606 <a href="mailto:clmout@sjcme.edu">clmout@sjcme.edu</a> Heffernan Building/Office #115	Coordinates oversight of College's efforts to comply with and carry out responsibilities under Title IX.
Marion Young, Ph.D. Professor, Psychology Deputy Title IX Coordinator	(207) 893-7566 <a href="mailto:myoung@sjcme.edu">myoung@sjcme.edu</a> Location: Alford Hall 454	Assists in the coordination of Title IX responsibilities, including intake evaluation, interim accommodation, and investigation support.
Jessica Noonan, SPHR, SHRM-SPC Director of Human Resources Deputy Title IX Coordinator	(207) 893- 7752 <a href="mailto:jnoonan@sjcme.edu">jnoonan@sjcme.edu</a> Location: Dept. of Human Resources, Cassidy Hall	Assists in the coordination of Title IX responsibilities, including intake evaluation, interim accommodation, and investigation support.

#### 4) Department of Campus Safety

- (a) While the Department of Campus Safety works collaboratively with law enforcement authorities, Campus Safety personnel are not sworn law enforcement officers. Further, the College's internal disciplinary process is independent from law enforcement and the criminal justice system.
- (b) The Department of Campus Safety provides comprehensive safety and security assistance and information to members of the College community, including assisting with the investigation of suspected policy and criminal violations.
- (c) Contact information for Campus Safety:  
**EMERGENCY: 7-911**  
 Non-emergency (207) 893-6687  
[sjcsecurity@sjcme.edu](mailto:sjcsecurity@sjcme.edu)  
 Location: 1st Floor Standish Hall

#### 6) Responsible Employees of the College

- (a) The College has designated all employees, including faculty, adjunct and visiting faculty, administrators, staff, and Resident Advisors as Responsible Employee except for the Confidential Employees.
- (b) All Responsible Employees are required to report any disclosure of gender-based misconduct to the Title IX Coordinator or the Deputy Title IX Coordinator as soon as they are made aware of the incident.
- (c) Any staff or specialists on a campus specifically designated as non-professional sexual assault advocates, faculty, staff, and other employees who are licensed mental health workers or are licensed medical workers, but who are not working in that capacity, such as faculty members in psychology, social work, nursing, etc., are not Confidential Employees under this policy. The College shall identify and publicize Confidential Employees. Any Confidential Employee who is not a licensed mental health counselor or pastoral counselor serving in those roles must provide non-identifying aggregate information regarding any Clery crime known to them directly to Campus Safety.



## 7) Other Off-campus Resources

### (a) Law Enforcement

1. Individuals may choose to report crimes to law enforcement agencies independent of or in conjunction with reporting to a College official. The location of the College is within the jurisdiction of Cumberland County Sheriff's Department.
2. Contact information for the Cumberland County Sheriff's Department:
  - (i) **EMERGENCY: 911**  
Non-emergency (207) 893-2810  
207-893-2810  
Location: 36 County Way. Portland, ME

### (b) Off-campus Medical Assistance

1. The Complainant has the option and is urged to seek medical treatment. On-campus, the Health and Wellness Center can provide medical care to individuals during regular business hours; however, the Health and Wellness Center is not equipped for sexual assault forensic examinations (SAFE). More information about SAFE's can be found on page 17.
2. Individuals can obtain Sexual Assault Forensic Exams at the following locations:
  - (i) **Maine Medical Center**  
Emergency phone: 207-871-2381  
General phone: 207-871-0111  
Location: 22 Bramhall Street - Portland, ME 04101
  - (ii) **Mercy Hospital**  
Emergency phone: 207-879-3266  
General phone: 207-879-3000  
Location: 144 State Street - Portland, ME 04101
3. The College currently partners with a local taxi service for non-emergency transportation. Coordination of transportation can be arranged by contacting the College's Health and Wellness Center via email or in-person. After hour arrangements can be made by contacting Campus Safety via telephone or in-person.
4. An Advocate from Sexual Assault Response Services of Southern Maine (SARSSM) is available to accompany individuals to access off-campus resources.
5. General off-campus medical assistance can be accessed on the following agencies:

Mercy Express Quick Care	Maine Medical Center	Mercy Hospital
409 Roosevelt Trail, Windham, ME 04101 Phone: 207-893-0290	22 Bramhall St., Portland, ME 04101 General: 207-871-0111 Emergency: 207-871-2381	144 State St., Portland, ME 04101 General: 207-879-3000 Emergency: 207-879-3266



**(c) Legal Assistance**

1. Though not necessary with respect to the College's Title IX process, circumstances and interests of the involved parties may prompt some to seek legal representation. Specifically, when individuals are interested in pursuing criminal complaints, obtaining a Protection from Abuse/Harassment Order, or have been the subject of a criminal investigation, it is helpful to have resources that assist those involved in understanding the criminal and civil processes.
2. The College neither recommends nor refers parties to specific legal providers. Individuals can call Through These Doors and Sexual Assault Responses Services of Southern Maine for legal options.

**(d) Additional Community Resources**

Cumberland County District Court	Cumberland County Victim Witness Advocate	Maine Victims Compensation Program
205 Newbury Street Portland, ME 04101 (207) 822-4200	142 Federal Street Portland, ME 04101 207-871-8380	Office of the Attorney General 6 State House Station Augusta, ME 04333-0006 207-624-7882; 800-903-7882

**b. Confidentiality vs. Privacy**

- 1) Confidentiality and privacy are important considerations in matters related to Prohibited Conduct and may affect individuals differently. While closely related, privacy and confidentiality are distinct terms that are discussed below and in more detail in the Policy.
- 2) **Confidentiality** refers to protections provided to information disclosed in legally protected or privileged relationships under Maine state law. Except in very limited situations such as when failure to disclose information would result in imminent danger to an individual or others or otherwise be in violation of Maine state law, the professional in the privileged relationship is legally compelled to protect disclosures of information, including gender-based violence, and as such are exempt from reporting such incidents to the Title IX Coordinator or law enforcement.  
Conversations with a Confidential Resource do not constitute a report to the College and will not prompt an investigative response
- 3) **Privacy** refers to the discretion that will be exercised by those at the College "in a need to know" and during any sexual misconduct report, investigation, or resolution. While not bound by the same constraints of confidentiality, those employees involved in the sexual misconduct process are expected to be discreet, respectful, and take measures to ensure the privacy of all individuals involved. Conversations with individuals designated as private resources constitute a report to the College and will require an inquiry.

**c. Individual Rights**

The College respects the rights of all individuals, including the right:

- 1) To information about this Policy;
- 2) to report alleged or perceived violations of this Policy;
- 3) to be confidentiality and protection under the Family Education Rights and Privacy Act (FERPA);
- 4) to have an advisor of their choosing present at all meetings; and
- 5) to participate or to decline to participate in the investigation or disciplinary process.





#### **d. Rights of Complainant and Respondent**

- 1) The College is committed to providing all parties accessible, prompt, thorough, and fair methods of investigation and resolution of incidents reported under this Policy. Throughout the process the Complainant and Respondent are entitled to the following rights:
  - (a) to be treated with dignity by all persons involved in the investigation and disciplinary process;
  - (b) to written notice of all meetings, including the time and place;
  - (c) to be notified of the alleged policy violation being addressed;
  - (d) to a prompt and thorough investigation of the allegations;
  - (e) to equal access to information, evidence, and College resources;
  - (f) to have an advisor of their choosing present at all meetings;
  - (g) to present information and/or suggest witnesses on their behalf during the investigation.<sup>5</sup>
  - (h) to choose not to present information against themselves;<sup>6</sup>
  - (i) to hear and respond to all information presented against them
  - (j) to freedom from having irrelevant sexual history inquired into or discussed during the investigation or disciplinary process;
  - (k) to adequate time to review the investigation report and any evidence used in the report;
  - (l) to freedom of intimidation, harassment, bullying, or other types of retaliation throughout the investigation and disciplinary process;
  - (m) to written notification of the results of the investigation or other case resolution, including any sanctions imposed;
  - (n) to be informed of their right to appeal the outcome, finding, or sanction and will be told the process for doing so;
  - (o) to report the incident to law enforcement at any time; and
  - (p) to understand that information collected in the process may be subpoenaed in criminal or civil court proceedings.
- 2) Anyone who believes there has been an act of discrimination based on sex against any person or group in a program or activity at the College can file a complaint with the Office of Civil Rights (OCR) under Title IX. A complaint should be sent to the OCR enforcement office that serves the state in which the alleged discrimination occurred.

#### **e. Family Education Rights and Privacy Act**

Students have the right to confidentiality and protection as set forth by the Family Education Rights and Privacy Act (FERPA). The College will make all reasonable efforts to ensure preservation of privacy, restricting information to those with a legitimate need to know.<sup>7</sup>

#### **f. Conflict of Interest**

- 1) The College requires any individual participating in the investigation, decision making, sanctioning, or appeal determination to disclose to the Title IX Coordinator any potential or actual conflict of interest. If a Complainant and/or Respondent believe that any individual involved in the process has a conflict of interest, they may request the individual be excluded. Such a request must be made in writing, include the nature of the conflict, and be submitted to the Title IX Coordinator within three days of notification of that person's involvement. The Title IX Coordinator will determine the merits of the request and take corrective measures when indicated.

<sup>5</sup> The relevancy of witnesses shall be determined by the Title IX Coordinator and/or their designee.

<sup>6</sup> No negative inference will be made should a student choose not to speak.

<sup>7</sup> One exception to confidentiality under FERPA is publicly available information.



- 2) If the perceived conflict of interest is with the Title IX Coordinator, the Deputy Title IX Coordinator or a senior College Official will determine the merits of the request and take corrective measures when indicated.

**g. Advisors**

- 1) The Complainant and Respondent both have the right to and are encouraged to access an Advisor of their choosing. This includes the right to be accompanied by an Advisor at any meeting within the Disciplinary Process under this Policy.
- 2) Advisors are required for Formal Resolution and serve to guide the Complainant and Respondent through the process and may accompany their advisee to any meeting for Formal Resolution under this Policy. Advisors are also responsible for posing cross examination questions on behalf of their advisees during the Live Hearing.
- 3) Apart from the Live Hearing, the Advisor may not speak for the Complainant or Respondent or otherwise direct questions or address others present in all meetings.
- 4) While advisors are frequently members of the Saint Joseph's College Community, any consenting individual may assume this role. If a Complainant or Respondent does not identify an Advisor, the College will appoint someone to serve in that function. An Advisor cannot serve in a different role during the proceedings (e.g., witness).
- 5) Prior to the Live Hearing, an orientation that reviews protocols and expectations will be available to Advisors for both parties.

**h. Preservation of Evidence**

**1) Importance of Preserving Evidence**

Regardless of whether an incident of sexual misconduct is reported to the College or the law enforcement, Saint Joseph's College strongly encourages individuals who have experienced sexual misconduct to retain evidence to the greatest extent possible, as this will best preserve legal options for them in the future. Preserving evidence can be helpful in a criminal or disciplinary complaint or in obtaining a Protection from Abuse Order if or when the individual chooses how they would like to move forward.

**2) General Physical Evidence Preservation**

Below are suggestions for preserving evidence related to an incident of gender-based harassment, discrimination and/or violence. It is important to keep in mind that each suggestion may not apply in every incident:

- (a) In order to best preserve evidence, Individuals are advised to not alter, dispose of, or destroy any physical evidence.
- (b) Individuals should not consider altering, disposing of, or destroying any physical evidence.
- (c) Electronic communications that may be evidence should be preserved by saving them and/or by taking screenshots of messages, social networking pages and social media posts, or other electronic communications, and by keeping pictures, logs, or copies of documents that relate to the incident.
- (d) Physical injuries should be photographed with a date and time stamp on the photo, ideally by a trained medical forensic examiner or law enforcement agent and only with permission from the individual.



### 3) Physical Evidence Preservation Specific to Sexual Assault

Below are suggestions for preserving evidence related to an incident of sexual assault. It is important to keep in mind that each suggestion may not apply in every incident:

- (a) It is recommended that individuals do not bathe, shower, douche, eat, drink, smoke, brush their teeth, urinate, defecate, or change clothes before receiving medical attention. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care, and evidence may still be recoverable.
- (b) If the individual who has been sexually assaulted decides to change clothes or bedding and wishes to preserve evidence, these articles should not be laundered, should be secured in a non-plastic container (e.g., paper bag or box), and delivered to a hospital or medical facility.
- (c) If there is suspicion that a drink may have been drugged or if an individual was profoundly impaired or intoxicated at the time of the event, inform a medical provider and/or law enforcement agent as soon as possible so they can attempt to collect possible evidence (e.g., from the drink, through urine or blood sample).

### 4) Forensic Examinations

- (a) Appropriate comprehensive medical assessments and identification of possible life-threatening injuries of the individual are paramount and individuals are urged to seek medical assistance as soon as possible. A medical forensic examination can also be requested by an individual that has experienced sexual assault or rape to help in the preservation of evidence.
- (b) With the consent of the individual, medical forensic examination should be as soon as possible, or within 5 days as it assists with the preservation of evidence.
- (c) Individuals who have been sexually assaulted and wish to preserve evidence are encouraged to go to a hospital immediately to seek medical treatment, a medical examination and/or evidence collection. Under Maine law, Maine Victims Compensation will pay for the medical forensic exam *if* evidence is collected.
- (d) In Maine, individuals who have been sexually assaulted may allow the collection of evidence even if they choose not to make a report to law enforcement and will be considered 'anonymous.' If anonymous evidence is collected it will be stored at the law enforcement agency in the jurisdiction of the hospital where evidence was collected and stored for a minimum of eight years.
- (e) Individuals undergoing a forensic exam may agree to some parts of the exam and not to other parts, at their discretion. Exams typically include:
  - DNA collection
  - Blood and/or urine samples (especially if alcohol or drugs may be present)
  - Nail clipping or swabs
  - Hair samples (head and pubic)
  - Photographs and/or documentation of any injuries or presence of suspected bodily fluids or secretions
  - STI/STD testing (when indicated) and prophylactic treatment
  - A statement including the history of the event
  - Collection of other evidence (clothing, fibers, debris, etc.)

Individuals may choose, but are not required, to report the information to law enforcement.



- (f) Individuals can obtain Sexual Assault Forensic Exams at the following locations:
- **Maine Medical Center**  
**Emergency phone: 207-871-2381**  
 General phone: 207-871-0111  
 Location: 22 Bramhall Street - Portland, ME 04101
  - **Mercy Hospital**  
**Emergency phone: 207-879-3266**  
 General phone: 207-879-3000  
 Location: 144 State Street - Portland, ME 04101
- i. **Timing for Reporting**
- 1) Individuals are encouraged to report violations of this policy to the Title IX Coordinator promptly to maximize the College's ability to respond efficiently and effectively. The College does not, however, limit the time frame for reporting.
  - 2) With the exception of those employees who have been designated by the College as confidential, all college employees, including workers who are Resident Advisors or employed by the Department of Campus Safety, (with the exception of other student workers and confidential employees\*) are required to report to the Title IX Coordinator any disclosure of gender-based harassment, discrimination, and violence they receive or of which they become aware. Resident Advisors (RA's) and students working for the Campus Safety department are also required to report to the Title IX Coordinator.
  - 3) If the Responding Party is no longer a current student or employed by the College at the time of the report, the College may not be able to engage the individual directly, but will still seek to meet its Title IX obligations by taking steps to prevent its recurrence and address its effects.
- j. **Amnesty (Related Alcohol and Drug Violations)**
- 1) Saint Joseph's College encourages reporting of gender-based harassment, discrimination, and violence and seeks to remove any barriers to reporting. Toward this end, an individual or group making a good-faith report of gender-based harassment, discrimination, and violence will not be subject to disciplinary action by the College for 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.
  - 2) The College may, however, initiate or pursue an educational or therapeutic remedy regarding alcohol or other drugs for those individuals. Application of the Amnesty Policy within the College does not preclude or prevent action by police or other legal authorities.
- k. **Third Party /Anonymous Reports**
- 1) Apart from employees who are required to report such instances, any individual (e.g. students, family members, visitors) may make an anonymous report concerning an act which violates this Policy.
  - 2) While third party and anonymous reports will be reviewed by the Title IX Coordinator, the College's ability to address misconduct, reported by a third party or anonymous party, is significantly limited.



- 3) An individual may report the incident without disclosing their name, identifying the Responding Party, or requesting any action. The College provides two options for non-emergency anonymous reporting:
  - (a) The Department of Campus Safety's Anonymous Tip Form, which can be located online at: <https://www.sjcme.edu/life-and-community/safety-and-security/anonymous-tip-form/?highlight=anonymous%20tip>
  - (b) Calling the Campus Safety department using \*67 from a cell phone to block a phone number.

#### **l. Interim Protective Measures and Accommodations**

- 1) Interim Protective Measures and Accommodations are individualized services offered as appropriate to either or both the complainant and responding parties, prior to an investigation, or while an investigation is pending.
- 2) Decisions regarding interim measures and accommodations are made by the Title IX Coordinator and may involve consultation with the Complainant, Respondent, or other parties involved.

#### **m. Rights of Victims**

- 1) A student or employee may access Interim Protective Measures and Accommodations regardless of whether they plan to participate in a disciplinary process or report the crime to campus police or local law enforcement. These Interim Protective Measures and Accommodations can be provided at the complainant's request and if such accommodations are reasonably available.

#### **2) Requesting Interim Protective Measures and Accommodations**

Individuals can request these accommodations by contacting the Title IX Coordinator by phone at (207) 893-6606, by email at [titleix@sjcme.edu](mailto:titleix@sjcme.edu), or in-person to the Assistant Dean of Students in Heffernan Building/Office #115.

The measures requested or required by each party may change over time and amendments to existing measures may be requested as needed.

#### **3) Institutional Responsibility**

The College will provide written notification to victims about available options and assistance and is obligated to comply with reasonable requests for changes.

The College may implement Interim Protective Measures without request from the complainant or responding party should the health and safety of an individual or campus community be deemed at risk.

#### **4) Range of Interim Protective Measures and Accommodations**

Protective Measures and Accommodations will be implemented at the discretion of the College. Potential remedies which may be applied to the Complainant and/or Responding Party include:

- (a) Providing access to counseling services and assistance in setting up an initial appointment, both on and off campus;
- (b) Issuing a No Contact Order between the parties;
- (c) Modifying academic demands (in conjunction with appropriate faculty);
- (d) Providing alternative course completion options (with the agreement of the Department Chair of the appropriate academic department);
- (e) Changing a work schedule or job assignment through on campus employment;



- (f) Changing an on-campus housing assignment;
  - (g) Limiting an individual(s) access to certain college facilities or activities pending resolution of the matter;
  - (h) Providing a voluntary leave of absence;
  - (i) Providing an escort to ensure safe movement between classes, work, and activities;
  - (j) Providing medical services;
  - (k) Providing transportation services;
  - (l) Providing academic support services, such as tutoring;
  - (m) Imposing interim suspension or leave;
  - (n) Reassignment to a different supervisor or position, or other working accommodation; and
  - (o) Any other remedy that can be tailored to the involved individuals to achieve the goals of this Policy.
- n. Retaliation**
- 1) Saint Joseph's College of Maine strictly prohibits retaliation against any member who in good faith asserts their right to bring a complaint under this Policy. Retaliation can include direct or indirect acts or attempted acts to intimidate, threaten, pressure, harass, slander, or continued abuse or violence.
  - 2) Neither the College nor any person(s), including the Respondent or Complainant, may retaliate against any individual for the purpose of interfering with any right or privilege secured by the Policy, or because the individual has made a report or complaint, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing.
  - 3) The exercise of rights protected under the First Amendment does not constitute retaliation.
  - 4) Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation; provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.
  - 5) Complaints alleging retaliation may be filed according to the grievance procedures.
- o. False Reports**
- 1) 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.
  - 2) A complaint leveled in good faith is not considered a false report even if the evidence is not sufficient to support a formal finding of policy violation.





## 5. Response Process and Procedures

With some exceptions, the Complainant has the choice to pursue a formal or informal resolution process when a violation of this Policy occurs.

### a. Role of Title IX Coordinator and Title IX Team

- 1) Pursuant to Title IX of the Education Amendments of 1972 and the U.S. Department of Education's implementing regulations at 34 C.F.R. Part 106, the College's Title IX Coordinator has primary responsibility for coordinating the College's efforts to comply with and carry out its responsibilities under Title IX.
- 2) The Title IX Coordinator oversees the College's response to reports that involve gender-based harassment, discrimination, and/ or violence; monitors outcomes; assesses impact; identifies associated patterns and effects on campus climate; and addresses impact on the College community. The Title IX Coordinator is the person designated to receive complaints of gender-based harassment, discrimination, and/or violence from any member of the College community.
- 3) The Title IX Coordinator, in coordination with other members of the Title IX Team (see below), conducts initial intake investigations, determines and implements appropriate interim protective measures, handles informal resolutions of appropriate grievances, and directs cases that are not resolved informally to the appropriate body for further investigation and adjudication.
- 4) The Title IX Team, in conjunction with the Title IX Coordinator, is responsible for reviewing and assessing, on an ongoing basis, this Policy, how effectively the Policy is being communicated to members of the College community, the scope and efficacy of the College's educational programs on sexual assault prevention and bystander intervention, the relationship and communication between Campus Safety and local law enforcement, and the resources available for victims of gender-based harassment, discrimination, and/or violence.
- 5) Conflicts of interest, and/or perceived conflicts of interest, should be presented for remedy to the Title IX Coordinator or a member of the Title IX Team.

### 6) Personnel of Title IX Team

#### (a) Title IX Coordinator

1. Christine LeMoult, is the College's Title IX Coordinator and can be reached in person at Heffernan Building/Office #115, by telephone at 207-893-6606, or by email at [clemoult@sjcme.edu](mailto:clemoult@sjcme.edu) or at [titleix@sjcme.edu](mailto:titleix@sjcme.edu).
2. The Title IX Coordinator is responsible for overseeing the College's response to all Title IX complaints.

#### (b) Title IX Deputy Coordinator

1. Dr. Marion Young is the College's Deputy Title IX Coordinator and can be reached in person in her office located in Alford Hall- Office #454, by telephone at 207-893-7566, or by email at [myoung@sjcme.edu](mailto:myoung@sjcme.edu).
2. The Deputy Title IX Coordinators assist in the coordination of Title IX responsibilities, including intake evaluation, interim accommodation, and investigation support.

#### (c) Additional Team Members

1. Bob Chaddock, Director of Campus Safety & Emergency Preparedness can be reached in his office located in office #220 Scully Hall, by telephone at 207-893-6686, or by email at [bchaddock@sjcme.edu](mailto:bchaddock@sjcme.edu).



2. Other members of the Title IX Team include internal investigators, sanctioning panelists, appeal officers, and a college staff or faculty member who serves as the decision-maker in instances of formal resolution.
- 7) Functions and Responsibilities**
- (a) Training**
1. Members of the Title IX Team shall be trained annually.
  2. Training will address the dynamics of gender-based harassment, discrimination, and/or violence; complaint intake and evaluation; immediate accommodations; the appropriate manner in which to receive and evaluate sensitive information; the impact of trauma; confidentiality; and the College's policies and procedures.
- (b) Conflict of Interest**
1. The College requires any individual participating in the investigation, decision making, sanctioning, or appeal determinations to disclose to the Title IX Coordinator any potential or actual conflict of interest. If a Complainant or Respondent believes that any individual involved in the process has a conflict of interest, they may request the individual be excluded. Such a request must be made in writing, include the nature of the conflict, and be submitted to the Title IX Coordinator within three days of notification of that person's involvement. The Title IX Coordinator will determine the merits of the request and take corrective measures when indicated.
  2. If the perceived conflict of interest is with the Title IX Coordinator, the Deputy Title IX Coordinator or a senior College Official will determine the merits of the request and take corrective measures when indicated.
- (c) Investigators**
1. **Role**  
The Title IX Investigator(s) may be a trained College employee or be outsourced by the College. The Title IX Investigator(s) act as a neutral party in the investigation. With general guidance provided by the Title IX Coordinator, Title IX Investigators provide a prompt, equitable and impartial administrative investigation into complaints, including identifying and interviewing parties, and gathering and assessing information relevant to the investigation. By applying relevant policies, the Title IX Investigator's role is to write an unbiased report regarding the findings of the investigation which will inform the outcome of individual cases.
  2. **Training**  
Designated investigators who work with parties involved in these processes are regularly trained on how to obtain, organize, and evaluate information related to formal investigations. Investigators receive ongoing training consistent with professional standards in the field. Such training includes, but is not limited to, federal and local professional development, periodic review of relevant federal and legal cases and related decisions, trauma-informed interviewing, and training related to College policies.
- (d) Decision Maker**
1. **Role**
    - (i) The College will identify a Decision-Maker who is responsible for determining whether there has been an infraction of the College Policy, including a Title IX violation.
    - (ii) When there is a question of a Title IX violation, the Decision Maker presides over the Live Hearing associated with the Formal Resolution Process, maintains an



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orderly, fair, and respectful hearing, and has broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending person.

## **2. Training**

- (i) The Decision-Maker is regularly trained on how to evaluate information related to formal investigations. The Decision-Maker receives ongoing training consistent with professional standards in the field.
- (ii) Such training includes, but is not limited to, federal and local professional development, periodic review of relevant federal and legal cases and related decisions, standards of evidence, Title IX cross examination processes, and training related to College policies.

## **(e). Sanctioning Panel**

### **1. Role**

Three to five faculty and staff are trained to serve on a Sanctioning Panel, the function of which is to determine proportionate disciplinary outcomes.

### **2. Composition**

- (i) Those trained as potential panelists are appointed by the President of the College through a selection process determined by the Title IX Coordinator in consultation with the Title IX Team.
- (ii) In cases where a policy violation has occurred, three members of this pool will be randomly selected to participate on the Sanctioning Panel and will assign disciplinary outcomes consistent with this Policy.

### **3. Training**

Sanctioning Panelists shall be trained annually regarding the dynamics of gender-based harassment, discrimination, and/or violence, 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, and the College's policies and procedures. The training shall also stress the importance of confidentiality of all parties.

## **b. Timeline of process**

- 1. The timeframe for completing an Informal or Formal Resolution process will ordinarily be 5 to 14 days from the Intake Meeting. However, this timeframe will vary based upon the complexity of the investigation, the severity and extent of the alleged Sexual Misconduct, delays caused by a criminal investigation, and the availability of witnesses, particularly where the time frame overlaps with a school vacation or the end of an academic term.
- 2. Final resolution of a complaint will ordinarily be completed within sixty (60) days of the Intake Meeting. This timeframe will also vary depending upon the nature of the procedure available to the parties involved.

## **c. Initial Complaint and Intake**

### **1. Initial Contact and Intake**

- (a) The Title IX Coordinator (or their proxy) will attempt contact with a complainant within 24 hours of receipt of a report of prohibited conduct.



- (b) During initial contact, an Intake meeting will be scheduled at the soonest available time to review the reported information. Options, as outlined in this Policy, will be discussed and resources provided.

**2. Complainant Preference**

While effort will be made to honor a complainant's wishes with respect to redress of prohibited conduct, the College reserves the right to override a complainant's preferences to ensure the safety of an individual and/or the larger community.

**d. Resolution Options**

**1) Informal Resolution**

**(a) Objective**

Informal procedures are aimed at stopping the behavior rather than determining culpability or intent. The Complainant may at any time terminate the Informal Resolution process and proceed to a Formal Resolution.

**(b) Process/Steps**

1. The Complainant will disclose an incident of prohibited conduct to the Title IX Coordinator and an intake meeting will be scheduled. During the intake meeting, details of the incident will be reviewed from which a summary will be drafted on the Complainant's behalf by the Title IX Coordinator. The Complainant will review the drafted document for accuracy, suggest revisions when indicated, and acknowledge the narrative as a final report.
2. The Title IX Coordinator will meet with the Complainant to discuss the report and general informal strategies that may resolve the situation. Some informal strategies may include:
  - (i) Advise the Complainant to address the person, verbally, in writing, or both, that the behavior is unwelcome and to stop;
  - (ii) Advise the Complainant to send a copy of the gender-based harassment, discrimination, and violence policy with a note asking the person to stop;
  - (iii) The Title IX Coordinator meets with the person who is the subject of the complaint, apprises them that the Complainant is uncomfortable with the behavior and to discontinue objectionable behavior;
  - (iv) The Title IX Coordinator facilitates a discussion between the Complainant and the person who is the subject of the Complaint.
3. The Complainant, after reviewing the options above with the Title IX Coordinator, will identify their preferred method(s) of addressing the complaint.
4. The Title IX Coordinator will conduct appropriate follow-up, usually within a few days of Step Three. The purpose of the follow-up is to determine if the action taken was successful in stopping the behavior.
5. The Title IX Coordinator will prepare a written report of the resolution of the complaint, including a summary of the incident, the informal strategies selected, and the results of the follow-up.
6. If satisfactory resolution is not achieved, the Complainant may pursue other options for informal resolution or may choose the Formal Resolution process.



## 2) Formal Resolution

### (a) General Principles

1. Formal procedures are aimed at determining responsibility for a violation of College Policy against gender-based harassment, discrimination, and violence and, where violations have been found, determining what appropriate remedial action should be taken.
2. All individuals participating in the formal resolution process, including the Complainant, the Respondent, and any third-party witnesses will be treated with appropriate sensitivity and respect.

### (b) Investigation

1. For all reports that proceed to investigation, the Title IX Coordinator will designate an Investigator to interview and gather relevant information from the Complainant, Respondent, and any witnesses.
2. The investigation is designed to provide a fair and reliable gathering of the facts.

### (c) Investigator

1. The assigned Investigator will be impartial and free of any conflict of interest.
2. The Investigator may designate a second individual, who is also impartial and free of any conflict of interest, to be a note-taker and advisor to the investigator.
3. The Investigator may be a trained College employee or be outsourced by the College.

### (d) Advisors

1. Advisors are required for Formal Resolution and serve to guide the Complainant and Respondent through the process and may accompany their advisee to any meeting for Formal Resolution under this Policy. 2. Advisors are also responsible for posing cross examination questions on behalf of their advisees during the Live Hearing.
2. Apart from the Live Hearing, the Advisor may not speak for the Complainant or Respondent or otherwise direct questions or address others present in all meetings.
3. While advisors are frequently members of the Saint Joseph's College Community, any consenting individual may assume this role. If a Complainant or Respondent does not identify an Advisor, the College will appoint someone to serve in that function. An Advisor cannot serve in a different role during the proceedings (e.g., witness).
4. Prior to the Live Hearing, an orientation that reviews protocols and expectations will be available to Advisors for both parties.

### (e) Investigation Process

1. The Investigator will gather information from the Complainant, Respondent, and other individuals or entities with relevant information regarding the complaint using any of the processes described below.
2. The Complainant and Respondent will have an equal opportunity to be heard, to submit information, and to identify witnesses who may have relevant information. The investigator will record all interviews to maintain accuracy of the information. A transcription of these interviews will be created and made available for both parties to review for accuracy, but the recordings themselves are not permitted for review in order to maintain a level of privacy for individuals involved in the investigation.
3. The Investigator will share information collected related to the investigation with the Complainant and Respondent for comment or rebuttal before finalizing their



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report. Recommended changes or alterations to the final investigation will be considered by the Investigator.

**(f) Investigation Timeframe**

1. The investigation will typically be completed within twenty (20) calendar days but may take up to sixty (60) days given when the alleged behavior has occurred (especially in terms of break periods, summer, etc.).
2. 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, at the College's discretion and with this information provided as soon as it is available to the Complainant.
3. The investigator will provide periodic updates to the Title IX Coordinator and/or the Title IX Team, particularly regarding any emerging needs that would require additional interim protective measures for the Complainant or Respondent, or regarding any adjustments to estimated timelines.

**(g) Investigation Methods**

**1. Reporter, Complainant and Respondent Interviews**

- (a) The investigator will interview the reporter, complainant, and respondent separately and may interview everyone more than once if necessary.
- (b) The Complainant and Respondent may be accompanied by their respective advisors.

**2. Documents/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 including, but not limited to; documents, police records, electronic communications between the parties and/or witnesses, records or other relevant information. In obtaining evidence, the investigator will comply with applicable laws and college policies.

**3. Site Visits**

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

**4. Witness Interviews**

- (a) 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 they find to be potentially relevant to the allegations of the complaint.
- (b) The investigator may determine that interviews of certain witnesses may be unnecessary because the information the witness is likely to provide would be cumulative or marginally relevant.
- (c) The investigator will inform each witness or other individuals interviewed that they are prohibited from retaliating against all parties involved, including other witnesses.

**(h) Expert Consultation**

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 a professional opinion regarding information learned from the investigation.





**i. Prior History**

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

**j. Investigative Report**

- 1) At the conclusion of the investigation, the investigator will prepare a written investigative report summarizing and analyzing the relevant facts gathered throughout the investigation, referencing any supporting documentation or statements.
- 2) The investigative report may include summaries of interviews with the Reporter, Respondent, Complainant, third-party witnesses, experts, and any other individuals with relevant information, photographs or relevant sites or physical evidence, electronic records, or evidence.
- 3) Before the report is finalized, the Complainant and Respondent will be given the opportunity to review their own statements and other relevant information collected during the investigation, including the statements of the other party and any witnesses.
- 4) To protect the safety and welfare of witnesses, the investigator may remove any personally identifiable information from witness statements before sharing with Complainant or Respondent.
- 5) The Investigator will submit their final Investigative Report to the Title IX Coordinator.
- 6) If the Title IX Coordinator or Deputy Title IX Coordinator finds the reported violation is within the jurisdiction of Title IX, the process will continue to the Live Hearing and Cross Examination. If the Title IX Coordinator or Deputy Title IX Coordinator does not find the reported violation within the jurisdiction of Title IX, a decision of responsibility will be made by the Decision Maker.

**k. Live Hearing - Cross Examination**

**1) Function**

Upon completion of the Investigative Report, the Complainant and Respondent parties will engage in a live hearing outlined that allows for facilitated cross-examination.

**2) Procedure**

- (a) At the live hearing, the decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.
- (b) Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice, or the Advisor offered to them, and never by a party personally.
- (c) At the request of either party, the College will arrange for the Live Hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and Complainant/ Respondent parties to simultaneously see and hear the party answering questions.



- (d) Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the Decision-Maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
- (e) If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
- (f) Live hearings may be conducted with all parties physically present in the same geographic location or, at the College's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.
- (g) The College will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.
- (h) The decision-maker shall prepare a summary explaining the facts resulting in the finding.

#### 1. Standard of Evidence

- 1) The College will use the evidentiary standard of Preponderance of Evidence in cases of gender-based harassment, discrimination, and/or violence to demonstrate responsibility for violating this Policy.
- 2) A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all the reasonable evidence and reasonable inferences from the evidence, that the Respondent violated this Policy.

### 6. Sanctions

- a. Should the Respondent be found responsible for a violation of this Policy by the Decision-Maker, the case will proceed to the sanction phase.

A Sanctioning Panel composed of three members of the pool of trained Sanctioning Panelists will review the investigative report and impose an appropriate sanction. Generally, the Panel shall meet to determine the appropriate sanction within ten (10) calendar days of the final decision.

#### b. Fundamental Principles

- 1) The sanctioning procedure is designed to provide a method for ensuring that the sanctions are commensurate with the seriousness of the violation and calculated to ensure that the inappropriate conduct is not repeated.
- 2) The Sanctioning Panel will impose sanctions that are:
  - (a) Fair and appropriate given the facts of the case;
  - (b) Consistent with precedent;
  - (c) Adequate to protect the safety of the campus community; and
  - (d) Proportionate to the seriousness of the offense

#### c. Sanctioning Process

##### 1. Review of Investigative Report and Findings



- (a) The Sanctioning Panel shall have access to the investigative report, the final decision made by the Decision-Maker, and all related documents, recordings, and other relevant information to review prior to deciding on an appropriate sanction(s).
  - (b) The Panel may refer the case back to the Decision-Maker for further clarification if they feel more information is required after reviewing the report.
- 2. Review of Other Relevant Information and Opportunity to Respond**
- (a) The Sanctioning Panel shall have access to information regarding sanctions imposed on individuals in comparable cases and other relevant information in the Respondent's student or personnel file, including prior conduct history; whether and to what extent the Respondent assumes responsibility for conduct; and other mitigating, aggravating, or compelling circumstances. The Complainant and Respondent shall have access to this information prior to its presentation to the Sanctioning Panel and shall have an opportunity to respond via a written statement provided to the Sanctioning Panel. Only information related to the information presented from the Respondent's file shall be permitted in this statement.
  - (b) The Complainant and Respondent shall have the opportunity to present a statement to the Panel describing the impact of the case on them. This statement may be presented in writing to the Panel or in person. If presented in person, the Panel will not ask any questions of the individual present. Any Advisor who may be present may not make any statements to the Panel. If both the Complainant and Respondent wish to make in-person statements to the Panel, 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.
- d. Sanction Statement and Suggested Sanctions**
- 1) The Sanctioning Panel may impose any appropriate sanction.
  - 2) Any individual found responsible for a sexual assault violation will likely face a recommended sanction of suspension or expulsion from the institution.
  - 3) Any individual found responsible for a non-consensual sexual contact violation (where no penetration 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.
  - 4) Any individual 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 considering any previous campus conduct code violations.
  - 5) The Sanctioning Panel reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. The Sanctioning Panel will not deviate from the range of recommended sanctions unless compelling justification exists to do so.
- e. Deliberations**
- 1) After a thorough review of the investigative report, relevant information obtained at the Live Hearing, and any response from the Complainant or Respondent, the Sanctioning Panel shall deliberate regarding the appropriate sanction(s). This deliberation is facilitated by the Title IX Coordinator who will advise the Sanctioning Panel on process, procedure, and parameters of sanctions suggested.
  - 2) The sanction(s) shall be determined by a majority vote of the members of the Panel and present the sanction decision and rationale to the Title IX Coordinator, who will ensure that the



proposed sanctions meet the above criteria, and if not, will obtain justification for the deviation from the Sanctioning Panel.

- 3) The Title IX Coordinator will then prepare a communication of the sanctions to both parties.

**f. Notification of Outcome**

- 1) After a sanction is determined, the Complainant and the Respondent will be notified in writing at (or around in case of email) the same time.
- 2) The notification will include the outcome, the sanction(s), and a rationale by the Title IX Coordinator or a member of the Title IX Team that reflects the sentiments of the Panel.
- 3) The College will also provide written notice simultaneously, as reasonably applicable, to all parties of any changes in the outcome upon appeal.
- 4) For reports involving sexual violence, the Complainant will be fully informed of any sanctions and remedies that directly relate to the Complainant, including information about the Responding Party's presence on campus (or in a shared class or residence hall), that may help a Complainant make informed decisions or work with the College to eliminate harassment and prevent its recurrence.
- 5) 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.
- 6) Sanctions imposed are implemented immediately upon presentation of the Notice of Outcome but are subject to reversal or modification upon appeal.
- 7) The Notice will include information regarding the right to appeal the outcome for both the Complainant and the Responding Party.

**g. Types of Sanctions**

**1) Narrative Sanctions**

Narrative sanctions are official written College responses to misconduct that generally do not require any action by the Respondent. These sanctions (except for suspension and expulsion) generally do not explicitly serve as teaching tools, but instead provide a baseline for sanctions for any future conduct violations.

Examples of Narrative Sanctions include:

**(a) Warning**

1. A Warning is notice, orally or in writing, that continuation or repetition of conduct shall be cause for additional disciplinary action.
2. For employees, warnings rendered as a sanction by the Sanction Panel will be assigned and navigated in accordance with the performance management procedures specific to Human Resources operating guidelines at the College.

**(b) Loss or Restriction of Privileges**

1. Loss or Restriction of Privileges may be imposed for a period of time or indefinitely.
2. Loss or Restriction of Privileges may include;
  - (i) Loss of campus housing (dismissal from housing) and/or certain on-campus dining privileges;
  - (ii) Loss of the privilege to participate in any public function wherein the participant will be thought of as a representative of the College;
  - (iii) Loss of privilege to participate in intercollegiate or intramural athletic competition, practice, or team functions or membership for a period of time;



- (iv) Loss of privilege to participate in social and/or ceremonial events on campus;
- (vi) Loss of access to certain campus locations; and/or
- (vii) Loss of use to certain campus resources.
- (viii) For employees, loss of office space, ability to visit certain locations on campus, restrictions on email usage, and personal contact with certain students and other staff/faculty may result.

**(c) Disciplinary Probation**

1. An individual who is placed on Disciplinary Probation is notified that they are not in good standing with the College. This notification becomes part of their official record at the College.
2. Violations of the terms of Disciplinary Probation, or any other violation of this Policy or the Student Code of Conduct during the period of probation, shall be viewed as both a violation of this Policy and/ or the Code of Conduct And a violation of a student's probation and shall typically result in suspension.
3. For employees, disciplinary probation rendered as a sanction by the Sanction Panel, will be assigned and navigated in accordance with the performance management procedures specific to Human Resources operating guidelines at the College.

**(d) Restrictive Probation**

1. Restrictive Probation is a notice to a student that their actions are of such a serious nature that removal from the College for a period is required. The College shall refrain from suspending the student if the student meets all sanction requirements established by the Title IX team.
2. Any additional incidents in which the student is found in violation of this Policy or the Student Code of Conduct shall result in immediate removal from the College for a period and the possibility of additional sanctions.
3. While a student is serving a Restrictive Probation, the student may not represent the College in any official capacity, including; intercollegiate athletics, student exchange policies, student governance, and student organizations.

**(e) Suspension**

1. Suspension involves a certain period in which a student may not participate in any academic or other activities at the College.
2. This action shall permanently be recorded on the student's academic transcript.

**(f) Expulsion/Removal**

1. Expulsion is the permanent termination of student status and exclusion from College premises, privileges, and activities. This action shall permanently be recorded on the student's academic transcript.
2. For employees, removal rendered as a sanction by the Sanction Panel will be assigned and navigated in accordance with the performance management procedures specific to Human Resources operating guidelines at the College.

**2) Operative Sanctions**

Operative sanctions are generally designed to prevent the recurrence of the action and/or offer learning outcomes by the Respondent by providing them with information and/or experiences that help them deepen their understanding of the Colleges' expectations and cause them to reflect on the implications of their own actions.



Operative sanctions may include:

- (a) Required on, or off-campus assessment, treatment, and/or counseling, which may incur additional financial charges;
- (b) Educational opportunities (e.g. interviews, essays, guided reflection paper, expert interviews, book/article reviews); or
- (c) Required community service or restitution hours; or
- (d) For employees, this may result in required professional development or professional coaching sessions; or
- (e) For employees, this may result in additional projects assigned, designed to prompt the employee to reflect, learn about, and change behaviors, as well as to understand impact.

### 3) Other Sanctions:

The following Sanctions also may be imposed in a matter under this Policy:

- (a) Changing Respondent's academic schedule or residence
- (b) Restricting Access to College facilities or activities
- (c) Revocation of honors or awards
- (d) Dismissal or restriction from College employment
- (e) Revocation or withholding of Degree(s)
- (f) Other remedial performance management strategies consistent with Human Resource recommendations.

## h. Appeals

The appeal process is designed to ensure that the investigation has been carried out in a manner consistent with college procedures and that the sanction imposed is not grossly disproportionate to the violation.

### 1) Eligibility

Either the Complainant or Respondent may file an appeal within ten (10) calendar days of notification of the decision.

### 2) Conditions for Appeal

#### (a) Finding/Hearing Outcome

The Complainant and/or the Respondent may appeal the finding or hearing outcome on one or both of the following grounds:

1. A significant deviation from the procedures that impacted the outcome of the investigation/hearing in a way that is fundamentally unfair; or
2. There is new and relevant information that was unavailable, with reasonable diligence and effort earlier in the proceedings that is sufficient to alter the hearing outcome.

#### (b) Sanction

A Complainant or a Respondent may appeal the sanction if the sanction is deemed clearly inappropriate and/or grossly disproportionate to the conduct for which the person was found responsible.

### 3) Process of Appeal

#### (a) Filing an Appeal

1. The Complainant and/or Respondent may file an appeal based on the aforementioned conditions within ten (10) calendar days of the date of the notice of hearing outcome or sanction, whichever is relevant.





2. The Appeal shall consist of a concise written statement outlining the facts that support the ground(s) for the appeal.
3. Appeals should be sent to Dr. Michael Pardales, Vice President & Chief Learning Officer, by way of email (pardales@sjcme.edu) or in hard copy.

**(b) Review of Appeal**

1. The Appeal will be conducted in an impartial manner by the Vice President. If Dr. Pardales has concerns that he cannot conduct a fair or unbiased review, he will report those concerns to the Title IX Coordinator and a different reviewer will be assigned to the appeal.
2. In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately.
3. The Appeal is not a new review of the underlying matter. The decision shall affirm the original findings of the investigator and the sanction imposed by the Sanction Panel unless the Vice President sustains one of the grounds for appeal, in which case the Vice President can:
  - (i) Refer a case to the original investigator if new evidence is presented or, if there were prejudicial errors, request a new investigator; or
  - (ii) Refer a case back to the Sanctions Panel if the sanction is grossly inappropriate.
4. Appeals are not intended to be a rehearing of the complaint (de novo). This is not an opportunity for the Vice President & Chief Learning Officer to substitute their judgment for that of the original Investigator or Sanctioning Panel merely because they disagree with the findings and/or sanctions. Appeal decisions are to be deferential to the original or new Investigator or the Sanctioning Panel, except when there is clear error.
5. If both parties file an appeal, the appeal documents from each party will be considered together in one appeal review process.
6. Any response by the opposing party must be submitted to the Vice President & Learning Officer within five (7) calendar days from being provided the Appeal.

**(c) Outcome and Notification**

1. 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 or a member of the Title IX Team.
2. Sanctions which are modified due to the appeal process are implemented immediately. Should the appeal result 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.
3. Appeal decisions are final.

**7. Training and Prevention**

- a. The College will conduct educational programs to address gender-based harassment, discrimination, and violence. Programming will include awareness activities and primary prevention for incoming students and new employees, as well as ongoing awareness and prevention campaigns for the college community.
- b. Attendance at mandatory educational trainings will be tracked and enforced.



- c. Primary prevention and awareness programs will be specific to SJC, comprehensive, intentional, and integrated initiatives and strategies informed by empirical research and best practices.

**1) Considerations and Components of Programming**

- (a) To ensure the efficacy of prevention efforts, trainings will be:

1. Culturally relevant;
2. Inclusive of diverse communities and identities;
3. Responsive to community needs;
4. Research-based; and
5. Sustainable.

- (b) Training will include definitions consistent with this Policy and specify definitions of dating violence, domestic violence, sexual assault, and stalking within the College's jurisdiction. Moreover, programs will discuss safe and positive options for bystander intervention, incorporate information on risk reduction, and review the College's disciplinary process.

**2) Bystander Intervention Strategies**

- (a) Bystander Intervention involves safe and positive options that might be carried out by an individual or individual(s) to prevent harm by intervening when there is a risk of harm. Bystander intervention education includes:

1. recognizing situations or potential harm;
2. understanding institutional structures and cultural conditions that facilitate violence;
3. overcoming barriers to intervening;
4. identifying safe and effective intervention options; and
5. taking action to intervene.

- (b) There are many ways an individual or individual(s) might approach bystander intervention. The College encourages the following approaches to bystander intervention:

1. Direct: Directly interact with someone or intervene in a situation. This may include saying something to the target in the situation or saying something to the person doing the harm as an attempt to stop the act.
2. Distract: Divert the attention of the people involved to de-escalate the behavior or stop the act.
3. Delegate: Delegate responsibility to someone suited to handle the situation or a person in a position of power (e.g. Resident Advisor, Staff and/ faculty, Campus Safety).

**3) Risk Reduction**

- (a) Risk reduction refers to tools/strategies/options that decrease perpetration and bystander inaction and promotes victim empowerment.
- (b) Examples of risk reduction programs include self-defense classes, changes to physical space, or facilities to reduce violations of this Policy, and the safe escort program.

**4) Ongoing prevention campaigns**

- (a) Ongoing prevention campaigns are programming initiatives and strategies that are sustained over time and focus on increasing understanding of and skills for addressing dating violence, domestic violence, sexual assault, and stalking.
- (b) Examples of ongoing prevention and awareness campaigns include discussion forums, workshops, guest speaker series, long-term projects with student organizations, community-



based learning opportunities, social marketing and norms campaigns, and creating accessible web resources related to college prevention and response policies.

**d. Training for all employees**

Annual training is provided through in person training and electronic delivery of the Title IX policy.

- 1) New employees will receive Title IX training during the onboarding experience.
- 2) Staff participate in onboarding activities, on their first day or week of employment.
- 3) Faculty receive training on the designated Faculty Day prior to the start of the academic year in the month of August.

**e. Advanced Training for Employees**

- 1) Ongoing training is provided to College personnel involved in addressing, investigating, sanctioning, and otherwise engaged in the work of Title IX compliance and is tailored to one's role and responsibilities.
- 2) The Title IX Coordinator is responsible for regularly reviewing and coordinating trainings for the Title IX Coordinators, Investigators, Decision Makers, Sanctioning Panelists, Appellate Officers, Campus Safety Staff, and Responsible Employees.

**(a) Investigators**

Investigators receive ongoing education on obtaining, organizing, and evaluating information related to formal investigations. Such training is consistent with professional standards in the field and includes but is not limited to federal and local professional development, periodic review of relevant federal and legal cases and related decisions, and instruction related to College policies.

**(b) Sanctioning Panel**

Sanctioning Panelists will be trained annually regarding the dynamics of gender-based harassment, discrimination, and/or violence, the appropriate manner in which to receive and evaluate sensitive information, the process of deliberation, the application of the preponderance of the evidence standard; relevant sanctioning precedent, and the College's policies and procedures. The training shall also stress the importance of confidentiality of all parties.

**(c) Decision Maker Training**

The Decision-Maker is regularly trained to evaluate information related to formal investigations. The Decision-Maker receives ongoing training consistent with professional standards in the field. Such training includes but is not limited to, federal and local professional development, periodic review of relevant federal and legal cases and related decisions, standards of evidence, Title IX cross examination processes, and training related to College policies.

**(d) Title IX Coordinator and Deputy Title IX Coordinator**

The Title IX Coordinator and the Deputy Title IX Coordinator are regularly trained on best strategies for intake, federal regulations, and resources for individuals. The Title IX Coordinator and the Deputy Title IX Coordinator receive ongoing training consistent with professional standards in the field. Such training includes, but is not limited to, federal and local professional development, periodic review of relevant federal and legal cases and related decisions, standards of evidence, trauma-informed practices, and training related to College policies.

**8. Reporting of Crime and Disciplinary Statistics**

This project was supported by Grant No. 2019- AX- AW- 0020, awarded by the Office of Violence against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author and do not necessarily reflect the views of the U. S. Department of Justice.



- a. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) requires the College to record and report certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which constitute prohibited conduct under this Policy.
- b. All Campus Authorities, as defined by the Clery Act, are to notify the Campus Safety Department about such incidents for statistical reporting purposes. These notifications may include the classification and location of the reported crime but do not identify the students involved.
- c. The Clery Act also requires the University to issue a “timely warning” when it receives a report of certain crimes that pose a serious or continuing threat. Such reports do not contain information identifying individual students. The College’s Annual Security Report is available at <https://www.sjcme.edu/life-and-community/safety-and-security/clery-act/>.

## 9. Records Disclosure

- a. Disciplinary proceedings conducted by the College are subject to the Family Educational Records and Privacy Act (FERPA), a federal law governing the privacy of student information.
- b. FERPA generally limits disclosure of student information outside the College without the student’s permission; but it does allow for release of student disciplinary information without a student's consent in certain circumstances. For example, Title IX requires that the College inform the Complainant whether a violation of this Policy occurred, any individual remedies offered or provided to the Complainant, or any sanctions imposed on the Respondent that directly relate to the Complainant, as well as other steps the school has taken to eliminate the hostile environment caused by the Respondents actions and to prevent recurrence.
- c. Any information gathered during the investigation may be subpoenaed by law enforcement authorities as part of a parallel investigation into the same conduct or required to be produced through other compulsory legal process.

## 10. Appendices

- a. Appendix A: On-campus Resources
- b. Appendix B: Off-campus Resources
- c. Appendix C: Formal Complaint Procedure (Flow Chart)



## Appendix A: On-campus Resources

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**IN AN EMERGENCY: Emergency Dispatch: 911**

### **SJC Campus Safety:**

Phone: (207) 893-6687

Anonymous Tip Form: [www.sjcme.edu/life-and-community/safety-and-security/anonymous-tip-form/](http://www.sjcme.edu/life-and-community/safety-and-security/anonymous-tip-form/)

Location: 1st Floor- Standish Hall

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## **PRIVATE REPORTING & RESOLUTION**

### **Christine LeMoult, MSW**

Title IX Coordinator

Phone: (207) 893-6606

Email: [clemoult@sjcme.edu](mailto:clemoult@sjcme.edu)

Location: Heffernan

Building/Office #115

### **Dr. Marion Young**

Deputy Title IX Coordinator

Phone: (207) 893-7566

Email: [myoung@sjcme.edu](mailto:myoung@sjcme.edu)

Location: Alford Hall 435

### **Jessica Noonan, SPHR, SHRM- SPC**

Deputy Title IX Coordinator

207) 893- 7752

Email: [jnoonan@sjcme.edu](mailto:jnoonan@sjcme.edu)

Location: Dept. of Human Resources, Cassidy Hall

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## **FOR CONFIDENTIAL CONVERSATION & SUPPORT**

### **Counseling Center**

Phone: (207) 893-6631

Email: [CounselingCenter@sjcme.edu](mailto:CounselingCenter@sjcme.edu)

Location: 1st Floor- St. Joseph's Hall

### **Health and Wellness Center**

Phone: (207) 893-6634

Email: [healthcenter@sjcme.edu](mailto:healthcenter@sjcme.edu)

Location: 1st Floor Carmel Hall

### **Priest/ Chaplain of the College**

Phone: (207) 893-7794

Email: [mercycenter@sjcme.edu](mailto:mercycenter@sjcme.edu)

Location: Mercy Center- Heffernan Building

### **Athletic Trainers Employed by the Athletic Department**

*(does not apply to coaches and other staff)*

Contact: Tiffany Miller- Gagnon

Email: [tgagnon@sjcme.edu](mailto:tgagnon@sjcme.edu)

Contact: Zachary Chase

Email: [zchase@sjcme.edu](mailto:zchase@sjcme.edu)

Phone: (207)-893-6677

Location: Harold Alford Center



## Appendix B: Off-campus Resources

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### IN AN EMERGENCY

**Emergency Dispatch:** Call 911.

**Cumberland County Sheriff's Office:**

Phone: (207) 693-3369

Location: 36 County Way, Portland, ME 04102

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### VICTIM SUPPORT SERVICES

**Through These Doors**

Relationship violence and stalking support

24/7, free & confidential helpline: 1.800.537.6066

**Sexual Assault Response Services of Southern Maine**

Sexual violence support

24/7, free & confidential helpline: 1.800.871.7741

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### MEDICAL SUPPORT SERVICES

**Maine Medical Center**

Emergency phone:

207-871-2381

General phone:

207-871-0111

Location:

22 Bramhall Street

Portland, ME 04101

**Mercy Hospital**

Emergency phone:

207-879-3266

General phone:

207-879-3000

Location:

144 State Street

Portland, ME 04101

**Mercy Express Quick Care**

Phone:

207-893-0290

Location:

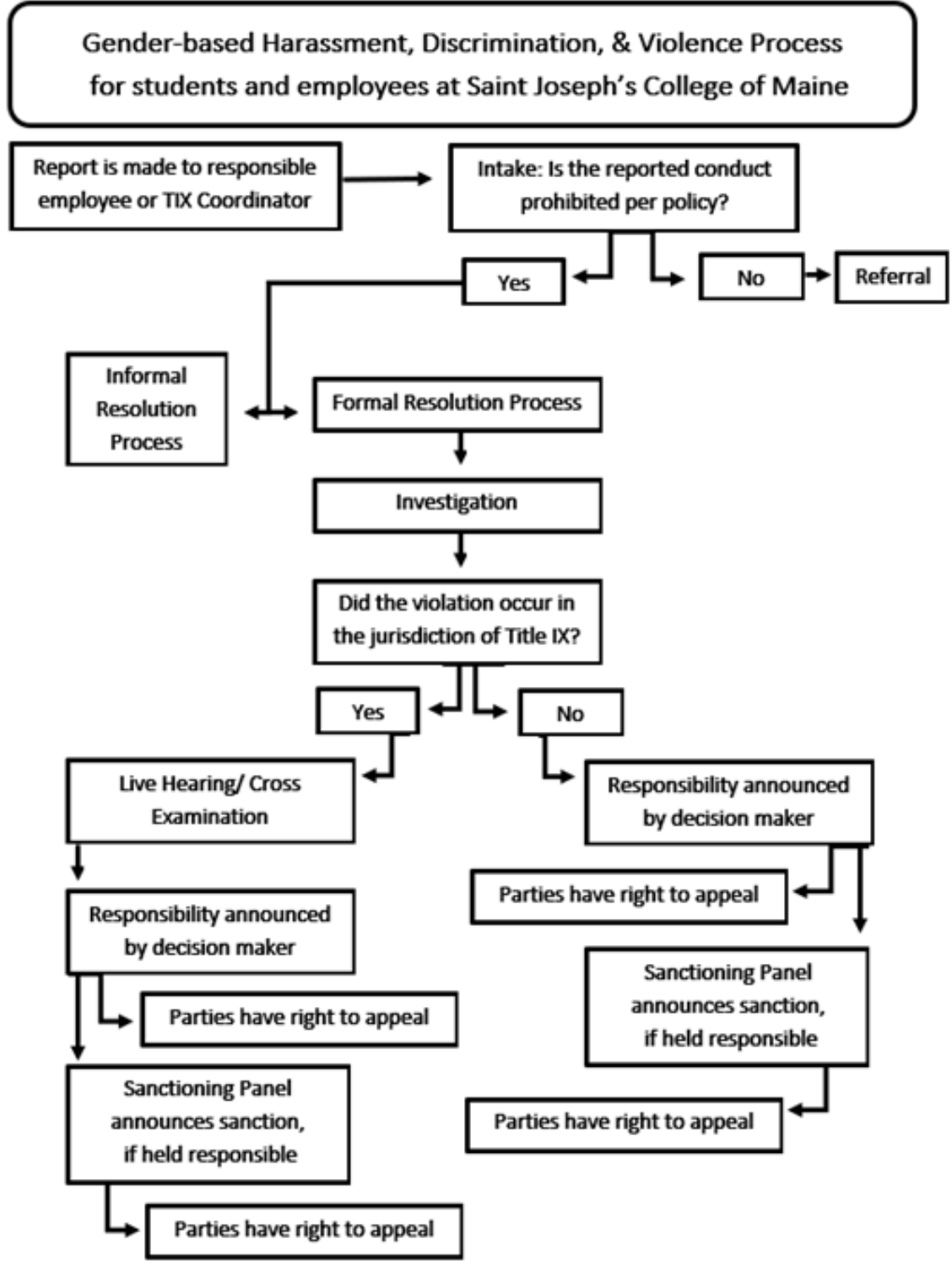
409 Roosevelt Trail

Windham, ME 04101





Appendix C: Formal Complaint Procedure (Flowchart)



This project was supported by Grant No. 2019- AX- AW- 0020, awarded by the Office of Violence against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author and do not necessarily reflect the views of the U. S. Department of Justice.