



America's Environmental College

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# Technical Institute for Environmental Professions

Learner Handbook





# UNITY COLLEGE TECHNICAL INSTITUTE FOR ENVIRONMENTAL PROFESSIONS LEARNER HANDBOOK



Unity College Technical Institute for Environmental Professions Learners,

Congratulations and welcome to Unity College! We are very happy to welcome you to our educational community. Here at Unity College, we believe that every learner should have an affordable, accessible and flexible education that is anchored in sustainability science and we believe that a 21st century education integrates modern technology with sustainability science and the liberal arts while fully preparing learners for a career, new venture or to continue their education.

But being a learner at Unity College goes beyond what we can offer you. It requires you to do your part in ensuring your success, and that means embodying the core values Unity College is built on including respect, integrity, social responsibility, community, resiliency, cultural competency, innovation, and accountability.

As a learner at Unity College, you are showing your own commitment to not just an education, but an education that will help create a more sustainable world for current and future generations.

I am happy you are with us, and I hope that you find your time here satisfying and rewarding.

If you need help or have questions, please reach out to your Technical Institute for Environmental Professions Learner Success Coordinator. And let me know if there is anything I can do.

In Unity,

Dr. Melik Peter Khoury

President

*The information in the handbook is intended as a guide to policy and procedures, if you find you have any questions feel free to ask Technical Institute for Environmental Professions Learner Success Coordinator.*

## **The Unity College Vision:**

Engaging and Educating to Create a Sustainable World.

## **The Unity College Mission:**

Through the framework of sustainability science, Unity College provides a liberal arts education that emphasizes the environment and natural resources. Through active and collaborative learning, our graduates emerge as responsible citizens, environmental stewards, and visionary leaders.

## **Unity's Core Values:**

In pursuing Unity College's vision and mission, we are committed to following these eight core values:

**Respect** establishes trust.

We honor the intrinsic value of self, others, and the world we share.

**Integrity** aligns our actions and values.

We act with purposeful reflection to uphold our vision and mission.

**Social Responsibility** calls us to act.

We prepare leaders to address civic engagement in light of environmental concerns.

**Community** has no boundaries.

We connect through inclusive engagement locally and globally.

**Resiliency** demonstrates flexibility.

We develop the capacity of people, systems, and environments to anticipate and respond to change.

**Cultural Competency** recognizes differences as strength.

We explore and value the strengths, talents, and perspectives of others in order to foster strong relationships.

**Innovation** keeps us relevant.

We have the courage to question our assumptions, embrace creativity, and take calculated risks.

**Accountability** starts with us.

Our actions demonstrate ownership of our work and responsibility for measurable outcomes.

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## **PURPOSE OF THIS HANDBOOK**

The Technical Institute for Environmental Professions Learner Handbook contains the policies, procedures, and guidelines applicable to the Technical Institute for Environmental Professions Sustainable Education Business Unit [SEBU] at Unity College as reviewed and approved by the Unity College Technical Institute for Environmental Professions administrative team. The Unity College Technical Institute for Environmental Professions SEBU currently oversees all Technical Institute for Environmental Professions programs and courses. All learners in those programs/courses will follow the policies and procedures outlined in this handbook.

### **Technical Institute for Environmental Professions Programs**

The most visible activity of Technical Institute for Environmental Professions work is the intellectual interaction of faculty and learners involved in learning and devoted to advancing professionalism in their fields. Supporting these endeavors are academic leaders who are committed to providing an atmosphere in which distance education can flourish.

By accepting admission to the Technical Institute for Environmental Professions at Unity College, learners indicate that they are responsible for adhering to the policies and procedures that govern their education at Unity College. The requirements of the programs at Unity College have been instituted so that learners, faculty, and administrators are guided by a shared set of expectations for education. We sincerely hope that awareness of these requirements allows each learner a fruitful educational experience at Unity College.

### **Accreditation**

Unity College is fully accredited by the New England Commission of Higher Education. NECHE is located at 3 Burlington Woods Drive, Suite 100, Burlington, MA 01803-4514. NECHE may also be contacted by phone at [781] 425-7785 or through their website at <https://www.necche.org>.

## **ACADEMIC PROGRAMS**

Please refer to the Unity College Technical Institute for Environmental Professions Catalog for program and course information.

## **ACADEMIC RESOURCES AND SUPPORT**

### **Academic Calendar**

The Academic Calendar provides important dates and deadlines for adding, dropping, or withdrawing from a course, as well as the start and end dates of each term. Please refer to the TIEP website for the current TIEP Academic Calendar.

## **Accessibility and ADA Services**

Unity College will make reasonable accommodations for learners with documented disabilities. Learners must contact the ADA Coordinator for their program and provide the required documentation before any accommodations can be implemented. Timely accommodations are dependent on early registration with the ADA Coordinator and cannot be applied retroactively. Please contact the Executive Director of Student Life Cycle Management to begin the process as soon as possible.

## **Advising and Learner Success**

The model for learner success at the Technical Institute pairs learners with a Learner Success Coordinator [LSC] that stewards them through the extent of their enrollment. LSCs advise learners of all ages, backgrounds, and demographics. In this capacity they are cross trained in all Technical Institute programs, and learner success mechanisms deployed throughout the institution. LSCs are the primary contact between learners and the services of the Institute such as learner accounts, financial aid, and career services. The LSC is responsible for learner retention and persistence and serves as the primary liaison for learner success between TIEP and the College's central services.

## **Course and Syllabi Design**

To help learners be comfortable in their classes, all courses will use the Brightspace learning management system and will have work broken into competency-based modules with clear expectations and assessment rubrics. All courses use Brightspace for posting grades, discussions, course readings, videos, and other course-specific materials. In addition, all course syllabi are designed in a consistent manner.

## **Library Services**

Unity College provides learners with access to thousands of print and electronic resources that are selected primarily to support the college's curriculum through the [Dorothy Web Quimby Library and the library services available at Freeport Hall](#). The library provides access to high quality scholarly and special-interest e-books and journals through a variety of research databases and digitized local collections. The library is a member of several consortia, which provides the library with substantial interlibrary loan capabilities.

## **Tutoring**

Learners in need of academic support and tutoring should refer to the course resource guide located in the Learner Success Hub on Brightspace and follow up with their instructor or Learner Success Coordinator.

# **LEARNER SERVICES AND SUPPORTS**

## **Campus Store**

The Unity College Campus Store is a one-stop shop for eco-conscious and sustainably branded College merchandise including t-shirts, sweatshirts, water bottles, stickers and more. The Campus Store is open 24/7, visit <https://store.unity.edu>.



## Career Services

TIEP will utilize the career services tool Handshake to support learners in the pursuit of finding, applying, interviewing, and securing employment in their field of study.

## Emergency Alert System

The Rave Mobile Safety alert system allows the College to send immediate updates about weather closures or emergencies through email, social media [Facebook and Twitter], and text message. Learners should register and set up their alert through their my.unity.edu Single Sign-On [SSO] portal.

## Emergency Resources

Maine Crisis Hotline [for Maine residents]	1-888-568-1112
National Suicide Prevention Lifeline	1-800-273-8255

## Health and Counseling

Due to the community embedded nature of the Institute, health and counseling services are not provided by the College. If you are in search of these resources, please refer to your state's healthcare marketplace.

**If you are in immediate need of assistance, please refer to the following resources:**

The National Alliance of Mental Illness [NAMI] Helpline can be reached Monday through Friday, 10:00 AM – 10:00 PM [EDT]	1-800-950-NAMI [6264] <b>OR</b> <a href="mailto:helpline@nami.org">helpline@nami.org</a>
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National Domestic Violence Hotline	Phone: 1-800-799-7233 Text: START to 88788
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# INFORMATION TECHNOLOGY POLICIES AND RESOURCES

## Minimum Technology Requirements

Learners are expected to provide and maintain functional personal computing equipment and internet access service that meets or exceeds the minimum requirements listed. Please note that these requirements may change based on updates and technology needs.

### Internet Access

You should have at least 24Mbps of download speed and 1 Mbps of upload speed of dedicated internet. To test internet connection speed, see <https://www.speedtest.net/>. Mobile devices and public access computers with internet [libraries, restaurants, etc.] may be slow and result in errors when trying to access coursework. All TIEP spaces will provide adequate Wi-Fi internet access for learners.

## **Computing Equipment**

It is required that learners have speakers, headphones, microphone, and a web camera for video conferencing. Most computers/laptops that have a web camera equipped with a built-in microphone. Mobile devices and tablets may be able to view some of the course materials, but they are not recommended as a primary device. A device with a keyboard is preferred.

## **Help with Tech**

If you have difficulty accessing or using your Unity College computing account, please email [the IT Help Desk at helpdesk@unity.edu](mailto:helpdesk@unity.edu). If your computer hardware or software is not functioning properly, please contact the original equipment manufacturer or vendor who sold you the hardware/software or a local computer store for assistance.

## **Minimum Specifications of a Desktop or Laptop Computer**

### **Windows / PC:**

- Windows 10
- 8GB RAM or more
- 256GB or larger hard drive
- Input/output accessories, including:
  - Headphones/earbuds
  - Webcam with microphone

### **Chromebook:**

- Chrome OS or newer
- 4 GB RAM or more
- 64 GB or larger hard drive
- Input/output accessories, including:
  - Headphones/earbuds
  - Webcam with microphone

### **Apple / Mac:**

- Mac OS [10.15] or newer
- 8GB RAM or more
- 256GB or larger hard drive
- Input/output accessories, including:
  - Headphones/earbuds
  - Webcam with microphone

### **Other Requirements:**

- Microsoft Office 2016 or newer. Learners who do not have this can use Office 365 for free, which is available on the home screen of the single sign-on portal.

## **Access to College Technology**

Computing user accounts are provided to learners for their personal use while enrolled at Unity College. Learners may not lend these accounts to others or use others' accounts. Learners are responsible for all activity from their account. Because of this, it is imperative that learners keep their passwords confidential and never lend their account to another person. In their communications,

learners may not pretend to be anyone else or attempt to represent the College in any official capacity. Learners may not use their email accounts for any activities that produce income.

### **Single Sign-on Portal: [my.unity.edu](http://my.unity.edu)**

Once learners are registered, they will receive the login credentials needed to access the learner portal. Learners must not share their login information with anyone. This login will serve as their single sign-on to access all learner software, including courses through Brightspace and learner email through Outlook.

### **Learner Portal**

Unity College utilizes a Learner Portal for services such as billing, financial aid, and the course schedule. Learners can print unofficial transcripts through this portal as needed. Once learners are registered, they will receive the login credentials needed to access the Learner Portal through the single sign-on application.

### **Email**

Each Unity College learner is assigned a unique e-mail. Learners can access their account through the Outlook application on their [single sign-on portal](#).

Although all course-related correspondence occurs in Brightspace, it is required that learners check this email at a minimum daily to receive important communications from the Institute.

### **Online Course Access**

Learners will use Brightspace to access their courses. Brightspace is accessed through Chrome, Firefox, Edge, or Safari; the web browser should be updated with the latest version. Assignments, discussions, the syllabus, and all learner resources are available through Brightspace. Learners can access Brightspace through the [single sign-on](#) portal. For learners attending the synchronous portion of the course remotely, the Zoom links can be found in the Brightspace course.

## **COLLEGE POLICIES AND PROCEDURES**

### **Acceptable Use of Technology**

Learners should be aware that there are many laws affecting computing and related activities. There are legal statutes covering system intrusion, harassment, data privacy, fraud, child pornography, theft of services, and use of publicly funded facilities for religious or political purposes. In some situations, the College is obligated to share with authorities' violations of the law when using College computer systems.

Violations of the Terms of Service will be dealt with according to disciplinary procedures outlined in this handbook. This may result in denial of access to College computing facilities or in other disciplinary action.

## **Immunizations and Insurance Requirements**

All learners taking courses are required, as a condition of attending Unity College, to provide proof of full vaccination against the Covid-19 virus prior to registering for any in-person class, and to comply with the State of Maine immunization requirements which include Diphtheria/Tetanus within 10 years prior to enrollment and Measles, Mumps and Rubella. Learners who fail to provide proof of Covid-19 vaccination and booster or to satisfy any other immunization requirement within the time frame established by the College will be barred from in-person learning and excluded from property owned, operated, or used in conjunction with Unity College until such time as they can satisfactorily demonstrate that they have received the required immunizations. Learners who are barred from in-person learning for failure to comply with State of Maine law or the College's Covid-19 vaccination requirement may be withdrawn from course and will **not** be entitled to any financial refunds from the College. Learners with questions related to compliance with this policy should contact the Executive Director of Student Life Cycle Management. Specific academic programs may require health insurance and additional immunizations.

## **Nondiscrimination, Harassment, and Equal Opportunity Policy**

Unity College values a diverse College community where all individuals are treated with respect and dignity. The College is committed to providing a learning and working environment that is free of illegal discrimination, harassment, or retaliation. Illegal discrimination against, harassment of, or retaliation against individuals of the College community is against College policy and will not be tolerated.

Unity College does not discriminate based on race, color, ancestry or national origin, religion, sex, sexual orientation, marital status, age, disability, veteran status, or other status protected under local, state, or federal laws in the recruitment and admission of learners, educational policies, and procedures, and in the recruitment and employment of employees. We offer reasonable accommodation to applicants and to qualified individuals with disabilities, including accommodation in the application process. Unity College is an equal opportunity employer and operates in accordance with federal and state laws regarding nondiscrimination.

Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual that may involve any of the protected categories listed. Harassment based on these protected characteristics is against the law and the policy of the College. Examples of prohibited harassing conduct include but are not limited to epithets, slurs, or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; written or graphic material that denigrates or shows hostility or aversion toward an individual or group; sexually oriented conversation; or visual display of sexually suggestive pictures or objects.

These policies apply to all learners and employees and are related to conduct engaged in by fellow employees, learners, or third parties with whom learners and employees interact in the course of their learning or jobs. Those who experience or witness discrimination, harassment, or retaliation are encouraged to promptly report such conduct to the Executive Director of Student Life Cycle Management who will promptly involve the appropriate College officials and investigate complaints. The type of discipline will be determined by reflecting on the severity of the conduct, up to and including suspension or dismissal from the College.

## **Public Display Policy**

All public displays must be appropriate to an inclusive and diverse educational setting. Public displays include apparel, stickers, signs/images/objects in video or Zoom backgrounds, etc. Unity College does not tolerate public displays that encourage the use of illegal drugs, or that a reasonable person would consider demeaning, racist, prurient, indecent, exploitative, or offensive.

Specifics related to this policy are as follows:

- Public display using signs, bottles, cans, or lights, etc., that encourages the use of illegal drugs.
- Any public display that a reasonable person would consider demeaning, racist, prurient, indecent, exploitative, or offensive.

## **Parking On Campus Policy Statement**

Parking is available on campus. Please park in only permitted sites. No overnight parking is permitted. Vehicles parked in violation of this are subject to towing at the owner's expense. Common violations are; taking two parking spaces; parking on grass, sidewalk or in fire lane.; parking within 15 feet for a fire hydrant; parking in no parking zones; parking in handicapped parking spaces without the required permit; parking in spaces marked reserved for State vehicles, College Officials, and Visitors. All vehicles parked on campus, anytime, must be properly licensed and inspected.

## **Unattended Children on Campus Policy**

In the interest of providing a friendly and safe campus while maintaining a learning environment for learners and a disruption-free workplace for employees, children are welcome to accompany adults to their appointments; however, children should not be left unattended anywhere on the college campus, including the grounds and parking facilities. Individuals under the age of 16 who are not registered in a class must at all times be under the supervision of an adult who is at least 18 years old. The college faculty and staff are not responsible for the care and supervision of unattended children. In addition, children who are not registered for classes are not permitted in classrooms and/or laboratories, even if the parent/guardian is registered in the class. If a child is left unattended the college will attempt to locate the parent/guardian and return the unattended child. If the parent/guardian cannot be located, the college will contact local law enforcement or the appropriate state authority.

## **Smoke-free and Tobacco Free Campus**

To promote the health and well-being of learners, faculty, staff and general public, TIEP is a smoke and tobacco free campus. Smoking – including the use of smokeless tobacco or tobacco alternatives including but not limited to electronic cigarettes, vaping, and JUULs – is prohibited on campus and in all Unity College owned or leased buildings and vehicles.

## **Pets on Campus Policy**

Animals and/or pets of any kind are not permitted within campus building(s) with the exception of service animals. Service animals must be identified while on campus wearing the appropriate service animal attire.

## **Alcohol Policy**

Alcohol is not permitted on or in the premises of the TIEP campus.

## **Drugs and Narcotics Policy Statement**

The use, possession or distribution of nonprescribed drugs and narcotics, including marijuana, by learners is not allowed on campus and will result in suspension or dismissal from the college. Any college learner trafficking in drugs shall be subject to civil action.

## **Weapons [Firearms, Explosives and Fireworks] Policy**

Learners and visitors are prohibited from the use or possession of weapons, fireworks, and explosives including firearms, B-B guns, pellet guns, bows and arrows, hunting knives, explosives or any other object that could be used as a deadly weapon on campus. Other devices may be deemed weapons at the discretion of College officials.

# **LEARNER CONDUCT, RIGHTS, AND RESPONSIBILITIES**

## **Code of Conduct**

All members of the Unity College learner body must be responsible for their actions and make sure that these actions do not adversely affect other community members. The College has the authority and responsibility to establish rules and standards that may require academic, moral, and ethical behavior that is considered above the standards of society at large. The principal responsibility for proper conduct rests with learners. They are encouraged to resolve conflicts of individual rights and responsibilities themselves. The College will become involved, however, when learners cannot resolve conflicts themselves; when local, state, or federal laws have been broken; when there could be or there is a potential for personal harm or property damage; or when College regulations have been violated.

Unity College requires learners to obey local, state, and federal laws. The College also has regulations that it expects learners to follow. Learners whose activities have a direct bearing on the College or members of the Unity College community may be subject to disciplinary action. Each learner is expected to follow the Learner Code of Conduct from acceptance to the College through graduation.

In order to achieve our goals as a community, we follow the Learner Code of Conduct. It embodies—in addition to policies—the acknowledgment of the right of individuals to decide how they live their lives as long as those actions do not interfere with the rights and welfare of others. Thus, our actions as a community and as individuals must assure equal treatment to all. This includes upholding honesty and maintaining respect, honor, and civility toward all community members throughout our involvement with the College community.

Disruptive behavior in a course [regardless of modality] may include - but is not limited to - bullying, trolling, harassment, use of inappropriate language, or any other violation of the netiquette policy.

Disruptive behavior outside of a course may include - but is not limited to - exhibiting disrespectful



behavior toward other learners, faculty, and staff members. Whether or not a learner's behavior is disruptive will be carefully considered and is always at the discretion of Unity College.

Should a learner's behavior become disruptive to others, the issue should first be brought to the attention of the Executive Director of Student Life Cycle Management who will involve the Dean or the Vice President of the Technical Institute as necessary. A learner who is reported for disruptive behavior may first be given a warning, then put on probation, and ultimately removed from the college should the behavior continue.

## **Procedural Guidelines for Disciplinary Matters**

The Technical Institute for Environmental Professions at Unity College Learner Code of Conduct is established as the College's method for resolving reported violations of college policies [except for the Sexual Misconduct Policy] brought forward by learners, staff, faculty, municipal authorities, or other members of the community regarding the behavior of TIEP learners. The College reviews all such complaints and any related incident reports or information and determines the method of resolution.

### **Filing a Complaint**

Any individual or organization may submit a complaint to the Executive Director of Student Life Cycle Management, of any violation of the Technical Institute for Environmental Professions at Unity College Learner Code of Conduct. The complaint must be submitted stating [1] the details of the incident and [2] a precise statement of what section of the code was broken. The complaint must be submitted within a maximum of 5 calendar days of the incident. Learners will be notified via campus email of any complaint that has been filed.

Learner complaints regarding faculty or staff members shall be resolved in accordance with the faculty or staff handbooks. Learner complaints regarding persons who are not members of the Unity College community shall be referred to the appropriate governmental authorities. The College may also choose to initiate a complaint itself through the Executive Director of Student Life Cycle Management or another administrator.

Depending upon the nature and circumstances of the violation, the following methods of adjudication may be utilized to resolve allegations regarding learner behavior. The Executive Director of Student Life Cycle Management has the discretion to decide which of the following methods, or some combination or variation on them, is the most appropriate procedure in a particular situation:

- A. Informal Resolution.** In some instances, incidents and/or allegations are most appropriately resolved in a manner not resulting in formal process. This may include, but is not limited to, a referral to resources as deemed appropriate by the College. If an informal resolution is selected, the incident will not be part of the learner's disciplinary file.
- B. Conduct Review Meeting.** A conduct review meeting is administered by the Executive Director of Student Life Cycle Management, or other designated personnel. The respondent has the right to accept responsibility or refute the allegations set forth in the complaint during this meeting. The administrator will determine if the learner is responsible, not responsible, or determine that there is resolution without determination of responsibility. The standard to determine responsibility is by the preponderance of the evidence [i.e., more likely than not].

The administrator conducting the meeting will determine appropriate sanctions.

**C. Disciplinary Procedures.** The following are the procedures that will be followed when an alleged violation of the Technical Institute for Environmental Professions at Unity College Learner Code of Conduct is reported [except for violations within the scope of the Sexual Misconduct Policy]:

1. College officials will respond to an incident and address the inappropriate behavior. An investigation of the incident will be conducted.
2. When appropriate, an incident report will be written and forwarded to the Vice President of TIEP.
3. The Executive Director of Student Life Cycle Management will notify the learner[s] within 72 hours of receiving an incident report that the learner[s] has [have] been officially cited for the specified violation[s]. The learner[s] will be advised as to what they are being cited for, and that they have the opportunity to write a statement related to the alleged incident. The learner[s] will be informed of their options for resolution. The Executive Director of Student Life Cycle Management also will alert the Vice President of TIEP that an incident occurred.

**D. Conduct Review Meetings**

1. At least 48 hours prior to the review meeting, the Executive Director of Student Life Cycle Management will notify all involved parties that the review meeting will take place. If a learner is unable to attend the scheduled review meeting, the learner should notify the Executive Director of Student Life Cycle Management. The review will proceed if the learner does not communicate their availability for attending the meeting.
2. The review meeting will be closed to all persons not directly involved with the matter.
3. Review meetings will include:
  - Report of the incident.
  - Presentation of relevant facts. This includes written or oral statements, documents, and/or items of property.
  - The learner is entitled to attend the open session of the review meeting and present facts and argument relevant to the issues under review.
  - Closed Deliberation: Following the presentation of all evidence, the Executive Director of Student Life Cycle Management, and the Dean of TIEP will determine in closed session whether a violation of the Technical Institute for Environmental Professions at Unity College Code of Conduct has occurred and render a decision.
  - Decisions: One of the following decisions will be made for possible violations of the Code of Conduct, applying the standard of preponderance of the evidence [i.e., more likely than not]:
    - a finding of “not responsible.”
    - a finding of “responsible.”
    - a finding of “resolution without determination of responsibility.”
    - dismissal of the citation due to lack of factual basis.
    - continuance of the case for the purpose of obtaining additional information or of providing for further consideration.

4. **Disciplinary Sanctions:** If the learner is found responsible, appropriate sanctions will be referred to the Vice President of TIEP for approval by the Executive Director of Student Life Cycle Management. Decisions will be based only upon relevant facts presented through the review process. All review decisions may include sanctions thought best to resolve the incident and uphold the integrity of the Technical Institute for Environmental Professions at Unity College Learner Code of Conduct.

### **Notification of Action Taken**

The learner will be notified promptly of the decision and any associated sanctions by the Executive Director of Student Life Cycle Management.

### **Right of Appeal**

The learner may request an appeal to the Vice President of TIEP of final action by the Executive Director of Student Life Cycle Management. Such appeal requests must be presented in writing within five working days of the final action by the Executive Director of Student Life Cycle Management. Should the Vice President of TIEP determine that the written request for appeal has merit, they will consider the appeal. Grounds for appeal include fraud, a procedural error, or new relevant evidence that was previously unavailable and materially affects the outcome of the adjudication or sanction. Upon completion of the appeal review, the Vice President for TIEP may either uphold the original decision and penalties imposed or make appropriate changes.

### **Violations**

Violations are activities which directly and significantly interfere with the College's [1] primary educational responsibility of ensuring the opportunity of all members of the community to attain their educational objectives, or [2] subsidiary responsibilities of protecting the health and safety of persons in the campus community; maintaining and protecting property; keeping records; and sponsoring non-classroom activities such as lectures, and social functions. Upon a preponderance of the evidence that a learner organization has violated a College policy or procedure, the organization may be subject to disciplinary action. Note that the Sexual Misconduct Policy addresses violations related to sexual misconduct, such as sexual harassment, gender-based harassment, and non-consensual sexual contact, among others. Please refer to the Sexual Misconduct Policy.

The violations listed below are considered in the context of the learner's responsibility as a member of the academic community; other actions which may be considered as violations may be defined by other Unity College documents.

The following violations indicate categories of conduct or activity which violate the Code. These have been delineated in such a way as to give reasonable warning to learners that such conduct or attempted conduct is forbidden. These definitions of violations should not be rigidly construed:

#### **A. Academic Misconduct**

1. **Plagiarism.** Plagiarism is quoting, summarizing, or paraphrasing any part of a source; incorporating any information that is not common knowledge; using another's work without attributing the source in accordance with fair-use policies; or submitting work that someone else completed.
2. **Cheating.** Seeking out, accepting, or abetting any unauthorized collaboration during exams, claiming credit for work not done independently, or submitting an assignment for

one class in another class without approval of both instructors.

3. **Misrepresentation.** When someone other than the learner enrolled in the course completes any part of the coursework.
4. **Falsification.** Falsifying or deliberately misrepresenting data and/or submission of work.

## **B. Disruption of College Operations**

1. **Disruptive Behavior** is defined as conduct that disrupts teaching, research, administrative, disciplinary, or other college activities. Disruptive behavior may occur at functions on or off campus or at other authorized non-Unity College activities.
  - *Minor disruptions* are the least serious and may be handled informally between the staff or faculty member and learner, leading to a prompt resolution.
  - *Moderate disruptions* involve an ongoing problem or serious classroom incident, and academic and learner success staff will be consulted to assist with evaluating/resolving the situation.
  - *Serious disruptions* are the gravest and may pose immediate danger to the learner or campus community. If this occurs, the law enforcement or Unity College security will be contacted immediately.
2. **Failure to Comply with Sanction.** Failure to comply with or attempts to circumvent a sanction[s] imposed by the appropriate College official or board.
3. **Failure to Identify.** Failing to properly identify oneself to an employee of the College in pursuit of their official duties.
4. **Interference with Code Enforcement.** Interference with a complainant, witness, investigation, or the carrying out of procedures defined in this Code.
5. **Interference with or Failure to comply with a College Official.** Direct interference with or failure to comply with an employee of the College in the performance of their official duties.
6. **Supplying False Information.** Knowingly supplying false information to employees in pursuit of their official duties or to a committee in the course of a disciplinary proceeding or knowingly causing false information to be thus supplied.
7. **Unauthorized Representation.** Unauthorized representation of Unity College or an employee of the College.

## **C. Health & Safety Violations**

1. **Creating a Dangerous Condition.** Creation of a fire hazard or other dangerous condition.
2. **Endangering Health or Safety.** Conduct which threatens or endangers the health or safety of any individual.
3. **False Reporting of Dangerous Conditions.** Giving or causing to be given false reports of fire or other dangerous conditions.
4. **Illegal Possession, Use, or Sale of Drugs.** Possession, use, or sale of illegal drugs or drug paraphernalia or the misuse of legal prescription drugs.
5. **Interference with Safety Equipment or Alarms.** Tampering with, disabling, or causing malfunction of fire and safety equipment or alarm systems.
6. **Possession or Misuse of Weapons.** Violation of regulations concerning possession or misuse of firearms or other dangerous weapons, as defined by the policies established in the Weapons Policy.
7. **Restricting Traffic Flow.** Restriction of normal traffic flow into or out of College facilities.

8. **Use or Possession of Chemicals or Explosives.** Unauthorized use or possession of explosive components, chemicals, etc. such as fireworks, explosives, gas or compressed air.
9. **Violation of Alcohol Policies.** Violations of College or State alcoholic beverage regulations or laws.

#### **D. Offenses Involving Other People**

1. **Causing Fear of Physical Harm.** Intentionally or recklessly placing a person or persons in reasonable fear of imminent physical harm.
2. **Harassment or Intimidation.** Unwelcome behavior that creates a hostile or intimidating working, educational, or living environment or behavior that unreasonably interferes with an individual's academic or job performance and opportunities. Note that Sexual Harassment and/or Gender-based Harassment is typically addressed under the Sexual Misconduct Policy.
3. **Hazing.** Any action taken, or situation created by a person or an organization, or with the knowledge or consent of an organization, which recklessly or intentionally endangers the mental or physical health of a learner.
4. **Invasion of Privacy.** The violation of another individual's reasonable expectation of privacy where the circumstances justify that expectation, including, but not limited to: physically trespassing in a private area with the intent of observing or eavesdropping; using an electronic device to intercept, record, amplify or broadcast a private conversation or private events; or engaging in surveillance, photographing, broadcasting, image-capturing or recording of private conversations or private events.  
The fact that the Respondent was a party to the conversation or event is not determinative of another individual's reasonable expectation of privacy. Note that, in certain circumstances, conduct under this section will be addressed under the Sexual Misconduct Policy.
5. **Lewd or Indecent Behavior.** Exhibition of the genitals, anus, or pubic area of a person other than for legitimate academic purposes. Note that in certain circumstances, conduct under this section may be prohibited Sexual Exploitation under the Sexual Misconduct Policy and would be addressed under that policy.
6. **Physical Assault.** Intentionally, knowingly, or recklessly causing bodily injury or offensive physical contact with another person.
7. **Retaliation.** Taking retaliatory action against an individual for notifying campus authorities of a violation of the code and/or filing or participating in a complaint under the Code.
8. **Discriminatory Harassment.** Harassment or discrimination based on actual or perceived race, color, religion, sexual orientation, gender identity or expression, national origin or citizenship status, age, disability, genetic information or veteran status.
9. **Unauthorized Recording of a Conversation.** Intercepting, recording, or image-capturing a faculty or staff member in a classroom, office, video conferencing or over the telephone without that faculty or staff member's consent unless it is part of an approved reasonable accommodation.

#### **E. Offenses Involving Property**

1. **Defacement, Destruction, or Misuse of College Property.** Intentional or reckless misuse, destruction, or defacement of College property as defined above or of the property of other people.

2. **Misuse of College Computers.** Misuse of the College computer network or computers including, but not limited to: theft of computer files or data, email, or other electronically stored information; probing or hacking into other computers or computer systems; spamming; sending out computer viruses; or uploading or downloading copyrighted material for personal use or distribution without authorization.
3. **Tampering, Destruction, or Falsification of Records.** Tampering with, destroying, or falsifying official records.
4. **Theft or Unauthorized Use.** Theft, attempted theft, or unauthorized acquisition, removal, or use of property.
5. **Trespassing.** Unauthorized presence on any College held or related property.

#### F. General Infractions

1. **Aiding Infraction.** Knowingly assisting in the violation of any of the provisions of this Code or other College policies or other College policies.
2. **Continued Infraction.** Continued infractions of the Code.
3. **Conviction of a Crime.** Conviction of any crime that threatens: [a] any educational process or legitimate function of the College, or [b] the health or safety of any individual.
4. **Other Illegal Activity.** Violating local, state, or federal laws otherwise not covered under this Code.

#### Disciplinary Actions

- A. **Official Warning.** An official statement that the learner has been found “responsible” for a violation of the Learner Code of Conduct and the expectation that it will not be repeated. The standard for a finding of responsibility is by a preponderance of the evidence.
- B. **Educational Program Requirement.** May include written reflection, some form of self-assessment, or meeting with campus personnel. This may include research projects, reflective essays, counseling assessments, sanction seminars, or other related assignments intended to promote learning.
- C. **Restitution.** May include payment for damage to College property or facilities, payment for damages to property or a member of the College community, and repayment of misappropriated or misused College funds.
- D. **Community Service.** A learner may be required to perform a certain number of hours for a specific College department or event.
- E. **Deferred Sanction.** A probationary period upon which a respondent’s continued enrollment at the Technical Institute for Environmental Professions at Unity College is contingent. Any further violation of the Code during that time will result in the imposition of the deferred sanction and any additional sanctions deemed necessary.
- F. **Fine.** Payment of money. Respondents who are unable to pay may discuss alternate payment arrangements.
- G. **Disciplinary Probation.** A conditional continuance of registration resulting from serious learner misconduct. This sanction implies a status between good standing and suspension or dismissal. The learner is permitted to remain enrolled under certain stated conditions. Probation continues over a stated period. Further misconduct during the probationary period may result in suspension or dismissal. It may include the loss of one or more privileges.



- H. Suspension.** The limitation of time during which a learner may be on College property. A suspension is usually accompanied by a schedule that indicates the hours the learner may be on college property and the locations to which they are limited.
- I. Disciplinary Suspension.** The termination of a learner's registration for a specified period. Suspension differs from dismissal only in that it implies and states a time limit when return will be possible.
- J. Disciplinary Dismissal.** The permanent separation [subject to the right of review after five years] from Unity College. The learner's registration is terminated within 24 hours after notice of dismissal unless otherwise required by the Executive Director of Student Life Cycle Management.
- K. Loss of Contact with a Specific Person[s].** With this sanction, the person may not initiate direct or indirect contact with a specified person[s].
- L. Such Other Action as the College May Reasonably Deem Appropriate.** [e.g., suspension of an organization's official campus recognition or suspension of a learner from an extracurricular activity]

The College may impose a harsher sanction on a learner when the Dean of Learners or Conduct Board determines that the learner intentionally selected the person or organization against whom the violation was committed, or selected the property damaged or stolen, because of the race, religion, color, sex, sexual orientation, gender identity or expression, national origin or citizenship status, age, disability, genetic information or veteran status of that person, the persons in the organization, or the owner of the property.

### **Administrative Actions**

The College reserves the right to suspend or dismiss a learner, or mandate a medical withdrawal, at any time when conduct is deemed to be in violation of College policy or in situations where the learner poses a risk to themselves, to others, or for the College. In taking such action, the College need not assign further reasons. At the discretion of the Executive Director of Student Life Cycle Management, and following individualized assessment, a learner who is determined to be a danger to self or to others, or in which the behavior significantly disrupts the learning environment of the College, may be involuntarily or administratively withdrawn, dismissed, or suspended. The College's refund policy, as listed in the Technical Institute for Environmental Professions Catalog, will determine any type of financial refund as a result of these administrative actions.

- A. Summary Suspension.** Summary suspension is taken in extreme or unusual cases when there is reasonable cause to believe the continued presence of the learner on campus presents an immediate and definite danger to themselves or others or threatens disruption of college actions or activities. Learners who exhibit severe emotional problems may also be summarily suspended. Summary suspension is immediate termination of a learner's privilege to attend the College and all its related functions. A learner who has been summarily suspended may not attend classes, may not participate in any College activities, and may be excluded from College property. Should the learner ignore the conditions of this suspension, the college may initiate criminal proceedings. The authority for initiating a summary suspension is vested with the Vice President of TIEP who will determine the length of the suspension.
- B. Dismissal.** Dismissal is a permanent severance from the College. A permanent notation is placed in the learner's disciplinary file.

**C. Medical Withdrawal.** A learner may request a medical withdrawal when illness, injury or a significant personal situation occurs that makes it impossible for the learner to continue with classes. See the Technical Institute for Environmental Professions Catalog for more information on requesting a Medical Withdrawal.

A learner may also be required to take a medical withdrawal at the request of the College when a learner's illness or associated behaviors prevent the learner from safely attending class or completing coursework, present a risk to the safety of others, or are significantly disruptive to the community. The Executive Director of Student Life Cycle Management in consultation with medical professionals will make the determination of when a mandatory medical withdrawal will be required and by what date the learner must leave campus.

Learners who have taken a medical withdrawal are eligible to apply for readmission and must do so through the Registrar's Office according to the schedule specified in the Technical Institute for Environmental Professions Catalog. Learners are strongly encouraged to address the medical issues before seeking to return. Depending on the situation and the time in the term that the withdrawal takes place this may be a required condition of the withdrawal/readmission. Learners who leave on a medical withdrawal will be asked to submit confirmation that they have addressed the medical condition and are ready to return to full participation in the educational program of the college. This may require documentation from a licensed medical practitioner.

Learners who are suspended, dismissed, or medically withdrawn are not permitted to attend any Unity College functions during the sanction or withdrawal period. After the sanction or withdrawal period has been completed and all applicable requirements have been met, the learner is eligible for readmission to the College. For a learner preparing to transfer to another institution who has been suspended for a violent crime or sexual assault, a letter will be attached to their transcript explaining that they have been suspended.

*\*Please note that the College's refund policy will be adhered to with regards to evictions/suspensions.*

## **Course Evaluations and Assessment**

Learners will have an opportunity to provide feedback for every class. This evaluation is designed to support course development and provide constructive instructor feedback. If there are concerns about either course development or instruction, please refer your feedback to the Dean of TIEP.

## **Inter-SEBU Disciplinary Matters**

Unity College learners matriculate into a single Sustainable Education Business Unit (SEBU) but may enroll in courses across different SEBUs. To ensure a clear process and consistent response in these circumstances, the following guidelines have been established in addition to the other processes and procedures described in this handbook.

## **Inter-SEBU Academic Misconduct**

If an instructor encounters evidence of academic dishonesty, the instructor may seek to resolve the issue with the learner directly. If the matter is not resolved to the satisfaction of both the instructor and learner, either party may appeal to the Dean of TIEP. For sanctions applying only within the

scope of the individual course [e.g., grade or manner of course delivery], the decision of the relevant SEBU Lead is final.

If the proposed sanctions for any violation of academic honesty extend beyond the scope of the individual course [e.g., suspension from the College], then the VP of the SEBU in which the learner is currently matriculated shall be consulted. If the two SEBU VPs are unable to agree on the proposed sanction, then the final determination shall rest with the Chief Learning Officer.

Notice of any final resolution is copied to the learner's designated Learner Success Coordinator.

### **Inter-SEBU Learner Course Conduct**

If a learner engages in disruptive behavior in a course [including but not limited to bullying, trolling, harassment, inappropriate language, etc.], the instructor will seek to resolve the issue with the learner directly.

If the instructor is unable to resolve the issue, they will notify the Dean of the SEBU offering the course, who will investigate and determine a resolution. For sanctions applying only within the scope of the individual course [e.g., grade or manner of course delivery], the decision of the relevant Vice President is final.

If the proposed sanctions for any conduct violation extend beyond the scope of the individual course [e.g., suspension from the College], then the Vice President of the SEBU in which the learner is currently matriculated shall be consulted. If the two SEBU Leads are unable to agree on the proposed sanction, then the final determination shall rest with the Dean of Student Success.

Notice of any final resolution, as appropriate, should be copied to the learner's designated advisor.

## **Sexual Misconduct Policy and Title IX**

Unity College is committed to maintaining an environment that is free from unlawful harassment and discrimination of all kinds and will not tolerate discrimination against or harassment of any individual or group based upon race, color, religion, national origin, sex, sexual orientation, gender identity, gender expression, age, disability, citizenship, or veteran status in matters of admissions, employment, housing, and all educational programs, activities, and services it operates.

This policy governs reports of alleged sexual misconduct involving Unity College learners and other participants in Unity College programs. As a recipient of federal funds, Unity College must comply with Title IX of the Educational Amendments of 1972, which prohibits discrimination based on sex in education programs and activities. Sexual misconduct, defined fully below, includes sexual harassment, sexual assault, rape, and sexual exploitation. Sexual misconduct can create a hostile environment, which limits or denies learners' ability to participate in or benefit from the school's educational program. Unity College does not tolerate sexual misconduct, sexual harassment, or any form of gender-based harassment, which can occur in many forms and have a broad impact on the community. These are serious offenses that violate Unity College policy, as well as state or federal law, and may also be subject to criminal prosecution. Unity College has developed this policy and procedures to ensure prompt and equitable resolution of reports of sexual misconduct, to take appropriate actions to protect persons making a report, promote and ensure a safe learning community overall, and to impose sanctions, when appropriate, upon learners who are found to have violated this policy.

## OVERVIEW INFORMATION

### Title IX Coordinators/Deputy Title IX Coordinators

The responsibilities of Title IX Coordinator are shared between the Enterprise and the SEBUs. Unity College's Enterprise/Lead Title IX Coordinator has primary responsibility for coordinating efforts to comply with and carry out Unity College's responsibilities under Title IX. The Enterprise Title IX Coordinator oversees the College's overall response under this policy and addresses issues that affect the wider campus community by monitoring outcomes, identifying and addressing any patterns, and assessing the campus climate generally. The Enterprise Title IX Coordinator works directly with the TIEP Deputy Title IX Coordinators and together they establish a positive climate for Title IX compliance efforts. The Unity College Enterprise Coordinator of Title IX Services can be reached at (207) 509-7290 or [drogan@unity.edu](mailto:drogan@unity.edu).

Deputy TIEP Title IX Coordinators: Learners should contact the TIEP Title IX Coordinator to seek information about Unity's processes and support resources, to file a complaint or make a report under this Policy, or to raise any other concerns. Learners with any questions or concerns regarding this policy are encouraged to contact the TIEP Title IX Coordinator, the Executive Director of Student Life Cycle Management, (207) 509-7119, [dsummersii@unity.edu](mailto:dsummersii@unity.edu).

### Scope and Jurisdiction

This policy applies to allegations of sexual misconduct involving any current Unity College learner or any participant in a Unity College program [e.g., summer programs]. This policy applies to any incident that occurs on Unity College property, or at any Unity College event or program occurring at an off-campus location in the United States, any building owned, leased, or controlled by a learner organization that is officially recognized by the College, and to any other incident occurring off-campus in the United States where the conduct may impact and affect a learner's participation in Unity College programs or activities or the environment at Unity College. The term "learner" as used in this policy means all learners registered or enrolled in any course or program at Unity College or any person accepted to the Unity College TIEP program and/or participating in any other Unity College programs. There is no time limit associated with making a report under this policy, so long as a learner against whom allegations are made is still enrolled at Unity College. Nevertheless, individuals are encouraged to make reports promptly in order to maximize the College's ability to conduct a thorough and reliable investigation. Failure to promptly report an incident may result in the loss of relevant evidence and limit the scope of the College's response. If a report concerns a visitor or guest of a Unity College learner who is a learner at another educational institution, including a learner who is enrolled at another institution in addition to Unity College, the College will ordinarily notify and coordinate its response with the other educational institution in which that learner is enrolled. Under no circumstances will Unity College allow a learner's impending graduation to compromise its resolution processes. The College may remove a respondent from the recipient's education program or activities on an emergency basis.

Unity College may continue to apply this policy to a learner's conduct even if the learner subsequently has graduated, withdraws, takes a leave, or is otherwise absent from the College. The College may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing if the respondent is no longer enrolled or employed by the College. This

policy applies to all learners and employees, regardless of sexual orientation, gender identity, or gender expression. Note that reports of sexual misconduct against a learner or program participant by a faculty or staff member should be made to the TIEP Title IX Coordinator and will be adjudicated according to the Unity College Employee Handbook.

### **Privacy vs. Confidentiality**

Privacy and confidentiality have distinct meanings. It is important to understand the distinctions because under Title IX only a select and small group of Unity College employees are permitted to keep information confidential. Privacy means that information related to a report of misconduct will be shared only with a limited circle of individuals who “need to know” the information in order to assist in the review, investigation, or resolution of the report. Although not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process. Examples of individuals who often “need to know” of the report, allegations and information include the Title IX Coordinator, Deputy Title IX Coordinator, and Public Safety, among all other mandatory reporters [see below]. College employees receive training regarding respecting and safeguarding private information.

The College must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except to carry out the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

The College must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures.

Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual. These professionals include Counseling, Health Services, community health providers, community mental health providers, rape crisis counselors, and attorneys, all of whom typically must abide by confidentiality laws applicable to their profession. These individuals are prohibited from breaking confidentiality unless the conduct poses a serious threat of harm to any individual, or under certain legally required circumstances, such as to comply with a subpoena or with mandatory reporting requirements when abuse of a minor is suspected.

### **Confidential Resources**

If a learner wishes to confidentially discuss an incident or seek resources without filing a report with the College, they may contact rape crisis resources including Sexual Assault Support Services Mid-Coast Maine at (800) 871-7741. These resources will maintain confidentiality and are not required to report to the College.

### **Actual Knowledge**

Actual knowledge means notice of sexual harassment or allegations of sexual harassment to a recipient’s TIEP Title IX Coordinator or any official of the College who has authority to institute corrective measures on behalf of the College. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met

when the only official of the recipient with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a learner about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the College. “Notice” includes, but is not limited to, a report of sexual harassment to the TIEP Title IX Coordinator.

### **Responsible Employees**

Under law, a “responsible employee” is a Unity College employee who has a legal duty to report incidents of sexual misconduct to the TIEP or Enterprise Title IX Coordinator. When a learner tells a responsible employee about an incident of sexual misconduct, the responsible employee must report to the appropriate Title IX Coordinator all known details about the alleged sexual violence. All Unity College employees are responsible for reporting incidents of sexual misconduct to the appropriate Title IX Coordinator. All employees must undergo basic Title IX training. Employees with expanded Title IX responsibilities and/or appeals board members must undergo additional Title IX training specific to their role.

### **Resources for Counseling, Advocacy, and Support**

Unity College has an array of supports available to any learner who is affected by sexual misconduct. Support resources are available to learners regardless of whether a learner chooses to make an official report, pursue the procedural options described below, or participate in any institutional disciplinary or local law enforcement process. If a learner chooses to make a report to the Title IX Coordinator, the Coordinator will discuss off- campus support resources during the initial intake meeting.

### **Supportive Measures**

Once a report is made to a Title IX Coordinator [Enterprise or TIEP], the College can make available a range of supports to either a reporting or responding party involved in an alleged incident while the matter is pending. These supports, also called “supportive measures,” are immediate steps the College can take to protect learners pending the outcome of a complaint investigation or other procedural step under this policy. Such measures are designed to restore or preserve equal access to the College’s education program or activity without unreasonably burdening the other party. The Title IX Coordinator, or the Coordinator’s designee, determines what measures are appropriate on a case-by-case basis in order to keep learners safe and ensure that they can participate in the College’s programs and activities. Not all the measures listed below will be necessary in every case. If a learner requests a specific interim measure, the Title IX Coordinator, or designee, will consider whether the request can be granted. The provision of interim measures does not suggest that a decision has been made about the outcome of a particular report or process.

Some examples of interim measures include:

- mutual restrictions on contact between the parties, which prohibits verbal, electronic, written, or indirect [e.g., through a third party] communication;
- academic accommodations, such as a transfer to a different class or section, rescheduling of assignments or tests, and arranging for incompletes, leaves of absence, or course withdrawals;
- alternative employment arrangements and/or schedules;
- a campus escort or transportation accommodations;
- temporary exclusion from certain areas of campus; **and**
- interim suspensions.



Unity College will seek to minimize unnecessary or unreasonable burdens on either party when instituting interim measures. However, violations of any directive made as an interim measure will constitute an additional offense that may result in further disciplinary action.

### **Prohibited Conduct and Key Definitions**

Unity College prohibits the following forms of sexual misconduct: sexual harassment, gender-based harassment, non-consensual sexual contact, non-consensual sexual intercourse, dating violence, domestic violence, stalking, sexual exploitation, and any other activity considered to be sexual misconduct under the law.

Retaliation is also prohibited. The following definitions apply:

- A. Complainant.** The individual who alleges that sexual misconduct has been committed against themselves or an individual alleged to be the victim of sexual misconduct by a third-party reporter. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the College with which the formal complaint is filed.
- B. Formal Complaint.** A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the College investigate the allegation of sexual harassment. The complaint sets forth the name of the respondent, and the date, location, nature of the alleged sexual misconduct, and other relevant details. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the College with which the formal complaint is filed. A formal complaint may be filed with the TIEP Title IX Coordinator in person, by mail, or by electronic mail. While the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party.
- C. Consent.** Agreement to engage in a specific sexual activity that is knowing, clear, voluntary, freely given, and may be withdrawn at any time. Consent is also active, meaning that through clear words or actions, a person has indicated permission to engage in mutually agreed-upon sexual activity at that specific time. There is no consent when there is force, express or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to the same sexual activity with another person. If a person is mentally or physically incapacitated or impaired so that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard or being asleep or unconscious. Note also that in some circumstances, a person under the age of 18 may not be able to give consent to sexual activity, depending upon state law.
- D. Dating Violence.** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Whether a relationship exists is determined based on factors such as the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual abuse, physical abuse, emotional abuse, or the threat of such violence and does not include acts that meet the definition of domestic violence. Any form of dating violence that is prohibited by Maine law is also prohibited under this policy.

- E. Domestic Violence.** Felony or misdemeanor crimes of violence, as defined by applicable state statute, committed by a current or former spouse or intimate partner, a person with whom the learner shares a child in common, by a person who is cohabitating with or has cohabitated with the learner as a spouse, by a person similarly situated to a spouse of the victim under applicable state law, or by any other person against an adult or youth victim who is protected from that person's acts under the applicable domestic or family violence laws. Any other form of domestic violence that is prohibited.
- F. Education Program or Activity.** Includes locations, events, or circumstances over which the College exercised substantial control over both the respondent and the context in which the sexual harassment occurs, including any building owned or controlled by a learner organization that is officially recognized by the College.
- G. Gender-Based Harassment.** Acts of aggression, intimidation, or hostility based on a person's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes, even if those acts do not involve conduct of a sexual nature.
- H. Hostile Environment.** Sexual misconduct that is sufficiently severe or pervasive that it substantially interferes with a learner's College employment, academic performance, participation in College programs or activities, or living, learning, or working environment. Such sexual harassment creates a hostile environment in violation of Title IX and this policy. A single instance of unwelcome conduct may create a hostile environment if it is sufficiently serious. In determining whether a hostile environment exists, Unity College will consider a variety of factors contributing to the severity, persistence, or pervasiveness of the conduct, and will further evaluate the conduct from both a subjective and objective perspective. This means that Unity College will consider both from the perspective of the person who is harassed, as well as determine whether a reasonable person in the learner's position would have found the conduct sufficiently undesirable or offensive to have created a hostile environment.
- I. Incapacitation.** Physical and/or mental inability to make informed, rational judgment. Incapacity can result from, among other things, mental disability, sleep, blackouts, flashbacks, involuntary physical restraint, or from intentional or unintentional taking of alcohol and/or other drugs. Where alcohol or other drugs are involved, incapacitation is determined by how the substance consumed affects a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. The perspective of a reasonable person will be the basis for determining whether one should have known about the effect of the use of alcohol and/or other drugs on another's ability give consent.
- J. Non-Consensual.** Sexual contact or intercourse that occurs without consent.
- K. Sexual Intercourse [Rape].** Penetration, no matter how slight, of [1] the vagina, anus or mouth of a person by any body part of another person or by an object, or [2] the mouth of a person by a sex organ of another person, without that person's consent.
- L. Respondent.** The individual learner who is alleged to have committed one or more acts of sexual misconduct.
- M. Retaliation.** Any harassing behavior, including intimidation, threats, and other adverse action, against a person who has reported an incident or who participates in the investigation of a report under this policy.

- N. Sexual Contact.** Any intentional sexual touching by a person upon a person made without consent and/or by force. Sexual contact includes, but is not limited to: intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts; making another touch you or themselves with or on any of these body parts [including clothing covering any of these areas]; or any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice, with any object.
- O. Sexual Exploitation.** Taking sexual advantage of another person without consent, which includes, without limitation: causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such other person; recording, photographing or transmitting identifiable images of private sexual activity and/or the intimate parts [including genitalia, groin, breasts or buttocks] of another person; allowing third parties to observe private sexual acts; prostituting another person; engaging in voyeurism [e.g., watching private sexual activity without the consent of the participants] or viewing another person's intimate parts without consent; and/or knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection; or any other similar conduct.
- P. Sexual Harassment.** Unwelcome conduct of a sexual nature. Sexual harassment may include, for example, unwelcome physical contact; sexually explicit comments in person or via phone, letter, note, gift, text message, e-mail, or other electronic medium; sexual advances; requests for sexual favors; unwelcome invitations to engage in sexual activity; unwelcome commentary about an individual's body or sexual activities; threatening to engage in an unwelcome sexual act with another person; engaging in indecent exposure; and stalking or cyberstalking.

Sexual Harassment means conduct, on the basis of sex, that satisfies one or more of the following:

- an employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct, also known as "quid pro quo"
  - unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity
- Q. Sexual Assault.** This includes dating violence, domestic violence, stalking, rape, fondling, incest, or statutory rape, as defined in the FBI's UCR program, and any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.
- R. Sexual Misconduct.** A broad term encompassing sexual exploitation, sexual harassment, non-consensual sexual contact, and non-consensual sexual intercourse as defined in this policy. Misconduct can occur between strangers or acquaintances, including people already involved in an intimate relationship. Sexual misconduct can be committed by someone of any gender, gender identity or gender expression, and it can occur between people of the same sex or gender or different sexes or genders.
- S. Stalking.** A course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. Examples of stalking include: unwanted, intrusive, and frightening communications by phone,

text message, mail, and/or email; repeatedly leaving or sending unwanted items such as gifts; following or waiting for a person at places such as home, class, or work; making direct or indirect threats of harm to a person, or their family, friends, or pets; damaging or threatening to damage property; harassment on the internet or social media; and posting information or spreading rumors about a person.

### **Options for Making a Formal Report**

Learners have several formal and informal reporting options for reporting instances of sexual misconduct. Learners may pursue the criminal process, use Unity College's reporting processes, or do neither or both.

### **Formal Reporting Options**

- A. Report to the TIEP Title IX Coordinator.** Individuals who have experienced sexual misconduct may make a report to the Title IX Coordinator for the program they are enrolled in. Other persons may also make reports to the Title IX Coordinator on behalf of a learner victim or because they witnessed or learned of an instance of sexual misconduct. Mandatory reporters who have been made aware of sexual misconduct must report such conduct to the Title IX Coordinator. If the TIEP Title IX Coordinator is unavailable, reports may be made to the Enterprise Title IX Coordinator or another Deputy Title IX Coordinator. When the Title IX Coordinator receives a report about sexual misconduct, the Coordinator will provide information about resources and support available and discuss available resolution options [see below]. The College is obligated to take prompt action to eliminate sexual misconduct, prevent its recurrence, and to address its effects even if the learner prefers that the College not take any action. When the learner reports alleged misconduct by an employee or third party, the Title IX Coordinator will work with appropriate College administrators to respond to the report in accordance with applicable faculty, staff, or other College policies. Reports may be made at any time, including during non-business hours, by using the telephone number or e-mail address, or by mail to the office address, of the TIEP Title IX Coordinator, the Executive Director of Student Life Cycle Management, 70 Farm View Drive, New Gloucester, ME, or by email at [dsummersii@unity.edu](mailto:dsummersii@unity.edu)

### **Dismissal of a formal complaint**

The College must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint

- would not constitute sexual harassment even if proved,
- did not occur during, in or related to the College's education program or activity, or
- did not occur against a person in the United States, then the College must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. Such a dismissal does not preclude action under another provision of the College's code of conduct.

The College may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing:

- a complainant notifies the Title IX Coordinator for [TIEP or Enterprise] in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- the respondent is no longer enrolled or employed by the College;
- or specific circumstances prevent the College from gathering evidence sufficient to

reach a resolution of the formal complaint or allegations therein.

The College must promptly send written notice of any dismissal and reason[s] therefor simultaneously to the parties.

**B. Report to Local Law Enforcement**

Sexual misconduct may constitute both a violation of this policy and criminal activity. Unity College encourages learners to report alleged sexual misconduct promptly to local law enforcement agencies. The College is available to assist learners in making a criminal report and will cooperate with law enforcement agencies to the extent permitted by law. Criminal investigations may be useful in the gathering of relevant evidence. Because the standards for finding a violation of criminal law differ from the standards for finding a violation under this policy, the outcome of a criminal proceeding does not determine of whether a violation of the College's Sexual Misconduct Policy [or any other policy] has occurred. In other words, conduct may constitute sexual misconduct under this policy even if the accused learner is not found to have committed a crime. Thus, the filing of a formal complaint under this policy [see below] is independent of any criminal investigation or proceeding and [except that the College's investigation may be delayed temporarily while criminal investigators are gathering evidence]. Unity College will not wait for the conclusion of any criminal investigation or proceeding to commence its own investigation and/or take interim measures to protect learners as detailed above; however, Unity College will coordinate with law enforcement as appropriate.

**C. Anonymous Reporting Options**

Anonymous reporting processes allow learners to inform the TIEP Title IX about incidents of sexual misconduct, but due to their anonymity, severely constrain Unity College's ability to respond. Nothing prevents a learner or third party from using the formal reporting options [see above] regarding an incident that has previously been anonymously reported.

**Other Reporting Considerations**

**A. Required Reporting on Crime Statistics**

Unity College is required under the federal Clery Act to publish an Annual Security Report to provide current learners, prospective learners, employees, the public, and the U.S. Department of Education with statistics about crimes that occur on campus or college- controlled property. The Annual Security Report includes aggregated, anonymous statistics in categories such as sexual assault, dating violence, and domestic violence and does not include personally identifiable information about any learners or other individuals involved.

**B. Timely Warning Reporting Obligations**

Under federal law, if a report of misconduct discloses a serious or continuing threat to the Unity College community, Unity College may issue a timely, campus-wide warning [typically through an email to the campus community] to protect the health or safety of the community. The timely warning will not include any identifying information about a reporting learner without their express consent. Information about other individuals is guided by federal laws such as FERPA and the Clery Act.

The College must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been

reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by FERPA, or as required by law, or to carry out the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

### **C. Retaliation Prohibited**

It is a violation of this policy to retaliate against any person making a complaint or report of sexual misconduct or against any person cooperating in an investigation or resolution process [including witnesses and supporters as referenced below].

Retaliation should be reported promptly to the TIEP Title IX Coordinator and may result in disciplinary action independent of any sanction or interim measures imposed in response to the underlying allegations under this policy.

No College or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX constitutes retaliation.

The College must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by FERPA, or as required by law, or to carry out the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination.

#### *Specific Circumstances*

- The exercise of rights protected under the First Amendment does not constitute retaliation.
- 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 materially false statement in bad faith.

### **D. Drug and Alcohol Amnesty**

Unity College encourages learners to report incidents and allegations of sexual misconduct. So as not to discourage reports, a learner who makes a report under this policy in good faith will not be subject to disciplinary action by the College for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health and safety of any other person at risk. Unity College may, however, expect that individuals engage in counseling or other educational supports to address substance use.

## **E. Minor Learners**

When there is a reason to believe that a person under the age of 18 may have been subjected to abuse, many Unity College employees have a mandatory reporting obligation under Maine law and would report covered incidents to the appropriate State government agency. The Title IX Coordinator/Deputy Coordinator can provide additional guidance on mandatory reporting.

## **Unity College's Response**

The College, with actual knowledge of sexual harassment in an education program or activity of the College against a person in the United States, must respond promptly in a manner that is not deliberately indifferent. The College is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

The College's response must treat complainants and respondents equitably.

## **Intake Procedures**

### **A. Intake Meeting with Complainant**

Upon receipt of a report of any allegation of sexual misconduct, the TIEP Title IX Coordinator will first schedule an Intake Meeting with the reporting learner [or other individual] in order to discuss the allegations in detail, provide the learner with a general understanding of this policy and procedures, explain to the complainant the process for filing a formal complaint, and to identify forms of support, interim measures, or other accommodations available to the learner. The TIEP Title IX Coordinator will make available to the learner a supporter or advisor [see below], as well as discuss procedural options for resolving the report, including Mediation and making a formal report. At the initial Intake Meeting with the reporting learner, the TIEP Title IX Coordinator will seek to ascertain how the reporting learner wishes to proceed, i.e., whether the reporting learner wishes to pursue mediation, file a formal report, file a criminal complaint, or does not wish to pursue resolution at that time.

### **B. Learner Requests Confidentiality or Does Not Wish to Pursue Procedural Options**

Sometimes a learner makes a report but requests that they not be identified [or does not want to make a Formal Report]. The TIEP Title IX Coordinator will weigh that request against the College's obligation and commitment to provide a safe, non-discriminatory environment for all learners, including the learner making the report. In weighing a request for confidentiality, the College may consider the following factors: the seriousness of the reported misconduct; whether there have been other reports of sexual misconduct made about the same individual; whether the report suggests a pattern of perpetration at a particular location or by a particular group; and any other relevant circumstances. If Unity College honors the request for confidentiality, the reporting learner must understand that the College's ability to meaningfully investigate or otherwise respond to the alleged incident may be limited. Although rare, there are times when Unity College may not be able to honor a learner's request in order to provide a safe, non-discriminatory environment for all learners. If the TIEP Title IX Coordinator determines that the College cannot maintain a learner's confidentiality, the TIEP Title IX Coordinator will inform the reporting learner prior to starting an investigation and will take appropriate precautions. The College also will take all available steps to protect the reporting learner from retaliation or harm, including working closely with the learner to create and implement an appropriate safety plan.

### **C. Intake Meeting with Respondent**

If the reporting learner [hereinafter, “Complainant”] wishes to proceed with either Mediation or Formal Report, the Complainant and his/her supporter will prepare a written summary of the Complaint and provide it to the Title IX Coordinator for TIEP. The Complaint will set forth the name of the Respondent and the date, location, and nature of the alleged sexual misconduct. Upon receipt of a formal complaint, the College must provide the following written notice to the parties who are known:

1. Notice of the College’s grievance process, including any informal resolution process.
2. Notice of the allegations of sexual harassment including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, the date and location of the alleged incident, if known. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice must inform the parties that they may have an advisor of their choice [who may be, but is not required to be, an attorney] may inspect and review evidence. The written notice must inform the parties of any provision in the College’s code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

### **D. Supporters and Advisors**

When investigating a formal complaint and throughout the grievance process, the College must provide the parties with the same opportunities to have others present during any grievance proceeding including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice [who may be, but is not required to be, an attorney] and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding. The College may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

## **Resolution Options**

There are two resolution options under this policy: **Mediation** and **Formal Report**.

### **A. Mediation**

The College may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment.

Similarly, a College may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed.

However, at any time prior to reaching a determination regarding responsibility the College may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the College.

1. Provides to the parties a written notice disclosing:
  - the allegations;
  - the requirements of the informal resolution process including the circumstances



- under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
- any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process.
  3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a learner.

Mediation provides an opportunity for a complainant to communicate their concerns, experiences, and perceptions, including the impact of the incident of the alleged sexual misconduct, to the Respondent, in the presence of and facilitated by the TIEP Title IX Coordinator or designee. The respondent will then be given the opportunity to respond. Mediation does not involve an investigation, a finding of responsibility, or sanctions. Whether a complainant pursues mediation is entirely voluntary. The respondent's participation in the mediation meeting[s] is voluntary. The respondent will have an opportunity to respond. Upon timely request by the complainant or respondent, the TIEP Title IX Coordinator may accommodate a learner's concerns about the discomfort of a face-to-face conversation by providing separate facilities, by using a visual screen, or by permitting participation by telephone, videophone, video conferencing, videotape, audiotape, written statements, or other means. The TIEP Title IX Coordinator will determine whether accommodations are appropriate and what accommodations will be provided to learners. At the conclusion of the mediation, the TIEP Title IX Coordinator shall provide to each party a written summary of the decisions reached. In addition, the TIEP Title IX Coordinator may institute supportive measures agreed upon by the parties. Supportive measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties, the recipient's educational environment, and deter sexual harassment.

Supportive measures may include:

- counseling;
- extensions of deadlines or other course-related adjustments;
- modifications of work or class schedules;
- campus escort services;
- mutual restrictions on contact between the parties;
- changes in work or housing locations;
- leaves of absence;
- increased security and monitoring of certain areas of the campus; **and**
- and other similar measures.

The College must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures. The TIEP Title IX Coordinator is responsible for coordinating the effective implementation of supportive

measures. If either party wishes to appeal a supportive measure imposed by the Title IX Coordinator/Deputy Coordinator without the agreement of both parties, they may do so by contacting the Vice President of TIEP in writing within three [3] working days of the Title IX Coordinator's written decision. The matter will be decided by the Vice President of TIEP in a timely fashion, with no additional option for review or appeal. If a complainant believes the respondent has violated the terms of any decisions reached in mediation, they should immediately contact the TIEP Title IX Coordinator to report the violation. The TIEP Title IX Coordinator will make a determination of whether the terms were violated and will take responsive action if warranted, including issuing an appropriate sanction. The respondent may appeal to the Vice President of TIEP, in writing, within three [3] working days. The matter will be decided by the Vice President of TIEP in a timely fashion with no additional opportunity for review or appeal.

## **B. Formal Complaint**

Upon receipt of a formal complaint, the College must provide the following written notice to the parties who are known:

1. Notice of the College's grievance process including any informal resolution process.
2. Notice of the allegations of sexual harassment potentially constituting sexual harassment including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
  - the identities of the parties involved in the incident, if known;
  - the conduct allegedly constituting sexual harassment; **and**
  - the date and location of the alleged incident, if known.
3. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
4. The written notice must inform the parties that they may have an advisor of their choice [who may be, but is not required to be, an attorney] and may inspect and review evidence.
5. The written notice must inform the parties of any provision in the College's code of conduct that prohibits:
  - knowingly making false statements; **and**
  - knowingly submitting false information during the grievance process.

## **Dismissal of a Formal Complaint**

The College must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint:

- would not constitute sexual harassment even if proved,
- did not occur in the College's education program or activity,
- did not occur against a person in the United States, then the College must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. Such a dismissal does not preclude action under another provision of the College's code of conduct.

The College may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing:

- a complainant notifies the TIEP Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- the respondent is no longer enrolled or employed by the College;

- or specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
- Upon a dismissal required or permitted the College must promptly send written notice of the dismissal and reason[s] therefor simultaneously to the parties.

### **Step 1: Investigation**

The Investigator, who is a neutral fact finder and trained Unity College employee or a trained investigator from outside the College. The Title IX Coordinator for Enterprise is solely responsible for assigning an Investigator. Investigation procedures may be implemented remotely, using technology. The Investigator will interview the complainant, the respondent, and any relevant witnesses, including expert witnesses, if any. The Investigator will solicit, review, and obtain any relevant documents or electronic evidence and, where applicable, coordinate with law enforcement agencies to collect and preserve relevant evidence.

The complainant and respondent are encouraged to disclose all facts related to the complaint. The complainant and respondent may identify any known sources of evidence, including witnesses and any relevant documents, electronic communications, or social media information to enable the Investigator to develop a complete record. They may suggest questions to the Investigator to be asked of other parties or witnesses.

The College will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. The College will provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding. However, the College may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties; The College will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

Final decisions about with whom to talk and what to ask will be made by the Investigator. Once the investigation is completed, the Investigator will issue a written report that will include: summaries of all interviews with the parties and witnesses; a list of relevant written, electronic, photographic, forensic, or other evidence reviewed as part of the investigation; and a written analysis of the events in question.

When the report is preliminarily complete, the report will be made available, concurrently, to the TIEP Title IX Coordinator, the complainant, and the respondent. The College will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the College must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. If either the

complainant or the respondent believes that the Investigator has failed to appropriately characterize their interview, inaccurately reported any other information, or omitted material information, they may within ten [10] calendar days of receipt of the report, request that the Investigator amend the report, seek clarification of the information, or include the omitted material. The Investigator ultimately decides how to incorporate either party's request to amend the report. The Title IX Coordinator may request that clarifications to the report be made or that further investigation be undertaken. After responding to such requests, if any, the Investigator shall issue the final report, which will include a recommendation as to whether the respondent should be found responsible for a violation of this policy or any related violations of the learner code, based upon the preponderance of the evidence [i.e., more likely than not]. The investigator will create a final investigative report that fairly summarizes relevant evidence which will be issued at least 10 days prior to a hearing [if a hearing is required] or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the final investigative report in an electronic format or a hard copy, for their review and written response. At any time prior to the Investigator's issuance of the final report, the respondent may elect to accept responsibility for the alleged misconduct. When this occurs, the Investigator will forward the matter to the TIEP Title IX Coordinator to determine appropriate sanctions.

## **Step 2:Hearing**

The College's grievance process for formal complaints is a live hearing. This live hearing will not occur sooner than 10 days after all parties have received the final report from the investigator. The live hearing is chaired by the decisionmaker, who is not the Title IX Coordinator or the Investigator.

At the live hearing, the decisionmaker[s] must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including questions challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the discretion of the College to otherwise restrict the extent to which advisors may participate in the proceedings.

At the request of either party, the College must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decisionmaker[s] and parties to simultaneously see and hear the party or the witness answering questions.

Only relevant questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decisionmaker[s] must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

If a party does not have an advisor present at the live hearing, the College must provide without fee or charge to that party, an advisor of the College's choice [who may be, but is not required to be, an attorney] to conduct cross-examination on behalf of that party.

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.

The College must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

### **Determination Regarding Responsibility**

The decisionmaker[s], who cannot be the same person[s] as the Title IX Coordinator or the investigator, must issue a written determination regarding responsibility.

To reach this determination, the College must apply the preponderance of the evidence standard [i.e., more likely than not].

The written determination must include the following:

- identification of the allegations potentially constituting sexual harassment.
- a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence, and hearings held;
- findings of fact supporting the determination;
- conclusions regarding the application of the College's code of conduct to the facts;
- a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the complainant; **and**
- the College's procedures and permissible bases for the complainant and respondent to appeal.

The College must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The TIEP Title IX Coordinator is responsible for effective implementation of any remedies.

### **Sanctions**

The decisionmaker[s] may impose sanction[s] that are appropriate and suited to the circumstances presented. Factors relevant to sanctioning include, but are not limited to, the nature of the offense; the respondent's intent, acceptance of responsibility, remorse and forthrightness; the respondent's past disciplinary record; how the College has sanctioned similar incidents in the past; the severity of any damage, injury, or harm resulting from the violation; and other relevant mitigating or aggravating circumstances. The following are possible sanctions for violations reviewed under this policy.

Additional descriptions of each may be found in the Conduct Code:

- written reprimand
- educational program requirement
- restitution
- community service
- counseling
- fine
- requirement to move campus residence or removal from college housing
- campus Suspension
- disciplinary probation

- disciplinary suspension
- disciplinary dismissal
- loss of visitation privileges
- loss of contact with a specific person[s]
- such other sanction as the TIEP Title IX Coordinator may reasonably deem appropriate

Sanctions imposed under this policy are not effective until any timely appeal process has concluded. However, the TIEP Title IX Coordinator may continue existing Interim Measures, or impose new ones, if necessary, during the pendency of an appeal process. Unity College reserves the right to communicate with a parent or guardian regarding any learner conduct taken by the College, including under this policy, and in accordance with the federal Family Educational Rights and Privacy Act [FERPA].

In cases where a learner is found responsible and is sanctioned with either a disciplinary suspension or a disciplinary dismissal, the change in the learner’s status will be annotated with a letter attached to the learner’s transcript.

**Step 3:Appeal**

The College must offer both parties an appeal from a determination regarding responsibility, and from a College dismissal of a formal complaint or any allegations therein, on the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, Investigator[s], or decisionmaker[s] had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Either party may submit an appeal in writing to the Vice President of TIEP within five [5] business days of the date of the Final Outcome Letter. In the written appeal submission, the learner shall specify the grounds [i.e., reasons] upon which the appeal is based, and how those grounds affected the outcome, responsibility of the respondent, or sanctions. The appeal must be accompanied by all supporting materials for such information to be considered in the appeal.

The Vice President of TIEP shall promptly:

- Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
- Give both parties a reasonable, equal opportunity of five [5] days to submit a written statement in support of, or challenging, the outcome;
- Issue a written decision describing the result of the appeal and the rationale for the result; **and**
- Provide the written decision simultaneously to both parties.

The TIEP Title IX Coordinator shall be copied on the appeal and associated notices and submissions. The TIEP Title IX Coordinator may submit a written response to any issues raised on appeal.

When considering the appeal, the Vice President of TIEP will limit his/her scope to reviewing the appeal documents and of the Investigation/Adjudication record [including the Final Report, the hearing recordings, and any written statements submitted at the adjudication stage]; however, the Vice

President of TIEP may, at his/her discretion, reopen the investigative process if new, relevant evidence is submitted. For an appeal to be granted, the Vice President of TIEP must find the existence of:

- Fraud;
- procedural irregularity that affected the outcome of the matter;
- new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; **or**
- the TIEP Title IX Coordinator, Investigator, or decisionmaker[s] had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

If the Vice President of TIEP determines that there are grounds to grant an appeal, the Vice President of TIEP will be the final arbiter of the case and may decide to uphold, revise, or vacate the finding of responsibility, or eliminate, reduce, or increase the sanction. The Vice President of TIEP will promptly issue a written decision on the appeal. This decision will be made available to the complainant, the respondent, and the TIEP Title IX Coordinator simultaneously.

## **Other Considerations**

### **A. Expectation of Truthfulness**

Learners who provide information as part of an investigation, whether as parties to the proceedings or as witnesses, are expected to be forthcoming and truthful in accordance with the College's code of conduct, and failure to do so may result in the initiation of a separate disciplinary matter.

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 materially false statement in bad faith.

### **B. Employee Expectations**

Unity College prohibits any instructor, faculty member, or staff member to date or have a sexual relationship with a learner, even if the relationship is consensual in nature. For a consensual relationship between a learner employee and another learner, where the learner employee instructs, evaluates, supervises, or advises, or who is in a position to exercise authority over the learner in any way, the learner employee must disclose the relationship to his or her supervisor, as well as to the head of the relevant Unity College department.

### **C. Regulation of Speech**

Title IX is intended to protect learners from sex discrimination rather than regulate the content of speech. In keeping with federal enforcement priorities, Unity College recognizes that a particular instance of expression, standing alone, may not be sufficient to establish a hostile environment under Title IX. The exercise of rights protected under the First Amendment does not constitute prohibited retaliation.

### **D. Alternative Representatives**

If a learner does not feel comfortable coming forward to a particular designated College official who, according to this policy, is responsible for handling some aspect of this policy, an alternative College representative may be contacted instead.

Alternative representatives may then designate an impartial and appropriate person to resolve the matter following applicable College policy.

### **E. Confidentiality**

In order to comply with FERPA and Title IX, and to provide for orderly processes without undue intimidation or pressure, all proceedings under this policy are confidential. All information, documents prepared for or disclosed in a mediation or formal investigation/adjudication, investigative reports, statements, and all other materials prepared and/or submitted may not be disclosed outside of the processes set forth in this policy, except as may be required by law.

The College must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including:

- any individual who has made a report or filed a formal complaint of sexual harassment,
- any complainant, any individual who has been reported to be the perpetrator of sex discrimination,
- any respondent,
- and any witness,
- except as may be permitted by the FERPA statute or to the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

### **F. Withdrawal**

If a learner withdraws from the College after a complaint has been filed for an alleged violation, but before the complaint has been resolved by the College, the College may continue to proceed to investigate, adjudicate or otherwise complete its resolution of the complaint. The College may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing the respondent is no longer enrolled or employed by the College. The TIEP Title IX Coordinator will determine how to conclude the matter.

Learners who are considering withdrawal are encouraged to consult with the TIEP Title IX Coordinator to fully understand the implications of such a decision.

### **Policy Interpretation and Amendments**

Any question of interpretation or application of this policy and associated procedures shall be referred to the Enterprise Title IX Coordinator for final determination. Typically, all procedures under this policy are coordinated through the Enterprise Title IX Coordinator; however, nothing in this policy precludes the President or the Vice President of TIEP from taking appropriate action to ensure the safety of the College community, enforce College policies and procedures, or comply with applicable law in response to a report of sexual misconduct. This policy may be amended at any time, in writing, as authorized by the President.



# RESOURCES

## Academic Calendar

Please see the webpage for the current Technical Institute for Environmental Professions Academic Calendar.

## Financial Aid Consumer Information

Please see the webpage for institutional information for consumers.

## College Resources

Mailing address for all Unity College correspondence is:

[70 Farm View Drive, Suite 200](#)  
[New Gloucester, ME 04260](#)

College Switchboard

[\[207\] 509-7100](#)

College Website

[www.unity.edu](http://www.unity.edu)

<b>Approved:</b>	September 9, 2021
<b>Adoption Chain:</b>	Technical Institute for Environmental Professions Leadership, Senior Staff, President of the UC Enterprise / CAO, President