



DISTANCE EDUCATION

Student Handbook





## **DISTANCE EDUCATION STUDENT HANDBOOK**

Unity Environmental University Distance Education Students,

By choosing Unity Distance Education [DE] at Unity Environmental University, you are choosing to embrace a sustainability science education that is anchored in the liberal arts and enhanced by 21<sup>st</sup> century technology. Your commitment to Unity DE education shows you are committed to learning how to be problem solving, culturally competent, critical thinking, skilled environmental superheroes through affordable, accessible, and flexible education.

As a student at Unity, you are a part of an organization that is teeming with people who are determined to make a difference. At Unity Environmental University you will learn from people who have the courage to step out of their comfort zones and embrace risks as they seek to make the world more sustainable with every student they teach.

I am happy you have chosen Unity DE to pursue your education, and I hope that you find your time here satisfying and rewarding.

If you need help or have questions, please reach out to your Advisor. And let me know if there is anything I can do.

In Unity,

A handwritten signature in blue ink, appearing to read "Melik Khoury".

Dr. Melik Peter Khoury  
President and CEO,  
Unity Environmental University

### **The Unity Environmental University Vision:**

A multifaceted organization recognized as the thought leader in global ecological, economic, and societal solutions.

### **The Unity Environmental University Mission:**

We are dedicated to delivering quality education and experiences that produce outstanding environmentally competent professionals and inspire individuals from all walks of life to steward sustainable ecosystems.

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

In pursuing our vision and mission, Unity Environmental University's is committed to three core values. These values are ideals that we seek to foster in our own organization, in our learners, and in the natural and societal worlds upon which we all depend.

**Resilience:** At Unity, we seek to build the capacity to adapt and thrive in the face of challenges and uncertainties. We believe that individuals, organizations, and large systems can recover from setbacks to emerge stronger.

**Sustainability:** At Unity, sustainability means using practices that can be continued over time without depleting resources. We are committed to responsible stewardship, environmental integrity, and the pursuit of solutions that benefit current and future generations.

**Transformation:** At Unity, we foster the transformational capacity that is modelled for us by nature itself. We believe that our mission can only be accomplished through bold ideas and actions. We question conventional thinking, challenge the status quo, and dare to innovate.

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## **PURPOSE OF THIS HANDBOOK**

The Distance Education Student Handbook contains the policies, procedures, and guidelines applicable to the Distance Education Sustainable Education Business Unit [SEBU] at Unity Environmental University as reviewed and approved by the Unity Environmental University Distance Education administrative team. The Unity Environmental University Distance Education SEBU currently oversees all Distance Education Programs and courses. All students in those programs/courses will follow the policies and procedures outlined in this handbook.

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 your Advisor.

### **Distance Education Programs**

The most visible activity of Distance Education graduate and baccalaureate work is the intellectual interaction of faculty and students 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 Unity Environmental University, students indicate that they are responsible for adhering to the policies and procedures that govern their education at Unity Environmental University. The requirements of the programs at Unity Environmental University have been instituted so that students, faculty, and administrators are guided by a shared set of expectations for education. We sincerely hope that awareness of these requirements allows each student a fruitful educational experience at Unity Environmental University.

### **Distance Education Courses**

Distance Education courses require active learning. Online students can expect to see organized, engaging courses in an online format. All instructors follow a set of guidelines for courses and by signing up for a class, students are responsible for the academic integrity and personal conduct expectations required for a successful learning environment.

### **Accreditation & NC-SARA Membership**

Unity Environmental University is accredited by the New England Commission of Higher Education [NECHE] located at 301 Edgewater Place, Suite 210, Wakefield, MA 01880. NECHE may also be contacted by phone at [781] 425-7785 or through their website at: <https://www.neche.org>.

Unity Environmental University is also a Maine-approved institution of the National Council for State Authorization Reciprocity Agreements [NC-SARA].



## ACADEMIC PROGRAMS AND ADMISSIONS

Please refer to the [Unity Environmental University Distance Education Academic Catalog](#) for information about admissions policies, program requirements, and course descriptions. The Catalog also includes information about policies governing grading, withdrawal from courses, requesting an “incomplete” grade, and appealing a final course grade.

## ACADEMIC RESOURCES

### Advising

Students are assigned an advisor during their time at Unity Environmental University. Advisors serve as guides supporting students through their academic journey at Unity. The advising team supports students in meeting their academic and career goals by serving as the primary point of contact for all questions and support outside their courses.

Advisors assist students in selecting courses, understanding the financial aid and payment options, accessing resources such as wellness and academic supports, plan their academic program, troubleshoot issues as they arise, prepare for their career goals and get the most out of their programs of study.

### Accessibility and Disability Accommodations

Unity Environmental University will make reasonable accommodations for students with documented disabilities. Students must contact the ADA Coordinator and provide the required documentation before any accommodation can be implemented. Timely accommodations are dependent on early registration with the ADA Coordinator and cannot be applied retroactively.

Distance Education students who believe they may need a disability accommodation should initiate a review by completing the Academic Accommodations Request Form found on the University’s website at <https://unity.edu/distance-education/academic-and-career-support/ada-accommodations/> and submitting it to the ADA Coordinator at [AccessibilityDE@unity.edu](mailto:AccessibilityDE@unity.edu). In addition, students will need to provide diagnostic documentation from their healthcare provider. These materials will be assessed, eligibility will be determined, and the ADA Accessibility Office will contact the student directly to discuss any appropriate accommodations and strategies. Once the student has signed their accommodation, the ADA Accessibility Office will share a copy with their course instructor/s at the start of every term. All inquiries and information are kept strictly confidential.

### 24/7 Online Tutoring

Unity Environmental University Distance Education provides a limited number of tutoring hours through a 24/7 online tutoring support service. Students can create an account on the website, specify the subjects they need help with, and the tutoring service will match them with an online tutor. Links to tutoring can be found in Canvas within the courses.

### Mental Health and Wellness Counseling

The university provides access to unlimited professional counseling and wellness services, including on-demand crisis counseling and Uwill.com. An invitation will be sent to students' Unity email or students can create an account at <https://www.Uwill.com>.

## **Library Services**

The Dorothy Webb [Quimby Library](#) ensures that students have access to thousands of print and electronic resources that are selected primarily to support the University's curriculum. 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.

## **Online Orientation**

All new Distance Education students will be enrolled in a Student Orientation course in the Canvas Learning Management System.

## **Single Sign-On (SSO) Homepage and Student Portal**

Unity Environmental University utilizes a Single Sign-On homepage for students to access all student technologies including Canvas, the course management system, their Unity email, and the Student Portal. Once new students are registered, they will receive the login credentials needed to access the Single Sign On portal.

The Student Portal provides access to the course schedules, textbooks and instructional supplies, billing statements, payment options including payment plans and recurring payments and options to request transcripts, complete course evaluations and request various types of services and assistance.

Login passwords are for the student only and should not be shared with anyone. Students may assign access to their records and payment through the portal to individuals of their choosing.

## **Canvas Online Course Platform**

Distance Education students will use Canvas to access their online courses. Assignments, discussions, the syllabus, and all student resources are available through Canvas. The courses are asynchronous, so there is no need to be online at a specific time during each online class week. However, there are specific due dates for assignments and expectations that students participate in their courses on a regular basis. Students will become more familiar with Canvas navigation after completing the DE Student Orientation. Students can access their account through the Canvas application on their [single sign-on homepage](#).

## **Outlook Student Email**

Each Unity Environmental University student is assigned a university e-mail address. Students can access their account through the Outlook application on their [single sign-on homepage](#). Although all course-related correspondence occurs in Canvas, it is highly recommended that students check this email frequently to receive important communications from the University



and the Distance Education team. All emailed correspondence from the Distance Education advisor will be sent to the university email address.

## **Technical Policies and Resources**

Computing user accounts are provided to students for their personal use while enrolled at Unity Environmental University. Students may not share their account information with others or use others' accounts. Students are responsible for all activity from their account. Because of this, it is imperative that students keep their passwords confidential and never lend their account to another person. In their communications, students may not pretend to be anyone else or attempt to represent the College in any official capacity. Students may not use their email accounts for any activities that produce income.

Students are expected to provide and maintain functional personal computing equipment and Internet access service that meets or exceeds the minimum requirements which can be found on our website at: <https://unity.edu/distance-education/admissions-costs-aid/how-to-be-successful-at-unity-college/technology-for-success>

Please note that these requirements may change from time to time.

## **Software and Internet Access**

If you have difficulty accessing or using your Unity Environmental University computing account, please contact [the IT Help Desk](#). If your computer hardware or software is not functioning properly, please contact the original equipment manufacturer or vendor who sold you the hardware or software or a local computer store for assistance.

Students 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 University is obligated to share with authorities, violations of the law when using university 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 university computing facilities or in other disciplinary action.

## **EXPENSES AND FINANCIAL AID**

Please refer to the [Unity Environmental University Distance Education Catalog](#) for information about cost of attendance, billing, financial aid, and the attendance policy governing the conditions under which a student may be administratively withdrawn from a class due to inactivity.

## **INSTRUCTIONAL DESIGN PROCEDURE AND ASSESSMENT**

### **Common Course Syllabus**

All Distance Education faculty use a common course syllabus. The common syllabus will have course information, course learning outcomes, textbook requirements, instructor contact information, and assessment guidelines.

### **Common Course Template**

All courses in the Distance Education programs use a common Canvas course template. All courses will have work broken into weekly modules with clear expectations and assessment rubrics. All courses will use the Canvas Learning Management System for posting grades, discussions, course readings, videos, and other course-specific materials.

### **Student Evaluations and Assessment**

Students will have an opportunity to provide feedback at the end of every course. An online course evaluation form can be found in the student portal during the last week of the term.. This evaluation is designed to support course development and constructive instructor feedback. If there are concerns about either course development or instruction, or you missed the window to complete the online course evaluation, please email your feedback to the Academic Dean.

# STUDENT RIGHTS AND RESPONSIBILITIES

## Distance Education Student Code of Conduct

All members of the Unity Environmental University student body must be responsible for their actions and make sure that these actions do not adversely affect other community members. The University 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 students. They are encouraged to resolve conflicts of individual rights and responsibilities themselves. The University will become involved, however, when students 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 University regulations have been violated.

Unity Environmental University requires students to obey local, state, and federal laws. The University also has regulations that it expects students to follow. Students whose activities have a direct bearing on the University or members of the Unity Environmental University community may be subject to disciplinary action. Each student is expected to follow the Distance Education Student Code of Conduct from acceptance to the University through graduation.

In order to achieve the educational goals and values of the University, we follow the Distance Education Student 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 ensure equal treatment to all. This includes upholding honesty and maintaining respect, honor, and civility toward all community members throughout our involvement with the University community.

Netiquette, or network etiquette, is concerned with the "proper" way to communicate in an online environment. Students should consider the "rules" of online communication [adapted from [The Core Rules of Netiquette](#)] that are provided in the Introduction to every Distance Education course whenever they communicate in the virtual world.

Violations of the Code of Conduct include disruptive behavior in a Distance Education course that may include - but is not limited to - bullying, trolling, harassment, use of inappropriate language, disrespectful communications towards any Distance Education students, faculty and staff members, or any violation of the netiquette policy. Whether or not a Distance Education student's behavior violates the Code of Conduct will be carefully considered and is always at the discretion of Unity Environmental University.

A student whose learning or engagement in a course is being disrupted by the behavior of another student should bring this to the attention of the course Instructor. Instructors may also contact an academic dean when they recognize disruptive behavior occurring.

When a student is believed to have violated the Code of Conduct, the Academic Dean and/or Vice President of Student Outcomes may conduct an internal investigation. If the results of that investigation reveal evidence of misconduct, the Vice President of Student Outcomes, in consultation with the Executive Vice President of Educational Outcomes, may impose

sanctions that may lead up to and including removal from a course or dismissal from the University.

### **Inter-SEBU Student Course Conduct**

If a student 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 student directly.

If the instructor is unable to resolve the issue, he or she will notify the Academic 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., assignment or course grade, etc.], the decision of the relevant Academic Dean is final.

If the proposed sanctions for any conduct violation extend beyond the scope of the individual course [e.g., suspension from the University], the DE Academic Dean will inform the Executive Vice President of DE, who will subsequently consult with the VP of the SEBU in which the student is currently matriculated. If the two SEBU VPs 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 student's designated advisor.

## **Honor Code**

Unity Environmental University requires its students to exhibit academic integrity in all assignments. By enrolling in Unity Environmental University Distance Education, students express willingness to accept the responsibilities and privileges of this academic community. Every Unity Environmental University student is responsible for upholding the principles of academic honesty. Personal ethics and integrity should govern all actions.

### **Academic Dishonesty**

Academic dishonesty occurs in many forms. This policy defines these instances and provides a judicial process by which such cases are decided.

Please note that students are responsible for appropriate and ethical use of artificial intelligence (AI) tools, as described in the *Guidelines for Using Generative Artificial Intelligence (AI) in This Course* section of their syllabus and the [Unity Distance Education Generative Artificial Intelligence Policy for Students](#).

### **Plagiarism**

Plagiarism is the adoption or reproduction of ideas, words, or statements of another person as one's own either knowingly, unintentionally, or without acknowledgment. We acknowledge the difference between citation errors, in which a writer incorrectly cites a source, and plagiarism, in which a writer engages in any of the following:

- quoting, summarizing, or paraphrasing any part or all of a source without acknowledging the source in the text of any work;
- copying and pasting a portion of text from another source and then simply adding a citation;

- incorporating any information—data, statistics, examples, etc. — that is not common knowledge without attributing the source of that information;
- using another’s images, sounds, opinions, research, or arguments without attribution;
- failing to follow fair-use policies, which dictate informal acknowledgement or formal citation depending upon the context and assignment; or
- submitting an assignment for one class in another class without approval of both instructors.

Plagiarism also includes reusing and repurposing one’s own work without explicit acknowledgement. Please refer to Unity’s Comm Hub for more information.

### **Representing Others’ Ideas as One’s Own**

Unity Environmental University Distance Education expects assignment submissions to represent the original work of the individual student.

The content of assignment submissions should be the student’s original thoughts, analysis, and synthesis of course material or outside materials. Paraphrasing, with proper citations and references, is considered appropriate analysis in supporting a student’s thoughts. For some assignments, Unity Environmental University DE integrates an originality check using plagiarism detection software to assess similarity between the student submission and an extensive database of webpages, scholarly works, and student work. When available, similarity reports will be used by instructors to determine the extent of plagiarism in a student submission. Student submissions are evaluated based on a combination of the originality score, the requirements of the assignment, and the presence of original thought. Quoted material should be used with discretion, cited, and formatted in compliance with the Publication Manual of the American Psychological Association [or other designated format as assigned in the course] and integrated appropriately within the student’s original work/argument. No more than 15% of the student’s paper should contain quoted material.

Plagiarism-detection software reports allow students to correct their work and enable faculty to assist students with proper and appropriate expression of their work as it builds on the works of others.

### **Reusing and Repurposing One’s Own Work**

*Typically, no more than 20% of submission content shall consist of material from a student’s own previously submitted content unless the student has obtained permission in writing from the current instructor. This allows for use of a limited amount of prior research, data, or quotes while ensuring that up-to-date analysis and application are being made to address the unique course assignment and learning outcomes. Instructors may determine that a higher percentage of prior student work is appropriate for a given assignment.*

*When repeating a course for which the student has not received credit [i.e., a course from which the student withdrew or earned a failing grade], students may resubmit work from an earlier attempt in the course.*

*While instructors use shared rubrics to evaluate students’ work, feedback and grading vary. Thus, students must recognize that reusing work could result in a different, potentially lower, grade that was received on an earlier submission in a different course context.*

## **Unauthorized Collaboration**

Unauthorized collaboration is defined as the intentional sharing of information or working together in an academic exercise when such actions are not approved by the instructor. Individuals may study together, but all work submitted for credit must be the unique work of the individual student.

Sharing, viewing, or downloading assignments on third-party websites [such as Course Hero and OP Papers] is considered unauthorized collaboration and is a violation of the Academic Honor Code.

## **Misrepresentation**

Misrepresentation, as a form of academic dishonesty, occurs when someone other than the student enrolled in the course completes any part of the coursework.

## **Falsification**

Falsification refers to falsifying or deliberately misrepresenting data and/or submission of work.

## **Violations of the Honor Code**

Students suspected of academic dishonesty shall be informed and are entitled to an opportunity to reveal their understanding of cheating/plagiarism in a private discussion with the course instructor prior to the assessment of any penalty. The instructor or the student may choose to have a witness present for the discussion.

Instructors who determine that a student has engaged in an act of academic dishonesty will contact the Academic Dean and complete an Academic Misconduct Form. The Dean may conduct an investigation to gather additional information about the situation. This may include examining submitted work and communication records, and soliciting information [via e-mail, telephone, or online meeting] from affected parties. Upon consultation with the Academic Dean, the instructor will impose a specific penalty, commensurate with the severity and nature of the offense. Penalties may include, but are not limited to, grade penalty or a failing grade for the work in question or a failing grade for the course.

This policy is designed to be educational and developmental in nature; however, if an act of academic dishonesty is considered to be egregious or a student has committed repeated instances of Academic Dishonesty, the Academic Dean may recommend that the student be Administratively Removed from the University. Recommendations for Administrative Removal are reviewed by the Academic Dean and must be approved by the Executive Vice President.



## **Inter-SEBU Academic Misconduct**

If an instructor encounters evidence of academic dishonesty, they will follow the process described above. For sanctions applying only within the scope of the individual course [e.g., assignment or course grade], the decision of the Distance Education Academic Dean 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 University], then the DE Academic Dean will inform the Executive Vice President and, subsequently, the Executive Vice President will consult with the VP of the SEBU in which the student is currently matriculated. 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 student's designated advisor.

## **Nondiscrimination / Harassment / Equal Opportunity Policy**

Unity Environmental University values a diverse University community where all individuals are treated with respect and dignity. The University 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 University community are against University policy and will not be tolerated.

Unity Environmental University 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 students, 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 Environmental University 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 University. 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 students and employees and are related to conduct engaged in by fellow employees, students, or third parties with whom students 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 Dean, who will promptly involve the appropriate University 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 University.

## **Grievance Process [Non-Title IX]**

A grievance is a student concern relating to Unity Environmental University and resulting from **non-academic** circumstances that the student believes are unjust.

**NOTE:** If a student has a safety concern, the student should contact law enforcement or other appropriate legal authorities.

**NOTE:** If the student concern is related to Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex in educational programs and activities [[see below](#)], the student should follow the procedures outlined in the Title IX section of this handbook.

This grievance procedure applies to all Distance Education students. If a student has a concern, the student should first communicate the concern to the Distance Education Advisor. The Distance Education Advisor will work to address and resolve the student's concerns to the student's satisfaction. The student may, at any time, seek advice and direction from an Assistant Dean of Student Success.

If the concern is unresolved after speaking with the Distance Education Advisor and/or an Assistant Dean of Student Success, the student may use the following grievance procedure:

#### **A. Grievance Procedure**

If a student has worked with the Distance Education Advisor and their Assistant Dean and the concern remains unresolved, the student should notify the Vice President of Student Outcomes of their intent to grieve the issue. This notification must be received, in writing, within three [3] business days of written notification, the Vice President of Student Outcomes [or their delegate] will contact the student to arrange a meeting to discuss the issue and receive relevant information from the student. The Vice President will investigate the concern. This may include speaking to other parties, gathering additional information, consulting records, and other means of ensuring due diligence. The Vice President will then schedule a meeting with the student, to discuss these findings.

If the student does not feel that the procedures outlined here were followed, then the student may appeal the decision based on a failure to follow process. For more information, see [the State Grievance Process](#).

#### **B. Appeals Based on Failure to Follow Process**

If the student does not feel that the procedures outlined here were followed, the student may file a written appeal specifying how this policy and these processes were not followed. The appeal must be submitted to the Executive Vice President of Educational Outcomes within ten [10] working days after receipt of the decision of the EVP. The EVP will investigate the grievance and talk with the student and render a decision in writing within ten [10] working days of receipt of the appeal. The decision of the VP will either state that the procedure was not followed according to the Student Handbook or that it was. If it was not followed, the original case will be re-investigated using the same process. The decision issued by the EVP is final.

#### **C. Procedural Guidelines for Inter-SEBU Disciplinary Matters**

Unity Environmental University students 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.

# SEXUAL MISCONDUCT POLICY

Unity Environmental University is committed to maintaining an environment that is free from unlawful harassment and discrimination in any education program, including sex-based harassment, sexual violence, pregnancy discrimination, failure to provide equal athletic opportunity, and sex-based discrimination in STEM. The Title IX Policy, as it applies to students, can be found in its entirety in the Student Handbooks. The policy governs reports of alleged sexual misconduct involving Unity Environmental University students and other participants in Unity Environmental University programs. Sexual misconduct can create a hostile environment, which limits or denies students' ability to participate in or benefit from the school's educational program. Unity Environmental University does not tolerate sexual misconduct, sexual harassment, or sex-based harassment. These are serious offenses that violate Unity Environmental University policy, as well as state or federal law, and may also be subject to criminal prosecution. Unity Environmental University has developed its 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 students 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 Environmental University's Enterprise Title IX Coordinator has primary responsibility for coordinating efforts to comply with and carry out Unity Environmental University's responsibilities under Title IX. The Enterprise Title IX Coordinator oversees the University'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 Distance Education Title IX Coordinator and together they establish a positive climate for Title IX compliance efforts. The Unity Environmental University Enterprise Coordinator of Title IX Services, Ángel Martínez Loredó, can be reached at 207-509-7166 or [alored@unity.edu](mailto:alored@unity.edu).

Distance Education Title IX Coordinator: Students should contact the Distance Education 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. Students with any questions or concerns regarding this policy are encouraged to contact the Distance Education Title IX Coordinator, Doreen Rogan, and can be reached at 207-509-7290 or [drogan@unity.edu](mailto:drogan@unity.edu).

### Scope and Jurisdiction

This policy applies to allegations of sexual misconduct involving any current Unity Environmental University student or any participant in a Unity Environmental University

program [e.g., summer programs]. This policy applies to any incident that occurs on Unity Environmental University property, or at any Unity Environmental University event or program occurring at an off-campus location in the United States, any building owned or controlled by a student organization that is officially recognized by the University, and to any other incident occurring off-campus in the United States where the conduct may impact and affect a student's participation in Unity Environmental University programs or activities or the environment at Unity Environmental University. This policy applies outside the United States if the activity, class, or field trip is part of the course in which the student (complainant) is registered. The term "student" as used in this policy means all students registered or enrolled in any course or program at Unity Environmental University or any person accepted to the Unity Environmental University Distance Education program and/or participating in any other Unity Environmental University programs. There is no time limit associated with making a report under this policy, so long as a student against whom allegations are made is still enrolled at Unity Environmental University. Nevertheless, individuals are encouraged to make reports promptly in order to maximize the University'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 University's response. If a report concerns a visitor or guest of a Unity Environmental University student who is a student at another educational institution, including a student who is enrolled at another institution in addition to Unity Environmental University, the University will ordinarily notify and coordinate its response with the other educational institution in which that student is enrolled. Under no circumstances will Unity Environmental University allow a student's impending graduation to compromise its resolution processes. The University may remove a respondent from the recipient's education program or activities on an emergency basis.

Unity Environmental University may continue to apply this policy to a student's conduct even if the student subsequently has graduated, withdraws, takes a leave, or is otherwise absent from the University. The University 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 University. This policy applies to all students and employees, regardless of sexual orientation, gender identity, or gender expression. Note that reports of sexual misconduct against a student or program participant by a faculty or staff member should be made to the Distance Education Title IX Coordinator and will be adjudicated according to the Unity Environmental University Employee Handbook.

### **Privacy vs. Confidentiality**

Privacy and confidentiality have distinct meanings. It is important to understand the distinctions under Title IX. 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 Enterprise Title IX Coordinator, Distance Education Title IX Coordinator, and professional staff, among all other mandatory reporters [see below]. University employees receive training regarding respecting and safeguarding private information.

The University 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 University 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 University 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 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 student wishes to confidentially discuss an incident or seek resources without filing a report with the University, they are encouraged to reach out to:

- National Sexual Assault Online Hotline: <https://hotline.rainn.org/online>
- National Sexual Assault Hotline: 1-800-656-HOPE (4673)
- Their primary care provider
- Or contact Uwill.com to speak with a counselor.

These resources will maintain confidentiality and are not required to report to the University.

### **Actual Knowledge**

Actual knowledge means that the Distance Education Title IX Coordinator or any university official with the authority to implement corrective measures has been informed of sexual harassment or allegations of sexual harassment.

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 student 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 University. "Notice" includes, but is not limited to, a report of sexual harassment to the Distance Education Title IX Coordinator.

### **Responsible Employees**

Under law, a "responsible employee" is a Unity Environmental University employee who has a legal duty to report incidents of sexual misconduct to the Distance Education or Enterprise Title IX Coordinator. When a student 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 Environmental University 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 Environmental University has an array of online supports available to any student who is affected by sexual misconduct. Support resources are available to students regardless of whether a student 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 student 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 Distance Education Title IX Coordinator, the University 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 University can take to protect students 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 University’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 students safe and ensure that they can participate in the University’s programs and activities. Not all the measures listed below will be necessary in every case. If a student 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;
- changes in campus housing and/or dining locations;
- assistance in finding alternative housing;
- alternative employment arrangements and/or schedules;
- a campus escort or transportation accommodations;
- temporary exclusion from certain areas of campus; and
- interim suspensions.

Unity Environmental University 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 Environmental University 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 University 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 University 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 University with which the formal complaint is filed. A formal complaint may be filed with the Distance Education Title IX Coordinator 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 student shares a child in common, by a person who is cohabitating with or has cohabitated with the student 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 University exercised substantial control over both the respondent and the context in which the sexual harassment occurs, including any building owned or controlled by a student organization that is officially recognized by the University.
- G. Sex-based harassment.** Acts of aggression, intimidation, or hostility based on a person's biological sex (male or female), regardless of gender identity or expression.
- H. Hostile Environment.** Sexual misconduct that is sufficiently severe or pervasive that it substantially interferes with a student's University employment, academic performance, participation in University 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 Environmental University 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 Environmental University will consider both from the perspective of the person who is harassed, as well as determine whether a reasonable person in the student'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. Intercourse without consent.** 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 student 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 without consent.** 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 University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct, also known as "quid pro quo"; **or**
- 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 Uniform Crime Reporting [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

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

### Formal Reporting Options

**A. Report to the Distance Education 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 student 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 Distance Education Title IX Coordinator. If the Distance Education Title IX Coordinator is unavailable, reports may be made to the Enterprise Title IX Coordinator or another Title IX Coordinator of another SEBU. 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 University is obligated to take prompt action to eliminate sexual misconduct, prevent its recurrence, and to address its effects even if the student prefers that the University not take any action. When the student reports alleged misconduct by an employee or third party, the Title IX Coordinator will work with appropriate University administrators to respond to the report in accordance with applicable faculty, staff, or other University 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 Distance Education Title IX Coordinator, Doreen Rogan by telephone at [207] 509-7290, by mail at 70 Farm View Drive, New Gloucester, ME 04260, or by email at [AccessibilityDE@unity.edu](mailto:AccessibilityDE@unity.edu).

**B. Dismissal of a formal complaint**

The University 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 University's education program or activity, **or**
- did not occur against a person in the United States,

then the University 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 University's code of conduct.

The University 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 the [Distance Education 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 University;
- or specific circumstances prevent the University from gathering evidence sufficient to reach a resolution of the formal complaint or allegations therein.

The University must promptly send written notice of any dismissal and reason[s] therefor simultaneously to the parties. This notice can be sent via email.

### **C. Report to Local Law Enforcement**

Sexual misconduct may constitute both a violation of this policy and criminal activity. Unity Environmental University encourages students to report alleged sexual misconduct promptly to local law enforcement agencies. The University is available to assist students 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 University'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 student 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 University's investigation may be delayed temporarily while criminal investigators are gathering evidence]. Unity Environmental University will not wait for the conclusion of any criminal investigation or proceeding to commence its own investigation and/or take interim measures to protect students as detailed above; however, Unity Environmental University will coordinate with law enforcement as appropriate.

### **D. Anonymous Reporting Options**

Anonymous reporting processes allow students to inform the Distance Education Title IX Coordinator about incidents of sexual misconduct, but due to their anonymity, severely constrain Unity Environmental University's ability to respond. Nothing prevents a student 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 Environmental University is required under the federal Clery Act to publish an Annual Security Report to provide current students, prospective students, employees, the public, and the U.S. Department of Education with statistics about crimes that occur on campus or university- 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 students 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 Environmental University community, Unity Environmental University 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 student without their express consent. Information about other individuals is guided by federal laws such as FERPA and the Clery Act.

The University 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 Distance Education 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 university 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 University 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 Environmental University encourages students to report incidents and allegations of sexual misconduct. So as not to discourage reports, a student who makes a report under this policy in good faith will not be subject to disciplinary action by the University 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 Environmental University may, however, expect that individuals engage in counseling or other educational supports to address substance use.

#### **E. Minor Students**

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

## **Unity Environmental University's Response**

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

The University'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 Distance Education

Title IX Coordinator will first schedule an Intake Meeting with the reporting student [or other individual] in order to discuss the allegations in detail, provide the student 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 student. The Distance Education Title IX Coordinator will make available to the student 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 student, the Distance Education Title IX Coordinator will seek to ascertain how the reporting student wishes to proceed, i.e., whether the reporting student wishes to pursue mediation, file a formal report, file a criminal complaint, or does not wish to pursue resolution at that time.

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

Sometimes a student makes a report but requests that they not be identified [or does not want to make a Formal Report]. The Distance Education Title IX Coordinator will weigh that request against the University's obligation and commitment to provide a safe, non-discriminatory environment for all students, including the student making the report. In weighing a request for confidentiality, the University 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 Environmental University honors the request for confidentiality, the reporting student must understand that the University's ability to meaningfully investigate or otherwise respond to the alleged incident may be limited. Although rare, there are times when Unity Environmental University may not be able to honor a student's request in order to provide a safe, non-discriminatory environment for all students. If the Distance Education Title IX Coordinator determines that the University cannot maintain a student's confidentiality, the Distance Education Title IX Coordinator will inform the reporting student prior to starting an investigation and will take appropriate precautions. The University also will take all available steps to protect the reporting student from retaliation or harm, including working closely with the student to create and implement an appropriate safety plan.

**C. Intake Meeting with Respondent**

If the reporting student [hereinafter, "Complainant"] wishes to proceed with either Mediation or Formal Report, the Complainant and their supporter will prepare a written summary of the complaint and provide it to the Distance Education Title IX Coordinator. 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 University must provide the following written notice to the parties who are known:

- notice of the University's grievance process, including any informal resolution process.
- 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 University'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 University 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 University 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 University 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 University 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 University may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the University.

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 student.

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 Distance Education 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 Distance Education Title IX Coordinator may accommodate a student'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 Distance Education Title IX Coordinator will determine whether accommodations are appropriate and what accommodations will be provided to students. At the conclusion of the mediation, the Distance Education Title IX Coordinator shall provide to each party a written summary of the decisions reached. In addition, the Distance Education Title IX Coordinator may institute supportive measures agreed upon by the parties. Supportive measures are designed to restore or preserve equal access to the University'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;
- leaves of absence;
- increased security and monitoring of certain areas of the campus; **and**
- and other similar measures.

The University 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 University to provide the supportive measures. The Distance Education 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 without the agreement of both parties, they may do so by contacting the Vice President of Distance Education 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 Distance Education 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 Distance Education Title IX Coordinator to report the violation. The Distance Education 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 Distance Education, in writing, within three [3] working days. The matter will be decided by the Vice President of Distance Education in a timely fashion with no additional opportunity for review or appeal.

## **B. Formal Complaint**

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

1. Notice of the University'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 University'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 University 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 University's education program or activity,
- did not occur against a person in the United States,

then the University 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 University's code of conduct.

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

- a complainant notifies the distance education 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 University;

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

### **Step 1: Investigation**

The Investigator is a neutral fact finder and trained Unity Environmental University employee or a trained investigator from outside the University. The Enterprise Title IX Coordinator 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 University will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. The University 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 University 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 University 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 Distance Education Title IX Coordinator, the complainant, and the respondent. The University 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 University 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 University 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 Enterprise or Distance Education 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 student 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 Distance Education Title IX Coordinator to determine appropriate sanctions.

## **Step 2: Hearing**

The University'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 University to otherwise restrict the extent to which advisors may participate in the proceedings.

At the request of either party, the University 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 University will provide a list of trained employees who could serve as an advisor, 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.

Live hearings may be conducted with all parties physically present in the same geographic location or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

The University 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 University 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 University'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 University imposes on the respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the complainant;
- the University's procedures and permissible bases for the complainant and respondent to appeal.

The University must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the University 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 Distance Education 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 University 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 university 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 Distance Education Title IX Coordinator may reasonably deem appropriate

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

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

### **Step 3: Appeal**

The University must offer both parties an appeal from a determination regarding responsibility, and from a University 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 Distance Education within five [5] business days of the date of the Final Outcome Letter. In the written appeal submission, the student 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 Distance Education 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 Distance Education Title IX Coordinator shall be copied on the appeal and associated notices and submissions. The Distance Education Title IX Coordinator may submit a written response to any issues raised on appeal.

When considering the appeal, the Vice President of Distance Education will limit their 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 Distance Education may, at their discretion, reopen the investigative process if new, relevant evidence is submitted. For an appeal to be granted, the Vice President of Distance Education 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 Distance Education 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 Distance Education determines that there are grounds to grant an appeal, the Vice President of Distance Education 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 Distance Education will promptly issue a written decision on the appeal. This decision will be made available to the complainant, the respondent, and the Enterprise and Distance Education Title IX Coordinator simultaneously.

## Other Considerations

### A. Expectation of Truthfulness

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

### C. Regulation of Speech

Title IX is intended to protect students from sex discrimination rather than regulate the content of speech. In keeping with federal enforcement priorities, Unity Environmental University 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 student does not feel comfortable coming forward to a particular designated University official who, according to this policy, is responsible for handling some aspect of this policy, an alternative University representative may be contacted instead.

Alternative representatives may then designate an impartial and appropriate person to resolve the matter following applicable University 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 University 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 student withdraws from the University after a complaint has been filed for an alleged violation, but before the complaint has been resolved by the University, the University may continue to proceed to investigate, adjudicate or otherwise complete its resolution of the complaint. The University 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 University. The Distance Education Title IX Coordinator will determine how to conclude the matter. Students who are considering withdrawal are encouraged to consult with the Distance Education 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 Distance Education from taking appropriate action to ensure the safety of the University community, enforce University 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, at any time, as authorized by the President.

## **RESOURCES**

### **Academic Calendar**

Please see the webpage for the [current Distance Education academic calendar](#).

### **Academic Catalog**

Please note that the [catalog](#) includes information about programs, courses, admissions policies, and other university-wide policies including those pertaining to the Family Educational Rights and Privacy Act of 1974 [FERPA].

## Financial Aid Consumer Information

Please see the webpage for [institutional information for consumers](#).

## University Resources

The mailing address for all Unity Environmental University correspondence is:

Unity Environmental University Distance Education

70 Farm View Drive, Suite 200

New Gloucester, ME 04260

University Switchboard: [207] 509-7100      Distance Education: [207] 509-7155

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

<b>Approved:</b>	<b>February 28, 2025</b>
<b>Adoption</b>	Distance Education Leadership, Dean of Student Success, President of the Enterprise/CAO and
<b>Chain:</b>	President/CEO.