



Husson University Title IX Sexual Harassment Policy

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I. Overview ¹

Husson University is committed to providing and maintaining an environment that is safe, secure, and free from unlawful harassment and discrimination. The University prohibits discrimination against or harassment of any individual or group on the basis of race, color, sex, sexual orientation, gender identity and/or expression, religion, ancestry or national origin, age, physical or mental disability, citizenship, veteran status, or any other applicable legally protected status in the education, employment, housing, and all other programs and activities the University operates. Consistent with this commitment, as well as federal and state laws, Husson University does not tolerate unlawful discrimination or harassment in any form.

Title IX of the Educational Amendments of 1972 protects people from sex discrimination in educational programs and activities at institutions, including Husson University, that receive federal

¹ This policy is effective as of August 14, 2020 and covers all reports or formal complaints of Title IX Sexual Harassment (as defined in this policy) filed on or after that date.

financial assistance.² Accordingly, Husson does not discriminate on the basis of sex (including sexual orientation and gender identity), and is committed to responding promptly and fairly to any reports or complaints of sexual misconduct or other forms of sex-based discrimination.

Sexual misconduct of any kind undermines the values and the mission of the University, and it is the responsibility of every member of the Husson community to foster an environment free of such behavior. All members of our community are encouraged to take reasonable and prudent action to prevent, stop and report acts of sexual misconduct. When a report of misconduct is made, the University will take action to protect the person making the report, promote a safe campus community and render sanctions against those found to have violated the policy.

“Sexual misconduct” is broad term used by the University to encompass a wide range of conduct of a sexual nature that is prohibited by Husson University. This policy (referred to as the University’s “Title IX Sexual Harassment Policy” or “Title IX Policy”) applies to certain forms of sexual misconduct – specifically, conduct that constitutes Sexual Harassment as defined under Title IX and which takes place in a Husson University education program and activity. Specifically, this policy addresses the following forms of misconduct, each of which is defined in Section V. of this policy:

- Quid pro quo Sexual Harassment by an employee;
- Hostile Environment Sexual Harassment;
- Sexual assault;
- Dating violence;
- Domestic violence;
- Stalking; and
- Retaliation for reporting or participating in the Title IX process.

In addition to the conduct addressed in this Title IX Policy, the University prohibits a wide range of other types of sexual misconduct which is addressed in documents which include the Student Code of Conduct, the Employee Handbook, and the Faculty Handbook. Individuals are encouraged to speak with the University’s Title IX Coordinator, David Casavant, by phone at 207-941-7132 or by email at casavantd@husson.edu if they are not sure which policy applies to a particular situation, if they wish to make a report or file a complaint of misconduct, or if they have any questions concerning possible sexual misconduct or related University processes, services or other supports.

II. Scope of Policy and Geographic Jurisdiction

This policy addresses Sexual Harassment under Title IX that occurs during the course of any University program or activity against: (1) students enrolled at the University; (2) employees of

² See 20 USC § 1681, et seq. The Title IX regulations are located at 34 C.F.R. Part 106, and include regulatory provisions promulgated on May 19, 2020 [85 FR 30026]

the University (and applicants for employment) with the University; and (3) other individuals participating (or attempting to participate) in a University education program or activity. In order for this policy to apply, the alleged Sexual Harassment must have occurred on Husson University property, or at a University-sanctioned event or program taking place off campus within the United States in which the University has substantial control over both the Respondent and the context in which the Sexual Harassment occurs.

III. Resources

A. Title IX Coordinator and Deputy Coordinator

If you are the victim of sexual misconduct, your safety and medical needs are paramount. Seeking assistance immediately is important to protect yourself and the members of the University community and to preserve physical and other evidence. Husson University strongly encourages anyone who believes that an incident of sexual misconduct has occurred to report the incident as soon as possible to:

David Casavant
Associate Provost & Title IX Coordinator
Husson University
1 College Circle
Bangor, ME
207-941-7132
casavantd@husson.edu
122 Peabody Hall

The Title IX Coordinator and Deputy Title IX Coordinator are available to assist students and other individuals in accessing resources available on campus and in the local community, including local law enforcement. The Title IX Coordinator can also explain the processes available through this Title IX Policy, and other applicable policies and procedures of the University.³

B. Emergency Resources

The following emergency resources are available to all Husson University community members to address any immediate safety concerns. Please contact the following if you or others need immediate assistance:

- Police (City of Bangor): dial 911 or 207-947-7382
- Campus Safety and Security: dial 207-941-7770 – 106 Peabody Hall

³ Further information about Title IX and sex discrimination in education programs is available from the Office for Civil Rights (OCR). Inquiries can be referred to: Office of Civil Rights (Boston Office); U.S. Department of Education; 8th Floor; 5 Post Office Square; Boston, MA 02129-3921; (617) 289-0111 (telephone); (617) 289-0140 (fax); OCR.Boston@ed.gov

C. Confidential Resources

If you wish to report or disclose information confidentially to an agency which will not release your name to any other University official without your consent, please contact one of the following resources:

- Husson University Counseling Services 207-941-7625
- Husson University Health Services 207-941-7625
- Rape Response Services 1-800-310-0000
- Maine Coalition Against Sexual Assault 1-800-871-7741
- Partners for Peace 1-800-863-9909; 1-800-437-1220 (TTY)
- National Suicide Prevention Hotline – 1-800-273-8255

People affiliated with agencies or organizations on the above list are considered confidential resources under Title IX. All other employees of the University must report incidents of sexual misconduct involving a student to the Title IX Coordinator, pursuant to Section IV. below.

Confidential Resources can assist individuals by explaining how the Title IX process and other University processes work; assist individuals with accessing supportive services, accommodations, resources and other services available on and off-campus, and with contacting local law enforcement. The Confidential Resources can also assist individuals with contacting the Title IX Coordinator, if desired. In very rare circumstances, a Confidential Resource may have a professional obligation to share information disclosed to them, particularly if there is a serious risk of danger or a threat to people or property. In addition, such individuals must abide by requirements to report allegations of sexual and/or physical abuse of persons under the age of 18 under Maine law.

IV. Responsibility of University Officers, Faculty and Staff to Report Prohibited Conduct

The University requires all University officers, faculty and staff, including coaches, residential life staff and student employees, to report any alleged incidents of sexual misconduct to the Title IX Coordinator. A report is not required if a student is generally inquiring about the University's Title IX policy or process, or if a student is talking generally about a situation and does not identify an individual who may have committed a violation of this policy. Only the Confidential Resources listed in Section III.C. above are exempted from this reporting requirement.

Students should be aware that if they discuss an alleged violation of this policy (or other incident of sexual misconduct) with an employee of the University, who is not a confidential resource, that individual will be obligated to report the information to the Title IX Coordinator. If a University officer, faculty or staff member believes that a student is about to disclose a possible violation of this policy, the employee should inform the student that the employee is not a confidential resource and is required to report information about possible sexual

misconduct the student discloses to the employee. Students should be aware, however, that even if a University officer, faculty or staff member is required to make a report to the Title IX Coordinator, the student still has the discretion whether or not to file a formal complaint and pursue resolution of the complaint through the Title IX policy or other University policies or procedures.

V. Definitions

A. General Terms

Advisor: An individual, from within or outside of the University, chosen by a party and who may be present in any meeting or proceeding under the grievance process in order to advise the party and participate in the live hearing, in accordance with the requirements stated below.

Complainant: An individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

Consent: Words or actions that show a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent is active, not passive, and is given by clear actions or words. Consent may not be inferred from silence, passivity, or lack of active resistance alone. Consent cannot be gained by force, by ignoring or acting in spite of the objections of another, or by taking advantage of the Incapacitation of another, where the Respondent knows or reasonably should have known of such Incapacitation. The use of alcohol or other drugs will never function to excuse behavior that violates this policy, and being intoxicated does not diminish one's responsibility to obtain consent.

A dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. In some situations, an individual may be deemed incapable of consenting to sexual activity because of circumstances or the behavior of another, or due to their age. Examples of such situations include, but are not limited to, incompetence, impairment from alcohol and/or other drugs, fear, unconsciousness, intimidation, coercion, confinement, isolation, or mental or physical impairment.

Decision-Maker(s): The individual(s) appointed by the Dean of Student Life or Chief Human Resource Officer to serve on the Title IX Review Panel.

Formal Complaint: A document filed by a complainant or signed by the Title IX Coordinator or Deputy Coordinator alleging Sexual Harassment against a Respondent and requesting that the University investigate the allegation of Sexual Harassment. A Formal Complaint must be made in writing to the Title IX Coordinator and triggers the University's Title IX Grievance Process under Section X below. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail using the contact information noted above.

Grievance Process: The Title IX Grievance Process is initiated through the filing of a Formal Complaint and is comprised of the procedures by which the Formal Complaint is investigated and resolved (See Section X).

Incapacitation: The physical and/or mental inability to make informed, rational judgments about whether to consent to sexual activity. Incapacitation can result from, among other things, sleep, blackouts, flashbacks, a temporary mental or physical health condition, involuntary physical restraint, or from intentional or unintentional consumption of alcohol and/or other drugs. Where alcohol or other drugs are involved, Incapacitation is determined by how the substance consumed impacts 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 impact of the use of alcohol and/or other drugs on another's ability give consent.

Parties: The parties are the Complainant(s) and Respondent(s) to a Formal Complaint.

Report: A communication of alleged Sexual Harassment that triggers the obligation of the Title IX Coordinator to discuss with, and provide to the alleged victim, appropriate Supportive Measures; and to explain the Formal Complaint (Grievance) process under this policy. Any individual may make a Report, whether the individual is the alleged victim or not. A Report is not the same as a Formal Complaint of Sexual Harassment, as defined above.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

Sexual Misconduct: An umbrella term used by the University to encompass a full range of conduct of a sexual nature prohibited by the University that may or may not constitute *Sexual Harassment* under Title IX and this policy. Sexual misconduct that is not considered "*Sexual Harassment*" as defined under subsection B. below will be referred by the Title IX Coordinator to the cognizant University office or official(s) responsible for addressing such conduct.

Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive Measures are discussed in more detail in Section VII. below.

Title IX Review Panel: A panel appointed by the appointed by the Dean of Student Life or Chief Human Resource Officer, consisting of one to three individuals, which will participate in the live hearing following the investigation of a Formal Complaint, make determinations of responsibility, and impose remedies, if warranted. Panels comprised of more than one member will have a designated Chairperson who will preside over the hearing, including making decisions on relevance of questions and evidence.

University: The term University refers to Husson University.

Witness: An individual who has information relevant to a Formal Complaint.

B. Conduct Prohibited under Title IX

The terms defined in this subsection constitute Sexual Harassment prohibited under Title IX when they occur within the context of the University's programs and activities. Sexual Harassment can be committed by any person regardless of gender, sexual orientation or gender identity; and can be committed using technology. For other conduct, including other forms of sexual misconduct, that does not meet one of the following definitions, please refer to other documents such as the Student Code of Conduct, the Employee Handbook, and the Faculty Handbook for information on how such conduct will be addressed by the University.

Sexual Harassment under Title IX means conduct on the basis of sex that includes:

1. *Quid Pro Quo Sexual Harassment by an Employee:* A University employee conditions an aid, benefit, or service of the University on the participation by a student, an employee, or another member of the University community in unwelcome sexual conduct.
2. *Hostile Environment Sexual Harassment:* Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a complainant equal access to the University's education program or activity.
3. *Sexual Assault:* An offense classified as a Forcible or Non-forcible Sex Offense under the uniform crime reporting system of the FBI, which includes:
 - a. *Forcible Sex Offenses:* Any sexual act directed against another person, without the Consent of the victim (including instances where the victim is in a state of Incapacitation) such as:
 - i. *Forcible rape (except statutory rape):* Sexual intercourse with a person, forcibly and/or without that person's Consent or in instances where the victim is in a state of Incapacitation.
 - ii. *Forcible sodomy:* Oral or anal sexual intercourse with another person, forcibly and/or without that person's Consent or in instances where the victim is incapable of giving Consent because of their youth or because of Incapacitation.
 - iii. *Sexual assault with an object:* Use of an object or instrument to unlawfully penetrate, however, slightly, the genital or anal opening of the body of another person, forcibly and/or without that person's Consent or in instances where the person is incapable of giving Consent because of their youth or because of Incapacitation.

- iv. *Forcible fondling*: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or without that person's Consent or in instances where the person is incapable of giving Consent because of their youth or because of Incapacitation.
 - b. *Non-Forcible Sex Offenses*: include incest and statutory rape. "Statutory rape" in Maine is defined as a sexual act with another person who is not the actor's spouse and who is under the age of 14, or who is 14 or 15 and the actor is at least 5 years older than the other person.
4. *Dating Violence*: Crimes of violence committed by a person:
- a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - b. Where the existence of such a relationship shall be determined based on a consideration of the following factors: (a) length of relationship; (b) type of relationship; (c) the frequency of interaction between persons in the relationship.
5. *Domestic Violence*: Crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Maine, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family laws of Maine. In Maine, this includes the following crimes (more information is available at the noted legal citations):
- a. *Domestic violence assault* (17-A M.R.S. § 207-A)
 - b. *Domestic violence criminal threatening* (17-A M.R.S. § 209-A)
 - c. *Domestic violence threatening* (17-A M.R.S. § 210-B)
 - d. *Domestic violence stalking* (17-A M.R.S. § 210-C)
 - e. *Domestic violence reckless conduct* (17-A M.R.S. § 211-A)
6. *Stalking*: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
- a. Fear for their safety or the safety of others; or
 - b. Suffer severe emotional distress.

C. Retaliation

Neither Husson University nor any person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege under Title IX, or because the individual has made a Report or filed a Formal Complaint, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding or hearing.

Reports of retaliation should be made to the Title IX Coordinator and will be addressed the Student Code of Conduct, the Employee Handbook, or the Faculty Handbook as may be applicable. 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 as a report of formal complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX or this policy, constitutes retaliation. The identity of any individual who has made a report or complaint, provides information, is reported to have engaged in misconduct, or is named and/or participates in any proceeding under this policy shall be kept confidential, except as may be permitted under applicable confidentiality and privacy laws and regulations.

D. False Reports and Statements

False reports or making materially false statements in connection with this policy, to any University official or in the course of any University proceeding, is prohibited and will be addressed the Student Code of Conduct, the Employee Handbook, or the Faculty Handbook as may be applicable.

VI. Reports of Sexual Harassment

Any individual who is required to make a report, and others who wish to make a report of Sexual Harassment should contact the Title IX Coordinator listed below at any time. There is no time limit on making reports of Sexual Harassment. Reports are to be directed to:

David J. Casavant; Associate Provost and Title IX Coordinator; casavantd@husson.edu; 207-941-7132. Alternatively, reports can be made using the Eagle Safe app. Individuals making a report can select “Report a Tip” or “Support Resources”. “Report a Tip” allows for anonymous reporting. The “Support Resources” option provides another means by which to contact the Title IX Coordinator.

After a Report of Sexual Harassment is made, the Title IX Coordinator will meet with the Complainant if that individual is identified in the Report to discuss Supportive Measures that may be appropriate based on the circumstances of the matter (see Section VII. for a detailed discussion of Supportive Measures). The Title IX Coordinator will then implement any appropriate Supportive Measures. The provision of such measures will remain confidential, to the extent possible under the particular circumstances. In some situations, specific administrators, faculty, staff and/or students may be provided limited information in order for the University to effectively implement a Supportive Measure.

The Title IX Coordinator will explain the process for filing a Formal Complaint under Section IX. below, and the Grievance Process under Section X. The Complainant is under no obligation to file a Formal Complaint. If the Complainant chooses not to file a Formal Complaint, the Complainant may continue to receive appropriate Supportive Measures.

Confidential Resources for individuals who are not required to make a report to a Title IX Coordinator and are not ready to make a report are listed in Section III.C. As noted above, reports of Sexual Harassment may be made anonymously, although the University's ability to respond and support the alleged victim may be limited if the Title IX Coordinator is unable to obtain further information following an anonymous report.

VII. Supportive Measures

Supportive Measures are individualized services provided to either party, without a fee or charge to the party. The measures are designed to restore or preserve equal access to the University's education programs or activities, to protect the safety of parties or the University's educational environment, or to deter sexual harassment.

Supportive Measures will be offered to the Complainant (alleged victim) following a Report of Sexual Harassment. Such measures may continue to be provided a Complainant, and may be modified based on the Complainant's needs, when a Formal Complaint is filed, as well as during and after the conclusion of the Grievance Process under Section X. In addition, Supportive Measures will be offered to Respondents after a Formal Complaint is filed. Supportive Measures are not designed to be overly burdensome to either party and not disciplinary or punitive.

The following are examples of the types of Supportive Measures that may be provided, depending on the particular circumstances of the parties, the allegations, and other relevant factors as determined by the Title IX Coordinator.

- Restrictions on contact between the parties
- Modifications of work or class schedules
- Counseling,
- Extensions of deadlines or other course-related adjustments,
- Changes in work or housing locations
- Campus escort services
- Increased security and monitoring of certain areas of the campus
- Safety/crime prevention briefings
- Leaves of absence
- Other similar protective or safety measures

The provision of any Supportive Measures to the Complainant or Respondent must be kept confidential to the extent that maintaining such confidentiality does not impair the ability of the University to provide the Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

VIII. Other Misconduct

When addressing alleged misconduct under the Title IX Policy, the University's primary focus will be on addressing the alleged misconduct and not on other Husson University alcohol or other drug policy violations that may be discovered or disclosed. The University strongly encourages individuals to report alleged incidents of Sexual Harassment or other forms of sexual misconduct and seeks to remove any barriers to reporting. The University recognizes that an individual who is or was under the influence of alcohol or other drugs at the time of the incident may be hesitant to make a report because of potential Student Code of Conduct consequences for such behavior. An individual who reports Sexual Harassment or other sexual misconduct will generally not be subject to disciplinary action by the University for personal consumption of alcohol or other drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. Decisions regarding amnesty under this paragraph will be made by the Title IX Coordinator in conjunction with the Dean of Student Life in light of the circumstances of the particular situation. The Title IX Coordinator, Dean of Student Life or other appropriate University officials, however, may hold an educational discussion with, or recommend other educational or therapeutic remedies regarding alcohol or other drugs for, the reporting individual(s). Providing false claims so as to obtain amnesty is an abuse of process and will be met with stern sanctions.

The filing of a Report under this policy is independent of any criminal investigation or proceeding. Except in cases where it is determined that conducting proceedings might impede a criminal investigation or otherwise not be in the best interests of a law enforcement agency or a Reporting Party, the University will not wait for the conclusion of any criminal proceedings to commence its own investigation.

IX. Formal Complaints

A. Formal Complaint Filed by Complainant

An alleged victim of Sexual Harassment (i.e., the Complainant) may file a Formal Complaint of Sexual Harassment to the Title IX Coordinator. A Formal Complaint cannot be filed anonymously. The Formal Complaint may be a written document or through an electronic submission filed with the Title IX Coordinator, and must include the Complainant's physical or digital signature (or otherwise indicate that the Complainant is the one filing the Formal Complaint). The Formal Complaint must include: (1) Information about the alleged violation(s) – i.e., date, time, location, individual(s) who allegedly engaged in Sexual Harassment, a description of allegations (which need not be extensive); and (2) a request that the University investigate the allegation(s). Those filing a Formal Complaint should reach out to the Title IX Coordinator, David Casavant, by calling 207-941-7132, or emailing casavantd@husson.edu.

B. Formal Complaint Filed by Title IX Coordinator

In certain instances when the alleged victim chooses not to file a formal complaint, the Title IX Coordinator may determine that the specific circumstances warrant pursuing a Formal Complaint (e.g., when the Respondent has been found responsible for previous Sexual Harassment or there may be a threat to the safety of members of the University community) and thus, may file a Formal Complaint on behalf of the University. In such cases, the alleged victim will receive notice of the complaint, and will be notified of further information at various points in the grievance process, but the alleged victim is not a party to the Formal Complaint.

C. Consolidation of Formal Complaints

The Title IX Coordinator may consolidate multiple Formal Complaints where circumstances warrant. Such circumstances might include, but are not limited to, situations in which: a Complainant has filed a Formal Complaint of Sexual Harassment against more than one Respondent regarding the same incident; there are multiple complaints against a Respondent; or each of the parties file a Formal Complaint against the other party and arising out of the same facts or circumstances.

D. Dismissal of Formal Complaints

1. The Title IX Coordinator must dismiss a Formal Complaint if the alleged conduct:
 - a. Does not constitute Sexual Harassment defined under Section V. of this policy;
 - b. Did not occur within the scope of the University's education programs and activities;
or
 - c. Did not occur in the United States.

2. The Title IX Coordinator may dismiss a Formal Complaint if:
 - a. The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or withdraws particular allegations within the Formal Complaint;
 - b. The Respondent is no longer enrolled in or employed by the University; or
 - c. If there are specific circumstances that prevent the University from gathering evidence sufficient to reach a determination regarding the Formal Complaint or any allegations within the complaint.

The Title IX Coordinator will inform the parties in writing of any dismissal pursuant to this section and explain the reasons for the dismissal. Each party has the opportunity to appeal a dismissal in accordance with Section X. (Subsection I.) of this policy.

Additionally, even if a formal complaint is dismissed pursuant to this Section of the policy, any alleged misconduct that potentially violates another University policy may be addressed under

the other policy and will be referred by the Title IX Coordinator to the cognizant University office or official(s) responsible for addressing such conduct.

X. Procedures for responding to Formal Complaints – the Title IX Grievance Process

A Formal Complaint initiates the Title IX Grievance Process implemented by the Title IX Coordinator. This section outlines the significant steps of this process. Additional detailed information about protocols for the conduct of the investigation, live hearing, or other aspects of the grievance process will be provided to the parties, as needed, in a timely fashion.

A. General Obligations of the University

Throughout the Grievance Process, the University will:

- Treat Complainants and Respondents equitably;
- Not presume a Respondent is responsible until and unless such a determination of responsibility is made following a hearing as set forth in subsection F. below;
- Objectively evaluate all relevant evidence;
- Ensure that any individuals involved in the grievance process (e.g., Title IX Coordinator, investigators, adjudicator) have appropriate training, and do not have a conflict of interest or bias for or against either party;
- Follow the reasonably prompt timelines specified in the grievance process and explain any reasons necessitating a delay;
- Provide all required notices of meetings and hearings;
- Provide opportunities for the parties to review and respond to relevant evidence, both favorable and unfavorable;
- Provide the parties with the opportunity to be accompanied to any meetings or hearings by an advisor of their choice;
- Provide the parties with the opportunity to present witnesses, as well as other evidence;
- Not restrict the parties from speaking about the case for their own emotional support or preparation;
- Assume the burden of gathering evidence and burden of proof (rather than such burdens resting with the parties); and
- Comply with all applicable confidentiality and privacy laws and regulations during the grievance process.

In general, the University will attempt to complete the grievance process within approximately 90 days of the date the Formal Complaint is filed. However, there may be circumstances when the process will take longer due to the absence of the parties or other individuals important to the process, difficulties in obtaining evidence, or other reasonable factors.

B. Notice to Parties and Initial Steps

The Title IX Coordinator will provide written notice of the Formal Complaint and allegations of Sexual Harassment potentially constituting prohibited conduct under this policy. The notice will include:

- Notice of the grievance process and the availability of an informal resolution process;
- Sufficient details regarding the allegations known at the time (including identities of parties, if known; the conduct alleged; and the date and location of the alleged incident, if known), with sufficient time to prepare before any initial interview (no less than five days).
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination as to whether the Respondent is responsible for prohibited conduct will be made at the conclusion of the grievance process;
- Notice that the parties may have an advisor of their choice, who may be an attorney; and that the parties may inspect and review evidence obtained during the investigation;
- Notice of provisions in an applicable code of conduct or policy that prohibits knowingly making false statements or submitting false information during the grievance process;
- Notice that the University, not either party, has the burden of proof; and
- Notice of the name of the investigator, with sufficient time (no less than five days) to raise concerns of conflict of interest or bias.

If, in the course of an investigation, additional allegations become known and the University decides to investigate the additional allegations, the University will provide written notice of the additional allegations to the parties whose identities are known. Following the filing of a Formal Complaint, the Title IX Coordinator will discuss Supportive Measures with each party and implement such measures as appropriate (see Section VII.).

C. Informal Resolution Process

After a Formal Complaint has been filed, and if the Title IX Coordinator believes an informal resolution may be appropriate, the Title IX Coordinator may offer the parties the opportunity to participate in an informal resolution process to resolve the complaint without completing the investigation, hearing, and determination process. Informal resolutions cannot be used to resolve a Formal Complaint where the Complainant is a student and the Respondent is an employee.

Informal resolutions can take many forms, depending on the particular circumstances of the dispute. Examples include, but are not limited to: facilitated discussions between the parties; restorative justice; acknowledgment of responsibility by a Respondent; apologies; sanctions against a Respondent or requirement to engage in specific services; or Supportive Measures. Both parties must voluntarily agree in writing to participate in the informal resolution process, and either party can withdraw from the process at any time.

In order to initiate an informal resolution, the Title IX Coordinator will provide written notice of the formal complaint and allegations of Sexual Harassment potentially constituting prohibited conduct under this policy. The notice will include 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 allegation, and any consequences resulting from participating in the information resolution process, including the records that will be maintained or could be shared. At any time prior to agreeing to a resolution, either party has the right to withdraw from the informal resolution process and resume the grievance process.

The University must agree to the terms of any informal resolution reached between the parties. If an informal resolution agreement is reached, it must be signed by both parties and the University. Any such signed agreement is final and binding according to its terms. Any terms in an informal resolution that include involvement by the University must be approved by the Title IX Coordinator.

D. Emergency Leave

The University, in consultation with the Title IX Coordinator, may place a Respondent on emergency leave during the grievance process if there is a determination (following an individualized safety and risk analysis) that there is an immediate threat to the physical health or safety of a student or other individual arising from the allegations of Sexual Harassment. Examples of such circumstances might include, but are not limited to, a continued threat of violence against a Complainant by a Respondent, or a Respondent's threat of self-harm due to the allegations. The Respondent will be provided notice of the emergency leave, and will be provided an opportunity to challenge the decision following the removal (in a meeting or other opportunity to be heard; not a hearing). The Respondent has the burden to demonstrate why the emergency leave was unreasonable.

Any such decision to place a student or employee on emergency leave shall be made in compliance with any rights of the student or employee under Section 504 of the Rehabilitation Act or the Americans with Disabilities Act.

E. Investigation

The Title IX Coordinator will appoint a trained, independent investigator to investigate the allegations in a Formal Complaint. The investigator will:

1. Meet with the parties after they have received appropriate notice of any meeting and its purpose, with sufficient time to prepare.
2. Allow the parties to have their advisor at all meetings or proceedings. The advisor may not make any statements or otherwise advocate on behalf of the party during any meeting or proceeding, except with regard to the live hearing, as described below.

3. Allow the parties to identify fact and expert witnesses, and submit inculpatory and exculpatory evidence.
4. Interview witnesses and conduct such other activities that will assist in ascertaining facts (site visits, review of documents, etc.).
5. Consider evidence that is relevant and directly related to the allegations in the Formal Complaint. During the course of the investigation, provide both parties and their advisors with an equal opportunity to inspect and review any evidence that is obtained as part of the investigation that is directly related to the allegations in the Formal Complaint, including evidence which the University does not intend to rely upon in reaching a determination of responsibility, and favorable and unfavorable evidence. The parties will be provided 10 days to submit a written response prior to completion of the investigation report.
6. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the hearing, send the report to the parties and advisors (if any) either in hard copy or electronically, for their review and written responses. At least five days prior to the hearing, the parties may provide a written response to the investigation report to the Title IX Coordinator for consideration at the hearing.
7. The investigative report and the parties' responses shall be forwarded to the Title IX Review Panel in advance of the hearing.
8. The University will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

F. Live Hearing

Following the issuance of the Investigative Report, the University shall provide for a live hearing conducted by a Title IX Review Panel [i.e., the Decision-maker(s)] that will consider the evidence, make determinations of responsibility, and impose remedies, including, if warranted, disciplinary sanctions. Panels comprised of more than one member will have a designated Chairperson who will preside over the hearing, and any other Panel members, and decide on relevance of questions and evidence during the hearing. The live hearing will typically be held within 15 days from the issuance of the investigation report.

Features of the live hearings include the following:

- At the request of either party, the parties will be in separate rooms with available technology to allow the parties and the Title IX Review Panel to see and hear the parties and witnesses answer questions.
- Both parties must have an advisor at the hearing. If a party does not have an advisor at this stage of the process, the University will appoint one for the party at no cost to the party.
- The Panel Chairperson will establish and generally enforce rules of decorum that the parties and advisors must follow.
- The Panel member(s) may ask questions of the parties, their advisors and any witnesses.

- The advisors (and not the parties) are permitted to conduct cross-examination of the other party and any witnesses, by asking relevant questions and follow-up questions, including those challenging credibility.
- All evidence from the investigation that was subject to the parties' inspection and review will be available at the hearing to give each party the opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
- Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant unless offered to prove someone other than the Respondent committed the alleged conduct or concern specific incidents of the Complainant's prior sexual behavior with the Respondent and are offered to prove consent.
- The Panel member(s) will not draw an inference about the determination regarding responsibility based solely on the party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
- The Panel may request input from the parties and the University concerning possible sanctions, either during the live hearing or after a finding that the Respondent is responsible for Sexual Harassment.
- The University's legal counsel is permitted to attend the hearing and to provide information or advice to the adjudicator if asked.
- A recording shall be made of the hearing, and made available to the parties for inspection and review.

G. Standard of Proof and Determination of Responsibility

The University uses a preponderance of the evidence standard ("more likely than not") in making determinations of responsibility, for both students and employees. Following the live hearing, the Title IX Review Panel shall make a final determination of responsibility and, if warranted, remedies. The Panel shall issue a written determination, which shall include the following:

- Identification of all the allegations potentially constituting Sexual Harassment as defined in this policy;
- A description of the procedural steps taken from receipt of the Formal Complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of this policy (prohibited 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 programs and activities will be provided to the Complainant;

- The University's procedure and permissible bases for the Complainant and Respondent to appeal as described in subsection I. below.

The written determination shall be provided to the parties simultaneously. The determination concerning responsibility becomes final either on the date that the University provides the parties with the written determination of the results of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.

H. Remedies and Sanctions

Remedies are measures used to ensure that the Complainant has equal access to the University's education programs and activities following an adjudicator's determination. Such remedies may include one or more Supportive Measures described under Section VII., and may include other appropriate measures, depending upon the determination and the needs of the Complainant. The Title IX Coordinator is responsible for implementing remedies and providing any needed assistance to the parties regarding implementation.

The following are examples of the types of sanctions that may be imposed on a Student Respondent when there is a determination that the Student Respondent is responsible for one or more violations of this policy. Sanctioning decisions will be based on relevant factors, including but not limited to: the nature of the conduct at issue; any prior disciplinary sanctions imposed on the Respondent based on a previous finding of responsibility for misconduct; the Respondent's willingness to accept responsibility for their actions; and previous University responses to similar conduct.

Warning: A formal written statement that the student's behavior was unacceptable and a warning that future violations of University policies and rules will result in more severe action.

Probation: A formal statement that any future violations of University policies and rules will result in possible suspension or expulsion. Terms of the probation will be specified and may include denial of social privileges; exclusion from activities; housing restrictions/loss; referral to counseling or other supports; and/or other measures deemed appropriate.

Suspension: Termination of student status for a defined period, or for an indefinite period with the right to re-apply after a specific length of time. Suspension may include specific conditions for the student's return. A student returning from suspension remains on disciplinary probation for the remainder of the student's Husson career. Other restrictions may be imposed as deemed appropriate.

Expulsion: Permanent separation from the University.

Withholding Diploma: The University may withhold a student's diploma for a specified period of time and/or prohibit participation in commencement and activities associated

with commencement if the student has disciplinary charges pending, or as a sanction if the student is found responsible for an alleged violation.

Revocation of Degree: In extraordinary circumstances, the University reserves the right to revoke a degree awarded by the University for Sexual Harassment committed by a student prior to graduation if a finding of responsibility is not concluded until after graduation or in other aggravating circumstances.

Other Actions: Such other action as the Title IX Review Panel may reasonably deem appropriate. Examples include, but are not limited to:

- Mandated counseling (including substance use counseling)
- Mandated training on, for example, sexual or relationship sensitivity, sexual harassment awareness and prohibitions.
- No contact order(s).
- Changes in academic schedules
- Apology.
- Volunteer or community service requirements
- Facilitated meeting with Complainant and/or other affected individuals (only with agreement of Complainant and other affected individuals).
- Campus or community service.
- Housing sanctions (including, but not limited to, reassignment, or loss/revocation/restriction of privilege to live in University housing or specific types of housing, alteration of status in housing lottery).
- Loss of existing, or loss of opportunity for leadership positions, campus employment, extracurricular activities and/or off-campus study.
- Loss of social privileges, such as the ability to attend or participate in social or extracurricular activities and events.

The following are examples of the types of sanctions that may be imposed on an **Employee Respondent** when there is a determination that they are responsible for one or more violations of this policy:

- Written warning.
- Probation.
- Demotion.
- Suspension with or without pay.
- Termination.
- Forfeiture of pay increase.
- Loss of supervisory responsibilities.
- Performance improvement/performance management plan.
- Counseling.
- Training.

In addition to the sanctions above, a **Faculty Respondent** may also receive sanctions that include, but are not limited to:

- Loss of department, division or program chair.
- Loss of research funds or other funds.
- Loss of named chair.
- Loss/relocation of office.
- Restrictions on interaction with department/program.
- Loss of other privileges.

I. Appeals

Each party has the opportunity to appeal a determination regarding responsibility, or a dismissal of a Formal Complaint. Appeals are allowed on the following grounds:

1. A procedural irregularity that affected the outcome of the matter;
2. 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
3. The Title IX Coordinator, investigator, or adjudicator had a conflict of interest or bias for or against complainants or respondents generally, or against the individual Complainant or Respondent, that affected the outcome of the matter; or

An appeal must be filed in writing (e.g., email) to the Dean of Student Life for students, the Provost for faculty, or Chief Human Resource Officer for employees within ten days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and will not be considered.

Appeals shall be processed according to the following procedures:

1. Appeals will be reviewed and decided by: the Dean of Student Life for student Respondents; the Provost for faculty Respondents; or the Chief Human Resource Officer for staff Respondents.
2. The Title IX Coordinator shall provide a copy of the appeal to the other party. That party shall have seven days to submit a written statement in support of or challenging the outcome of the matter depending on the basis for the appeal.
3. The individual deciding the appeal shall conduct an impartial review of the appeal, including consideration of the written record of the matter, and may consult with other University officials before reaching a decision.

4. The individual deciding the appeal shall issue a written decision describing the result of the appeal and rationale for the result and will provide the written decision simultaneously to the parties.

XI. Records

Records in connection with Sexual Harassment Reports, Formal Complaints and all related proceedings shall be maintained for a minimum of seven years, including but not necessarily limited to the following:

1. Each Sexual Harassment investigation including any determination regarding responsibility and any audio recording or transcript of hearings; any disciplinary sanctions imposed on the Respondent; and any remedies provided to the Complainant;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom;
4. All materials used to train Title IX Coordinators, advisors, investigators, adjudicators, individuals reviewing appeals, and any person who facilitates an informal resolution process; and
5. Records of any actions, including any Supportive Measures provided in response to a report or formal complaint of Sexual Harassment (and if Supportive Measures are not provided, the basis for such decision).

XII. Training

The University shall ensure that training required by the Title IX regulations is provided to the Title IX Coordinator, investigators, panel members, individuals reviewing appeals, and any individuals who facilitate informal resolutions. Such training shall include, but may not be limited to the following:

1. The definitions of Sexual Harassment under Title IX regulations and this policy;
2. The scope of the University's education programs and activities;
3. How to conduct investigations and the Grievance Process, including hearings, appeals and informal resolution processes;
4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
5. Decision-makers shall receive training on any technology to be used at a live hearing, and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant;
6. Investigators shall also receive training on issues of relevance to create investigative reports that fairly summarize relevant evidence; and
7. Training materials must not rely on sex stereotypes and must promote impartial investigations and adjudications of Formal Complaints of Sexual Harassment.

The University shall post links to training materials on the University website at the following URL: <https://www.husson.edu/about/human-resources/title-ix>

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Husson University reserves the right to amend this policy to better align with or to respond to changes in regulations, case law, or the expectations established by the United States Department of Education. Concerns, questions, or complaints regarding this policy may be directed to:

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