

|  |  |
| --- | --- |
| **Policy Name** | Sexual Violence, Intimate Partner Violence & Stalking |
| **Policy Area:** | Campus-Wide (employees and students) |
| **Responsible Officer:** | Chief Human Resources Officer |
| **Prepared By:** | Chief Human Resources Officer and Dean of Student Life |
| **Prepared Date:** | July 1, 2023 |
| **Cabinet Approved Date:** | July 1, 2023 |

**PURPOSE:**

Husson University takes the health and safety of our employees and students seriously and is committed to providing the necessary resources available to survivors of sexual violence, intimate partner violence & stalking. This policy works in coordination with the University’s Sexual Harassment and Title IX policies. This policy complies with the State of Maine Revised Statute Title 20-A Chapter 445 Sexual Violence, Intimate Partner Violence & Stalking at Institutions of Higher Education legislation.

**DEFINITIONS**:

* Employee: an individual who is employed by an institution including full-time, part-time, or contract employee, or an individual who was an employee but has taken a leave of absence or terminated the employment as a result of having been a victim of sexual violence, intimate partner violence or stalking or for any other reason.
* Intimate partner violence: any of the acts that constitute abuse under [Title 19-A, section 4002, subsection 1 paragraphs A to H](https://mainelegislature.org/statutes/19-A/title19-Asec4002-1.html#:~:text=1.,A.) that are committed by an individual who is or has been in a social relationship with another individual of an intimate nature regardless of whether the individuals were or are sexual partners.
* Reporting party: a student or employee who reports having experienced an alleged incident of sexual violence, intimate partner violence or staking.
* Responding party: an individual who has been accused of an alleged incident of sexual violence, intimate partner violence or stalking.
* Sexual violence: conduct that constitutes:
  + Any crime under [Title 17-A, chapter 11](https://legislature.maine.gov/statutes/17-A/title17-Ach11sec0.html)
* Unauthorized dissemination of certain private images pursuant to [Title 17-A, section 511-A](https://legislature.maine.gov/legis/statutes/17-A/title17-Asec511-A.html)
* Aggravated sex trafficking or sex trafficking pursuant to Title 17-A, [section 852](https://legislature.maine.gov/statutes/17-A/title17-Asec852.html#:~:text=1%2DA.-,A%20person%20is%20guilty%20of%20aggravated%20sex%20trafficking%20if%20the,is%20a%20Class%20A%20crime.) or [section 853](https://www.mainelegislature.org/legis/statutes/17-a/title17-Asec853.html), respectively
  + Sexual harassment: as defined under Title 14, section 6000, subsection 2-A, verbal or physical conduct of a sexual nature directed at a specific person, including, but not limited to, unwelcome sexual advances, sexually suggestive remarks or actions; unwanted hugs, touches, or kisses, and requests for sexual favors. Includes retaliation for communicating about or filing a complaint of sexual harassment.
* Stalking: conduct that constitutes the crime of stalking under [Title 17-A, section 210-A](https://www.mainelegislature.org/legis/statutes/17-a/title17-Asec210-A.html).
* Student: an individual who is enrolled or is seeking to be enrolled in an institution of higher education in Maine and is a candidate for a degree or diploma or graduate certificate or has taken a leave of absence as a result of having been a victim of sexual violence, intimate partner violence or stalking.
* Title IX Coordinator: the employee at the institution who is responsible for institutional compliance with Title IX provisions of the federal Education Amendments or 1972, Public Law 92-318, as amended.

**How to report or disclose an alleged incident of sexual violence, intimate partner violence or stalking:**

* Confidential University Resources:
  + Confidential Resource Advisors (students & employees)
    - 207-992-1920
    - CRA@husson.edu
  + Employee Assistance Program (EAP): 24/7 CONFIDENTIAL AND FREE;

1-800-854-1446, [www.unum.com/lifebalance](http://www.unum.com/lifebalance)

* + Student Wellness Center: 207-941-7625
* Non-Confidential University Resources:
  + Title IX Coordinator
    - David Casavant, [casavantd@husson.edu](mailto:casavantd@husson.edu), 207-941-7132
  + Husson University Discrimination, Harassment and Bias Incident Reporting site: <https://hureport.husson.edu>.
  + Human Resources
    - Janet Kelle, Chief Human Resources Officer, [kellej@husson.edu](mailto:kellej@husson.edu), 207-941-7131
  + Safety & Security 207-941-7911
* Confidential External Resources:
  + Partners for Peace – 24-hour helpline: [1-800-863-9909](tel:+18008639909); [1-800-437-1220 (TTY)](tel:+18004371220)
  + Maine Sexual Support Centers/Rape Response Services: 1-800-871-7741
  + RAINN – National Sexual Assault 24/7 helpline: 1-800-656-4673
  + National Domestic Violence Hotline: 1-800-799-7233
  + Closest Medical Facility:
    - St. Joseph’s Hospital SAFE Program – 207-907-3371
* Non-Confidential External Resources:
  + Law Enforcement:
    - Local – Bangor Police Department – dial 911 or 207-947-7382
    - State – Maine State Police – dial (207) 973-3700 or 1-800-432-7381 Ext. 9
    - Federal – US Marshalls Service – dial (207) 945-0416

**Student and Employee Rights:**

* + Notify or decline to notify a law enforcement agency, including campus, local or state police, of an alleged incident of sexual violence, intimate partner violence or stalking
  + Receive assistance from campus authorities in making any notification relating to above bullet
  + Obtain a court-issued or institution-issued protection order against a responding party involved with the alleged incident of sexual violence, intimate partner violence or stalking

**Process for requesting supporting measures:**

* Contacting a Confidential Resource Advisor (CRA)
  + 207-992-1920
  + CRA@husson.edu
* Academic Changes: Center for Student Success 207-992-1934, studentsuccess@husson.edu
* Campus housing changes: Director, Campus Life, 207-941-7910, [reslife@husson.edu](mailto:reslife@husson.edu)
* Campus transportation:
  + Safety & Security 207-941-7911
* Student Life 207-941-7107
* Work arrangements: Human Resources 207-941-7131
* Leave of absence:
* Students: Dean of Student Success 207-992-4940, holsapplem@husson.edu
* Employees: Human Resources Business Partner, 207-992-1981, nelsonl@husson.edu
* Protection Orders:
* Safety & Security 207-941-7911
* Bangor Police Department dial 911 or 207-947-7382
* State – Maine State Police – dial (207) 973-3700 or 1-800-432-7381 Ext. 9
* External Resources
* Partners for Peace – 24-hour helpline: [1-800-863-9909](tel:+18008639909); [1-800-437-1220 (TTY)](tel:+18004371220)
* Maine Sexual Support Centers/Rape Response Services: 1-800-871-7741

**University resolution processes:**

* Formal Title IX Complaint: full policy can be found on the University’s website at (insert link here) and within the Student Handbook.
* 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.

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.

**Investigation Process:**

* Meet with the parties after they have received appropriate notice of any meeting and its purpose, with sufficient time to prepare.
* 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.
* Allow the parties to identify fact and expert witnesses, and submit evidence.
* Interview witnesses and conduct such other activities that will assist in ascertaining facts (site visits, review of documents, etc.).
* 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.
* The University will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
* Reporting and responding parties will receive a copy of the appropriate policy.
* Reporting and responding parties will be informed in writing of the results of a disciplinary proceeding not later than 7 business days after a final determination of a complaint, not including time for appeal except for good cause.
* Reporting and responding parties must be informed of the process, if any, for appealing the decision.
* The University’s disciplinary proceedings may not serve as a substitute for the criminal justice process.

**Remedies and Sanctions:**

The following are examples of the types of sanctions that may be imposed on a **Student Responden**t 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 Harassmentcommitted 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 actions that may be deemed 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.

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:

* A 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, 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:

* 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.

* 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.
* 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.
* 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.

**Confidentiality:**

The University will not publicly disclose the identity of the reporting or responding parties, except as necessary to carry out a disciplinary proceeding or as otherwise permitted under state or federal law.

**Notice to proceed:**

The University shall provide a reporting party and a responding party with written notice of the University's decision to hold a disciplinary proceeding regarding an allegation of sexual violence, intimate partner violence or stalking sufficiently in advance of a disciplinary proceeding. However, a notice to proceed with a disciplinary proceeding shall not be given less than fourteen (14) days prior to any hearing or adjudicatory proceeding so as to give the reporting party and responding party with the opportunity to meaningfully exercise their rights.

The University’s notice to proceed with a disciplinary proceeding must provide due process, which includes, but is not limited to: notice of the allegations against the responding party; any alleged violations of this policy, including definitions of alleged misconduct, as applicable;

notice of the potential options for resolving the disciplinary proceeding, including a summary of the procedures for each disciplinary proceeding option; and, any sanctions that may be imposed upon a finding that the responding party engaged in the conduct alleged in the notice to proceed.

Any disciplinary proceeding undertaken pursuant to this policy shall be prompt, fair and impartial, and include the opportunity for both reporting and responding parties to present witnesses and other evidence.

Any disciplinary proceeding undertaken pursuant to this policy shall provide the same rights to the reporting and responding parties as set forth in the University’s Title IX Sexual Harassment Policy, including the right to cross-examine witnesses and present evidence.