



INNOVATION FOR A HEALTHIER PLANET

**UNIVERSITY OF NEW ENGLAND’S NONDISCRIMINATION GRIEVANCE PROCEDURE, POLICY AND NOTICE OF NONDISCRIMINATION FOR STUDENTS**

(FALL 2024.) Please refer to <https://www.une.edu/title-ix-civil-rights-compliance> for the most current Policy.

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**GRIEVANCE PROCEDURE FOR COMPLAINTS OF DISCRIMINATION BY**

# STUDENTS

## ***(A) Policy Statement***

This Policy applies to all forms of discrimination, which includes harassment and retaliation (other than sex discrimination which is covered by UNE's Title IX Grievance Policy for Students). The University of New England ("the University" or "UNE") is committed to maintaining a fair and respectful environment for living, work, and study. To that end, and in accordance with federal and state law and University policy, the University prohibits any member of the faculty, staff, administration, trustees, student body, vendors, volunteers, or visitors to campus, whether they are guests, patrons, independent contractors, or clients, from harassing and/or discriminating against any other member of the University community because of that person's race, sex, sexual orientation, gender identity and/or expression, familial status, pregnancy, ethnicity or national origin, religion, age, creed, color, genetic information, physical or mental disability, HIV status, or status as a veteran.

Every member of this University community is expected to uphold this Policy as a matter of mutual respect and fundamental fairness in human relations. Every student of this institution has a responsibility to behave in accordance with this Policy as a condition of enrollment. Further, every University employee has an obligation to observe UNE policies, as well as federal and state law, as a term of employment. Merit and productivity, free from prohibited bias, will continue to guide decisions relating to employment and enrollment. Students and employees who engage in conduct prohibited under this Policy may be subject to disciplinary action, including dismissal from the University or termination of employment.

In addition, the University will provide remedies to a Complainant designed to restore or preserve equal access to the University's education programs or activities where a determination of responsibility has been made against a Respondent. No person will be penalized for good faith utilization of or participation in channels available for resolving concerns dealing with prohibited discrimination, harassment, or retaliation.

## ***(B) Clery Reporting***

Pursuant to the Clery Act, the University includes statistics about Clery Act crimes in its daily crime log and Annual Security Report and provides those statistics to the United States Department of Education; in all these instances, the information is reported in a manner that does not include personally identifying information about persons involved in an incident (including incidents disclosed to Confidential Resources). The University will also issue a timely warning to the community for reports of Clery-defined conduct that may constitute a serious and ongoing threat, as outlined in the Annual Security Report.

<https://www.une.edu/studentlife/security/safety-reports>

## Compliance Inquiries

Inquiries regarding compliance with this Policy may be directed to any of the following:

<b>Angela Shambarger</b> <i>Senior Director for the Office of Title IX and Civil Rights Compliance/ Title IX Coordinator</i>	207-221-4554	ashambarger@une.edu	11 Hills Beach Road, Biddeford, ME 04005)
<b>Bobbie Kallner</b> <i>Associate Vice President of Human Resources &amp; Chief Human Resources Officer</i>	207-602-2339	bkallner@une.edu	11 Hills Beach Road, Biddeford, ME 04005)
<b>Office of Civil Rights, Department of Education</b>	617-289-0111	OCR.Boston@ed.gov	8th Floor 5 Post Office Square, Boston, MA 02109-3921
<b>The Maine Human Rights Commission</b>	207-624-6290	info@mhrc.maine.gov	19 Union Street, 2nd Floor Augusta, ME 04330
<b>The U.S. Equal Employment Opportunity Commission</b>	202-663-4900	info@eeoc.gov.	131 M Street, NE, Washington, D.C. 20507

## I. SCOPE

The University has adopted a grievance procedure that seeks to provide for the prompt and equitable resolution of reports of discrimination involving students, who are participating or attempting to participate in UNE's Education Program or Activity or by the Director, alleging any action that would be prohibited by state or federal law.

For the purposes of this Policy, discrimination includes harassment and retaliation.

Generally, discrimination is treating similarly situated students differently on the basis of race, familial status, pregnancy, ethnicity or national origin, religion, age, creed, color, genetic information, physical or mental disability, HIV status, or status as a veteran without appropriate legal justification. It also includes excluding a student from participating in and enjoying the benefits of UNE's education program or activity on the basis of that student's race, sex, sexual orientation, gender identity and/or expression, familial status, pregnancy, ethnicity or national origin, religion, age, creed, color, genetic information, physical or mental disability, HIV status, or status as a veteran.

Generally, discriminatory harassment is unwelcome verbal or physical conduct that is objectively and subjectively offensive, is severe or pervasive, and is based on a person's race, familial status, ethnicity or national origin, religion, age, creed, color, genetic information, physical or mental disability, HIV status, or status as a veteran, when:

- Such conduct has the purpose or effect of unreasonably interfering with the individual's work or educational performance;
- Such conduct creates or has the intention of creating an intimidating, hostile, or offensive working and/or learning environment; and/or
- Such conduct interferes with, denies, or limits one's ability to participate in or benefit from an educational program or activity.

Generally, retaliation means intimidation, threats, coercion, or discrimination against any person by UNE, a student, or an employee or other person authorized by UNE to provide aid, benefit, or service under UNE's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or this Policy, or because the person has reported information, made a complaint, testified, assisted, or participated or, except as provided immediately below, refused to participate in any manner in an investigation, proceeding, or hearing under this Policy, including in an informal resolution process, in grievance procedures, and in any other actions taken by UNE under this Policy. UNE does require employees or other persons authorized by UNE to provide aid, benefit, or service under UNE's education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing under this part. UNE prohibits all retaliation, including student-to-student (peer-to-peer) relations, in all of its education programs and activities.

### **(C) *Applicability***

This Policy applies to allegedly aggrieved students who were participating or attempting to participate in UNE's education program or activity at the time of the alleged discrimination. The standards for behavior and prohibitions covered by this Policy apply broadly to the entire University community, including all trustees, employees, the student body (graduate and undergraduate), vendors, volunteers, alumni, prospective students, prospective employees, and visitors to campus. This includes guests, patrons, independent contractors, or clients of the University of New England. This Policy prohibits discrimination in any University education program or activity, which means all academic, educational, extracurricular, athletic, and other programs.

The term "education program or activity" includes all University operations, including locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the conduct occurs, and any building owned or controlled by a student organization that is officially recognized by the University.

- When the reported conduct by a student involves conduct by an employee or students that involves sex discrimination, which, again, includes sex-based harassment covered under Title IX and the [University Of New England's Title IX Grievance Policy For Students](#). The investigation and grievance process outlined in that policy will be used and can be found in the Student Handbook or online at <https://www.une.edu/title-ix> .

- When a student's reported conduct alleges discrimination (other than sex discrimination) covered by this Policy, the investigation and grievance process set forth in this Policy will be used.
- To the extent that alleged misconduct by a student implicates the University's, a College's, or a Program's Professional Codes of Conduct, the matter may be, but is not required to be, referred for adjudication under the applicable progression or conduct board or committee proceedings following an investigation and hearing under this Policy-This referral to a professional code of conduct board may occur even if no determination of responsibility is found under this Policy.
- When the reported conduct alleges discrimination by an employee, the investigation in the University's Personnel Handbook will apply. These grievance procedures are set forth in Appendix A and Appendix J of the Personnel Handbook. The complete Personnel Handbook can be found here: <https://www.une.edu/hr/policies>.

Whatever process is followed, any behavior by either Party during the investigation or adjudication process that might constitute a violation of any UNE policy or code of conduct may be adjudicated at the same time by the body adjudicating the underlying complaint.

#### ***(D) Jurisdiction of Policy***

This Procedure applies to all forms of discrimination (other than sex discrimination) occurring under the University's Education Program or Activity. Generally, the jurisdiction of the University to take disciplinary action shall be limited to conduct which occurs on University premises, at off-campus University sponsored, supervised, or related activities, at affiliated and clinical sites, internships, student teaching, applied learning, such as, but not limited to, online course experiences, on the UNE international campuses, or on Study Abroad Programs, and which violates the University Student Conduct Code and/or creates a potentially hostile learning environment.

In addition, any off-campus conduct that contributes to the alleged discrimination that disrupts the educational environment and/or the mission or objectives of the University or that results in another student being excluded from participating in or enjoying the benefits of UNE's education program or activity may be acted upon by the University. Information posted or shared online, including social media, that violates the University Student Conduct Code, the Faculty Handbook, the Personnel Handbook, or any other applicable UNE policy and/or creates a potentially hostile learning or work environment may also be acted upon by the University.

The University is committed to addressing and remedying discrimination, including harassment and retaliation within its Education Program or Activity, even when some of the alleged misconduct occurred outside UNE's Education Program or Activity or outside of the United States.

UNE's Senior Director for Title IX and Civil Rights Compliance will evaluate and assess all complaints of discrimination to determine which policy applies. UNE will communicate all such decisions regarding application of the appropriate policy in writing to the Complainant. The University reserves the right to

complete any investigation and/or disciplinary process started while a student is enrolled, even if a student withdraws, graduates, or otherwise leaves the University. Similarly, UNE reserves the right to conduct any employment-related investigation.

### ***(E) Academic Freedom and Freedom of Expression***

The University is committed to protecting, maintaining, and encouraging both freedom of expression and the academic freedom of inquiry, teaching, service, and research. However, these freedoms come with a responsibility that all members of the education community benefit from these freedoms without intimidation. In recognition and support of academic freedom for faculty in the pursuit of teaching, academic freedom and freedom of expression shall be strongly considered in investigating and reviewing complaints and reports of discrimination. However, raising issues of academic freedom and freedom of expression will not excuse behavior that constitutes a violation of the law or this Policy.

## **I. REPORTING DISCRIMINATION TO THE INSTITUTION**

### ***(F) Reporting Options***

#### ***Who can I report a Complaint to?***

The Senior Director of Title IX and Civil Rights Compliance/Title IX Coordinator (Hereafter Director) is the individual designated by the President with responsibility for providing education and training about discrimination to the University community and for receiving and investigating reports and complaints of discrimination, harassment, and retaliation in accordance with this Policy.

Anyone who reports what they believe constitutes an incident of discrimination as defined above will be assisted in understanding their reporting and complaint options and will not be forced to make any type of report or complaint, unless that person is in a “responsible person” as is defined below, such that they are required to make a report. UNE, however, always reserves the right to investigate any report.

Except for any person who is required to make a report, any person making a report may be asked to, but is not required to, put their report in writing. While some UNE employees are mandated reporters, as explained below, anyone may report under this Policy regardless of whether the reporting person allegedly experienced the violation or is a member of the University community. Reports can be made in person, by mail, by telephone, online, or by electronic mail, using the contact information listed for the Senior Director of Title IX and Civil Rights Compliance/Title IX Coordinator or by any means that results in the Director receiving the person’s verbal or written report. A report may be made at any time (including during non-business hours) by using the telephone number, email, online reporting link (<https://www.une.edu/title-ix/reporting>), or mailing address listed for the Director or other persons familiar with this Policy, including:

**Angela Shambarger**

*Senior Director of Title IX and Civil Rights Compliance*

[ashambarger@une.edu](mailto:ashambarger@une.edu) | 207-221-4554

The Office of Title IX and Civil Rights Compliance  
Human Resources Office (both campuses)  
11 Hills Beach Road, Biddeford, ME 04005 and  
716 Stevens Avenue, Portland, Maine, 04103.

#### Deputy Coordinators with Responsibilities for Student or Employee Conduct

<b>Ray Handy</b>	Associate Dean of Student Affairs	207-221-4213	<a href="mailto:rhandy@une.edu">rhandy@une.edu</a>	For complaints involving students
<b>Shaylah Kelly</b>	Senior Employee Relations and Talent Development Manager	207-602-2524	<a href="mailto:skelly14@une.edu">skelly14@une.edu</a>	For complaints involving employees

The Associate Vice President of Human Resources & Chief Human Resources Officer for the University of New England is Bobbie Kallner, 207-602-2339, [bkallner@une.edu](mailto:bkallner@une.edu), Human Resources Office, both campuses, 11 Hills Beach Road, Biddeford, Maine 04005 and 716 Stevens Avenue, Portland, Maine, 04103.

The Director/ Deputy Title IX Coordinators will:

- Provide oversight of any investigation of claims of discrimination, harassment, or retaliation in violation of this Policy;
- Be available to assist any individual in accessing the resources of the University or the community in the event of any complaint under this Policy;
- Assist anyone who wishes to report a crime to local law enforcement.

#### **Confidential Resources**

Individuals may disclose incidents and seek support in a confidential manner to a “confidential employee” as defined below. A disclosure to a confidential resource in that person’s capacity as a confidential resource does not constitute a report to the University or a complaint that will trigger an investigation or adjudication under this Policy unless the person who reveals the alleged misconduct consents to the further disclosure to UNE or unless the law supersedes the confidential employee’s professional duties and mandates a report.

Individuals may also file anonymous reports that can be anonymous on the University’s Title IX and Civil Rights Compliance webpage using the anonymous reporting feature here: <https://www.une.edu/title-ix/reporting>. Individuals filing an anonymous report must understand that while UNE may act on such reports, UNE’s investigation may be impacted by the fact that a report is anonymous.

A “confidential employee” is:

- A UNE employee whose communications are privileged or confidential under Federal or State law. The employee's confidential status, for purposes of this part, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies.

As noted above, individuals may disclose incidents and seek support in a confidential manner to a confidential employee.

### ***Mandated Reporting***

Any “responsible employee” as defined below of the University who is not by law, licensure or University regulation a confidential employee must forward any report of discrimination to the Senior Director of the Office of Title IX and Civil Rights Compliance (“the Director”) or a Deputy Title IX Coordinator as soon as possible after receiving it. A “responsible employee” is one who either has authority to institute corrective measures on behalf of UNE or has responsibility for administrative leadership, teaching, or advising in UNE’s education program or activity and includes faculty, coaches, administrators, security officers, advisors, professional staff managers, RAs, and other employees involved in promoting student welfare.

All other employees are required to either make a report or provide the contact information of the Director or a Deputy Title IX Coordinator and information about how to make a complaint of discrimination to any person who provides the employee with information about conduct that reasonably may constitute discrimination.

If a responsible employee receives or becomes aware of a report or incident covered by this Policy, if possible before receiving all information, the responsible employee should be clear with the Complainant that (1) they are not a confidential resource, if they are not so designated, and (2) they are obligated to report any incident to the Senior Director of the Office of Title IX and Civil Rights Compliance.

### ***Timeline for Reporting a Complaint of Discriminatory Harassment***

Complaints and reports of discrimination or discriminatory harassment should be reported as soon as possible after the incident(s) in order to be most effectively investigated, though there is no time limit on reporting violations under this Policy. If a Respondent is no longer affiliated with the University (as a student or employee), the University may still provide reasonably available supportive measures to the Complainant, assist the complainant in identifying external reporting options, may investigate and adjudicate the alleged misconduct, and take other appropriate action to address the reported conduct.

### ***Format of the Complaint***

Complaints can be an oral or written request to the University that objectively can be understood as a request for UNE to investigate and make a determination about alleged discrimination at the institution.



### ***(G) Disability Accommodations***

This Grievance Procedure does not alter any institutional obligations under applicable federal state, and/or local disability laws, including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, among others. Parties may request reasonable accommodations for disclosed disabilities to the Senior Director of the Office of Title IX and Civil Rights Compliance at any point before or during this Grievance Procedure that do not fundamentally alter the Procedure. The Director will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

If the Complainant or Respondent discloses a disability, the Director or designee may consult, as appropriate, with the University's Student Access Center to provide support to Students with disabilities to determine how to comply with applicable law including, without limitation, Section 504 of the Rehabilitation Act of 1973 in the implementation of any Supportive Measures, or any other reasonable accommodations requested during the Grievance Procedure.

### ***(H) False Claims***

It is a violation of this Policy to knowingly make false statements or to knowingly submit false information during any process covered under this Policy. In such instances, the parties may be subject to disciplinary action, which may be determined by the body adjudicating the underlying allegation(s). The level of discipline will depend on the severity of the false claim or information as well as professional codes that may apply to the person and may include, but is not limited to, probation, suspension, expulsion, or termination.

Failure to prove a claim of discrimination, harassment, or sexual misconduct does not constitute proof of a false and/or malicious accusation.

### ***(I) Retaliation***

When UNE receives information about conduct that reasonably may constitute retaliation, UNE will investigate and apply this Policy as appropriate. Upon receiving a complaint alleging retaliation, UNE will initiate the grievance procedures under this Policy, or, as appropriate, an informal resolution process. If the complaint is consolidated with a complaint of sex discrimination, including sex-based harassment, involving a student complainant or student respondent, the grievance procedures initiated by the consolidated complaint will comply with the [University of New England's Title IX Grievance Policy for Students](#).

If you believe that you or another person has been the subject of retaliation, please contact the Director or one of the Designated Deputy Title IX Coordinators as soon as possible.

### ***(J) Sanctions for Violation of this Policy***

Any Party found responsible for violating this Policy may be subject to disciplinary sanctioning. Sanctions are determined on a case-by-case basis.

Any student found responsible for any element of this Policy will be referred to and disciplined in accordance with the University of New England Student Conduct Code as outlined in the [University Student Handbook](#), an applicable academic professional code, and any other applicable policy.

Any employee of the University found responsible for any element of this Policy will be referred to and disciplined in accordance with the University Personnel Handbook, the Faculty Handbook, and any other applicable policy. ([See Appendix A, “Non-Discrimination Grievance Procedure for Employees”](#))

## **II. GRIEVANCE PROCEDURE FOR COMPLAINTS OF DISCRIMINATION**

### ***(K) Initial Assessment Upon Receipt of a Report and Filing of Complaint by the Senior Director of Title IX and Civil Rights Compliance***

When the Senior Director of Title IX and Civil Rights Compliance or their designee, (hereafter “Director”), receives a report of a potential violation of this Policy, the Director will reach out to the person allegedly aggrieved to explain options for proceeding with a complaint, the potential for informal and formal resolution of a complaint, and the availability of offer supportive measures. At that time, the Director will conduct an initial assessment of the reported information. The initial assessment seeks to gather information only to determine whether this Policy applies and what form of resolution is reasonably available and appropriate. The initial assessment is not an investigation of responsibility. The initial assessment may also include a determination as to whether a timely warning pursuant to the Clery Act is necessary to protect the safety of the Complainant or any other individuals.

In receiving a report under this Policy, the University will make all reasonable efforts to protect the privacy rights of the Complainant, the Respondent, and the witnesses in a manner consistent with the University’s legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations required by law. A Complainant can request verbally or in writing to have their report processed as a “Formal Complaint” through the process outlined within this policy.

The University will, whenever possible, honor the Complainant’s wishes with respect to supportive measures and seek to respect the Complainant’s autonomy in making a determination regarding how to proceed. The University, however, reserves the right to take whatever action it deems necessary to enforce this Policy, which is intended to assist UNE in preventing and remedying discrimination, including hostile

environments. For example, whether a hostile environment exists is not necessarily dependent only on the expressed concerns of the Complainant.

Any request for confidentiality must be balanced against the University's obligation to provide a safe and non-discriminatory environment for the entire University community. The University may also be severely limited in its ability to adjudicate a claim and take action against a Respondent if strict confidentiality is maintained. The Director, the Director of Safety and Security, the Chair of the CARE Team, and/or their designee(s) shall be responsible for evaluating all requests for confidentiality and will consider the severity of the alleged conduct, the ages of the parties, any pattern of misconduct, and the rights of the Respondent in assessing whether such a request can be honored.

Where a risk of imminent harm to an individual or others or a threat to the physical health and safety of the campus is determined to exist, the University may need to take immediate action upon receipt of a report under this Policy and the Director may need to initiate a formal complaint against a Complainant's wishes. In such cases, the Director will notify the Complainant and keep the Complainant informed of the status of the investigation and resolution of the complaint at reasonable intervals.

As part of the initial assessment phase, the Director will determine whether the alleged conduct, if true, falls under this Policy. If the alleged conduct falls outside of this Policy, the University will then assess whether the alleged conduct, if true, would amount to a violation of another policy. If the complaint proceeds to a formal investigation under either this Policy or another policy and the investigation reveals that the wrong policy was initially applied, the conduct was incorrectly placed within either Policy, the University will transfer the complaint to the appropriate process for resolution or dismiss the complaint, as appropriate.

### ***(L) Consolidation of Complaints***

UNE may consolidate Complaints of discrimination against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party, when the allegations of discrimination arise out of the same facts or circumstances. When more than one Complainant or more than one Respondent is involved, references below to a Party, Complainant, or Respondent include the plural, as applicable.

### ***(M) Allegations Potentially Falling Under Two Policies***

If the alleged conduct, if true, includes conduct that would constitute a violation of this Policy and conduct that would constitute a violation of another policy, the Non-Discrimination Grievance Process in this Policy will be applied in the investigation and adjudication of all of the allegations, unless, as provided above, the allegations include claims of sex discrimination.

### ***(N) Providing Supportive Measures***

Supportive measures may be imposed to remedy or stop discrimination and are individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to: (1) Restore or preserve that party's access to UNE's education program or activity, including measures that are designed to protect the safety of the parties or UNE's educational environment; or (2) Provide support during UNE's grievance procedures or during the informal resolution process.

The University will make available reasonable and appropriate supportive measures, which may be modified or terminated at times, including at the conclusion of the grievance process or the informal resolutions process. They may also be continued beyond the conclusion of either process. Either a Complainant or a Respondent may seek additional modification or termination of a supportive measure applicable to them.

More restrictive supportive measures are typically only available if there is an articulable factual foundation that would support taking such a measure and is interim in nature while the investigation is pending unless voluntarily agreed to by the restricted party. Below are examples of Supportive Measures that may be appropriate so long as they consistent with this Policy:

- Facilitating access to counseling and medical services;
- Assistance in arranging rescheduling of exams and assignments and extensions of deadlines;
- Academic supports;
- Assistance in requesting accommodations through the appropriate office, if the Complainant or Respondent qualifies as an individual with a disability;
- Changes in class (including the ability to transfer course sections or withdraw from a course), work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative;
- Escort and other safety planning steps;
- Increased security and monitoring of certain areas of the campus;
- Mutual imposition of a "no contact order," an administrative remedy designed to curtail contact and communications between two or more individuals;
- Voluntary leave of absence;
- Referral to resources to assist in obtaining a protective order;
- Referral to resources to assist with any financial aid, visa, or immigration concerns; or
- Training and education programs related to discrimination;
- Any other remedial Supportive Measure that does not unreasonably interfere with either party's access to education or employment opportunities can be used to achieve the goals of this Policy.

- Emergency removal of a Student Respondent
- Paid or unpaid administrative leave for the Employee Respondent;
- Withdrawal from sponsored research projects;
- Exclusion from all or part of campus housing;
- Exclusion from specified activities or areas of campus;
- Prohibition from participating in student activities or representing the University in any capacity, such as playing on an official team; serving in student government; participating in a recognized student organization; or participating in academic honor ceremonies;
- Interim suspension; or
- Any other protective restrictive measure that can be used to achieve the goals of this Policy.

The University will also work in good faith to implement the requirements of judicially issued protective orders and similar orders, to the extent that doing so is within its authority.

To be clear, supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties or UNE's educational environment or to provide support during the UNE's grievance procedures or during the informal resolution process. UNE must not impose such measures for punitive or disciplinary reasons.

### ***(O) Challenges to Supportive Measures***

Either a Complainant or a Respondent may seek modification or reversal UNE's decision to provide, deny, modify, or terminate supportive measures applicable to them. Students may seek such modification or reversal by appealing to the Vice-President of Student Affairs/Dean of Students. Employees may seek such modification or reversal by appealing to the Associate Vice-President of Human Affairs/Chief Human Resources Officer. In either case, as applicable, the Vice-President of Student Affairs/Dean of Students or the Associate Vice-President of Human Affairs/Chief Human Resources will have the authority to modify or reverse the initial decision if they determine that the initial decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition and purpose of supportive measures as set forth above.

### ***Process for Review of Supportive Measures***

The University provides for a Complainant or Respondent to seek modification or reversal of the University's decision to provide, deny, modify or terminate a Supportive Measure. Grounds for challenge of Supportive Measures include, but are not limited to:

- Whether a Supportive Measure is reasonably burdensome;

- Whether a Supportive Measure is reasonably available;
- Whether a Supportive Measure is being imposed for punitive or disciplinary reasons;
- Whether the Supportive Measure is being imposed without fee or charge; and
- Whether the Supportive Measure is effective in meeting the purposes for which it is intended, including to restore or preserve access to the Education Program or Activity, provide safety, or provide support during the Grievance Procedure.

Request for a modification or reversal of a supportive measure must be timely and should be submitted in writing within **ten (10) business days of receiving the initial notice of the implementation of the supportive measure**. This review will be conducted by an impartial employee of the University, who did not make the challenged decision on the original supportive measure request. The impartial employee of the University who makes this determination will have the authority to modify or reverse the decision if that impartial employee determines that the decision to provide, deny, modify or terminate the supportive measure was inconsistent with the procedures as outlined above for providing Supportive Measures.

Parties are only allowed to challenge their own individual Supportive Measures. Challenges by one Party will not be heard to Supportive Measures afforded to the opposite Party, unless that supportive measure directly impacts the Party making such challenge (i.e., two-way no contact orders).

### ***(P) Applicable Procedures Under This Policy***

Once a complaint has been received by the Director or their Designee, as set forth above, the following steps will be taken:

- The Director of Title IX and Civil Rights Compliance/Title IX Coordinator or designee (hereafter referred to as the Director) will meet with the Complainant and conduct an initial assessment. As part of the initial assessment, the Director will determine whether the University has jurisdiction and which policy (or policies) and grievance process applies. The Complainant may be asked but is not required to provide a statement of the allegations in writing.
- If the allegations in the complaint would constitute a violation of the discriminatory harassment provisions of this Policy and/or the Student Conduct Code if proved, then the Director will coordinate with the Director for the Office of Student Resolutions to coordinate the investigation in a manner consistent with the Student Handbook and this Policy. The Director will assign the person who will serve as the investigator of alleged violations under this Policy as well as any allegations consolidated in accordance with this Policy.
- The Director will issue a letter to the Respondent outlining (1) the nature of the alleged violation, (2) the date of the reported incident, (3) the specific sections of the Policy and/or Student Conduct Code and/or applicable professional codes of conduct the Respondent is alleged to have violated. and (4) their opportunity to attend a meeting to discuss the potential violation. The Director may

also meet with the Respondent in person to inform the Respondent of the allegations and provide access to resources for support prior to issuing the written notice of allegations.

- A Respondent may elect not to participate in the University process as that is their legal right. However, failure to provide information to the Director or to otherwise not participate in the process as it moves forward will not stop the University's investigation and grievance process from proceeding according to the provisions of this policy.

### ***Investigations***

- The Investigator will be provided with the information obtained from the Complainant and/or the Respondent. The Investigator may meet with and interview both parties and provide both parties with the opportunity to identify witnesses and or documents such as texts or other electronic media that either party would like the Investigator to interview or to consider as evidence.
- The Investigator has the discretion to determine the order in which the Investigator interviews the parties and witnesses. The Investigator may also meet with either party or any of the witnesses more than once.
- During the interviews, the Complainant and the Respondent may both choose to have an advisor and/or a support person with them. The advisor may be a member of the UNE community and not an attorney. The advisor is there for support and may not address the Investigator, except to seek clarification of the process. If the advisor is in any way disruptive of the investigatory process, the investigator shall ask the advisor to leave the room and the process shall not continue until they have done so.
- The Investigator will seek to gather other relevant information or evidence, including documents, photographs, communications, card swipe records, video evidence, and electronic records. The investigator may visit relevant sites and locations. The Investigator may also consider publicly available social media or online sources, though will generally not actively monitor online information. The Investigator may, in certain cases, consult with witnesses who have subject matter expertise related to issues involved in the investigation (e.g. medical professional to opine on physical injury). Character witnesses are not permitted. The Investigator has the discretion to determine which witnesses to interview and what evidence to collect, as well as to determine the relevance of such information. Both parties may submit questions to the investigator that they want asked of the other party and/or witnesses by the Investigator. The Investigator has the discretion to determine the relevance of any questions posed and, therefore, which questions to ask.

### ***Investigation Report***

- The Investigator will issue a report of their forth findings of fact, which shall include assessments of credibility where called for. Based on those findings of fact and the applicable provisions of University policy, the Investigator will make a recommended finding based on the preponderance

of the evidence standard as to whether or not the Investigator finds the Respondent responsible for each of the allegations of violation of University policy set forth in the letter of specific allegations sent to the Respondent prior to the start of the investigation. The Investigator shall not make any recommendation as to possible sanctions.

The Report will be submitted to the Director of Student Resolutions. The Investigator will work with the Director of Student Resolutions to assist as necessary with the Director of Student Resolutions' determination as to what resolution process set forth in the [Student Handbook](#) will be followed.

- If the alleged facts, even if substantiated, would not meet the specific policy elements of conduct that is prohibited by this Policy, the Investigator may either (1) dismiss the complaint or (2) refer the complaint for resolution under a separate University policy and process, as applicable. If the investigator dismisses the complaint, the parties shall have the opportunity to appeal the dismissal decision by initiating the appeal process provided for in the [Student Handbook](#).