

## **MAINE COLLEGE OF ART**

### **SEXUAL MISCONDUCT, ANTI-DISCRIMINATION and ANTI-HARASSMENT POLICY AND PROCEDURES AND SERVICES**

revised, 07.26.2018

#### **Policy**

Maine College of Art will not tolerate any behavior that constitutes sexual misconduct, including sexual assault, dating violence, domestic violence and stalking, or any conduct that constitutes harassment or discrimination by members of the College community or its guests or vendors. The College believes that sexual misconduct, discrimination and harassment threaten human dignity, undermine the integrity of the entire community and represent a failure in ethical and professional behavior. Maine College of Art takes all claims of sexual misconduct, harassment and discrimination very seriously, and follows the same procedures for reporting and investigating all forms of sexual misconduct, harassment and discrimination. This policy applies to all members of the Maine College of Art community including trustees, students, faculty, employees, staff, volunteers, invited guests or vendors. In addition to any consequences that may arise from a violation of the Maine College of Art's policy against sexual misconduct, harassment and discrimination, any person who engages in any form of conduct in violation of this policy may also be subject to civil and/or criminal liability. This conduct is prohibited by Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act as amended in 2008 and the Maine Human Rights Act.

The College reserves the right, in its sole discretion, to make changes to this policy and the associated procedures at any time. The College community will be promptly notified of any such changes.

#### **Title IX Coordinator**

The Title IX Coordinator for Maine College of Art is Beth Elicker, Executive Vice President of the College. She can be reached at 207-699-5045 or [belicker@meca.edu](mailto:belicker@meca.edu). Any complaints or concerns about sexual misconduct, including sexual assault, dating violence, domestic violence or stalking should be reported as soon as possible to Beth Elicker. Any other member of the faculty or staff who receives a report of any form of sexual misconduct must report it as soon as possible to Beth Elicker.

#### **I. Definitions**

##### **A. Harassment**

Harassment means oral, written, graphic or physical conduct relating to an individual's personal characteristics including but not limited to gender, gender identity, gender expression, sexual orientation, disability, genetic information, HIV status, race, age, religion, national or ethnic origin, or military/veteran's status, with the intent or effect of substantially interfering with the victim's education or employment, or creating an intimidating, hostile or offensive environment. Prohibited harassment may include, for example, racial, religious or ethnic slurs, negative comments about surnames, nicknames emphasizing stereotypes, and/or the imitation of a person's mannerisms, speech, or movements.

##### **B. Non-Discrimination**

It is the policy of Maine College of Art not to discriminate on the basis of gender, gender identity, gender expression, sexual orientation, disability, genetic information, HIV status, race, age, religion, national or ethnic origin, or military/veteran's status in its educational programs, admissions policies, employment policies, financial aid, or other College-administered programs. This policy is enforced by Federal Law

under Title IX of the Education Amendments of 1972, Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. It is also enforced under Maine law through the Maine Human Rights Act at 5 M.R.S.A. section 4551 et. seq.

### C. Sexual Harassment

Sexual harassment is defined under Title IX and the Maine Human Rights Act as unwelcome sexual advances; requests for sexual favors; sexual contact, gestures or comments; or other physical or verbal conduct of a sexual nature. Current law provides that such conduct is unlawful when:

- i. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational benefits;
- ii. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or
- iii. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or professional performance or creating an intimidating, hostile or offensive employment or educational environment.

In line with its policy on sexual harassment, the College condemns the sexual exploitation of professional relationships among and between faculty, students, administrative staff and/ support staff. All faculty and staff should be aware that consenting romantic or sexual relationships may constitute sexual harassment under this policy. Because of the power differential in such relationships, it should not be assumed that consent will act as a defense against a claim of sexual harassment.

The College requires that a faculty or staff member in a romantic or sexual relationship with an individual over whom they exercise any form of authority or decision-making must act immediately to eliminate this conflict of interest by removing him/herself from any decision affecting the other individual, including but not limited to grading, evaluating, supervising or in any way influencing any of the terms or conditions of that individual's education and/or position of employment. Faculty members should report such a relationship to the Dean of the College and work with the Dean to eliminate the conflict of interest as soon as possible. Staff members should report such a relationship to the Executive Vice President or their supervising Vice President for the same purpose.

All new faculty, staff and students are required to participate in sexual harassment training at the beginning of the academic year. In addition, returning faculty, staff and students are strongly encouraged to participate in the training. Maine College of Art also sends a written notice of its sexual harassment policy to the entire College community on an annual basis.

### D. Sexual Assault or Sexual Violence

Sexual Assault or Sexual Violence is having or attempting to have sexual intercourse with another individual: (1) by use of force or threat; (2) without effective consent; or(3) where the individual is incapacitated or physically or mentally unable to make informed or reasonable judgments. For purposes of this definition, sexual intercourse includes vaginal, anal or oral penetration, no matter how slight, with any body part or object, or oral penetration involving any form of mouth to genital contact. For purposes of these policies, Sexual Assault or Sexual Violence includes rape, fondling, incest or statutory rape as those crimes are defined by the FBI Uniform Crime Reporting Program. This definition conforms to the Clery Act definition and the definition of rape under Maine law.

#### E. Non-Consensual Sexual Contact

Non-Consensual Sexual Contact is contact with the intimate parts of another individual for the purposes of sexual gratification through the (1) the use of threat or force; (2) without effective consent or (3) where the individual is incapacitated or physically or mentally unable to make informed, reasonable judgments.

#### F. Sexual Exploitation

Sexual Exploitation is taking non-consensual or abusive sexual advantage of another for one's own benefit or the benefit of anyone other than the individual being exploited. Sexual exploitation may also include but is not limited to: (1) secretly observing the sexual actions of another or allowing others to secretly observe the sexual activity without the knowledge or consent of the other party; (2) sharing visual images, audio recordings, or videos of another individual without consent; (3) causing an individual to prostitute him or herself through force, intimidation or coercion of any kind; and (4) knowingly exposing another individual to a sexually transmitted disease without their knowledge.

#### G. Dating Violence

Dating Violence is violence by a person who has been in a romantic or intimate relationship with the complainant. The determination of whether there was a "social relationship of a romantic or intimate nature" is based on the complainant's characterization of the relationship, the length and type of the relationship, and the frequency of the interaction between the parties. The use of terms such as "hooking up" or "hanging out" instead of "dating" is not determinative. Under this definition "hooking up" or "hanging out" or other such phrases may qualify as "dating." Emotional and psychological abuse is not encompassed in this definition but will be considered under Harassment and/or Stalking. Dating violence also does not include Domestic Violence.

#### H. Domestic Violence

Domestic Violence includes asserted violent misdemeanor and felony offenses committed by the complainant's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

#### I. Stalking

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his or another's safety, or to suffer substantial emotional distress. "Course of conduct" means two or more acts, including but not limited to acts in which the stalker directly or indirectly, or through third parties, by any action, method, device or means follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property. "Reasonable person" means a person under similar circumstances and with similar identities as the complainant. "Substantial emotional distress" means a significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

#### J. Consent

Consent is the affirmative, unambiguous and voluntary agreement to engage in a specific sexual activity during a sexual encounter. Consent given at the start of sexual activity may not be understood to apply to each individual sexual action during the encounter. Each party must clearly consent to each act during the sexual encounter.

- Consent may not be inferred from silence.
- Consent is not voluntary if it is induced by force, threat or deception.

- An individual who is incapacitated by drugs or alcohol, who is asleep, blacked out or unconscious, or otherwise physically or mentally incapacitated is not capable of consent and consent may never be assumed. Acts of sexual misconduct and the failure to obtain consent are never excused by incapacitation because of drug or alcohol consumption.
- Consent may be withdrawn at any time and if it is, sexual activity of any kind must stop. Consent to one form of sexual activity does not constitute consent to all forms of sexual activity, and consent to sexual activity with one person does not equal consent to engage in sexual activity with anyone else.
- Maine law on consent: Minors who are 14 or 15 cannot legally consent to sexual activity if the other party is at least five (5) years older. Minors under 14 can never legally consent to sexual activity. Such sexual acts are felonies under Maine law.

#### K. Retaliation

Retaliation is generally any action that would deter a reasonable person from opposing or reporting the practices prohibited by this Policy. Such actions would include but are not limited to threats, intimidation or coercion. Retaliation by the College, any individual or any group against any person who reports a possible violation of this Policy or who attempts to intercede to prevent any violation of this Policy or who participates in any way in the hearing process under this Policy is prohibited and will result in disciplinary action.

### **SCOPE**

#### APPLICABILITY

The College's Sexual Misconduct, Non-Discrimination and Anti-Harassment Policy applies to all faculty, trustees, staff, administrators, supervisors, employees, students, vendors, volunteers and visitors to campus. This includes guests, patrons, independent contractors, or clients of the College. This Policy prohibits sexual misconduct, sexual harassment and discrimination in any College program or activity, which means all academic, educational, co-curricular, extracurricular, and other programs.

#### OFF-CAMPUS PROGRAMS

Off-campus programs and activities are covered by this policy and include, but are not limited to, study abroad programs, internships, participation in affiliated programs, student teaching, and applied learning such as on-line courses. Faculty, staff, administrators, supervisors, employees, volunteers and students who feel that they have experienced sexual misconduct, including sexual assault, dating violence, domestic violence or stalking, discrimination and/or harassment while participating in off-campus programs and activities should immediately report such incidents to the program director, the Director of Student Life, and/or the Title IX Coordinator who is Beth Elicker. Non-College visitors, guests, patrons, independent contractors or clients who fail to address sexual misconduct, discrimination and/or harassment by their personnel on College premises of which they have knowledge or should have had knowledge may be subjected to whatever sanctions the relationship with the College permits and the College deems appropriate in order to protect the members of the College community.

## EMPLOYMENT DECISIONS

This policy is not meant to address differences in opinion regarding validity of employment determinations such as salary recommendations, promotion and tenure decisions, performance evaluations, hiring decisions, job classification decisions, transfers or reassignments, termination or layoff because of lack of work or elimination of a position, and normal supervisory counseling. Furthermore, this policy does not intend to address behaviors that do not constitute sexual misconduct, discrimination or harassment. Offensive workplace behavior that does not violate this policy should be addressed to the appropriate supervisor or office.

## ACADEMIC FREEDOM AND FREEDOM OF EXPRESSION

The College 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, harassment or sexual misconduct. However, raising issues of academic freedom and freedom of expression will not excuse behavior that constitutes a violation of the law or the College's Sexual Misconduct, Anti-Discrimination and Anti-Harassment Policy.

## RESPONSIBILITY OF SUPERVISORS AND OTHERS IN POSITIONS OF AUTHORITY

No individual who is in a position of authority over another, either in the employment or educational context, has the authority to discriminate against, harass or engage in acts of sexual misconduct by virtue of his or her role. The College does not in any way, expressly or impliedly, condone sexual misconduct, including sexual assault, dating violence, domestic violence or stalking, discrimination or harassment by any employee or person in a position of authority, including an administrator, or a supervisor. Furthermore, a supervisor, administrator, faculty member, or person in a position of authority who does not appropriately handle reports or incidents of sexual misconduct, discrimination and/or harassment, or who does not report incidents about which he/she becomes aware to Beth Elicker, the Title IX Coordinator may be subject to disciplinary action. All members of the College community, including students, contract vendors, trustees, employees and others should report any sexual misconduct, discrimination and/or harassment that they experience and/or observe to the Title IX Coordinator. No MECA community member should assume that an official of the College knows about any particular situation of concern involving sexual misconduct, discrimination or harassment. All incidents must be reported to Beth Elicker, Title IX Coordinator.

## RESPONSIBLE EMPLOYEES

Any employee of the College who is responsible in any way for student welfare and who is not by law, licensure or College regulation designated as a confidential resource, must report any report of discrimination, harassment or sexual misconduct to Beth Elicker, the Title IX Coordinator. This definition of "responsible employee" includes faculty, administrators, security officers, advisors, staff, RAs and other student employees involved in promoting student welfare.

If a responsible employee receives a report or a complaint of a possible violation of this Policy, before hearing it fully, the responsible employee should be clear with the person making the report or complaint

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 Title IX Coordinator.

## II. Guidance for Reporting a Violation of the Sexual Misconduct, Anti-Discrimination and Anti-Harassment Policy

- A. Counseling resources are available to anyone who thinks that he or she has been the victim of harassment, discrimination, and/or sexual misconduct, including sexual assault, dating violence, stalking, or domestic violence. Individuals can contact an advocate at one of the confidential resources listed below as a first step in seeking help. These resources provide consistent support and information, exploration of options, connection with local resources, safety planning, and help with legal options and medical attention.
- B. Confidential Resources:
  - a. Counseling & Wellness: The College has on-site licensed counselors available weekdays for free and confidential counseling. Appointments may be scheduled by emailing [counseling@meca.edu](mailto:counseling@meca.edu). After hours and on weekends, students may call the Student Life On-Call Phone 207-228-3474 to request to talk with a counselor or to be referred to other resources and services.
  - b. The Maine Coalition to End Domestic Violence: Offers 24-hour free confidential support, advocacy and resources for those affected by relationship abuse available by phone at 1-866-834-4357 and on their website at [www.mcedv.org](http://www.mcedv.org).
  - c. The Maine Coalition Against Sexual Assault: Offers 24-hour free confidential support, advocacy, and resources for anyone affected by sexual assault, stalking, or sexual harassment available at 1-800-871-7741 and on their website at [www.mecasa.org](http://www.mecasa.org).
  - d. Sexual Assault Response Services of Southern Maine: Offers 24-hour free confidential crisis response, support and advocacy for anyone affected by sexual assault, stalking or sexual harassment at 1-800-313-9900 or at [www.sarsonline.org](http://www.sarsonline.org).
  - e. Maine Medical Center Emergency Department: 662 Bramhall Street, 207-622-0111.
- C. Other Resources:
  - a. Beth Elicker, Title IX Coordinator, [belicker@meca.edu](mailto:belicker@meca.edu), 207-699-5045.
  - b. Student Life: [studentlife@meca.edu](mailto:studentlife@meca.edu), 207-699-5035 (during office hours), or 207-228-3474 (24/7).
  - c. Portland Police Department: Contact 911 for emergencies or 207-874-8575 for non-emergencies.

B. Making A Report or Complaint. Any individual in the College community, including a bystander or other third party, may make a report of a possible violation of this Policy and they are encouraged to do so. Whenever possible, reports should be made to the Title IX Coordinator, Beth Elicker. When reports are received by other Responsible Employees they will be forwarded to the Title IX coordinator. The Title IX Coordinator or other responsible administrator will explain to the person reporting the possible violation the options and resources available to the complainant or other person making the report. These options include filing a formal complaint, making a report to law enforcement, if appropriate, seeking immediate medical or counseling services, if needed and how to contact other support resources at the College and in the community. The College will assist the person reporting in accessing any of these options, including

reporting to law enforcement. If the person reporting ultimately chooses not to make a formal complaint, it may hinder the College's ability to take action to protect members of the College community. Please see below for the ability of the College to keep reports confidential. These general guidelines about making a report or a formal complaint apply regardless of whether the report is about an alleged violation by a student, a faculty member, a staff member, a guest, a vendor or the President of the College.

The College will make every effort to be sensitive to the personal needs and concerns of the complainant in reporting what may, in some cases, be very sensitive personal information, but must also balance this concern with the very important due process rights of the charged party.

C. Confidentiality. Complete confidentiality can only be granted by professional counselors, therapists or clergy. The College will, however, whenever possible, honor a request by the complainant for confidentiality. Any request for confidentiality must be balanced against the College's obligation to provide a safe and non-discriminatory environment for the entire College community. The College may also be severely limited in its ability to take action against a charged student if strict confidentiality is maintained. The Title IX Coordinator, the Vice-President of Academic Affairs/Dean of the College, and the Director of Student Life or the Vice-President of Institutional Advancement 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 charged student.

In any case where a report or a complaint discloses a serious, immediate or continuing threat to others in the College community, the College will issue a campus-wide alert. However, such an alert shall not contain any identifying information about the complainant. In addition, no information about the complainant will be released to the public in any fashion without the consent of the complainant.

The College reserves the right to investigate and resolve a report and/or complaint of discrimination, sexual misconduct and/or harassment regardless of whether the complainant ultimately desires the College to pursue the complaint. In such cases, the parties shall be informed of the status of the investigation at reasonable times until the College's final disposition of the investigation

The College may conduct any investigation of a report and/or complaint it deems necessary using trained College personnel or using a trained outside investigator.

D. Reporting alleged violations of this policy as soon as possible to the appropriate person is very important in order to help safeguard the well-being and rights of the complainant, the charged party and other members of the College community. Potential complainants, if they are able, should write down details of the incident(s) as soon after they occur as possible and be sure to note the names of any persons who may have been witnesses to the incident(s). After an initial report of an alleged violation is made the person making the initial report will be asked if he or she wishes to make a formal complaint as set forth in Section A. above.

- i. Reports and/or complaints about alleged violations by students should be made either to the Title IX Coordinator or to the Director of Student Life.
- ii. Reports and/or complaints about alleged violations by a faculty member should be made either to the Title IX Coordinator or to the Dean of the College.
- iii. Reports and/or complaints about alleged violations by staff, vendors or guests should be made to the Title IX Coordinator.
- iv. Reports and/or complaints about alleged violations by the President of the College should be made to the Title IX Coordinator who shall report the complaint to the Chair of the Board of Trustees.

v. Complaints about alleged violations of gender equity by the College in any of its programs in violation of Title IX should be made to the Title IX Coordinator.

vi. In all cases involving allegations of sexual misconduct or other criminal violations the College will also counsel the alleged victim of his or her right to report the incident to the police for criminal investigation. The College will also provide any student who wishes to make a report to law enforcement with assistance in doing so.

vii. In any case involving a counter complaint by the charged party against the original complainant the counter complaint should be made to the Title IX Coordinator as set forth above. Each complaint will be handled pursuant to the procedures set forth below.

E. Investigations. The College reserves the right, in its sole discretion, to use the services of an external professional to conduct investigations of alleged violations of this Policy.

F. Amnesty. The college seeks to remove any barriers to reporting. An individual who reports sexual harassment or misconduct, either as a Reporting Party or a third party, will not be subject to disciplinary action by the college for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The college may, however, initiate an educational discussion or pursue other educational or therapeutic remedies regarding alcohol or other drugs for those individuals.

### III. Reporting and Complaint Procedure

The College has established the following procedures to provide all members of the College community with the opportunity to seek internal resolution when they think there has been a violation of the sexual misconduct, anti-harassment and anti-discrimination policy.

#### A. Complaints Against Students

After the Director of Student Life (“Director”) receives a written or oral report or a formal complaint from the Title IX Coordinator or directly from a member of the Community, the Director or the Director’s designee will interview the complainant and request that the complaint be reduced to writing if the complainant wishes to make a formal complaint. The Director or designee will work with the complainant to assist in the writing of the complaint. Any sensitive descriptions of medical procedures or the personal pain or suffering the complainant may have gone through is not provided to the charged party. The report will only include the factual information needed by the charged party in order to be able to respond to the allegations made against him or her.

If the complainant makes a formal complaint, the Director or designee will review the complaint and if the Director determines there is a basis for the complaint under the Policy, the Director or designee will meet with the charged party, explain the allegations being made and request the charged party to make a written response to the allegations. The Director or designee will assist the charged party in making the written response. If the charged party does make a written response, the charged party will then be permitted to see a copy of the written summary complaint from the complainant. If the charged party does not make a written statement, the charged party is not entitled to see any written statement made by the complainant. The complainant will be given a copy of the charged party’s written statement, if the complainant has provided a written statement. The Director will discuss the anti-retaliation and confidentiality policies with both parties.

If the Director or designee determines there is no basis to the complaint under the Policy and declines to take any action against the charged party, the Director will provide both parties with a written decision to

that effect. The complainant may appeal that determination to the Vice President of Academic Affairs/Dean of the College. The appeal must be in writing and must be made to the Dean within seven days of the Director's decision not to act on the original complaint. The only grounds for the appeal are (a) there is additional factual information that was not available or otherwise could not have been provided when the Director made the decision to take no action or (b) that there was a significant procedural error that materially impacted the decision to take no action. The Dean will issue a decision within ten business days of the date on which the appeal was received. The decision of the Dean is final.

If either party thinks there is a conflict of interest in having to report to the Director of Student Life, either party can inform the Director of their specific concern and request the Director to excuse herself or himself from their case. If the Director agrees there is a conflict, the Vice President of Academic Affairs/Dean of the College will appoint someone to act in the place of the Director. If the Director does not agree there is a conflict, and either party continues to think there is, either party can appeal the conflict of interest decision to the Vice President of Academic Affairs/Dean of the College, who will make a final determination. If either party thinks there is a conflict of interest in dealing with the Vice President of Academic Affairs/Dean of the College, they may appeal that issue to the President of the College whose resolution of the conflict issue will be final.

#### Interim Measures

At any time after the receipt of the complaint the Director or designee, in consultation with senior administrators when appropriate, may take actions necessary to protect the safety of the parties or the community during the pendency of the investigation, including but not limited to changing class and/or work schedules, or issuing no-contact orders. The decision by the Director and/or a senior administrator to take such an action creates no presumption that the charged party has engaged in the alleged discriminatory or otherwise inappropriate conduct.

If it is necessary to gather additional information after meeting with both parties, the Director or designee has ten business days from the time the charged party receives notice of the complaint to conduct any further investigation of the complaint. PLEASE NOTE: This time frame and all others referred to in this policy may be extended for good cause by the Director or the Director's designee, and if a time frame is to be extended, both parties will be notified of the extension by the responsible administrative office of the College.

#### Possible Actions by the Director of Student Life

Informal Resolution: When the Director of Student Life thinks it appropriate and after consultation with both parties, the Director may suggest Informal Resolution to resolve the complaint.

**PLEASE NOTE: Informal resolution is never an option available to the Director when the complaint involves allegations of sexual misconduct even if both parties would agree to the process.**

During the Informal Resolution process the Director or the Director's designee will meet with both parties and may or may not meet with them together. A face-to-face meeting of the parties is not required. Either party may end the informal process at any time and request that the complaint be handled through the formal process. After the meetings, if the Director thinks it is appropriate, the Director will propose a possible resolution to both parties. If both parties agree to the resolution proposed by the Director, it will be put in writing and signed by both parties. If the parties do not agree to the resolution, or the Director otherwise decides it is appropriate to terminate the Informal Resolution process, the Director may then (1) impose discipline or (2) convene the Hearing Committee.

Imposition of Discipline: If the Director of Student Life or the Director's designee determines that the charged party has violated the anti-harassment and/or discrimination policies and has also determined that the Informal Resolution process is not appropriate or that the Informal Resolution process has been attempted and has failed, the Director may impose discipline for the violation of the policy. The Director may impose:

Disciplinary Warning

Disciplinary Probation

Disciplinary Suspension for two weeks or less (as defined in the Student Conduct Code)

Other remedies deemed appropriate by the Director without convening the Hearing Committee.

If either party disagrees with the Director's decision to impose a Disciplinary Warning, Disciplinary Probation or Disciplinary Suspension for two weeks or less, or another remedy deemed appropriate by the Director, either party may appeal the Director's decision to the Vice President of Academic Affairs/ Dean of the College. The appeal must be given to the Dean within ten days of the receipt of the Director's decision by the charged party. The appeal must be in writing and must clearly set forth the reason for the appeal. The only grounds for the appeal are (a) there is additional factual information that was not available or could otherwise not have been provided when the Director made the decision to impose discipline or (b) there was a significant procedural error that materially impacted the decision to impose discipline. The decision of the Dean will be final.

Hearing Committee: If the Director of Student Life or designee determines that the appropriate discipline for a charged party may be either Disciplinary Suspension for longer than two weeks or Disciplinary Expulsion or in any case involving allegations of sexual misconduct, the Director will so inform the parties and ask the Vice President of Academic Affairs/Dean of the College to convene the Hearing Committee.

At the start of each academic year, the President will appoint 16 members to the Hearing Committee: six representatives from the faculty, six representatives from the staff and four representatives from the student body. All appointed members will receive orientation and training.

When the Director of Student Life requests the Vice President of Academic Affairs/Dean of the College ("Dean") to convene the Hearing Committee, the Dean will select two faculty members, two staff members, and two student members from among the appointed representatives to sit on that panel, and the Committee will meet within ten business days of the date when the Dean receives the request from the Director of Student Life. The Dean will Chair the Hearing Committee and be a voting member. Whenever the complaint involves sexual misconduct, sexual violence or any other form of violence or the use of a weapon, student members shall not be selected for the panel. The case will be heard by the two faculty selected and the two staff members selected.

The Director of Student Life or the Director's designee will present the case to the Hearing Committee and is not a voting member of the Committee. If the Hearing Committee should determine that further investigation is warranted or that additional information is needed, it will be conducted or provided by the Director of Student Life or the Director's designee. The Director of Student Life in consultation with the Chair may present documentary evidence to the Hearing Committee. All evidence presented shall be in a form that complies with the applicable provisions of the Federal Educational Rights and Privacy Act ("FERPA"). In all cases, the College will endeavor to complete all investigations and conduct any hearing that is necessary within sixty days of the initial complaint. If this is not possible, the parties will be informed and kept updated on the timeline for completion of the process.

The parties may provide the Chair with copies of any documents they would like presented to the Hearing Committee. The Director and the Chair shall have discretion to determine what, if any, documentary evidence shall be presented to the Hearing Committee.

The Hearing Committee may call witnesses but it is not required to do so. The parties may also submit names of possible witnesses to the Chair of the Hearing Committee; the Chair and the Director of Student Life will decide which, if any, witnesses will appear before the Hearing Committee. If witnesses do appear before the Hearing Committee, the parties may question those witnesses within the discretion of and only indirectly through the Chair. If more than one witness is called before the Committee, all witnesses will be sequestered and will not be permitted to hear other witnesses testify. Once they have testified, the witnesses will be excused from the Hearing Committee room. If the complaint involves a charge of sexual assault or coercion, the parties are not required to appear in the Hearing Committee room together at the same time.

The complainant and the charged party will be provided with the documents, if any, that will be introduced and a list of the witnesses who will be called at the hearing at least 48 hours before the time of the hearing.

The Hearing Committee meetings are not open to the public. Either party may have an advisor present with him or her. The advisor may be an individual from the College community, including an academic advisor, a fellow student or a member of Maine College of Art's faculty or staff. The College may but is not required to postpone a scheduled hearing date if the advisor cannot attend on that date provided the College has given the parties at least five days' notice of the date of the hearing. Advisors may also be parents, other relatives or attorneys only when the charge involves a possible violation of Title IX. Advisors may not participate orally or in writing at the hearing. Any advisor who disrupts the Hearing or fails to follow these guidelines may be removed from the Hearing by the Chair. The Rules of Evidence as used by the state and federal courts do not apply and the hearing shall not be recorded.

The Hearing Committee shall make its decision based only on the evidence presented to it during the hearing itself, and the standard for making a determination that the violation has occurred and that discipline should be imposed shall be by a preponderance of the evidence. All members of the Hearing Committee shall vote and decisions are determined by a vote of the majority. The Chair will issue a written decision which shall include Findings of Fact to the parties at the same time within 10 business days of the close of the Hearing Committee's meetings on the complaint.

#### Sanctions

If the Hearing Committee determines that the charged party has violated the Sexual Misconduct, Anti-Discrimination, and Anti-Harassment Policies, the Hearing Committee may impose discipline for the violation of the policy. The following sanctions are available: Disciplinary Warning; Disciplinary Probation; Loss of Privileges; Restitution; Discretionary Sanctions; Residence Hall Suspension; Residence Hall Expulsion; College Suspension; College Expulsion; Revocation of Admission and/or Degree; Withholding Degree. Definitions of these sanctions can be found in the Code of Student Responsibility: Section VIII Sanctions.

Failure to comply with sanctions imposed through the College's student conduct process, or with specific conditions related to the safety and security of any person(s) or property while a case is pending, may result in immediate, indefinite suspension or expulsion from the College without benefit for further process.

The decision of the Hearing Committee may be appealed to the President of the College by either party. The President may consider the Appeal or act through a designee. The appeal must be in writing and it must be filed in the President's Office within 10 business days of the date upon which the parties received the Hearing Committee's decision. The appeal (1) must be based on new information or evidence which was not and could not have been considered by the Hearing Committee and/or (2) must allege some

significant procedural errors or conflict of interest by the Hearing Committee or one or more of its members that significantly impacted the outcome of the Hearing. The President shall not conduct a full rehearing of the case during the appeal and may meet with either party to the original complaint but is not required to do so. The President may consult with the Chair of the Hearing Committee as well as any members of the Administration not involved in the original decision of the Hearing Committee in making a final determination on the appeal. The President will issue a written decision to both parties within ten business days of the receipt of the appeal in the President's office.

PLEASE NOTE: All written decisions issued under this policy and involving students shall comply with the Federal Educational Rights and Privacy Act (FERPA).

#### B. Complaints Against Faculty Members

After the Vice President of Academic Affairs/Dean of the College receives the report and/or complaint from the Title IX Coordinator, the Dean or the Dean's designee will meet with the complainant and request the complainant to submit the complaint in writing. The Dean will also meet with the charged party and request the charged party to make a written response to the complaint. If the charged party makes a written response, the Dean will give the charged party a copy of the written complaint. If the complainant did not make a written complaint and the charged party responds in writing, the complainant will not be given a copy of the charged party's written response. The Dean will discuss the anti-retaliation and the confidentiality policies with both parties. If either party thinks there is a conflict of interest in having to report to the Dean, they should so inform the Dean and ask the Dean to recuse himself or herself from hearing the complaint. If the Dean agrees, the Dean will request that the President appoint another individual to hear the complaint.

If the Dean does not agree that there is a conflict of interest and either party is still concerned, either party may appeal the decision of the Dean to remain on the case to the President. This appeal must be made within four business days of the Dean's decision and the President will issue a decision on the alleged conflict of interest within 10 business days of receiving the appeal. The President's decision is final. At any time after the receipt of the complaint the Dean, in consultation with other senior administrators, if appropriate, may take whatever actions he or she may deem necessary to protect the safety of the parties or the community, including but not limited to changing class and/or work schedules, issuing no-contact orders or suspending a party from his or her duties with pay pending a resolution of the complaint. The decision by the Dean and any other senior administrator to take such an action creates no presumption that the charged party has engaged in the alleged discriminatory or otherwise inappropriate conduct.

The Dean of the College or the Dean's designee will conduct any necessary investigation and that investigation will be completed within 10 business days of the Dean's receipt of the complaint unless for good cause the Dean determines that more time is needed for the investigation. If the deadline is extended by the Dean, both parties will be notified.

If after an investigation the Dean of the College decides that there is no basis to the complaint, the Dean will notify both parties in writing. Within 10 business days of the receipt of this decision either party may appeal the decision to the President who will make a final determination as to whether or not there is a basis to the complaint.

#### Possible Actions By the Vice President of Academic Affairs/Dean of the College

Informal Resolution: When the Dean thinks it appropriate and after consultation with both parties, the Dean may suggest Informal Resolution to resolve the complaint. **PLEASE NOTE: Informal resolution is never an option available to the Dean when the complaint involves allegations of sexual misconduct even if both parties would agree to the process.** During the Informal Resolution process the Dean or the Dean's

designee will meet with both parties and may or may not meet with them together. Either party may end the informal process at any time and request that the complaint be handled through the formal process. A face-to-face meeting of the parties is not required. After the meetings, if the Dean thinks it is appropriate, the Dean will propose a possible resolution to both parties. If both parties agree to the resolution proposed by the Dean, it will be put in writing and signed by both parties. If the parties do not agree to the resolution, or the Dean otherwise decides it is appropriate to terminate the Informal Resolution process, the Dean may then convene the Hearing Committee.

Hearing Committee: If Informal Resolution is not appropriate or the Informal Resolution process fails, the Dean of the College will then ask the Assistant Dean to convene a panel of the Hearing Committee. The Assistant Dean will act as Chair and will be a voting member of the panel, and will also select four faculty members and two staff members from among the appointed representatives to sit on the panel.

The Dean or the Dean's designee will present the case to the Hearing Committee and is not a voting member of the Committee. If the Hearing Committee should determine that further investigation is warranted or that additional information is needed, it will be conducted or provided by the Dean or the Dean's designee. The Dean in consultation with the Chair of the Hearing Committee may present documentary evidence to the Hearing Committee. The parties may provide the Chair with copies of any documents they would like presented to the Hearing Committee. The Dean and the Chair shall have discretion to determine what, if any, documentary evidence shall be presented to the Hearing Committee. All evidence presented shall comply with the applicable provisions of the Federal Education Rights and Privacy Act (FERPA). The College will endeavor to complete all investigations and any hearing that may be necessary within sixty days of the receipt of the initial complaint. If the College is not able to meet this deadline, it will inform both parties and keep them both informed as to the new timeline.

The Hearing Committee may call witnesses but it is not required to do so. The parties may also submit names of possible witnesses to the Chair of the Hearing Committee, and the Chair, in consultation with the Dean, will decide which, if any, witnesses will appear before the Hearing Committee. If witnesses do appear before the Hearing Committee, the parties may question those witnesses within the discretion of and only indirectly through the Chair. If more than one witness is called before the Committee, all witnesses will be sequestered and will not be permitted to hear other witnesses testify. Once they have testified, the witnesses will be excused from the Hearing Committee room. If the complaint involves a charge of sexual misconduct, the parties are not required to appear in the Hearing Committee room together at the same time.

A list of the documents, if any, to be presented to the Committee and the witnesses, if any other than the parties, to be called shall be provided to the parties at least 48 hours prior to the time of the hearing.

The Hearing Committee meetings are not open to the public. Either party may have an advisor present with him or her. The advisor may be an individual from the College community, including an academic advisor, a fellow student or a member of the Maine College of Art faculty or staff. The College may but is not required to postpone a scheduled hearing date if the advisor cannot attend on that date provided the College has given the parties at least five days notice of the date of the hearing. Advisors may also be parents, other relatives or attorneys, if it is a Title IX complaint. Advisors may not participate orally or in writing at the hearing. Any advisor who disrupts the Hearing or fails to follow these guidelines may be removed from the Hearing by the Chair. The Rules of Evidence as used by the state and federal courts do not apply and the hearing shall not be recorded. The Dean will inform the charged party and the members of the Hearing Committee of the possible actions the Hearing Committee may take should it determine there has been a violation of the sexual misconduct, anti-harassment and anti-discrimination policy.

The Hearing Committee shall make its decision based only on the evidence presented to it during the hearing itself, and the standard for making a determination that the violation has occurred and that

discipline should be imposed shall be a preponderance of the evidence. Possible disciplinary actions include Written Warning, Probation, Suspension, or Dismissal. All members of the Hearing Committee shall vote and decisions are determined by a vote of the majority. The Chair will issue a written decision which shall include Findings of Fact to the parties within 10 business days of the close of the Hearing Committee's meetings on the complaint.

The decision of the Hearing Committee may be appealed to the President of the College by either party. The President may consider the Appeal or act through a designee. The appeal must be in writing and it must be filed in the President's Office within ten days of the date upon which the parties received the Hearing Committee's decision. The appeal (1) must be based on new information or evidence which was not and could not have been considered by the Hearing Committee and/or (2) must allege some significant procedural errors or conflict of interest by the Hearing Committee or one or more of its members that significantly impacted the outcome of the hearing. The President may meet with either party to the original complaint but is not required to do so. The President may consult with the Chair of the Hearing Committee as well as any members of the Administration not involved in the original decision of the Hearing Committee in making a final determination on the appeal. The President will issue a written decision to both parties within ten days of the receipt of the appeal in the President's Office. The President's decision shall be final.

PLEASE NOTE: All written decisions issued under this policy and involving students shall comply with the Federal Educational Rights and Privacy Act (FERPA).

#### C. Complaints Against Staff, Vendors or Guests

1. Complaints Against Vendors or Guests. When a complaint is made against a vendor or a guest to the College, the Executive Vice President who is also the Title IX Coordinator will decide what actions, if any, are to be taken and the Executive Vice President's decision will be final. The Executive Vice President may consult with any members of the senior administration before reaching a decision on any such complaint.

2. Complaints Against Staff. After the Executive Vice President receives the complaint, the Executive Vice President will meet with the complainant and request the complainant to submit the complaint in writing. The Executive Vice President will also meet with the charged party and ask the charged party to provide a written statement in response to the complaint. If the charged party provides a written response, the charged party will also be given a copy of the complainant's written statement. If the complainant provided a written statement, the complainant shall also receive a copy of the charged party's written statement. The Executive Vice President will discuss the anti-retaliation and the confidentiality policies with both parties.

If either party thinks there is a conflict of interest in having to report to the Executive Vice President, they should so inform the Executive Vice President and ask the Executive Vice President to excuse himself or herself from hearing this complaint. If the Executive Vice President agrees, the Executive Vice President will request the President to appoint another individual to hear the complaint. If the Executive Vice President does not agree that there is a conflict of interest and either party is still concerned, either party may appeal the decision of the Executive Vice President to hear the complaint to the President. This appeal must be made within two days of the Executive Vice President's decision and the President will issue a decision on the alleged conflict of interest within ten days of receiving the appeal. The President's decision is final.

At any time after the receipt of the complaint the Executive Vice President, in consultation with other senior administrators, if appropriate, may take whatever actions he or she may deem necessary to protect the safety of the parties or the community, including but not limited to changing class and/or work schedules, issuing no-contact orders or suspending a party from his or her duties with pay pending a resolution of the complaint. The decision by the Executive Vice President and/or any other senior administrator to take such

an action creates no presumption that the charged party has engaged in the alleged discriminatory or otherwise inappropriate conduct.

The Executive Vice President or the Executive Vice President's designee will conduct any necessary investigation and that investigation will be completed within ten days of the Executive Vice President's receipt of the complaint unless for good cause the Executive Vice President determines that more time is needed for the investigation. If the deadline is extended by the Executive Vice President both parties will be notified.

If after an investigation the Executive Vice President decides that there is no basis to the complaint, the Executive Vice President will notify both parties in writing. Within ten days of the receipt of this decision either party may appeal the decision to the President who will make a final determination as to whether or not there is a basis to the complaint.

#### Possible Actions By the Executive Vice President for Complaints Against Staff

Informal Resolution: When the Executive Vice President thinks it appropriate and after consultation with both parties, the Vice President may suggest Informal Resolution to resolve the complaint.

**PLEASE NOTE: Informal resolution is never an option available to the Executive Vice President when the complaint involves allegations of sexual misconduct even if both parties would agree to the process.**

During the Informal Resolution process the Executive Vice President or his/her designee will meet with both parties and may or may not meet with them together. A face-to-face meeting of the parties is not required. After the meetings, if the Executive Vice President thinks it is appropriate, s/he will propose a possible resolution to both parties. If both parties agree to the resolution proposed by the Executive Vice President, it will be put in writing and signed by both parties. If the parties do not agree to the resolution, or the Executive Vice President otherwise decides it is appropriate to terminate the Informal Resolution process, the Executive Vice President may then convene the Hearing Committee.

Hearing Committee: If Informal Resolution is not appropriate or the Informal Resolution process fails, the Executive Vice President will then ask the Vice President for Academic Affairs/Dean of the College ("the Chair") to convene a panel of the Hearing Committee. The Dean will act as Chair and will be a voting member of the panel; s/he will also select three faculty members and three staff members from among the appointed representatives to sit on the panel.

The Executive Vice President will present the case to the Hearing Committee and will not be a voting member. If the Hearing Committee should determine that further investigation is warranted or that additional information is needed, it will be conducted or provided by the Executive Vice President or the Executive Vice President's designee. The Executive Vice President, in consultation with the Chair, may present documentary evidence to the Hearing Committee. The parties may provide the Chair with copies of any documents they would like presented to the Hearing Committee. The Executive Vice President and the Chair shall have discretion to determine what, if any, documentary evidence shall be presented to the Hearing Committee. All evidence presented shall comply with all applicable provisions of the Federal Educational Rights and Privacy Act ("FERPA"). The College will endeavor to complete all investigations and any hearing that may be necessary within sixty days of the receipt of the initial complaint. If the College is not able to meet this deadline, it will inform both parties and keep them both informed as to the new timeline.

The Hearing Committee may call witnesses but it is not required to do so. The parties may also submit names of possible witnesses to the Chair, and the Chair, in consultation with the Executive Vice President, will decide which, if any, witnesses will appear before the Hearing Committee. If witnesses do appear before the Hearing Committee, the parties may question those witnesses within the discretion of and only indirectly through the Chair. If more than one witness is called before the Committee, all witnesses will be sequestered and will not be permitted to hear other witnesses testify. Once they have testified, the witnesses will be excused from the Hearing Committee room. If the complaint involves a charge of sexual assault or coercion, the parties are not required to appear in the Hearing Committee room together at the same time.

A list of the documents, if any, to be presented to the Committee and the witnesses, if any other than the parties, to be called shall be provided to the parties at least 48 hours prior to the time of the hearing.

The Hearing Committee meetings are not open to the public. Either party may have an advisor present with him or her. The advisor may be an individual from the College community, including an academic advisor, a fellow student or a member of Maine College of Art's faculty or staff. The College may but is not required to postpone a scheduled hearing date if the advisor cannot attend on that date provided the College has given the parties at least five (5) days' notice of the date of the hearing. Advisors may also be parents, other relatives or attorneys, if it is a Title IX complaint. Advocates may not participate orally or in writing at the hearing. Any advisor who disrupts the Hearing or fails to follow these guidelines may be removed from the Hearing by the Chair. The Rules of Evidence as used by the state and federal courts do not apply and the hearing shall not be recorded. The Executive Vice President will inform the charged party and the members of the Hearing Committee of the possible actions the Hearing Committee may take should it determine there has been a violation of the sexual misconduct, anti-harassment and anti-discrimination policy.

The Hearing Committee shall make its decision based only on the evidence presented to it during the hearing itself, and the standard for making a determination that the violation has occurred and that discipline should be imposed shall be a preponderance of the evidence. All members of the Hearing Committee shall vote and decisions are determined by a vote of the majority. Possible disciplinary actions include Written Warning, Probation, Suspension, or Dismissal. All members of the Hearing Committee shall vote and decisions are determined by a vote of the majority. The Chair will issue a written decision which shall include Findings of Fact to the parties within 10 business days of the close of the Hearing Committee's meetings on the complaint.

The decision of the Hearing Committee may be appealed to the President of the College. The President may consider the Appeal or act through a designee. The appeal must be in writing and it must be filed in the President's Office within ten days of the date upon which the parties received the Hearing Committee's decision. The appeal (1) must be based on new information or evidence which was not and could not have been considered by the Hearing Committee and/or (2) must allege some significant procedural errors or conflict of interest by the Hearing Committee or one or more of its members that significantly impacted the outcome of the Hearing. The President may meet with either party to the original complaint but is not required to do so. The President may consult with the Chair of the Hearing Committee as well as any members of the Administration not involved in the original decision of the Hearing Committee in making a final determination on the appeal. The President will issue a written decision to both parties within ten days of the receipt of the appeal in the President's Office. The President's decision shall be final.

PLEASE NOTE: All written decisions issued under this policy and involving students shall comply with the Federal Educational Rights and Privacy Act (FERPA).

#### D. Complaints Against the President of the College

When the Chair of the Board of Trustees receives a complaint against the President of the College from the Title IX Coordinator, the Chair of the Board or the Chair's designee will meet with the complainant and request that the complaint be put in writing. The Chair of the Board will meet with the President and request a written response to the complaint from the President. If the President provides a written response and the complaint has put the complaint in writing, both the complainant and the President shall receive copies of each other's written statements. The Chair of the Board or the Chair's designee will inform both parties of the anti-retaliation and confidentiality policies.

At any time after the receipt of the complaint the Chair of the Board may request a senior member of the administration to take whatever actions he or she may deem necessary to protect the safety of the parties or the community, including but not limited to changing class and/or work schedules, issuing no-contact orders or suspending a party from his or her duties with pay pending a final determination on the complaint. Any such actions involving the employment status or the terms of employment of the President of the College can only be carried out after a vote of the Board of Trustees. The decision by the Chair of the Board, the Board of Trustees and/ or the senior administrator to take such an action creates no presumption that the President has engaged in the alleged discriminatory or otherwise inappropriate conduct.

If the Chair of the Board or the Chair's designee determines that additional investigation is required, the Chair of the Board or Chair's designee may request a member of the senior administration to undertake the necessary investigation. The senior administrator shall report the results of the investigation only to the Chair of the Board or the Chair's designee. If the President objects to the senior administrator selected to conduct the investigation based on a perceived conflict of interest, the President may present the conflict of interest and request the Chair of the Board or the Chair's designee to select a different administrator to conduct the investigation. The Chair of the Board or the Chair's designee shall consult with two other members of the Board of Trustees chosen by the President and make a final determination on which administrator shall conduct the investigation.

If the Chair or the Chair's designee determines there is a basis for the complaint, the Chair shall convene a subcommittee of the Board of Trustees to review the complaint and to determine what, if any, disciplinary action should be taken against the President. This subcommittee shall consist of four members of the Board of Trustees and be chaired by the Chair of the Board who shall be a voting member. The Chair of the Board or the Chair's designee shall select two members of the subcommittee, and two members of the subcommittee shall be chosen by the President. The results of any investigation conducted shall be presented to the subcommittee by the senior administrator who conducted the investigation at the request of the Chair of the Board or the Chair's designee.

The subcommittee may meet with the parties but is not required to do so. The subcommittee meetings are not open to the public. If the President is asked to appear before the subcommittee, the President may be accompanied by a member of the Maine College of Art faculty or staff or senior administration or an attorney. If a member of the faculty or staff is requested to appear before the subcommittee, he or she may be accompanied by a member of the faculty or staff of Maine College of Art or an attorney. If a student is requested to appear before the subcommittee, he or she may be accompanied by member of the faculty or staff, a fellow student from Maine College of Art, a parent or other relative or an attorney. Advocates for any party may not participate orally or in writing in the subcommittee Hearing. Any advocate who disrupts the hearing in any way or fails to observe these guidelines may be removed from the Hearing by the Chair.

The subcommittee has the discretion to consider documentary evidence and may call witnesses. Both parties may supply the subcommittee with copies of documents they would like to have considered and with the names of witnesses they would like the subcommittee to call. It is entirely within the discretion of the subcommittee as to whether or not those documents will be considered or those witnesses asked to appear before the subcommittee. If witnesses are called before the subcommittee, parties may question

those witnesses within the discretion of and only indirectly through the Chair. If more than one witness is called before the subcommittee, all witnesses will be sequestered and will not be permitted to hear other witnesses testify. Once they have testified, they will be excused from the subcommittee Hearing room. If the charges involve sexual misconduct, the parties are not required to be in the subcommittee Hearing room at the same time. The Rules of Evidence as used in state and federal courts do not apply and the hearings will not be recorded.

The subcommittee will, whenever possible, reach a decision within fourteen (14) days of the receipt of the complaint by the Chair of the Board of Trustees. The decision of the subcommittee must be based only on the evidence presented to it at its meetings and must be based on a preponderance of the evidence. All committee members must vote and the decision shall be based on a majority vote. If the decision involves disciplinary action against the President of the College, the Chair of the Board or Chair's designee will inform the President of the College personally of that decision as soon as possible after it is made. The complainant will also receive a copy of the subcommittee's written decision at the same time. The subcommittee's written decision must also include Findings of Fact.

Either party may appeal the decision of the subcommittee to the full Board of Trustees. The Chair of the Board or the Chair's designee and the members of the subcommittee will not vote on the appeal. Appeals must be filed with the Chair of the Board in writing within seven (7) days of the issuance of the decision by the subcommittee. The Chair of the Board will present the appeal to the full Board of Trustees and the Board will attempt to issue its final written decision within one month of its receipt of the appeal. The Board may request to speak with the complainant or the President but it is not required to do so. The meetings of the full Board of Trustees when it is acting on an appeal are not open to the public. The decision of the full Board of Trustees is final.

PLEASE NOTE: All written decisions issued under this policy and involving students shall comply with the Federal Educational Rights and Privacy Act (FERPA).

#### AIDS Policy

Maine College of Art has established an AIDS (Acquired Immune Deficiency Syndrome) policy in order to protect both the rights of individuals infected with HIV (Human Immunodeficiency Virus) as well as the health and safety of all others at the institution. Maine College of Art will not require HIV testing of either its students or its employees. Those who would like more information on HIV testing may contact off-campus health-care centers: refer to "Counseling and Health resources" at the back of this handbook. Information about an individual's HIV status may only be included in medical or health care records and not in general student or employee records. Furthermore, it is against the law to disclose HIV test results to anyone without the consent of the person tested. This means that no one, under any circumstances, may discuss or share records of HIV test results with anyone other than individuals designated in writing by the tested person. Disclosing someone's HIV test results without written consent may result in disciplinary action under College policy. In addition, Maine law states that anyone who discloses another's test results may be sued for actual damages and costs, plus a civil penalty, of up to \$5,000.

#### Nondiscrimination Policy

It is the policy of Maine College of Art not to discriminate on the basis of gender, gender identity, gender expression, sexual orientation, disability, genetic information, HIV status, race, age, religion, national or ethnic origin, or military/veteran's status in its educational programs, admissions policies, employment policies, financial aid, or other College administered programs. This policy is enforced by Federal Law under Title IX of the Education Amendments of 1972, Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. It is also enforced under Maine law through the Maine Human Rights Act at 5 M.R.S.A. section 4551 et. seq.

Inquiries regarding compliance with these statutes may be directed to the Executive Vice President, Maine College of Art, 522 Congress St, Portland, Maine 04101, (800) 639-4808 or (207) 699-5045, or to Director, Office of Civil Rights, Department of Education, J.W. McCormack POCH, Room 701, Boston, MA. 02109-4557, (617) 223-9662 or the Maine Human Rights Commission, 51 State House Station, Augusta, Maine 04333-0051, (207) 624-6050.

The Title IX Coordinator for Maine College of Art is the Executive Vice President, [belicker@meca.edu](mailto:belicker@meca.edu) or 207-699-5045.