



KENNEBEC VALLEY
COMMUNITY COLLEGE

YOUR BRIDGE TO A BRIGHTER FUTURE

2025

ANNUAL SECURITY REPORT





2025 ANNUAL SECURITY REPORT (2024 Data)

Overview

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Kennebec Valley Community College distributes an annual security report to all current faculty, staff, and students and notice of its availability to prospective students, faculty, and staff.

The Annual Security Report includes statistics for the previous three years concerning reported crimes that occurred on campus, and on public property within, or immediately adjacent to and accessible from the campus. The statistics include crimes reported directly to security, to local law enforcement agencies, and to “campus security authorities.” “Campus Security Authorities” are defined by the Clery Act as college officials who have “significant responsibility for student and campus activities, including, but not limited to, student discipline, and campus judicial proceedings.” Professional mental health and religious counselors are exempt from reporting requirements. The report also includes institutional procedures concerning campus safety and security, alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, and others. These processes are reviewed annually to assess their effectiveness and compliance with applicable statutes.

You can obtain a hardcopy of this report by contacting Safety and Security at 453-5811 or by accessing the security report online at <http://ope.ed.gov/security/Index.aspx>. The current report may also be found at the end of this report.



Campus Security Authorities (CSA)

The College has identified employees who are in a professional position that makes it likely that students or others could report an incident to them. Under federal law, CSAs have a responsibility to report information reported to them directly about such incidents to the Dean of Student Affairs.

The following positions are CSA positions at KVCC:

- Director of Campus Safety & Security
- Director of Student Life
- Student Navigators
- College Deans (Facilities and Operations, Students, Academics, Finance, Workforce)

Staff Name	Title	Contact Information
Timothy "Tug" McDonald	Director of Campus Safety & Security	tmcdonald@maineccc.edu Phone: Dept- 453-5811 Office- 453-5116
Vacant	Director of Student Life	@maineccc.edu Phone: 453-3540
Jessica Rodrigue	Student Navigator/JMG	jrodrigue@maineccc.edu Phone: 453-5839
Zahayra Razo	Student Navigator/JMG	zrazo@maineccc.edu Phone: 453-5840
Marisellia Greenlaw	Embark College Success Advisor	mgreenlaw@maineccc.edu Phone: 453-5009
CJ McKenna	Dean of Student Affairs	cmckenna@maineccc.edu Phone: 453-5019
Kathy Englehart	Vice President/Academic Dean	kenglehart@maineccc.edu Phone: 453-5117
Elizabeth Fortin	Dean of Workforce Development	efortin@maineccc.edu Phone: 453-5858
Russell Begin	Dean of Finance	rbegin@maineccc.edu Phone: 453-5123
Brianne Pushor	Dean of Facilities and Operations	bpushor@maineccc.edu Phone: 770-0878
Lisa Black	Director of TRiO	lblack@maineccc.edu Phone: 453-5013

Campus Alerts and Timely Warnings

Kennebec Valley Community College (KVCC) is committed to promoting a safe and secure environment for all members of the College community. In compliance with the Clery Act of 1998, the College will provide a timely warning (Campus Alert) to the College community of any serious and continuing threat to the health or safety of students or employees occurring on campus.

KVCC will, without delay, and considering the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate an emergency.

Campus Alerts will be promptly disseminated to the College community, and other entities deemed relevant, through the College's website, electronic mail, posters and flyers, texting, and the Student App and/or any other means that are available and appropriate by either the President, the Dean of Student Affairs or the Director of Campus Safety & Security. This information is covered during the required New Student Orientation & Registration (NSO) event prior to starting the new semester.

Victims or witnesses of a crime should contact KVCC Campus Safety and Security and/or the respective police department having jurisdiction as soon as they are aware that a crime has been or is being committed on or near campus. At the student's request, officers or administrators will assist in the notification of local law enforcement.

Kennebec Valley Community College consists of two (2) campuses in Fairfield and in Hinckley, Maine.

A crime may be reported for the **Fairfield Campus** in Fairfield, Maine:

- in person at the KVCC Safety and Security Office located in King Hall, Room 113 in the main lobby area
- by calling the KVCC Safety and Security Office at 207-453-5811
- by calling the Fairfield Police Department at 911 for emergencies or at 453-9321 for non-emergencies.

A crime may be reported for the **Alfond Campus** in Hinckley, Maine:

- in person at the KVCC Safety and Security Office located in Averill Hall, Room 123 in the main lobby area
- by calling the KVCC Safety and Security Office at 207-453-5811
- by calling the Fairfield Police Department at 911 for emergencies or at 453-9321 for non-emergencies.

A crime may be reported for the **KVCC Lodging** location at the Best Western in Waterville, Maine

- in person by notifying the Campus Security Authorities, defined by the Clery Act as any College official who has significant responsibility for student and campus activities.
- by calling the KVCC Safety and Security Office at 207-453-5811
- by calling the Waterville Police Department at 911 for emergencies or at 680-4700 for non-emergencies.



Clery Act Crime Statistics - Fairfield*

	2022				2023				2024			
	Geographic Location				Geographic Location				Geographic Location			
	On Campus	Noncampus	Public Property	Total	On Campus	Noncampus	Public Property	Total	On Campus	Noncampus	Public Property	Total
Criminal Offenses												
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Hate crimes												
Race	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Sexual orientation	0	0	0	0	0	0	0	0	0	0	0	0
Gender	0	0	0	0	0	0	0	0	0	0	0	0
Gender identity	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Ethnicity	0	0	0	0	0	0	0	0	0	0	0	0
National origin	0	0	0	0	0	0	0	0	0	0	0	0
VAWA Offenses												
Domestic violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Arrests												
Weapons: carrying, possessing, etc.	0	0	0	0	0	0	0	0	0	0	0	0
Drug abuse violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Actions												
Weapons: carrying, possessing, etc.	0	0	0	0	0	0	0	0	0	0	0	0
Drug abuse violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0	0	0	0	0	0	0
Unfounded Crimes												
Total unfounded crimes	0	0	0	0	0	0	0	0	0	0	0	0

* Includes Rockland site - MCST

Clery Act Crime Statistics – Alfond

	2022			2023			2024		
	Geographic Location			Geographic Location			Geographic Location		
	On Campus	Public Property	Total	On Campus	Public Property	Total	On Campus	Public Property	Total
Criminal Offenses									
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	2	0	2	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Hate crimes									
Race	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0
Sexual orientation	0	0	0	0	0	0	0	0	0
Gender	0	0	0	0	0	0	0	0	0
Gender identity	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0
Ethnicity	0	0	0	0	0	0	0	0	0
National origin	0	0	0	0	0	0	0	0	0
VAWA Offenses									
Domestic violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
Arrests									
Weapons: carrying, possessing, etc.	0	0	0	0	0	0	0	0	0
Drug abuse violations	0	0	0	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0	0	0	0
Disciplinary Actions									
Weapons: carrying, possessing, etc.	0	0	0	0	0	0	0	0	0
Drug abuse violations	0	0	0	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0	0	0	0
Unfounded Crimes									
Total unfounded crimes	0	0	0	0	0	0	0	0	0

Daily Crime Log

The purpose of the daily crime log is to record all incidents and alleged criminal incidents that are reported to security. The daily crime log identifies when a crime was reported, the date and time a crime occurred, the nature and general location of the crime, and the disposition of the complaint. It is available to anyone requesting a copy in the Campus Safety & Security Department. Students may reach the department by calling (207) 453-5811.

Campus Crime Statistics

The College posts a link to the annual survey of criminal incidents on campus for each of the last three calendar years on the KVCC website.

The summary of Clery Act reportable incidents is as follows–

2024 No reportable incidents

2023 No reportable incidents

2022 No reportable incidents

The annual survey is available to anyone requesting a copy from the Campus Safety & Security Department. Students may reach the department by calling (207) 453-5811.

Reporting Suspicious Activity

Students and employees are urged to contact KVCC Campus Safety and Security and/or the respective police department having jurisdiction by phone if they notice unusual, suspicious or criminal activity. Suspicious individuals should be reported to Campus Safety and Security, especially if they are seen:

- entering an office or lab without apparent purpose;
- loitering in a parking lot, buildings, or offices
- trying to force entry into a car, window or door;
- attempting to solicit funds;
- acting in a loud, disruptive, or threatening manner

Voluntary and Confidential Crime Reporting

KVCC encourages accurate and prompt reporting of all crimes to Campus Safety & Security or the respective law enforcement agency with jurisdiction when the victim of a crime elects to, or is unable to, make such a report. If you are the victim of a crime and do not want to pursue action within KVCC or the Criminal Justice system, you may still consider making a confidential report. With your permission, any staff member in the Campus Safety and Security or Student Services can file an accurate timely report on the details of the incident without revealing your identity or the identity of others. The purpose of a confidential report is to allow the College to take steps to ensure the future safety of yourself and others. With this information, the College can keep accurate records of the number of crimes involving students on campus, determine if there is a pattern of crime and alert the Campus Community to potential danger. Reports of crimes filed in this manner are counted and disclosed with the College's annual crime statistics report.

Only crimes deemed “unfounded” by law enforcement officials may be removed or withheld from Clery Act crime statistic reports. The College must report each year to the Department of Education the number of crimes that were “unfounded” and disclose that number in its Annual Security Report.

A College professional Mental Health Counselor, when acting as such, is not considered to be a Campus Security Authority and is not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged; if they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.





KVCC has a CARES (Coordinate, Assess, Respond, Education, Support) Team. Faculty and staff are encouraged to report concerns and facts related to student concerns. Membership on this team includes the College's Professional Counselor, the Dean of Student Affairs, the Director of Campus Safety & Security and four (4) representatives from student affairs.

Building Security and Access

Campus buildings and facilities are accessible to the campus community, guests and visitors during normal business hours, Monday through Friday 7 AM to 9 PM. Exterior doors on campus buildings are locked and secured after normal operating hours. Security officers routinely check campus buildings. Buildings are also opened on weekends. After hours, buildings are available to College employees through card readers.

KVCC is committed to maintaining a safe environment for students, faculty, and staff that extends to maintenance issues such as campus landscaping, lighting, and door locks. Campus Safety and Security Officers and facilities maintenance staff routinely check the campuses for maintenance, safety and security issues. All members of the campus community are encouraged to report any issues to Facilities by calling the Campus Safety and Security Department any time at 453-5811.

Campus Safety and Security

Kennebec Valley Community College's Safety and Security Officers have the authority to ask persons for identification and to determine whether individuals have lawful business at KVCC. Campus Safety and Security has the authority to issue parking tickets which are billed to the financial accounts of students. Campus Safety and Security is not authorized to arrest.

Criminal incidents are referred to the respective police departments who have jurisdiction at each KVCC location, and to the Office of the Dean of Student Affairs for possible disciplinary action. KVCC has a Memorandum of Understanding (MOU) with Fairfield Police Department, maintaining a highly professional working relationship between campus security and area police departments. All crime victims and witnesses are strongly encouraged to immediately report any crime to Campus Safety and Security and/or their respective police departments. Prompt reporting will assure Campus Crime Alerts for the campus community and the accurate disclosure of Clery Act crime statistics.

When a KVCC student is involved in an off-campus offense, Campus Safety and Security may assist with the investigation in cooperation with local police departments. Fairfield Police Departments routinely work and communicate with KVCC Safety and Security on incidents occurring on- campus or at satellite locations, in the immediate neighborhood and business areas surrounding our campuses. KVCC Safety and Security can and do respond to student-related incidents that occur near the campus.

Annual Fire Safety Report for Residence Halls

In the Event of a Fire

- 1. Sound the alarm from the nearest fire alarm box, remove yourself to safety
- 2. Immediately call 911, give your name, the location of the fire by building name, number, and address or the nearest building if not a structure fire, and the nature of the fire. Do not hang up unless instructed to do so!
- 3. Have someone notify the Department of Campus Safety & Security, (207) 453-5811



- 4. All members of the KVCC community are encouraged to report any known residence hall fire incidents to the Department of Campus Safety & Security, (207) 453-5811, the Director of Residence Life, (207) 453-5873, any Resident Assistant, or Student Affairs (207)453-5822 .

Supervised Fire Drills

Supervised unannounced fire drills are conducted for each residence hall in the fall and spring semesters in cooperation with local emergency responders. Additionally, each time new residents occupy a building during the summer, the KVCC staff person coordinating the group's stay ensures that the temporary residents are familiar with evacuation routes and procedures.

2024 DRILL SUMMARY				
Date	Drill type	Campus	Building(s)	Announced
24-Apr-24	Evac/ Fire	Fairfield	King, Carter, Frye/Whitney	NO
25-Apr-24	Evac/ Fire	Alfond	ARC, Averill, Woodlee	NO
9-Aug-24	Tabletop Exercise	Fairfield	Scenario- Gunman in King Lot	YES
15-Oct-24	Lockout	Both	All	NO

Fire Safety Education

All Resident Life Staff receive fire safety and emergency action plan training and are responsible for covering these policies and procedures with residents during the opening community meetings. In August, all lodging rooms are equipped with evacuation maps posted on the back of the door, which indicate the safest and most direct exit routes from the room in the case of an emergency; these are updated annually.

Fire Safety Violations and Prohibitions (including rules on portable electrical appliances, smoking and open flames)

The Student Code of Conduct prohibits “creation of a fire hazard or other dangerous condition” and forbids “unauthorized use or possession of weapons, explosive components or chemicals, including fireworks, firearms, explosives, gas or compressed air.” The fire code prohibits certain activities and devices from residence halls. For community safety, residents are expected to comply with the following:

- Unless specifically authorized, no cooking of any kind is permitted in KVCC Lodging rooms other than that which is provided by the hotel. Toasters, toaster ovens, mini grills, rice cookers, electric skillet and hot pots are not allowed. There are no publicly available kitchen facilities



- No appliances other than those specified in the appliances section of the Residence Life handbook are permitted in KVCC Lodging
- No candles or incense are allowed
- Gasoline and flammables like paint thinner or stripper may not be stored in the residence halls
- Light fixtures may not be tampered with, especially using items that may serve as electrical conductors. No lights of any kind on strings/cords are allowed
- Multiple plug outlets are not allowed unless they contain a surge protector. Surge protectors usually contain lights and an on/off switch. They should be stored flat on the floor and should not be daisy-chained (one surge protector cannot be plugged into another surge protector)
- No excessive use of paper on doors and walls is permitted
- No posters, articles of clothing or other items should be taped or hanging near the door of your room where they might obstruct your route of egress from the room
- No tape of any kind should be placed on electric cords and electric cords should not run under carpeting
- No extension cords are allowed. (Surge protectors can be used with cords up to 12 feet)
- Appliances such as an iron or curlers should be turned off and unplugged when not in use
- No items should be touching, hung from or stored within 18 inches of any sprinkler head.
- No items should be hung from pipes
- All residents are given a copy of the Residence Life Handbook at move-in that includes rules related to permitted small appliances and fire safety in general.

Contact the Facilities Department at KVCCmaintenance@mainecc.edu or Campus Safety and Security at KVCCSecurity@mainecc.edu for the KVCC fire log. The most recent 60 Day Fire Log is available for public inspection. (For prior to 60Day logs, please provide two business days' notice)Contact Campus Safety and Security at KVCCSecurity@mainecc.edu for more information about fire/evacuation procedures,

Emergency Response

Both of KVCC's Campuses are served by Fairfield Police Department and/or the Fairfield Benton Fire/Rescue Department. Depending upon the situation, other emergency services may be provided as well by county, state, and federal emergency response services.

In addition to Campus Safety and Security, KVCC has in place, an Emergency Response Team or ERT. This team is made up of members of our Senior Leadership, Information Technology and Facilities Maintenance staff who work in conjunction with Campus Safety and Security to prepare the college staff, students and community for a variety of possible scenarios. We do this by conducting drills each semester. Whether an event is a drill or an actual emergency, the procedures are the same and need to be taken seriously.

Emergency procedures and notification methods are reviewed, tested, and documented annually through drills, classroom visits, and annual training. Educational materials and the KVCC Campus Safety & Security video are made available to faculty and staff to review with students at the beginning of each semester. Campus Safety and Security staff offer in-person training on a variety of topics throughout the year. The video is also an important piece of new student orientation when outlining critical safety information, procedures and protocols.

Emergency Lockdown Procedures

Notification of a lock down will occur via KVCC's mass notification system. This includes the public address system (via campus telephones), website banner changes, text messaging and hand-held "bull horns" or any other media chosen by the Department of Campus Safety and Security (CSS) in conjunction with Emergency Response Team (ERT).

In the event that CSS/ ERT decides a building or campus lock down is necessary, you will be instructed to;

- Either remain inside of the building you are currently in or;
- Move quickly to the nearest classroom or office

An "all clear" message will be given via the mass notifications system when the situation is safe for return.

Evacuation Procedures

Notification of evacuation will occur via KVCC's mass notification system. This includes the public address system (via campus telephones), website banner changes, text messaging and hand-held "bull horns" or any other media chosen by Campus Safety and Security(CSS)/Emergency Response Team (ERT).

- In the event of a fire, all students, employees & visitors are required to evacuate the building and proceed to designated assembly points.
- In the event of a non-fire emergency/incident, a decision to evacuate will be made by CSS/ERT, in conjunction with public safety authorities (if available/applicable). An evacuation of this nature may be to an off-campus area of refuge and will be announced with the evacuation order;

An "all clear" message will be given via the mass notifications system when the situation is safe for return.

Campus Evacuation

If the campus is evacuated:

- All persons (students and college staff) are to immediately vacate the area of campus in question and relocate to another part of the campus grounds or off campus as directed.
- Students and staff will be informed by the Mass Notification System, email, campus administrator, security staff, or other forms of communication as required by the college.



Pre-emergency Preparedness by a Student with a Disability

All persons at Kennebec Valley Community College, including those with special needs, must prepare for emergencies ahead of time. If you are a student with a disability and are concerned about your ability to safely evacuate in an emergency, you should:

5. Discuss your concerns with Accessibility Services. Work with Accessibility Services on a personal emergency plan if you are unclear on how to manage an emergency evacuation.
6. Bring to the attention of your faculty members the extent of the assistance you may need in case of an emergency. It is your responsibility to make your needs known.
7. Become familiar with all emergency exits and evacuation routes in the buildings you frequent.
8. If you have difficulty speaking loudly, or have a voice/speech impairment, you should carry a whistle, or have other means of attracting attention from others.

Missing Person Procedure

The purpose of this procedure is to establish protocols for KVCC's response to reports of missing students, as required by the Higher Education Opportunity Act of 2008. This procedure applies to students who reside in KVCC campus Lodging.

For purposes of this procedure, a student may be considered a "missing person" if the person's absence is contrary to his/her usual pattern of behavior and unusual circumstances may have caused the absence. Such circumstances may include, but not be limited to, a report or suspicion that the missing person may be the victim of foul play, has expressed suicidal thoughts, is drug dependent, is in a life-threatening situation, or has been with persons who may endanger the student's welfare.

Procedures for designation of emergency contact information

1. Students age 18 and above and emancipated minors will be given the opportunity during each semester registration process to designate an individual or individuals to be contacted by the College no more than 24 hours after the time that the student is determined to be missing in accordance with the procedures set forth below. A designation will remain in effect until changed or revoked by the student.

2. In the event a student under the age of 18 who is not emancipated is determined to be missing pursuant to the procedures set forth below, the College is required to notify a custodial parent or guardian no more than 24 hours after the student is determined to be missing in accordance with the procedures set forth below.

Official notification procedures for missing persons

1. Any individual on campus who has information that a student may be a missing person must notify the Department of Campus Safety & Security, (207) 453-5811, the Dean of Student Affairs, (207) 453-5019 or the Director of Residence Life, (207) 453-5873 or as soon as possible.
2. The Director of Campus Safety & Security will gather all essential information about the residential student from the reporting person and from the student's acquaintances (description, clothes last worn, where student might be, who student might be with, vehicle description, information about the physical and mental well-being of the student, an up-to-date photograph, class schedule, etc.). Appropriate campus staff will be notified to aid in the search for the student.

If the above actions are unsuccessful in locating the student or it is apparent immediately that the student is a missing person (e.g., witnessed abduction), the College will contact the Fairfield Police Department (FPD) to report the student as a missing person and FPD will take charge of the investigation.

No later than 24 hours after determining that a residential student is missing, the dean of student services will notify the emergency contact (for students 18 and over) or the parent/guardian (for students under the age of 18) that the student is believed to be missing.

Campus communications about missing students

In cases involving missing persons, law enforcement personnel are best situated to provide information to the media that is designed to elicit public assistance in the search for a missing person. Therefore, all communications regarding missing students will be handled by outside law enforcement authorities, who may consult with the dean of student services. All inquiries to the College regarding missing students, or information provided to any individual at the College about a missing student, shall be referred to the dean of student services, who shall refer such inquiries and information to law enforcement authorities.

Prior to providing the KVCC community with any information about a missing student, the College shall consult with FPD to ensure that communications do not hinder the investigation.

Emergency Guidelines

- Elevators should NOT be used in an evacuation unless instructed by emergency personnel.
- School materials or any accessories should be left in the classroom/room in the event of an evacuation. This may mean leaving a phone or personal items behind.
- In the event of an evacuation, students who are unable to exit the building on their own accord should remain near the stairwell at a designated Collection Point. Emergency personnel will check the stairwells and elevator lobbies for those who are trapped.
- Don't be afraid to let others know when you need assistance.

Questions

Questions pertaining to emergency procedures should be referred to Campus Safety and Security at ext. 5811 if using a campus phone or (207) 453-5811. Specific questions about disabilities should be referred to the Director of Accessibility and Counseling at ext. 5150 or (207) 453-5150.

Crime Prevention and Safety Programs

Crime prevention at Kennebec Valley Community College is based on minimizing or eliminating criminal opportunities and encouraging students and employees to be responsible for their own safety/security and the safety/security of others. The Safety and Security Department conducts crime prevention programs upon request to educate the KVCC community on measures the community can take to reduce the chances of becoming a victim of crime.

KVCC Wellness Team supports ongoing educational programs. This diverse group includes representation from the student body, staff, faculty, and administrators. Programming addresses sexual assault, domestic violence, dating violence and stalking with the help of presenters from the following organizations: Family Violence Project, Planned Parenthood, Somerset/Kennebec County Domestic Violence Task Force and others. Other topics include highway safety, mental health and wellness, and other relevant areas.

The KVCC Campus Safety and Security Department (453-5811) offers students, faculty, and staff escort services to and from class upon request as well as aid through regular ongoing patrols.

Drugs and Alcohol

The Maine Community College System Student Code of Conduct prohibits the use, possession, sale or distribution of alcoholic beverages or illegal drugs on College property or at College related events, as well as being under the influence or knowingly in the presence of drugs or alcohol while on College property or at College related events. Violations of the Code may result in sanctions up to and including dismissal from the College. All State of Maine and federal laws are enforced at KVCC and can result in referral to law enforcement and/or charges under the Student Code of Conduct.

For more information on the Maine Community College System (MCCS) policy on alcohol and other Drugs and the College's drug and alcohol abuse prevention program, you may consult the Consumer Information page on the College's website: kvcc.me.edu

The MCCS Alcohol & Drug Brochure is included in every New Student Folder and is posted in the College's Learning Management System as a resource. The KVCC Counseling Office offers several informational brochures through agencies such as the National Institute of Mental Health and the National Institute on Alcohol Abuse and Alcoholism. The Counseling Office disseminates community information and provides referrals to support intervention and recovery for both drugs and alcohol. Kennebec Valley Community College does not offer formal substance/alcohol abuse counseling.

Students who have alcohol or other substance abuse issues are strongly encouraged to contact their medical provider, a certified substance abuse counselor, or, if in crisis, the Maine Statewide Crisis Hotline at 1-888-568-1112.



STUDENT CODE OF CONDUCT

Section 501

The colleges of the Maine Community College System (MCCS) shall use the following Student Code of Conduct.

I. Purpose of Code

The College requires students to conduct their affairs with proper regard and mutual respect for the College and the members of its community. In seeking to encourage responsible conduct, the College will rely upon counseling and admonition. When necessary, the College will use this Code in a prompt, fair and impartial manner to 1) ensure the orderly administration of the College's academic, athletic and social offerings; 2) secure the opportunity of all students to pursue

peacefully their educational objectives; 3) protect the health, safety and welfare of the College and the members of its community; and 4) maintain and protect the real and personal property of the College and the members of its community.

This Code applies in addition to other College and System policies and regulations, local ordinances, and state and federal laws. Students whose conduct violates those authorities may also be subject to their sanctions and penalties. Finally, the Residence Hall Agreement

between a student and the College imposes similar but additional responsibilities and obligations, and students whose conduct violates both that Agreement and this Code may be disciplined by the College under either or both.

II. Persons Governed by Code

As used in this Code, “student” means any person who a) has been notified of admission to a College; b) is taking courses or otherwise pursuing studies at or through a College; c) has a continuing relationship with a College even if not officially enrolled for a particular term; or d) has withdrawn from a College while a disciplinary matter is pending.

This Code applies to students and to organizations that are student organizations at the time of the alleged conduct. Students and student organizations are also responsible for the conduct of their guests, and this Code may be invoked against students and student organizations whose guests violate the Code. When a student is alleged to have violated the Code at a College other than the College in which the student is enrolled, the violation will be referred for disposition to the student’s campus of enrollment.

III. Conduct Governed by Code

This Code applies to conduct, wherever it occurs, that:

1. involves the real property owned, occupied or otherwise used by the College;
2. involves the personal property owned, occupied or used by the College community;
3. involves a College or College-related activity, event or function;
4. poses an imminent or substantial threat to persons or property in the College community; and/or
5. otherwise interferes with the objectives or adversely affects the interests of the College or members of its community.



Examples of violations of this Code include, but are not limited to:

- A. Fraudulent conduct**, which includes, but is not limited to: 1) supplying or assisting to supply false information to College personnel; 2) violating a professional code of conduct or ethics; 3) unauthorized representation of the College or its personnel; 4) failing to identify oneself to College personnel; and/or 5) tampering with or falsifying official documents or records.

Allegations of plagiarism, cheating and other forms of academic misconduct shall first be handled pursuant the MCCS policies on academic misconduct and/or student issues arising at clinical affiliates which provide(s) for specific procedures and sanctions. Once the procedures and sanctions of those policies have been applied, the provisions of this Code shall apply.

- B. Conduct that disregards the welfare, health or safety of the College community**, which includes, but is not limited to: 1) assault, harassment or intimidation; 2) false reports of fire or other dangerous conditions; 3) unauthorized use or possession of weapons, explosive components or chemicals, including fireworks, firearms, explosives, gas or compressed air; 4) disturbing authorized activities or the peaceful operation of the College; 5) use, possession, sale or distribution of alcoholic beverages or drugs as prohibited by law or College policy; 6) being under the influence or knowingly in the presence of drugs or alcohol while on College property or at College related events; 7) action prohibited by health or safety regulations; 8) creation of a fire hazard or other dangerous condition; 9) restriction of vehicular or pedestrian traffic flow into or out of College property or facilities; 10) action that produces mental or physical discomfort, embarrassment, harassment or ridicule to any member of the College community; 11) intentionally placing a person or persons in reasonable fear of physical harm; 12) lewd or indecent behavior; 13) tampering with fire or safety equipment; 14) parking violations; 15) disobeying the lawful order of College personnel; and/ or 16) any other conduct that threatens or endangers the health or safety of oneself or others.
- C. Improper use of property**, which includes but is not limited to 1) misuse, destruction, defacement or unauthorized requisition, removal or use of College or College community property; 2) unauthorized presence on College property; and/or 3) violation of College or System computer use policies.
- D. Other conduct that interferes with the orderly business of the College**, which includes, but is not limited to 1) interference with or interruptions of classes and other college activities; 2) failure to comply with a sanction or special terms



and conditions of admission, enrollment and/or participation imposed by the College; 3) interference or refusal to cooperate with an inquiry under the Code; 4) continuous violations of the Code; 5) aiding, abetting or inciting others to commit or cover-up a violation of the Code; 6) retaliation against a person for reporting an alleged violation of the Code; 7) acts of discrimination in violation of College or System policy; 8) conduct prohibited by civil or criminal law; 9) conduct that constitutes “special circumstances” as set forth in MCCS Policy 504, Section B.3.a-g; and/or 10) conduct prohibited by College or System policy.

- E. Sexual misconduct and sexual assault**, as defined in and governed by MCCS Procedure 202.2.
- F. Sexual harassment**, as defined in MCCS Policy 202 and governed by MCCS Procedure 201.1/202.1 and MCCS Procedure 202.2.
- G. Dating violence, domestic violence, and stalking**, as defined in and governed by MCCS Procedure 202.2.

Acts of sexual harassment, sexual assault, dating violence, domestic violence and stalking within the scope of Title IX’s prohibitions and the state campus sexual assault law prohibitions are governed by MCCS Procedure 202.2. Sexual harassment outside the scope of Title IX is governed by MCCS Procedure 201.1/202.1. The College will determine the applicable procedure after review of the alleged conduct.

IV. Sanctions for Code Violations

Students who violate this Code may be subject to one or more sanctions which include, but are not limited to:

1. an apology;
2. reprimand;
3. probation;
4. work or service requirement;
5. restitution;
6. fine;
7. prohibition from College classes, functions or facilities;
8. special terms and conditions of enrollment and/or participation;
9. forfeiture of room fee, room deposit and security deposit;
10. suspension or dismissal from a portion of the College;
11. suspension or dismissal from the whole of the College;
12. revocation of admission or a degree;
13. withholding a degree; and/or
14. any other action as the College deems appropriate.

The Dean of Student Affairs may suspend immediately a student if the Dean determines that the student’s presence at the College poses an imminent threat of harm to self or others, or to property in the College community. Such suspension shall take effect when so designated and may not be stayed pending appeal unless otherwise determined by the College President.



V. Procedure

A. General

In applying the provisions of this Code, MCCS accords students alleged to have violated this Code the following opportunities. First, students have the opportunities to be advised of the charges and the nature of the evidence against them and be heard before an impartial decision-maker. Second, students have the opportunities to have sanctions based on substantial evidence (a standard of “more probable than not”); the decision explained in writing; and, in a Stage Two proceeding, have questions asked of opposing witnesses. Finally, students have the opportunity to be assisted by a person who may observe the proceeding and advise the student, but who may not speak on behalf of the student or otherwise participate in the proceeding. In cases where suspension or dismissal is likely or where criminal charges are pending, such an assistant may be an attorney, but such an attorney shall not be at the college’s expense.

B. Stage One

The College Dean of Student Affairs (“Dean”) and/or Disciplinary Officer (“Officer”) (collectively “Investigator”) shall investigate alleged violations of this Code. Such inquiries shall include notice to the student of the: 1) complaint; 2) Code sections that may have been violated; and 3) possible sanctions that may be imposed. The student shall be given an opportunity to be interviewed.

The Investigator may consider any information that the Investigator believes may be relevant and reliable information in determining whether it is more probable than not that the alleged conduct occurred, and that such conduct violated the Code. Upon concluding the inquiry, the Investigator shall

notify the student in writing of the Investigator’s findings of fact, Code provision(s) violated, if any, and a sanction(s), if any. The Investigator’s decision shall take effect when so noted.

Sanctions, other than interim suspension, may, in the discretion of the Dean, be stayed during any appeal. The Dean, but not an Officer, may at this stage impose a sanction of dismissal or suspension.

C. Stage Two

A student who does not accept discipline imposed at Stage One may request a Stage Two proceeding. A person materially affected by the alleged Code violation (such as the victim of the alleged conduct) may request a Stage Two proceeding in order to review a Disciplinary Officer’s decision either to dismiss or impose a relatively low sanction in the case.

1. Request

A request for a Stage Two proceeding must be submitted in writing to the Dean within two (2) school days following the day the student receives the Investigator’s written decision and must state specifically the grounds for the request. A student who fails to file a proper and timely request may be deemed to have waived the right.

2. Committee

A Stage Two proceeding shall be heard by a Disciplinary Committee (“Committee”) which shall consist of at least three and not more than five members, each appointed by the College President. At least one member should be a faculty member and one member may be a student. The President shall appoint a Chair.

3. Hearing

After receiving the student’s request, the Committee Chair shall notify the student, Dean and/or Officer of the time and location for the hearing. A hearing shall be held as soon as practical and shall proceed as follows: The Committee Chair shall preside; the Dean and/or Officer will present the charges, information, and findings against the student; the student will respond to the case presented by the Dean and/or Officer; and the Dean and/or Officer and student may then each summarize orally their position.

All or a portion of the hearing may, at the discretion of the Committee, be closed to persons other than those recognized by the Chair. If a student does not attend the hearing, the Committee may commence the hearing or continue the hearing to a later time or date. Only the members of the Committee may pose questions to the witnesses or parties. The Committee is not bound by court rules of evidence or procedure.

4. Decision

The Committee will convene in closed session to find facts and determine any Code violation(s). The Committee may consider any relevant and reliable information in determining whether it is more probable than not that the alleged conduct occurred, and that such conduct violated the Code. The Committee is not bound by the Investigator's findings and sanctions. The Committee may impose any appropriate sanction up to and including dismissal. Disciplinary sanctions imposed by the Committee take effect immediately unless otherwise specified. A majority of Committee members present and voting will prevail.

D. Stage Three

A student may appeal to the College President only a Committee sanction of suspension or dismissal from the College. Such appeal must be submitted in writing to the President within two (2) school days following the day when the student receives the Committee's written decision and must state specifically the grounds for appeal. Such appeals shall be limited to the Committee's procedures and the appropriateness of the sanction. A student who fails to file a proper and timely appeal may be deemed to have waived the right to appeal. The President may also grant a request by a person materially affected by the alleged Code violation to review a decision of the Disciplinary Committee to dismiss a case or to impose a relatively low sanction. In all cases, the President shall issue a written decision as soon as practical after the hearing. The President is not bound by the decisions of either the Investigator or Committee.

VI. Notice and Receipt of Notice

A College may provide a notice under this Code to a student either in person or to the student's most recent electronic, campus or U.S. mail address on file at the College. A student will be deemed to have received such notice immediately when informed in person; within 24 hours when notified by electronic or campus mail; and within 72 hours of the date of mailing when notified by U.S. mail. In all instances, a student has an affirmative duty to remain in contact with the College while a matter is pending under this Code.

VII. Coordination of this Code with the MCCS Policy on Special Conditions

When the student conduct at issue involves "special circumstances" as described in MCCS Policy 504, the College may seek guidance from the provisions of that policy.

VIII. Certain Athletic Determinations

The provisions of this Code apply to misconduct related to participation in athletics. The procedures of this Code do not, however, apply determinations of whether a student may be a member of, or receive playing time for, a college athletic team because the student has engaged in conduct detrimental to the team. Those determinations shall be made by the coach, provided that the affected student may appeal the coach's decision to the College Dean of Student Affairs.

For purposes of this provision, "conduct detrimental to the team" includes, but is not limited to, conduct that is unsportsmanlike to fans, officials or opposing coaches or players; disruptive to practices and other team events; brings disruption or disrepute to the team through misconduct or violations of law, College or System policy; or is otherwise contrary to the principles taught through athletic competition, such as reliability, diligence, commitment, teamwork and the willingness to take seriously the duty to represent the College honorably during competition. Each College may adopt a more specific definition of "conduct detrimental to the team" that furthers the educational purposes of athletic competition.



IX. Traffic Violations

A student violation of a rule governing a moving, parked or standing vehicle on property owned, operated or under the control of the MCCS shall be processed under this Code only if the sanction sought by a college is suspension or expulsion from college for that violation. In all other cases, a college shall provide a process that permits a student an informal opportunity to contest the alleged violation before a person designated by the college to hear such contests.

X. Definitions

The following terms have the following meanings when used in this Student Code of Conduct, unless the context indicates otherwise:

“Code” means this Student Code of Conduct;

“College” means a college of the Maine Community College System; **“College Activity”** means an activity under the auspices of the College, including activities of students and student organizations;

“College Community” means any person or organization that attends, performs services for, is employed by, visits or otherwise uses the College; **“College Personnel”** means any instructor, administrator, employee, committee or contractor of the College or System; **“Course”** means any class of instruction, regardless of credit, offered by the College; **“President”** means a College President; **“Property”** means the real and personal property controlled through ownership, rental, charter or other means by the System, College, State of Maine or a member of the College Community. “Property” includes written documents and computer programs, files, and resources; **“School Day”** means a day that the College is open for instruction; **“Student Organization”** means an organization that acts or purports to act for a student in matters regarding the College; and **“System”** means the Maine Community College System.

REFERENCES: 20-A M.R.S.A. §12706(7); *MCCS Policy 504*

DATE ADOPTED: June 24, 2009

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STUDENT SEXUAL MISCONDUCT AND ASSAULT, STALKING AND RELATIONSHIP VIOLENCE

A. Introduction

The purpose of this Procedure is to define and to describe the reporting, investigation and adjudication procedures that govern MCCS' handling of allegations of sexual harassment as defined by Title IX of the Education Amendments of 1972, and allegations of sexual violence, intimate partner violence and stalking as defined by state law, and to provide guidance on the application of those procedures. This Procedure applies uniformly to conduct constituting sexual harassment, including sexual assault, dating violence, domestic violence and stalking as defined by Title IX, and sexual violence, intimate partner violence and stalking as defined by Maine law. These categories of conduct are collectively referred to herein as "prohibited conduct."

As set forth in MCCS Policy 202, under Title IX, discrimination in the form of sexual harassment is conduct, on the basis of sex, that effectively denies a person equal access to an MCCS educational program or activity. That conduct might be (a) quid pro quo; (b) unwelcome conduct that a reasonable person would deem severe, pervasive, and objectively offensive; or (c) sexual assault, dating violence, domestic violence, or stalking. Under applicable Maine law, acts of dating and domestic violence are collectively defined as "intimate partner violence," and sexual offenses, including sexual harassment, are collectively defined as "sexual violence." Stalking also has differing definitions under Title IX and state law.

This Procedure governs all conduct within its scope and its contents are mandated by federal and state laws. It is not a substitution for the criminal justice process.



B. Roles and Responsibilities of the Title IX Coordinator and Confidential Resource Advisor

Each college and the MCCS System Office have a designated Title IX Coordinator, an employee with primary responsibility for overseeing the application of this Procedure. Each college and the System Office also provide the services of a Confidential Resource Advisor (CRA) to act as an advocate for students and employees who have experienced an alleged incident of prohibited conduct. The roles and responsibilities of the Title IX Coordinator and CRA are as follows.

1. Title IX Coordinator

The Title IX Coordinator is a trained, full-time, on-campus employee with primary responsibility for overseeing the application of this Procedure, providing a broad range of information and emergency and ongoing services to students and employees who allege having experienced prohibited conduct. The Title IX Coordinator's services are available to individuals who desire to make a Formal Complaint of prohibited conduct as well as to those who may not yet be ready or do not want to make a Formal Complaint, or who seek only information, emergency assistance, and supportive measures. A Report to the Title IX Coordinator, which can be oral or in writing, is adequate to initiate receipt of information and services.

The Title IX Coordinator is not an advocate for either party and serves in a neutral role to ensure that all parties are treated fairly and that-

- The provisions of this Procedure are uniformly applied
- That proceedings will be prompt, fair and impartial
- All Title IX activities are conducted by officials with appropriate training in VAWA offenses

The Title IX Coordinator's services are equally available to individuals accused of engaging in conduct governed by this Procedure.

The Title IX Coordinator is the sole person with authority to initiate the college's investigative and disciplinary process for alleged acts of conduct governed by this Procedure. A Formal Complaint of prohibited conduct to the Title IX Coordinator triggers the college's responsibility to take steps to address the alleged conduct and ensure that neither the Complainant nor any other student or employee are subjected to further harm.

The Title IX Coordinator is bound by the confidentiality provisions of federal and state laws that prohibit the disclosure of information provided to the Title IX Coordinator regarding an incident of prohibited conduct, including the identities of the parties, except as necessary to administer the disciplinary process or as otherwise permitted under the law.

The Title IX Coordinator is responsible for providing the following information and services to students and employees who have experienced conduct prohibited by this Procedure:

- A.** An explanation of the confidentiality of reports or complaints of prohibited conduct, including that the identity of a Complainant and Respondent and all information relating to the incident of prohibited conduct are confidential and may not be disclosed to the college except as necessary to administer the disciplinary process or as otherwise permitted by state or federal law.
- B.** An explanation of the differences between a Report and Formal Complaint and the options to file a Report or Formal Complaint.
- C.** An explanation of the description of the college's procedure for handling complaints governed by this Procedure, including how to make a complaint, the steps involved in the college's investigative, disciplinary and non-disciplinary processes and resolution options for complaints.
- D.** An explanation of the option to make a complaint to a law enforcement agency, the availability of assistance from the college in filing the complaint with the appropriate agency; and information explaining the process for local, state or federal law enforcement, depending upon the nature of the conduct at issue.
- E.** An explanation that complaints can be made to either or both the college and law enforcement and that neither process is a substitute for the other.
- F.** An explanation of the student or employee's options to seek a protection order from a court and/or a mutual no-contact order from the college, and the college's differing responsibilities regarding a court-issued protection order and college issued no-contact order.
- G.** The availability of counseling services on campus or otherwise through the college.
- H.** The availability of counseling and other support services available from a local sexual assault support center or domestic violence resource center, and contact information for the support centers.
- I.** Information on medical and mental health services available on and off campus.
- J.** The availability of on campus supportive measures, including campus escort services; mutual restrictions on contact between parties; changes in class schedule, academic status, dining, housing, transportation or campus employment; academic course work adjustments; excused absences; academic counseling; and tutoring.
- K.** An explanation of the Title IX Coordinator's role in working with relevant college personnel to obtain and implement available on campus supportive measures.
- L.** The availability of off campus supportive measures available through any memoranda of understanding with sexual assault support centers and domestic violence resource centers.
- M.** Implementation, monitoring and review of desired, available supportive measures, including coordinating with relevant college personnel to secure the measures. To the extent possible, the Title IX coordinator will maintain confidentiality for the complaint and the respondent of any supportive measures received and not disclose the underlying reason for the measures.

- N. For students considering temporary or permanent withdrawal or reduced enrollment, information on the impact of withdrawal or reduced enrollment on student loans, including but not limited to information regarding loan deferment, forbearance, or other applicable student loan programs.
- O. The availability of financial resources and/or relief under the control of the college, including tuition credit, opportunities to withdraw or reenroll in a course without academic or financial penalty and continued eligibility for scholarships and honors for a student who withdraws from a class or the college.
- P. The availability of legal assistance in the community.
- Q. The availability of visa and immigration assistance in the community.
- R. The role of the Title IX coordinator during the investigative and disciplinary process, including that the Title IX Coordinator cannot act as an advisor, support person or counselor for any party to a complaint of prohibited conduct.
- S. Any limits on the ability of the Title IX Coordinator to keep private or confidential the information provided by students and employees.

Contact information for MCCS Title IX Coordinators is available in the Appendix to this Procedure.

2. Confidential Resource Advisor

A Confidential Resource Advisor ("CRA") is another source of information and emergency and ongoing support services available to students and employees who have experienced an incident of sexual violence, intimate partner violence or stalking, as defined in this Procedure. A CRA is specially trained to advocate on behalf of victims of sexual assault or domestic violence and to provide victim support services. The services of a CRA are not available to those accused of engaging in prohibited conduct.

A CRA is also trained to provide the same services and information available from the Title IX Coordinator described in Section B.1.a-q, herein. In addition, the CRA may act during an administrative adjudication or the college's disciplinary process as a support person or advisor of choice, and, if licensed, may act as a counselor or therapist to students and employees who qualify for CRA services. A CRA may also obtain confidential criminal record information from law enforcement regarding an alleged perpetrator of sexual violence, intimate partner violence and stalking, for the sole purpose of planning for the safety of the party.

The CRA is subject to the same state and federal confidentiality laws as the Title IX Coordinator and Maine law provides additional confidentiality privileges to a CRA and a person who receives CRA services. Under Maine law, the CRA is not permitted to disclose



to the college, law enforcement, a court, or any other entity any information provided by the person utilizing its services, unless disclosure is required by law or permitted in writing by the person. A person who receives CRA services may refuse to disclose, and may refuse to permit a CRA to disclose, confidential written or oral communications between the person and the CRA, as well as any written records, memoranda or reports concerning the person.

Seeking services from a CRA does not constitute a report, complaint or notice to the college of the alleged misconduct and does not initiate any action by the college. Further, the CRA is prohibited from reporting the incident to the college or law enforcement, unless required to do so by law or requested by the person seeking services.

CRAs utilized by MCCS are independent contractors, not employees, and do not act for or on behalf of the college. A CRA has no authority to take steps to address the offending conduct or initiate the college's investigative or disciplinary process. Because the college may have no information about the alleged misconduct, the college may be unable to take action to ensure that the offending conduct stops, that no further harm comes to the individual seeking CRA services and that no other students or employees are harmed.

Contact information for confidential resource advisors is available in the Appendix to this Procedure.

3. Violence Against Women Act (VAWA) Response to Domestic Violence, Dating Violence, Sexual Assault and Stalking

Sex discrimination and sexual misconduct in the form of hostile work environment, sexual harassment, domestic violence, dating violence, stalking, sexual violence (rape, sexual assault, and sexual abuse), and gender/sex-based harassment or discrimination, represent conduct that is prohibited by KVCC/MCCS policy as those terms are defined for purpose of the Clery Act and in accordance with Title IX.

This section of the report informs the campus community of KVCC programs designed to address domestic violence, dating violence, sexual assault and stalking. This section also includes the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault or stalking, when it is reported to a college official.

KVCC provides intentional programs and campaigns intended to prevent or end dating violence, domestic violence, sexual assault and stalking. Training programs for all new students consist of prevention engagement during New Student Orientation and includes definitions of terms, prevention strategies, and victim resources both on and off campus. New employees are required to complete online training on sexual assault, domestic violence, dating violence and stalking.

Training informs students of the importance of preserving evidence that may assist in proving that the alleged criminal offense occurred. Students are also informed that victims of VAWA offenses can directly notify law enforcement or be assisted by campus authorities in notifying law enforcement. Students are also trained that victims can decline to notify such authorities.

Risk reduction training consists of self-examination of healthy choices and dangers in contextual situations where domestic violence, dating violence, sexual assault and stalking occur. This training includes risk assessment and awareness. Further support resources are provided for students in both on-campus and off-campus context.

Active bystander training is addressed in New Student Orientation and training campaigns throughout the year. Residential students receive active bystander training throughout the year with active bystander messages posted around campus to maintain awareness of the training and role of active bystanders in keeping the KVCC community safe.

4. The Federal Stop Campus Hazing Act

Hazing is a violation of Maine Community College System policy, federal, and state law.

The Federal Stop Campus Hazing Act addresses reports of hazing by a student organization. The Act defines hazing as: any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons, regardless of the willingness of such other person or persons to participate, that –

- is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and

- causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury.

The Act defines a student organization as: an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.

Maine Community College System Prohibition of Injurious Hazing

Under Maine State Law Title 20-A M.R.S.A. §10004(2) (B), it is a violation of M CCS policy to engage in the injurious hazing of any student, employee, group, or entity affiliated with a college or the M CCS.

“Injurious hazing” means any action or situation on or off M CCS property that recklessly or intentionally endangers the mental or physical health of any such student, employee, group, or entity affiliated with a college or the M CCS.

Penalties

Pursuant to Maine State Law Title 20-A M.R.S.A. §10004(3), penalties for violating this policy include, but are not limited to, the following:

1. In the case of a person not associated with the institution, the removal of the violator from M CCS property;
2. In the case of a student or employee, suspension, expulsion, and/or other appropriate disciplinary action; and
3. In the case of an organization affiliated with a college or the M CCS, which authorizes hazing, rescission of permission for that organization to operate on M CCS property or receive any other benefit of affiliation with the M CCS or a college.

These penalties shall be in addition to any other M CCS or college rule of conduct, and to any civil or criminal penalty to which the violator(s) may be subject.

Reporting Incidents of Hazing

Hazing incidents can be reported to the following:

Dean of Student Affairs – (207) 453-5019 – cmckenna@mainecc.edu

Director of Residential Life – (207) 453-5873 – mkenna@mainecc.edu

Campus Safety and Security- (207) 453-5811 – tmcdonald@mainecc.edu

Investigating Incidents of Hazing

In compliance with the Federal Campus Hazing Act and Maine State Law, reports of hazing will be investigated by representatives from the Department of Student Services. Kennebec Valley Community College will publish a Campus Hazing Transparency Report documenting occurrences and will be updated every six months for the campus community. The College follows the Student Code of Conduct (Policy 501) and all applicable local, state, and federal laws for the reporting, investigating, and adjudication of hazing incidents.

Prevention & Bystander Intervention Strategies

Kennebec Valley Community College is committed to providing a safe and secure learning environment for all students, faculty, staff, and guests of the College. All registered student clubs and organizations receive annual hazing prevention training through the Office of Student Life.

The following are some tools and strategies for hazing prevention:

[Free Hazing Prevention Course from the NFHS Learning Center](#)

[Hazing Prevention: 5 Ds for Effective Bystander Intervention](#)

[Hazing Prevention 101: Smart Steps 4 Staying Safe](#)

[We Don't Haze Video](#)

C. Definitions

1. Title IX Definitions of Sexual Assault, Domestic Violence, Dating Violence and Stalking

A. **“Sexual assault,”** as defined in 20 U.S.C. 1092(f)(6)(A)(v), means an offense that meets the following definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting System:

1. **“Rape”** means the penetration, no matter how slight, of the vagina or anus with any body part of object, or oral penetration by a sex organ of another person, without the consent of the victim.
2. **“Fondling”** means the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age and/or because of their temporary or permanent mental incapacity.
3. **“Incest”** means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

4. **“Statutory Rape”** means sexual intercourse with a person who is under the statutory age of consent. In Maine, the age of consent is 16.

B. **“Domestic Violence,”** as defined in 34 U.S.C. 12291(a)(12), means felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim, as well as the use or attempted use of physical or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic or technological abuse that may or may not constitute criminal behavior, by a person who:

1. Is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;
2. Is cohabitating, or has cohabitated with the victim as a spouse or intimate partner;
3. Shares a child in common with the victim; or
4. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

C. **“Dating Violence,”** as defined in 34 U.S.C. 12291(a)(11), means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the following factors:

1. The length of the relationship;
2. The type of relationship; and,
3. The frequency of interaction between the persons involved in the relationship.

D. **“Stalking,”** as defined in 34 U.S.C. 12291(a)(36), means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for his or her safety or the safety of others; or
2. Suffer substantial emotional distress.

2. State Definitions of Sexual Violence, Intimate Partner Violence, and Stalking

A. **“Sexual Violence,”** as defined in 20-A MRS §12981(8), encompasses a range of crimes under the umbrella of sexual assault, unauthorized dissemination of private images, sex trafficking or aggravated sex trafficking, as well as sexual harassment, as defined herein.

1. **“Sexual Assault”** means any crime under 17-A MRS Chapter 11, and broadly includes a range of unlawful sexual conduct, including **gross sexual assault** (commonly referred to as “rape,”), **unlawful sexual contact** or **unlawful**

sexual touching. For purposes of defining sexual assault, the following state law definitions of “sexual act” “sexual contact” and “sexual touching” apply:

a. **“Sexual Act”** means:

- 1) Any act between 2 persons involving direct physical contact between the genitals of one and the mouth or anus of the other, or direct physical contact between the genitals of one and the genitals of the other;
- 2) Any act between a person and an animal being used by another person which act involves direct physical contact between the genitals of one and the mouth or anus of the other, or direct physical contact between the genitals of one and the genitals of the other; or
- 3) Any act involving direct physical contact between the genitals or anus of one and an instrument or device manipulated by another person when that act is done for the purpose of arousing or gratifying sexual desire or for the purpose of causing bodily injury or offensive physical contact.

Conduct constituting a sexual act does not require but may include penetration. The crime of gross sexual assault requires a sexual act.

- b. **“Sexual Contact”** means any touching of the genitals or anus, directly or through clothing, other than as would constitute a sexual act, for the purpose of arousing or gratifying sexual desire or for the purpose of causing bodily injury or offensive physical contact.
- c. **“Sexual Touching”** means any touching of the breasts, buttocks, groin or inner thigh, directly or through clothing, for the purpose of arousing or gratifying sexual desire.

Under Maine law, sexual contact and sexual touching are unlawful. A sexual act constitutes gross sexual assault when, at the time of the conduct, an additional element is present, including when the person:

- i. Has not expressly or impliedly acquiesced to the sexual activity and the other person was **criminally negligent** with regard to whether the complainant acquiesced;
- ii. Is unconscious or physically incapable of resisting and has not consented to the sexual conduct;

- iii. Has a mental disability that is reasonably apparent or known to the other person that renders the person substantially incapable of appraising the nature of the contact involved or of understanding the right to deny or withdraw consent;
- iv. Is under the statutory age of consent for the nature of the sexual conduct and was not the actor’s spouse;
- v. Submitted as result of **compulsion** (gross sexual assault only);
- vi. Was compelled or induced to engage in the sexual act by any threat by the other person (gross sexual assault only); or
- vii. Has been furnished with drugs or alcohol by the other person which resulted in substantial impairment of the person’s power to appraise or control their sexual acts (gross sexual assault only).

Sexual assault for purposes of this definition also includes sexual crimes against minors, including crimes of **visual sexual aggression against a child, sexual abuse of a minor, sexual misconduct with a child under 14 years of age, solicitation of a child to engage in a prohibited act, and solicitation of a child to engage in prostitution.**

2. **“Unauthorized Dissemination of Certain Private Images”** means to intentionally harass, torment or threaten the depicted person or another person, knowingly disseminates, displays or publishes a photograph, videotape, film or digital recording of another person in a state of nudity or engaged in a sexual act or engaged in sexual contact in a manner in which there is no public or newsworthy purpose when the person knows or should have known that the depicted person is: (i) identifiable from the image itself or information displayed in connection with the image; and (ii) has not consented to the dissemination, display or publication of the private image.
3. **“Sex Trafficking or Aggravated Sex Trafficking”** means to knowingly: (i) promote prostitution by compelling a person to enter into, engage in or remain in prostitution; (ii) promote prostitution of a person 15, 16 or 17 years of age; or (iii) promote prostitution of a person who suffers from a mental disability that is reasonably apparent or known to the actor and that in fact renders the other person substantially incapable of appraising the nature of the conduct involved.

4. **“Sexual Harassment”** means any unwelcome verbal or physical conduct of a sexual nature directed at a specific person, as well as retaliation for communicating about or filing a complaint of sexual harassment.
- B. **“Intimate Partner Violence”** means any act that constitutes abuse under [19-A MRS §4002\(1\)\(A-H\)](#) committed between individuals who are or have been in a social relationship of an intimate nature, regardless of whether the individuals were or are sexual partners. Conduct within the definition of intimate partner violence includes the following:
1. Sexual Assault as defined in Section C. 2.a.1 herein.
 2. Attempting to cause or causing bodily injury or offensive physical contact;
 3. Attempting to place or placing another in fear of bodily injury through any course of conduct, including, but not limited to, threatening, harassing or tormenting behavior.
 4. Compelling a person by force, threat of force or intimidation to engage in conduct from which the person has a right or privilege to abstain or to abstain from conduct in which the person has a right to engage.
 5. Knowingly restricting substantially the movements of another person without that person’s consent or other lawful authority: (i) removing that person from that person’s residence, place of business or school; (ii) moving that person a substantial distance from the vicinity where that person was found; or (iii) confining that person for a substantial period either in the place where the restriction commences or in a place to which that person has been moved.
 6. Communicating to a person a threat to commit, or to cause to be committed, a crime of violence dangerous to human life against the person to whom the communication is made or another, and the natural and probable consequence of the threat, whether or not that consequence in fact occurs, is to place the person to whom the threat is communicated, or the person against whom the threat is made, in reasonable fear that the crime will be committed;
7. Repeatedly and without reasonable cause following a person or being at or in the vicinity of the person’s home, school, business or place of employment.
- C. **“Stalking,”** means intentionally or knowingly engaging in a course of conduct directed at or concerning a specific person that would cause a reasonable person to; i) suffer serious inconvenience or emotional distress, ii) fear bodily injury or fear bodily injury to a close relation; iii) fear death or fear the death of a close relation, iv) fear damage or destruction to or tampering with property, or v) fear injury to or the death of an animal owned by or in the possession and control of that specific person.
- ### 3. Other Applicable Definitions
- A. **“Consent”** means a knowing, voluntary, and mutual agreement among all participants to engage in sexual activity. Consent can be given by words and/or actions, as long as those words and/or actions create clear permission regarding willingness to engage in the sexual activity at the time of the activity. Mere submission to engaging in a sexual activity without communicating an affirmative agreement to participate does not constitute consent. Consent can be withdrawn at any time and, if so withdrawn, the sexual activity shall stop.
- Consent has been obtained when a reasonable person in the Respondent’s position would understand through words and/or actions that the person has voluntarily agreed to the sexual activity, at the time of the activity. Agreement to engage in one sexual activity (such as a Touching)



is not agreement to engage in a different sexual activity (such as an Act). Agreement from a person: i) who is unconscious; ii) whose ability to understand the nature of the conduct or control their sexual acts is substantially impaired by drugs, alcohol or other incapacitation, iii) subjected to threats of or use of physical harm or otherwise placed in fear of physical harm; iv) who withdrew consent or otherwise clearly communicated an objection to the activity; or v) under the statutory age of consent for the nature of the activity shall not be regarded as consent.

B. “Complainant” means a person who believes he or she experienced an act prohibited by this policy and reports the conduct to the College.

C. “Criminal negligence” means:

1. When a person fails to be aware of a risk that their conduct will cause a particular result.
2. When a person with respect to attendant circumstances fails to be aware of the risk that such circumstances exist.
3. The failure to be aware of the risk, when viewed in the light of the nature and purpose of the person's conduct and the circumstances known to the person, must involve a gross deviation from the standard of conduct that a reasonable and prudent person would observe in the same situation.

For example, as applied to sexual activity, the conduct may constitute sexual assault if a person knew or should have known that the other person's ability to appraise or control their sexual activity is substantially impaired by drugs or alcohol, and the person nonetheless engaged in a sexual act, sexual contact or sexual touching with the other person.

D. “Formal Complaint” means a detailed, written, signed allegation of prohibited conduct.

E. “Report” means an informal, potentially anonymous, allegation of prohibited conduct.

F. “Respondent” means a student, employee or other individual within the College's substantial control accused of conduct prohibited by this policy.

G. “Retaliation” means pressuring a person to drop or support a complaint or to provide false or misleading information; pressuring a person to participate or refrain from participating as a witness in a proceeding; or engaging in conduct that may reasonably be perceived to affect adversely that person's educational, living, or work environment for making a good-faith report or participating in good faith in an investigation.

D. Reports and Formal Complaints

A report alleging an incident of prohibited conduct can be made informally, anonymously, orally or in writing. Supportive measures are available for students and employees who make a report. A person making a report is not required to file a Formal Complaint.

Only a Formal Complaint initiates the resolution process set forth in this Procedure. A Formal Complaint must be written and signed by the complainant. Supportive measures are available for the complainant and respondents named in the Formal Complaint.

1. Reports

- A.** Students and employees are advised to report allegations of prohibited conduct immediately, or as soon as possible after the incident of prohibited conduct. Reports can be made via mail, email, phone, web form, or in person.
- B.** Reports should be made to the Title IX Coordinator. Presidents, Deans, and Human Resources Managers who receive a report of prohibited conduct shall immediately share the report with the Title IX Coordinator.
- C.** Reports should include enough information to enable the Title IX Coordinator to follow up with the person alleged to have experienced the prohibited conduct.
- D.** The Title IX Coordinator must reach out to, and meet with, the person alleged to have experienced the prohibited conduct and provide:
1. The option for supportive measures;
 2. Information required by federal and state laws on available resources if appropriate; and



- 3. Information on the Formal Complaint and the Grievance Procedure, including that the person is not required to make a Formal Complaint.
- E. The Title IX Coordinator must document that this information was provided.
- F. If the person does not wish to make a Formal Complaint, the Title IX Coordinator has the discretion to make a Formal Complaint based on the allegation, and would be the signatory, but not a party to the complaint.
- A. The alleged conduct would not constitute sexual harassment under the Title IX sexual harassment definitions, even if proved;
- B. The alleged conduct was against a person not in the United States;
- C. The alleged conduct was against a person not participating, or attempting to participate, in an MCCS educational program or activity; or,
- D. The alleged conduct was not at an MCCS location, not during an MCCS activity or program, or the MCCS did not have substantial control over both the respondent and the context.

2. Formal Complaints

- A. Students and employees are advised to file a written, signed Formal Complaint with allegations of prohibited conduct immediately, or as soon as possible. Formal Complaints may be made during or after the complainant's participation or attempted participation in an MCCS education program or activity. Complaints made after conclusion of the complainant's participation or attempt to participate are not eligible for treatment under Title IX, but may proceed if the applicable state law definition of the prohibited conduct is satisfied.
- B. Formal Complaints shall be made to the Title IX Coordinator. Presidents, Deans, and HR managers who receive a Formal Complaint shall immediately share the Complaint with the Title IX Coordinator.
- C. Formal Complaints must be in writing and signed by the complainant or the Title IX Coordinator. The writing could be an email, a web form, or other document. A Formal Complaint must contain as much detail as possible. It must disclose the identity of the person(s) alleged to have engaged in the prohibited conduct, and the location(s), date(s) and description of the alleged conduct.
- D. Upon receipt of a Formal Complaint, the college has sixty business days to conclude the Informal Resolution or conduct the Investigation and issue the draft report. Extensions shall be made only for good cause.
- E. It is a violation of MCCS Policy 202 for any person to intentionally file a report of prohibited conduct with an MCCS official when the person knows that such report, by fabrication or material embellishment, is false.

3. Mandatory Dismissal of a Formal Complaint

Formal Complaints are subject to mandatory dismissal under certain circumstances.

Federal regulations require a Formal Complaint of sexual harassment to be dismissed from Title IX jurisdiction if the following criteria are not met:

In the event of allegations of sexual violence, intimate partner violence or stalking under Maine law, a Formal Complaint will be dismissed if the alleged conduct would not satisfy the applicable definition, even if proved, or if MCCS did not have substantial control over the respondent.

Complaints against students that are subject to mandatory dismissal from Title IX jurisdiction may still fall under this Procedure if the allegation meets the applicable Maine law definition.

4. Discretionary Dismissal of a Formal Complaint

MCCS has the discretion to dismiss a Formal Complaint if:

- A. The complainant notifies the Title IX Coordinator, in writing, that the complainant would like to withdraw the Formal Complaint or any allegations therein;
- B. The respondent is no longer enrolled at or employed by the MCCS; or
- C. Specific circumstances prevent the MCCS from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

5. Appeal of Dismissal of Formal Complaint

A written notice shall be provided to both parties if the Formal Complaint is dismissed from this Procedure, including in those situations when the Formal Complaint is dismissed from Title IX jurisdiction, but continues to proceed under state criteria, or vice versa. The notice shall include the right to appeal the decision in writing to the president within two business days of receipt. The request to appeal the decision shall include the grounds for appeal.

E. Supportive Measures Offered to a Person at the Time of a Report; Supportive Measures Provide Offered to Complainant and Respondent at the Time of a Formal Complaint

Supportive measures are individualized, non-disciplinary services offered as appropriate and as reasonably available, without fee or charge. The measures are designed to restore or preserve equal access to an educational program or activity without unreasonably burdening the other party. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus.

MCCS shall maintain confidentiality for the complainant and respondent of any supportive measures that they receive, to the extent possible. The Title IX Coordinator shall implement and monitor the supportive measures. Supportive measures may be reviewed at any time upon request to the Title IX Coordinator

F. Grievance Procedures

1. Notice of Formal Complaint

Both the complainant and the respondent shall be notified, simultaneously, that a Formal Complaint has been made. The notice must include:

- A.** Details of the allegation (parties, conduct, date, location);
- B.** The grievance resolution Procedure, including that the process shall be equitable, prompt, and impartial;
- C.** Both parties may receive supportive measures, and the Title IX Coordinator will work with each party to implement individualized measures;
- D.** Both parties may have an advisor of their choice;
- E.** Both parties may inspect and review evidence;
- F.** The respondent is presumed not responsible and a determination regarding responsibility shall be made at the conclusion of the grievance process based on the preponderance of the evidence standard;

- G.** The MCCS bears the burden of proof;
- H.** An Informal Resolution process may be available if it is appropriate and the respondent is not an employee; both parties agree in writing to participate; the parties can return to the Formal Grievance process any time until a resolution has been agreed upon; and documents on the agreement to participate, final resolution, or return to formal grievance process will be kept on record; and
- I.** It is a violation of MCCS Policy 202 to make false statements in the course of the investigation.

Additionally, the notice must include statements regarding:

- A.** Preserving Evidence;
- B.** Confidentiality;
- C.** Law Enforcement;
- D.** Counseling, Health and Mental Health resources;
- E.** Victim Advocacy and Legal Assistance resources;
- F.** Visa and Immigration resources; and
- G.** Student Financial Aid resources.

2. Emergency Removal of Respondent

A respondent may not receive any disciplinary sanctions, such as suspension or expulsion, prior to the conclusion of the grievance process. MCCS may remove a respondent on an emergency basis from the time of a report through to the end of the investigation, provided that MCCS:

- A.** Undertakes an individualized safety and risk analysis; and
- B.** Determines that there is an immediate risk of physical health or safety to any person arising out of the allegations of sexual harassment.

MCCS shall provide the respondent with written notice of emergency removal. It shall also provide the opportunity to be heard immediately following the removal. To file an appeal, students shall contact the Dean of Students and employees shall contact the Director of Human Resources or the president's designee. The Dean of Student/Director of Human Resources decision shall be final.

3. Informal Resolution Procedures

- A.** The Informal Resolution process shall be guided by a trained facilitator.
- B.** The Informal Resolution process may be available if both parties agree in writing. Informal Resolution process is not available if the respondent is an employee.
- C.** The Informal Resolution process is available at any time prior to reaching a determination regarding responsibility.



- D. Information disclosed by the parties during the Informal Resolution process is confidential and may not be used as evidence during the Formal Grievance process.
- E. At any time until an Informal Resolution has been agreed upon, the parties may leave the Informal Resolution process and return to the Formal Grievance process. Likewise, if the Informal Resolution process fails and the parties cannot agree on a resolution, the complaint shall be referred to the Formal Grievance process.
- F. A successful Informal Resolution process will yield an agreement between the parties. Once the agreement is reached the parties cannot pursue the Formal Grievance process for the same conduct.
- G. Agreements to participate in the Informal Resolution process, Informal Resolutions, and the referral to the Formal Grievance process shall be kept as records.

4. Formal Resolution Procedures

A. Investigation

The College shall investigate Formal Complaints of conduct governed by this Procedure. Both the complainant and the respondent shall have the same opportunity to provide evidence and witnesses to the investigator. If the parties do not agree to attempt an Informal Resolution, the investigation will initiate after the notice of investigation is issued.

All parties shall receive written notice of the date(s), times(s), location(s), participant(s), and purpose of all hearings, investigative interviews or other meetings, with sufficient time for the party to prepare to participate. If the investigator decides to investigate allegations about the complainant or respondent that are not included in the initial notice, the Investigator shall provide notice of

the additional allegations. Further, a College may consolidate Formal Complaints where the allegations of prohibited conduct arise out of the same facts or circumstances.

In gathering evidence, the College may not use records that are privileged without obtaining that party's voluntary written consent. Both parties will have equal opportunity to present witness and evidence to the Investigator. Parties shall forward all evidence to the Investigator as soon as the evidence becomes available.

Prior to the completion of the investigative report, the investigator will provide to the parties, and their respective advisors (if the party has one), all gathered evidence directly related to the allegations, and a copy of the draft report. The evidence will either be electronic or hard copy. The parties and their respective advisors (if the party has one) shall not copy, share, post, or otherwise disseminate the evidence. This prohibition does not apply to the use of evidence in a judicial proceeding. The parties have ten business days to submit a written response to the investigator.

The investigator will review, and incorporate as appropriate, the responses prior to completing the report. The complete report will be provided to the parties, and their respective advisors, and the parties will have ten business days to submit a written response. Following the completion of the investigative report, the live hearing will be scheduled.

The parties will be provided with a copy of the procedures governing the submission and consideration of evidence used during the live hearing.

B. Live Hearing

The hearings shall be live and may be aided by technology so that the parties may see and hear the proceedings from separate rooms. A recording



of the hearing shall be provided to both parties no later than ten business days after the hearing and shall not be copied, shared, posted, or otherwise disseminated. The hearings shall be conducted by a Decision Maker in accordance with this Procedure and the MCCS Rules for Title IX Live Hearings and shall use the preponderance of the evidence standard. The Decision Maker shall make determinations of credibility and a determination of responsibility.

Three business days prior to the hearing, parties shall be required to confirm attendance; provide the names of their advisor if they have one; and provide their witness list, in the order the witnesses shall be called. The parties shall also be invited to submit their list of cross-examination questions to the Decision Maker for relevancy predetermination.

The Decision Maker shall open the proceeding and recognize the parties and their respective advisors. If a party does not have an advisor at the hearing the College shall provide one, at no cost. The Decision Maker shall question the parties and witnesses. Advisors shall only participate during oral cross-examination of the other party and witnesses. The Decision Maker shall make relevancy determinations on every cross-examination question and follow up question before the question is answered by the party or witness. Advisors may not appeal the relevancy determination of the Decision Maker.

The Decision Maker shall not take into consideration a party's decision not to submit to cross-examination in reaching a determination regarding responsibility.

All evidence collected during the investigation shall be available at the hearing. The parties and their respective advisors (if applicable) shall not copy, share, post, or otherwise disseminate the evidence. This prohibition does not apply to the use of evidence in a judicial proceeding.

The Decision Maker shall issue in writing a responsibility finding which shall include a statement of and rationale for the finding as to each allegation including a determination regarding responsibility, any disciplinary sanctions the College will impose on the respondent, and whether remedies will be provided to the complainant.

C. Findings

Not more than 7 days after final determination of the complaint, the Decision Maker shall issue written findings which shall include:

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including all notifications to parties, interviews with parties and witnesses, site visits, methods used to gather evidence and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of Policy 202 and, if applicable, the MCCS Student Code of Conduct;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanction the College imposes on the respondent, and whether remedies are provided to the complainant; and

6. The grounds and procedures for the parties to appeal.

Both parties shall be notified simultaneously in writing and provided with the written findings.

D. Appeals

Both parties have the right to appeal the findings and any discipline imposed. Grounds for appeal are:

1. Procedural irregularities affecting the outcome;
2. New evidence that was not previously available that would affect the outcome; and
3. Bias on the part of the Title IX Coordinator, the Investigator, or the Decision Maker.

The appeal request, with grounds for appeal, must be made in writing to the president within two business days of the written notice of findings. MCCS shall notify the other party when an appeal has been filed and both parties shall have five business days to submit a written statement in support of or challenging the grounds for appeal. The president or their designee shall simultaneously issue a written decision to both parties with the result of the appeal and the rationale for the decision.

G. Discipline

Student respondents found responsible shall be subject to the full range of potential disciplinary measures set forth in Section IV of the Student Code of Conduct, up to and including dismissal from the College. Employees found responsible shall be subject to the full range of potential disciplinary measures from counseling to termination.



H. Record Retention

The College shall maintain records of each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording of the hearing, any disciplinary sanctions imposed on the respondent, any remedies provided to the complainant, any information resolution and the result therefrom, and all training materials for a period of seven years.

I. Primary Authority and Annual Training

The Title IX Coordinator(s) at each college and MCCS System Office shall have primary responsibility for overseeing the application of this Procedure. The Coordinator(s) shall ensure that Senior Officials, Informal Resolution facilitators, Investigators, Decision Makers, Appeals Decision Makers, Resident Directors, Resident Assistants, and other pertinent employees are annually informed about this Procedure, and that all training materials are publicly posted to the College's website. The Title IX Coordinator(s) shall further consult with the MCCS General or Associate Counsel on questions arising under, or recommendations to improve, this Procedure.

In addition, Investigators, Decision Makers and Appeals Decision Makers shall receive not less than annual training on issues related to sexual violence, intimate partner violence or stalking, investigatory procedures and hearing procedures to protect the safety and rights of students and promote accountability, objectivity and a trauma-informed response.

J. Other

Nothing in this Procedure shall be construed to confer a private right of action upon any person to enforce the provisions of this Procedure.

K. Appendix

The referenced Appendix of services and authorities is attached to this Procedure and may be updated as needed, without pre-approval by the presidents.

REFERENCES: 20-A M.R.S.A. §12706(7); The Campus SaVE Act (§304 of the re-authorized Violence Against Women Act of 2013 (VAWA); 20 U.S.C. §1092(f)(8) (Clery); 34 C.F.R 106.1 et seq. (Title IX); 20-A MRS §12981 et.seq. MCCS Policies 202, 501, and 807.

DATE ADOPTED: August 10, 2020 (effective August 14, 2020)

DATES AMENDED: June 20, 2024

APPENDIX

Title IX Coordinators

Central Maine Community College

Dean of Students – Nicholas Hamel

nhamel@mainecc.edu

207-755-5284

Eastern Maine Community College

Dean of Students – Elizabeth True

etrue@mainecc.edu

207-974-4673

Kennebec Valley Community College

Dean of Students – CJ McKenna

cmckenna@mainecc.edu

207-453-5019

Northern Maine Community College

Dean of Students – Angela Buck

abuck@mainecc.edu

207-768-2792

Southern Maine Community College

Dean of Students – Jason Saucier

jsaucier@mainecc.edu

207-741-5544

Washington County Community College

Dean of Students – Tyler Stoldt

tstoldt@mainecc.edu

207-454-1032

York County Community College

Dean of Students – Chris Burbank

cburbank@mainecc.edu

207-216-4399

Counseling and Mental Health Services

Central Maine Community College

<https://www.cmcc.edu/student-life/resources/health-and-counseling/>

Student Services (207) 755-5293

Eastern Maine Community College

<https://www.emcc.edu/student-life/resources/counseling/>

(207) 974-4858

sking@mainecc.edu

Kennebec Valley Community College

<https://www.kvcc.me.edu/life-at-kvcc/student-services/counseling-support/>

(207) 453-5150

cwyman1@mainecc.edu

Northern Maine Community College

<https://www.smccme.edu/student-life/counseling/>

Students may also contact:

Aroostook Mental Health Center

(207) 764-3319

Emergency Help Line 207-762-4581 or 1-800-432-7805

Southern Maine Community College

<https://www.smccme.edu/student-life/counseling/>

1-800-434-3000

Washington County Community College

WCCC refers students to:

Aroostook Mental Health Center

<https://www.amhc.org/>

(207) 498-6431

York County Community College

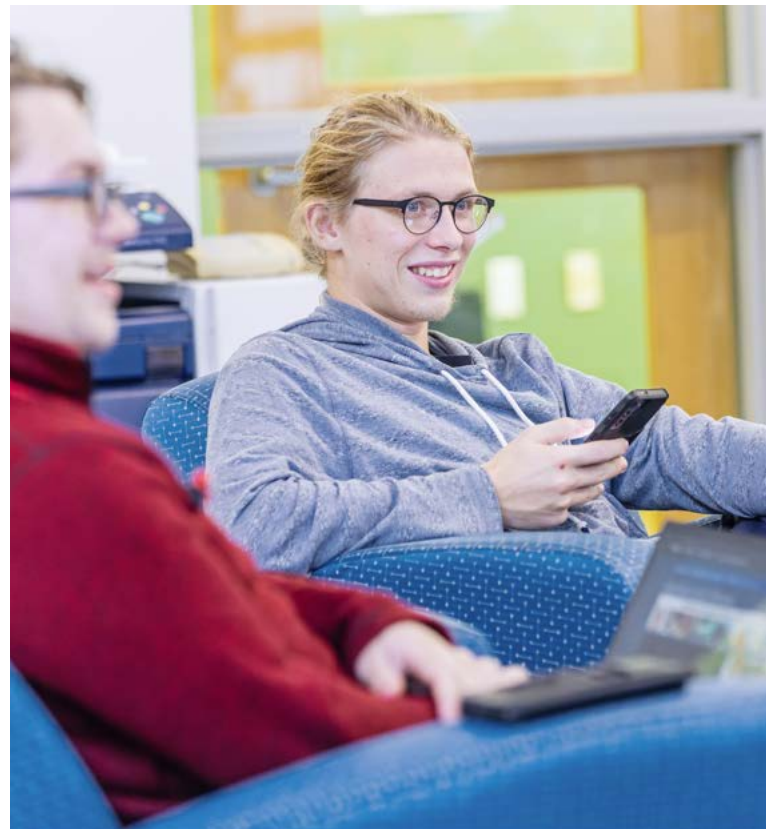
YCCC recommends that students contact:

York County Community Action

Nasson Health Care

<https://yccac.org/health-care/>

(207) 490-6900



Sexual Assault Support Services

Maine Coalition Against Sexual Assault (MeCASA)

24 hour statewide sexual assault crisis and support line
1-800-871-7741 (voice) 711 (Maine Relay)

The Maine Coalition Against Sexual Assault (MeCASA) works towards ending sexual violence by supporting a regional network of sexual assault crisis and support centers across the State of Maine, funding victim services and prevention efforts in Maine's communities, and advocating for victim-centered public policy and systems change. The regional centers listed below all provide the following free sexual assault support services to persons who have experienced sexual violence, without regard to sexual orientation, gender or gender identity:

- Confidential support, including crisis support, from trained, caring people
- Help, information, and in person support for survivors who go to the hospital, police or court
- Connection to other services in your community
- Support groups

Sexual Assault Response Services of Southern Maine

York and Cumberland Counties

24-hour support line: 1-800-313-9900

www.sarsonline.org

Sexual Assault Support Services of Midcoast Maine

Eastern Cumberland, Lincoln, Sagadahoc, Knox and Waldo Counties

24-hour support line: 1-800-822-5999

Anywhere in Maine: 1-800-871-7742

TTY: 1-888-458-5599

www.sassmm.org

Sexual Assault Prevention & Response Team

Androscoggin, Franklin and Oxford Counties, and the Towns of Bridgton and Harrison

24-hour helpline: 1-888-458-5599

TTY: 1-888-458-5599

www.sapars.org

Sexual Assault Crisis & Support Center

Kennebec and Somerset Counties

24-hour support line: 1-800-871-7741

www.silentnomore.org

Rape Response Services

Penobscot and Piscataquis Counties

24-hour hotline: 1-800-310-0000

TDD: 1-888-458-5599

www.rrsonline.org

AMHC Sexual Assault Services

Aroostook, Hancock & Washington Counties

(207)-498-6431

www.amhc.org

United Somali Women of Maine

Androscoggin and Cumberland Counties

(207) 753-0061

www.uswofmaine.org

Confidential Resource Advisors

Central Maine Community College

SAPARS

Shawna Austin

she/her

shawna.austin@sapars.org

Eastern Maine Community College

Salena King

she/hers

sking@mainecc.edu

Kennebec Valley Community College

SAC&SC

Jenna McCarthy

she/her

Jennifer.McCarthy@silentnomore.org

Northern Maine Community College

AMHC

Gabi Cooper

she/her

GCooper@amhc.org

Southern Maine Community College

Ellen Culberson

she/hers

eculberson@mainecc.edu

Washington County Community College

AMHC

Gabi Cooper

she/her

GCooper@amhc.org

York County Community College

SARSSM

Andrew Shepard

they/them

andrews@sarssm.org

National Resources

National Sexual Assault Hotline:

1-800-656-HOPE

National Sexual Assault Online Hotline :

<https://ohl.rainn.org/online/>

For a list of resources with particular focus on the needs of LGBTQ persons, see: <http://barcc.org/information/resources-online/glb>

Domestic Violence Services

Maine Coalition to End Domestic Violence (MCEDV)

Statewide Domestic Abuse Helpline: 1-800-437-1220
info@MCEDV.org
<https://www.mcedv.org/get-help/>

The Maine Coalition to End Domestic Violence works to end domestic abuse, dating abuse, stalking, elder abuse and commercial sex trafficking and supports a statewide network of nine member organizations. The member organizations provide the following services to victims, their families and the community: 24-hour helpline, safety planning, legal advocacy, sheltering and housing, support groups, community education, prevention education, and domestic violence/child protective services advocacy.

The following are MCEDV member organizations:

Hope and Justice Project

Aroostook County
24-hour Helpline: 1-800-439-2323
www.hopeandjusticeproject.org

Next Step Domestic Violence Project

Hancock and Washington Counties
24-hour Helpline 1-800-315-5579
TTY available through relay. Dial 711 and ask the operator to call the 800# above.
www.nextstepdvproject.org

Partners for Peace

Penobscot and Piscataquis Counties
24-hour Helpline: 1-800-863-9909
TTY: 1-800-437-1220
www.partnersforpeaceme.org

New Hope Midcoast

Waldo, Knox, Lincoln and Sagadahoc Counties
24-hour Helpline: 1-800-522-3304
<http://newhopemidcoast.org>

Family Violence Project

Kennebec and Somerset Counties
24-hour Helpline: 1-877-890-7788
<https://www.familyviolenceproject.org/>

Immigrant Resource Center of Maine

Statewide- Serving refugee and immigrant communities through culturally and linguistically sensitive services.
Helpline: 1-866-834; 1-800-437-1220
www.ircofmaine.org

Safe Voices

Franklin, Oxford and Androscoggin Counties
24-hour Helpline: 1-800-559-2927
<https://safevoices.org/>

Through These Doors

Cumberland County
24-hour Helpline: 1-800-537-6066 (TTY accessible)
www.throughthesedoors.org

Caring Unlimited

York County
24-hour Helpline: 1-800-239-7298
www.caring-unlimited.org

Sexual Assault and Domestic Violence Resources for Tribal Communities

Wabanaki Women's Coalition

(207) 763-3478
<https://www.wabanakiwomenscoalition.org>

The Wabanaki Women's Coalition supports a network of tribal support centers dedicated to serving the needs of survivors of domestic violence, dating violence, sexual violence, stalking and sex trafficking, while working to end violence against Native children and adults. Members of the coalition provide emotional support, crisis intervention, emergency shelter, safety planning, court and legal advocacy, hospital accompaniment, transitional housing assistance, advocacy in expressed areas of need, information and referrals and education.

Members of the coalition are:

Aroostook Band of Micmac Indians Domestic & Sexual Violence Advocacy Center

24 hour Helpline: 207-551-3639
www.wabanakiwomenscoalition.org/micmac-domestic-and-sexual-violence-advocacy-center/

Houlton Band of Maliseet Indians Domestic & Sexual Violence Advocacy Center

24 hour Helpline: 207-532-6401
www.wabanakiwomenscoalition.org/maliseet-domestic-and-sexual-violence-advocacy-center/

Indian Township Passamaquoddy Domestic & Sexual Violence Advocacy Center

24 hour Helpline: 207-214-1917
www.wabanakiwomenscoalition.org/indian-township-passamaquoddy-domestic-violence-program/

Pleasant Point Passamaquoddy Peaceful Relations Domestic and Sexual Violence Advocacy Center

24 hour Helpline: 1-877-853-2613
www.wabanakiwomenscoalition.org/passamaquoddy-peaceful-relations/

Penobscot Indian Nation Domestic & Sexual Violence Advocacy Center

24 hour Helpline: 207-631-4886
www.wabanakiwomenscoalition.org/penobscot-nation-domestic-and-sexual-violence-advocacy-center/

Victim Compensation Program

Maine's Attorney General's Office facilitates a crime victim's compensation program.

<https://www.maine.gov/ag/crime/victims/compensation/>

Victims' Compensation Program
Maine Office of the Attorney General
6 State House Station
Augusta, Maine 04333-0006
Tel: (207) 624-7882, or (800) 903-7882

Police Departments

Municipal police departments are responsible for responding to complaints of civil and criminal conduct occurring within the boundaries of their municipality. Police departments receive and investigate complaints and issue summonses and/or make arrests. With felony level conduct, it is within the discretion of the district attorney ("DA") to present information to a grand jury which decides whether there is adequate basis to issue an indictment and charge a felony crime. The DA's office has a dedicated victim/witness advocate who provides support to crime victims while a matter is pending in court.

Below is contact information for the police departments serving the municipalities in which the community colleges are located.

Central Maine Community College

Auburn Police Department
60 Court Street
Auburn, Maine 04210
(207) 333-6650

Eastern Maine Community College

Bangor Police Department
240 Main Street
Bangor, Maine 04401
(207) 947-7382

Kennebec Valley Community College

Fairfield Police Department
One Police Plaza
Fairfield, Maine 04937
(207) 453-9321

Northern Maine Community College

Presque Isle Police Department
43 North Street, Suite 2
Presque Isle, Maine 04769
(207) 764-4476

Southern Maine Community College

South Portland Police Department
30 Anthoine Street
South Portland, Maine 04106
(207) 799-5511

Southern Maine Community College

Brunswick Police Department
85 Pleasant Street
Brunswick, ME 04011
207-725-5521

Washington County Community College

Calais Police Department
North Street
Calais, Maine 04619
(207) 454-2751

York County Community College

Wells Police Department
1563 Post Road
Wells, Maine 04090
(207) 646-9354

Sheriff's Offices

Sheriff's Offices are county-wide law enforcement agencies that provide services to communities that do not have a municipal police department. Sheriffs enforce the same laws and in the same manner as municipal police departments. A listing of Maine Sheriff's Offices can be found at www.courts.maine.gov/help/small-claims/sheriffs.html.

Maine State Police

The Maine State Police are a state-wide law enforcement agency with authority to investigate and bring state civil or criminal charges in any area of the state, without regard to municipal or county boundaries. Certain crimes are within the sole jurisdiction of the State Police, such as homicides. Contact information for the State Police can be found at www.maine.gov/dps/msp/about/contact.

Federal Bureau of Investigation

The Federal Bureau of Investigation ("FBI") is the primary law enforcement for the federal government and is charged with investigating more than 200 categories of federal laws nationwide. For example, the FBI investigates alleged violations of federal laws governing civil rights, human trafficking and kidnapping. Violations of federal laws are prosecuted by the U.S. Attorney for the District of Maine.

The Portland office can be contacted at (207) 774-0332 and the Bangor office can be contacted at (207) 947-6670.

Registered Sex Offenders

In compliance with the Campus Sex Crimes Prevention Act of 2000, members of the KVCC community may contact the Maine Sex Offender Registry at their website <http://sor.informe.org/sor/> for information concerning registered sex offenders.

Hospitals

Blue Hill Memorial Hospital

57 Water Street, Blue Hill, Maine 04614
(207) 374-3400
<http://www.bhmfh.org>

Bridgton Hospital

10 Hospital Drive, Bridgton, Maine 04009
(207) 647-6000
<http://www.bridgtonhospital.org>

C.A. Dean Memorial Hospital

364 Pritham Avenue, Greenville, Maine 04441
(207) 695-5200
<https://northernlighthealth.org/c-a-dean-hospital>

Calais Regional Hospital

24 Hospital Lane, Calais, Maine 04619
(207) 454-7521
<https://www.calaishospital.org>

Cary Medical Center

163 Van Buren Road, Suite #1, Caribou, Maine 04736
(207) 498-3111
<http://www.carymedicalcenter.org/>

Central Maine Medical Center

300 Main Street, Lewiston, Maine 04240
(207) 795-0111
<http://www.cmmc.org>

Down East Community Hospital

11 Hospital Drive, Machias, Maine 04654
(207) 255-3356
<http://www.dech.org/>

Eastern Maine Medical Center

489 State St., Bangor, Maine 04402
(207) 973-7000
<http://www.emmc.org>

Franklin Memorial Hospital

111 Franklin Health Commons, 04938
(207) 778-6031
<http://www.fchn.org/>

Houlton Regional Hospital

20 Hartford Street, Houlton, Maine 04730
(207) 532-2900
<http://www2.houltonregional.org/>

LincolnHealth

35 Miles St., Damariscotta, Maine 04543
(207) 563-1234
<http://www.lchcare.org>

Maine Coast Memorial Hospital

50 Union Street, Ellsworth, Maine 04605
(207) 667-5311
<https://northernlighthealth.org/Our-System/Maine-Coast-Hospital>

MaineGeneral Medical Center

35 Medical Center Parkway, Augusta, Maine 04330
(207) 626-1000
<http://www.maine-general.org/>

Maine Medical Center

22 Bramhall Street, Portland, Maine 04102
(207) 662-0111
<http://www.mmc.org/>

Mayo Regional Hospital

897 West Main Street, Dover-Foxcroft, Maine 04426
(207) 564-8401
<https://northernlighthealth.org/Northern-Light-Mayo-Hospital>

Mercy Hospital

144 State Street, Portland, Maine 04101
(207) 879-3000
<http://www.mercyhospitalstories.org/>

Mid Coast Hospital

123 Medical Center Drive, Brunswick, Maine 04011
(207) 729-0181
<http://www.midcoasthealth.com/>

Millinocket Regional Hospital

200 Somerset Street, Millinocket, Maine 04462
(207) 723-5161
<http://www.mrhme.org>

Mt. Desert Island Hospital

10 Wayman Lane, Bar Harbor, Maine 04609
(207) 288-5081
<https://www.mdihospital.org>

Northern Maine Medical Center

194 East Main Street, Fort Kent, Maine 04743
(207) 834-3155
<http://www.nmmc.org/>



Parkview Adventist Medical Center

329 Maine Street, Brunswick, Maine 04011
(207) 373-2000

<http://www.parkviewamc.org>

Pen Bay Medical Center

6 Glen Cove Drive, Rockport, Maine 04856
(207) 596-8000

<http://www.penbayhealthcare.org/penbaymedicalcenter/>

Penobscot Valley Hospital

Box 368, Lincoln, Maine 04457
(207) 794-3321

<http://www.pvhme.org/>

Redington-Fairview General Hospital

46 Fairview Avenue, Skowhegan, Maine 04976
(207) 474-5121

<http://www.rfgh.net/>

Rumford Hospital

420 Franklin Street, Rumford, Maine 04276
(207) 369-1000

<http://www.rumfordhospital.org/>

Sebasticook Valley Health

447 North Main Street, Pittsfield, Maine 04967
(207) 487-4000

<http://www.sebasticookvalleyhealth.org/>

Southern Maine Health Care-Sanford Medical Center

25 June Street, Sanford, Maine 04073
(207) 283-7000

<https://www.mainehealth.org/Southern-Maine-Health-Care>

St. Joseph Hospital

PO Box 403, Bangor, Maine 04401
(207) 262-1000

<http://www.stjoeshealing.org>

St. Mary's Regional Medical Center

P.O. Box 291, Lewiston, Maine 04243
(207) 777-8100

<http://www.stmarysmaine.com/>

Stephens Memorial Hospital

181 Main Street, Norway, Maine 04268
(207) 743-5933

<http://www.wmhcc.org>

The Aroostook Medical Center

140 Academy Street, Presque Isle, Maine 04769
(207) 768-4000

<https://northernlighthealth.org/A-R-Gould-Hospital>

Waldo County General Hospital

PO Box 287, Belfast, Maine 04915
(207) 338-2500

<http://www.wcgh.org/index.html>

York Hospital

15 Hospital Drive, York, Maine 03909
(207) 363-4321

<http://www.yorkhospital.com/>

Legal Services

Pine Tree Legal Services

Free legal services for low -income Maine residents for non-criminal matters

Augusta Office

Somerset, Lincoln and Knox Counties
39 Green Street
P.O. Box 2429
Augusta, Maine 04338-2429
(207) 622-4731 or (207) 623-7777

Bangor Office

Penobscot, Piscataquis and Waldo
115 Main Street, 2nd floor
Bangor, Maine 04401
(207) 942-8241

Lewiston Office

Androscoggin, Oxford and Franklin
37 Park Street, Suite 401
Lewiston, Maine 04243-0398
(207) 784-1558

Machias Office

Washington and Hancock
13 Cooper Street
P.O. Box 278
Machias, Maine 04654
(207) 255-8656

Portland Office

Cumberland, York, Sagadahoc, Androscoggin,
Oxford, Franklin, Lincoln and Knox
88 Federal Street
P.O. Box 547
Portland, Maine 04112
(207) 774-8211

Presque Isle Office

Aroostook County
373 Main Street
Presque Isle, Maine 04769
(207) 764-4349

All Offices

TTY: 711
<http://www.ptla.org>



Cumberland Legal Aid Clinic

A legal aid clinic operated by the University of Maine School of Law. Services provided to low-income individuals with legal cases in Southern Maine courts (Cumberland, parts of York, Sagadahoc and Androscoggin counties) for most types of civil, criminal, juvenile and family matters.

Greater Portland area

(207) 780-4370
Toll free: (877)-780-2522

<http://mainelaw.maine.edu/programs-centers/clac.html>

Maine Lawyer Referral Service

A referral service operated by the Maine State Bar Association.
1-800-860-1460
<http://www.mainebar.org>

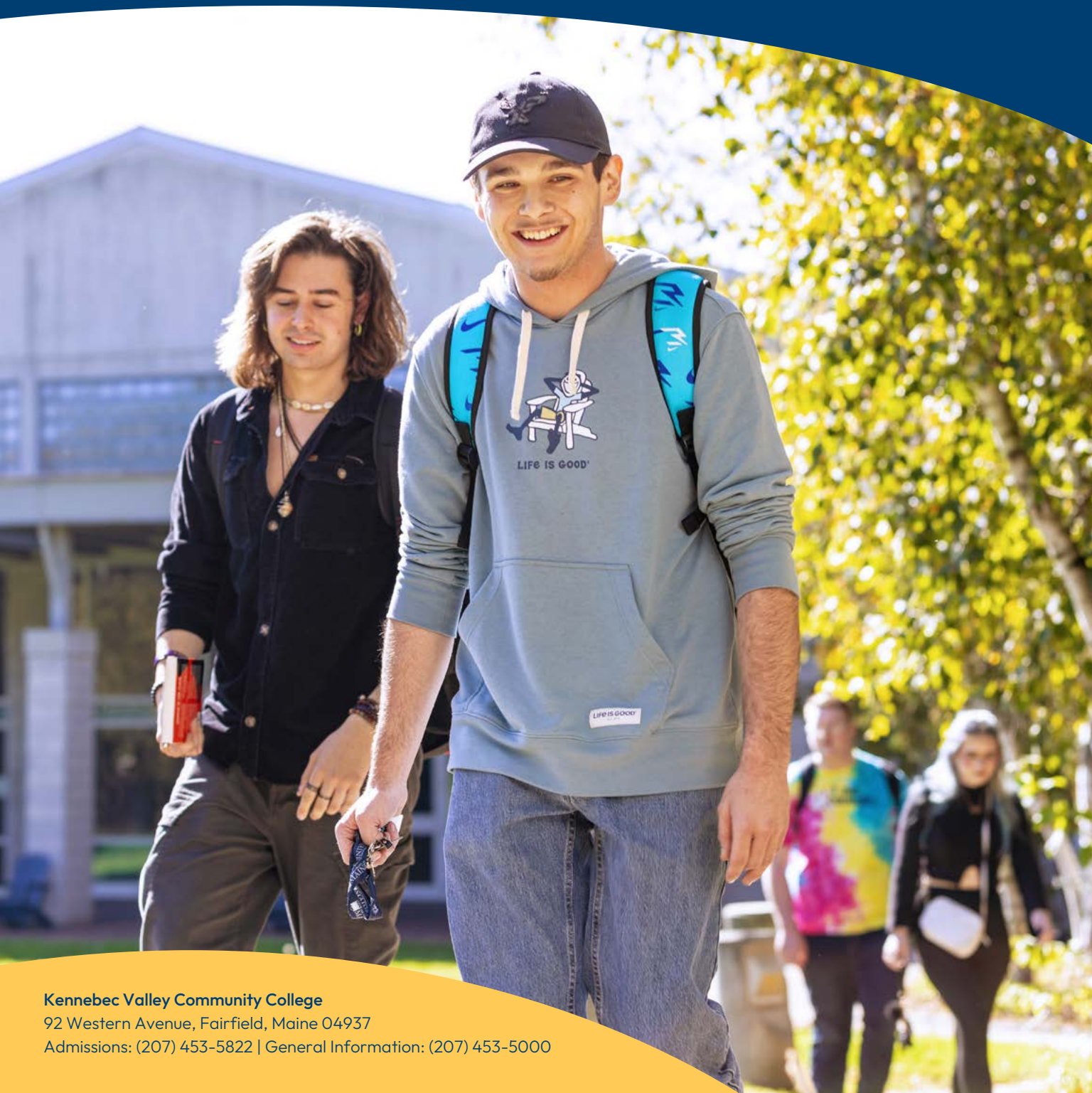
Maine Volunteer Lawyers Project

Free legal information and pro bono legal representation for qualifying low-income individuals state-wide.
Portland: (207) 774-4348
Toll free: (800)-442-4293
<http://www.vlp.org>



KENNEBEC VALLEY COMMUNITY COLLEGE

YOUR BRIDGE TO A BRIGHTER FUTURE



Kennebec Valley Community College
92 Western Avenue, Fairfield, Maine 04937
Admissions: (207) 453-5822 | General Information: (207) 453-5000