



Student Handbook

2023-2024

Table of Contents

NOTICE OF NON-DISCRIMINATION, EQUAL OPPORTUNITY & AFFIRMATIVE ACTION 4

YCCC POLICIES AND PROCEDURES..... 5

 ACADEMIC CATALOG 5

 ACCIDENT REPORTING 5

 CELL PHONES 5

 CHANGE OF ADDRESS/NAME/PHONE NUMBER 5

 CLASS CANCELLATION 6

 COMPUTER AND NETWORK USE POLICY 6

 DESIGNATED PUBLIC FORUM AREA POLICY / LOBBY 11

 PERSONAL PROPERTY 12

 POSTING NOTICES/ DISPLAY POLICY..... 12

 REGISTRATION PROCEDURES..... 13

 RESERVE CLAUSE 14

 SALES AND SOLICITATION 14

 VEHICLES ON CAMPUS 14

 VISITORS/CHILDREN ON CAMPUS 14

 WITHDRAWAL POLICY 15

STUDENT CODE OF CONDUCT 16

ACADEMIC SUPPORT SERVICES 21

 DISABILITY SERVICES 21

 LIBRARY 21

 RECORDS AND REGISTRATION OFFICE..... 22

 STUDENT SUCCESS COMMONS..... 22

COLLEGE AND COMMUNITY SERVICES FOR STUDENTS..... 23

 CAMPUS SAFETY & EMERGENCY PROCEDURES 23

 CAMPUS CRIME REPORTING 23

 EMAIL: 23

 EMERGENCY ALERT SYSTEM 23

 EMERGENCY COMMUNICATIONS..... 24

 IDENTIFICATION CARDS 26

 MyYCCC STUDENT PORTAL: 27

 ONLINE COMMUNITIES AND SOCIAL NETWORKING 27

 STUDENT SENATE 28

 TRANSPORTATION 28

MAINE COMMUNITY COLLEGE SYSTEM (MCCS) POLICIES	29
DRUGS AND ALCOHOL	29
FIREARMS.....	31
FIREWORKS.....	32
FREE SPEECH AND ORDERLY OPERATIONS.....	33
POLITICAL ACTIVITIES	69
PUBLIC ORDER AND HAZING.....	73
REGULATION OF STUDENT ORGANIZATIONS	74
STUDENT ISSUES ARISING AT CLINICAL AFFILIATES.....	77
STUDENT TRAVEL FOR CERTAIN STUDENT ACTIVITIES APPROVED BY THE COLLEGE	80
TOBACCO USE/SMOKING	83

NOTICE OF NON-DISCRIMINATION, EQUAL OPPORTUNITY & AFFIRMATIVE ACTION

York County Community College and the Maine Community College System provide equal opportunity regardless of race, creed, color, national origin, religion, sex, sexual orientation and/or preference, age or veteran status pursuant to Titles VI and VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; Executive Order 11246 as amended by Executive Order 11375; the Age Discrimination in Employment Act of 1975; the Vietnam Era Veterans Readjustment Assistance Act of 1974; the Immigration Reform and Control Act of 1986; the Genetic Information Nondiscrimination Act of 2008; and the Maine Human Rights Act (5 M.R.S.A., §4551, et. seq.). In addition, pursuant to the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and the Maine Human Rights Act, the Maine Community College System does not discriminate on the basis of disability in its programs and activities. This policy affects employment policies and actions, as well as the delivery of educational services, at all levels and facilities of the Maine Community College System.

Further, the Maine Community College System objective of equal opportunity will be met by taking affirmative action, i.e., making goal-oriented efforts to increase the numbers of women and minority groups in positions where their representation has been less than proportionate to their availability. (MCCS Policy 201; 11/2012)

Inquiries about the College's compliance with, and policies that prohibit discrimination on these bases may be directed to:

Affirmative Action Officer: Jennifer Laney

York County Community College

112 College Drive Wells, ME

04090

Telephone: 207/216-4399

Maine Relay Service: 800-457-1220 Fax:

207/641-0837

jlaney@yccc.edu Web:

<http://www.yccc.edu> and/or

United States Department of Education Office for
Civil Rights

33 Arch Street, Suite 900

Boston, MA 02110 Telephone: 617-

289-0111 TTY/TDD: 617-289-0063

Fax: 617-289-0150

OCR.Boston@ed.gov

<http://www.ed.gov/about/offices/list/ocr/index.html?src=oc>

Maine Human Rights Commission (MHRC)

51 State House Station

Augusta, ME 04333-0051

Telephone: 207-624-6050

TTY/TDD: 207-624-6064 Fax: 207-

624-6063

<http://www.state.me.us/mhrc/index.shtml>

Equal Employment Opportunity Commission
475 Government Center
Boston, MA 02203
Telephone: 617-565-3200 or 1-800-669-4000 TTY: 617-
565-3204 or 1-800-669-6820
Fax: 617-565-3196
<http://www.eeoc.gov/>

YCCC POLICIES AND PROCEDURES

ACADEMIC CATALOG

Please refer to the 2023-2024 Academic Catalog found online at <https://www.yccc.edu/> for information related to your program of study as well as college policies related to academics, registration and records, admission, financial aid and billing. The following policies in the Academic Calendar may be of particular note to students:

- Add-Drop policy
- Withdrawal Policy and Process
- Satisfactory Academic Progress (SAP)
- Grading Policy

ACCIDENT AND INCIDENT REPORTING

Accidents and/or incidents can be reported by completing the following form:

<https://www.yccc.edu/about-us/our-campus/safety-security/incident-accident-report/>

Our Director of Safety can be reached at safety@yccc.edu or 207.216.4433. More information can be found: <https://www.yccc.edu/about-us/our-campus/safety-security/>

CELL PHONES

Cell phones are to be turned off or on silent mode while in the classroom or Library. Text messaging is not permitted during classes. Repeatedly using cell phones in class for non-class activities is a Student Code of Conduct violation, and students may be referred to the Dean of Students for disciplinary action.

CHANGE OF ADDRESS/NAME/PHONE NUMBER

It is very important to keep your personal information current with the College. A Student Change of Name/Address/Phone Number form is available on the MyYCCC portal:

<https://my.yccc.edu/ICS/Student/>. This form must be completed in order to notify the College of any changes in your address and/or name. Change of name forms must accompany legal proof of name change (i.e. marriage certificate, etc.). Students can also establish a campus name (a “preferred name”) by contacting records@yccc.edu. To ensure that preferred names appear on class rosters and in Brightspace classes, students should request these changes before the start of the semester (or in-between semesters).

CLASS CANCELLATION :

Although the College's objective is to adhere to the academic calendars and other scheduling commitments, there are circumstances under which it is impractical or unsafe to do so.

In inclement weather conditions, the College may be closed to normal operations.

If the student has subscribed to the **Emergency Alert System**, a communication will be sent via the preferred method chosen (i.e., text message, email and/or voice mail message) regarding the cancellation or delayed opening time. Any campus wide cancellations will also be posted on the YCCC website. To sign up for the Emergency Alert System:

https://my.yccc.edu/ICS/Emergency_Alert_Info.jnz

In addition, students may tune in to television stations before 6:30 am for morning classes, 11 am for afternoon classes and before 3 pm for evening classes:

TV Stations:

NBC/WCSH (Channel 6), CBS/WGME (Channel 13), ABC/WMTW (Channel 8). In addition, the College will post cancellations on the website at www.yccc.edu.

The three most common situations which would occur include:

1. **Classes Delayed** - On occasion, weather conditions may make travel difficult and slow. In such cases, delaying the start of on-campus activities will allow faculty, staff and students time to arrive safely.
2. **College Closed** - The College is closed in its entirety and all classes and activities are cancelled.
3. **Evening Classes Cancelled** – If the weather worsens during the day, evening classes may be cancelled. In this event, the cancellation will be announced by radio and television and through the Emergency Alert System prior to 3:00 p.m. At all times it is incumbent upon the student to determine the status of his/her own safety and act accordingly.

Online classes are not impacted by snow days. While on-campus classes, including Zoom classes, are not in session when the college is closed, faculty may send instructions for submitting assignments, or for preparing for the next class session. Students should review their course syllabi, and check their email and/or Brightspace announcements for specific guidance from faculty on snow days. Students should communicate with faculty they face individual circumstances related to the snow day.

COMPUTER AND NETWORK USE POLICY

As with any college system, the MCCS and YCCC seeks to enhance opportunities for individual and collaborative learning and research. As a public institution with limited resources and distinct policy and legal obligations, the MCCS/YCCC also needs to ensure that such uses are consistent with those resources and obligations. The goal of this policy is to balance these interests and promote responsible and secure use for all.

A. Application.

This policy applies to:

- a. Each college and other entity of the MCCS;

- b. All computing resources owned or operated by the MCCC/YCCC including, but not limited to, all hardware, software, peripherals, networks, network components, accounts, physical and logical data, email and all other data or information transmitted by such equipment (“computers”);
- c. All employees, students and other persons who use such computers (“users”); and
- d. In addition to any other computer use policy adopted by entities within the MCCC, and by entities outside the MCCC that operate resources accessed through or from the MCCC.

B. General Rules

- a. **Educational Priority.** The priority use of MCCC/YCCC computers is to provide direct support for learning, teaching and administration of MCCC/YCCC programs. Such priority will govern access to MCCC/YCCC computers.
- b. **Use is a Privilege, Not a Right.** Use of MCCC/YCCC computers and accounts thereon is a privilege, not a right. This privilege is limited by the provisions of this policy, any other pertinent policy or law, and may be withdrawn for violation thereof.
- c. **Limited Right of Privacy.** Users may not have an expectation of privacy in their use of MCCC/YCCC computers or networks. For example, MCCC/YCCC reserves the following rights:
 - i. **Periodic Network Monitoring.** MCCC/YCCC reserves the right to monitor periodically, randomly and without notice use rates, patterns, speed and system capacity to ensure the efficiency or integrity of the MCCC/YCCC network and its computers. Such monitoring may proceed only by a person expressly authorized by the MCCC or college president;
 - ii. **Inspection of a Particular Account or Computer.** MCCC/YCCC reserves the right to inspect those accounts, computers or files that the MCCC/YCCC has reason to believe are misused, corrupt or damaged. Such inspection may proceed only by a person expressly authorized by the MCCC or college president and as advised by the MCCC general counsel; and
 - iii. **Access by Outside Agencies.** User accounts, computers or files may also be subject to access in response to subpoenas, court orders, or other legal or regulatory requirements. Users will be notified as promptly as possible, unless notification is precluded by such subpoena or order.
 - iv. **Limited Designated Forum.** The MCCC/YCCC computer network constitutes a limited designated forum. This forum is designated for the limited purpose of helping students pursue, faculty to provide, and non-teaching staff to support the colleges’ education, training and related programs.
 - v. **Time, Manner and Place Limitations.** The MCCC/YCCC reserves the right to limit certain uses on or through the MCCC/YCCC computers at those times and locations that the MCCC/YCCC determines are necessary to regulate system capacity and speed. These limitations apply, but are not limited to, the downloading of video, music, photographic and other large data files.
 - vi. **Website and Webpage Development and Management.** Any website, web page or other portion of a website hosted by a server owned, operated or maintained by a college or the MCCC/YCCC is the property and speech of the MCCC/YCCC, and the MCCC/YCCC reserves all rights to control the access to, content of, and all other aspects regarding such web pages or websites. The Presidents Council may

adopt a procedure for controlling the development and management of such web pages and websites, including standards controlling links to web pages and/or websites that are not owned, operated or maintained by a college or the MCCS.

C. Specific Prohibitions. Conduct that violates this policy includes, but is not limited to, the following:

- a. Displaying, downloading, printing or distributing obscene, sexually explicit or sexually offensive images or text in a manner that constitutes sexual harassment or other violation of law;
- b. Violating copyright laws, including the unlawful reproduction or dissemination of copyrighted text, images, music, video and other protected materials;
- c. Using System computers for commercial activity, such as selling products or services;
- d. Unauthorized access to or use of a computer, computer account or network;
- e. Connecting unauthorized equipment to a college or MCCS network;
- f. Unauthorized attempts to circumvent data protection or security including, but not limited to, creating or running programs that identify security loopholes or decrypt secure data;
- g. Deliberately or negligently performing an act that will interfere with the regular operation of a computer;
- h. Deliberately or negligently running or installing a program that, by intent or effect, damages a computer, system or network. This includes, but is not limited to, programs known as computer “viruses,” “Trojan horses” and “worms;”
- i. Deliberately or negligently wasting computing resources;
- j. Deliberately or negligently overloading computing resources, such as running excessive programs that use relatively substantial bandwidth and other resources. This includes, but is not limited to, peer-to-peer applications;
- k. Violating terms of applicable software licensing agreements;
- l. Using electronic mail to harass or threaten another person or organization;
- m. Initiating or perpetuating electronic chain letters or unauthorized mass mailings. This includes, but is not limited to: multiple mailings to news groups, mailing lists or individuals; “spamming;” “flooding;” and “bombing;”
- n. Misrepresenting or misappropriating the identity of a person or computer in an electronic communication;
- o. Transmitting or reproducing materials that are libelous or defamatory;
- p. Unauthorized monitoring of another user’s electronic communications; or reading, copying, changing or deleting another user’s files or software without authority;
- q. Communications that use public resources to promote partisan political activities;
- r. Communications that are not otherwise protected by law because they constitute, for example, defamation, incitement to unlawful conduct, an imminent threat of actual violence or harm, fighting words, terrorist threats, gross disobedience of legitimate rules, criminal or severe civil harassment or false advertising; and
- s. Otherwise violating existing laws or System policies.

D. Enforcement

Violation of this policy may result in the loss of computing and/or network access; other disciplinary action; and/or appropriate civil or criminal legal action.

E. Security

Upon recommendations of the college and System directors of information technology, the Senior Leadership Team shall adopt a procedure that provides adequate uniform security for all System and college computers and networks.

F. YCCC Specific policies

a. Always comply with the intended use of the system

YCCC's network is designed to support the learning, research, and administrative activities of its authorized users – including current faculty, staff, and students. The following actions on the YCCC system will not be tolerated:

- i. Interfering with or altering the integrity of the system at large
- ii. Moving or relocating any piece of equipment or program without prior permission
- iii. Attempting to capture or crack passwords or encryption
- iv. Making changes to the “desktop,” program manager, or operating system without prior permission
- v. Destroying or altering data or programs belonging to others or to YCCC
- vi. Interfering with intended use by restricting or denying system access by authorized users

b. Use your email, web, and other communication privileges responsibly

Remember that all messages are in effect “published,” and are not necessarily secure. The following actions on the YCCC system will not be tolerated:

- i. Impersonating another person in email or other communications
- ii. Transmitting threatening or harassing material
- iii. “Broadcasting” information to a large subset of the YCCC community (you may send messages to listservs or bulletin boards, which are designed for such uses).
- iv. Sending chain letters

c. The system is not intended for commercial purposes

- i. Use of the YCCC network, equipment, or software for private commercial purposes or personal financial gain is strictly prohibited.
- ii. YCCC's name must not be used in ways that suggest or imply endorsement of other organizations, individuals, products, or services.
- iii. Fundraising and advertising are only permitted with YCCC administration approval.
- iv. Programs and software on the system are not freeware, and may not be copied, shared, or resold.

d. Keep your account and passwords confidential

- i. Share your email address with others, but never your passwords.
- ii. Enabling someone other than current YCCC students, faculty, or staff to use the computers and software may violate licensing agreements and should be avoided.
- iii. Always log out when leaving a workstation; open files could jeopardize the security of your work.

For information about how to manage the security of your account, including advice on how to choose, change, and protect passwords, consult Technology Support Services at <https://my.yccc.edu/ICS/Help!/> and select IT Support from the left hand column.

e. Don't violate the privacy of others

Use the system in a manner that preserves your privacy and the privacy of others. Even unintentionally, violating another's privacy could violate federal law.

- i. Have clear authorization to access files or directories that belong to another user.
- ii. Do not try to access ("hack") files or directories.
- iii. Access or monitor only information explicitly intended for you (such as logins, email, user-to-user dialog, or other network traffic).
- iv. Do not collect or publicize any personal information about others that they would not normally disseminate freely about themselves (i.e. grades, address, personal information, etc.) or without their consent. When in doubt, ask the other user!
- v. Only log into workstations that are designated explicitly for public use and with permission of the owner or current user of that machine.

Computer users enjoy only limited privacy in using the College system. The College reserves the right to access, examine, and copy files suspected of misuse, corruption, or damage.

f. Copyright violations are against the law

Copyright is a form of protection provided by the laws of the United States to authors of original works (Title 17, U.S. Code). Many computer programs and related documentation are "owned," and are, therefore, protected by these laws, licenses, and contractual agreements. It is inappropriate and illegal for you to copy *any* material owned by others from *any* source without their permission or full acknowledgement. It is best to assume that all materials are copyrighted (including computer programs, print materials, and Internet resources) unless a disclaimer or waiver explicitly appears.

i. Copyright-related restrictions:

1. Never copy programs or data into your work.
2. Never resell programs or data.
3. Never redistribute programs or data, or provide facilities for their redistribution.
4. Never use programs or data for non-educational purposes.
5. Never use programs or data for financial gain.
6. Never use programs or data without being among the individuals/groups licensed to do so.
7. Never publicly disclose information about programs (e.g., source code, etc.) without the owner's permission.

- ii.** Educational institutions enjoy special exemptions from copyright protection, called "**Fair Use**," so that instructors and students may use reasonable portions of copyrighted material for coursework. For more information on the guidelines of copyright and Fair Use, consult the "Academic Honesty Policy" in the *College Catalog*, the YCCC Library, and Learning Center and the MCCS Policy on Student Grade Appeals and Academic Misconduct which appears in this *Handbook* p46.

g. Harassment is against the law

Harassment is defined as any verbal or physical conduct that has the intent or effect of unreasonably interfering with an individual's or group's education or work performance (Title 7, Civil Rights Act, 1991), and is strictly prohibited. Any member of the YCCC

community who feels harassed is encouraged to report their concerns or complaint immediately to the Director of Human Resources.

- h.** Computer systems are intended for course related and administrative activity first
 - i. Personal productivity work (including text processing, sending mail, and exploring the system and resources – including the Web) is encouraged whenever computers are available.
 - ii. Recreational computing is always the lowest priority (e.g., game playing and some forms of chat).
- i. Keep noise at a minimum. To facilitate others' ability to concentrate and work effectively, keep noise low and others will do the same for you. If you use a computer with sound capabilities in a shared workspace, you are expected to use headphones rather than external sound.
- j. **Food or drink is not permitted near equipment.** To ensure computers and peripherals stay in best working order, food and drink are not permitted at any computer or printer station.
- k. **Use printer resources sparingly.** Self-restraint is expected when using printers and paper resources, especially when computer areas are busy.
 - i. Pre-read a document before you print it to make sure it is what you want or need.
 - ii. Don't print any large or complicated print jobs or monopolize a shared printer for a long period of time.
 - iii. Some websites are long; check the length of any document (and make sure you really need it) before you print it.
 - iv. If you must print a long document, break it into sections to print out separately.
 - v. Print only one copy of a document; for multiple copies, print out one original and use a copier to duplicate it.

DESIGNATED PUBLIC FORUM AREA POLICY / LOBBY

York County Community College (YCCC) has one designated area on the campus where outreach by internal and external groups may be made to members of the campus community. This designated forum is the lobby of the building in the area near the safety desk and cafeteria. Since this is technically a hallway area, the space must remain as a clear and open means of egress. Consequently, there is a limitation to the number of groups which may be granted permission to occupy an assigned table space at any given time.

Priority for space reservation will always be first given to YCCC affiliated departments, groups, clubs or organizations. If space is available after these groups are accommodated, it will be made available free of charge to groups which contact safety@yccc.edu, email no less than two business days in advance and receive a confirming reply from a College official (generally sent via email). The form requires identification of the group, address and purpose of the visit, the contact person(s), time, date and duration of the proposed visit. Given the size of the table, no more than three group representatives may be present. The group will be assigned a specific table in the lobby to sit/stand behind which also provides space for display of materials. No table will be allocated for an outside group which fails to comply with the advanced two day notification.

When confirmation is obtained, the group representative(s) should be aware that direct solicitation is not permitted at any time on the campus. Those who are assigned a table in the designated forum area are

advised to bring a sign to be affixed to the front or displayed on top of the table identifying their activity. All representatives must be located behind the table and may not stop individuals walking by seeking their attention. Groups who are advocating for a particular cause are urged to bring educational materials which can be made available to any interested parties about their work. The space will be assigned to a group for a period of time, generally not exceeding three hours. A request may be for more than one day but may not exceed three consecutive days.

Upon arriving on campus, group representative(s) must check in at the Safety Desk to learn of the assigned table space. Users are required to clean up the area and dispose of any rubbish when leaving the building. For more information, please contact safety@yccc.edu

PERSONAL PROPERTY

The College is not responsible for loss or damage to personal property, including vehicles, and does not carry insurance on such property. Students are encouraged to keep a record of serial numbers and other identifying information of their property. A lost and found will be kept at the safety desk in the Main building of the Wells campus.

POSTING NOTICES/ DISPLAY POLICY

Permanent and revolving displays of artwork

Framed posters, prints, and other types of art representing the various genres of art may be on permanent and/or revolving display in the hallways. The Senior Leadership Team or its designee will be responsible for authorizing the selection, installation, and maintenance of permanent and/or revolving displays of artwork.

Revolving displays of student work

Student work may be displayed, on a revolving basis, in one of three locations:

1. The southern stairwell. Student work (including, but not limited to, drawings, prints, and installation artworks) may be displayed in the building's southern stairwell on a revolving basis. The Senior Leadership team or its designee (e.g., Art or Digital Media faculty) will be responsible for authorizing the selection, installation, and maintenance of these displays.
2. Display boards outside art rooms. The Senior Leadership Team or its designee (e.g., Art or Humanities faculty) will be responsible for authorizing the selection, installation, and maintenance of these displays.
3. The first-floor glass display case. Student work may be displayed as part of thematic exhibitions in the glass display case located on the first floor, opposite the main entrance to the cafeteria. The Student Affairs Office, or its designate, will be responsible for managing the selection, installation, and maintenance of these displays.

Classrooms

Temporary displays of student work in classrooms should be collegially negotiated between the faculty members who share a given room. Displays in such classrooms should be placed in a mutually agreed-upon location (e.g., upon bulletin boards, or on tables). These displays should be temporary and connected to a specific educational activity which will last no more than two weeks. In cases of dispute or inability to reach a collegial result, resolution will be arbitrated by the Academic Dean.

As classrooms are shared between faculty, programs, and departments, permanent and/or revolving displays for educational use may only be installed in classrooms with the express authorization of the Senior Leadership Team or its designee.

All information that pertains to legal, emergency, fire, and OSHA policies, as well as other college policies and protocols related to health, safety, and security, may be permanently posted in each classroom on bulletin boards and/or near exits and phones as required. The Senior Leadership Team or its designee will be responsible for authorizing the selection, installation, and maintenance of such displays.

Classroom bulletin boards may also be used for the posting of registration and enrollment information. The Director of Records and Retention will be responsible for authorizing the installation and maintenance of these postings.

Flyers and notices

In order to facilitate communication between various parts of the campus community, as well as maintain uniformity throughout the campus, flyers and notices may be posted only in the following places:

- On existing bulletin boards (as specified and/or restricted in the document “Bulletin Board Guidelines”) posting to boards provided for community services only. Please contact the specific department if you would like something posted on another board (i.e. The Learning Center, etc.)
- On bathroom stall doors in pre-mounted plastic sleeves or designated poster hangers

Flyers and notices are the responsibility of the sponsor and must:

- Be appropriate for the educational environment
- Be of an appropriate size to share bulletin-board space
- Include the name of the sponsor
- Include the date of the event
- Be removed immediately by the sponsor after the date of the event has passed

Banners announcing major events may be posted outside the campus building on a limited basis. The Senior Leadership Team and/or its designee will be responsible for approving the installation and removal of banners.

REGISTRATION PROCEDURES

All degree-seeking (matriculated) students should connect with their faculty advisor about course selection before registering for courses. After planning course selections with an advisor, students can either self-register for courses online by logging into the [MyYCCC portal](#) or email registration@yccc.edu for assisted enrollment. Non-degree seeking (non-matriculated) students need to complete a [course registration request form](#). In order to register for a course at YCCC, students must meet the prerequisite requirements and must be free of any “holds” on their account. Course descriptions and prerequisite information can be found in the course details listed on YCCC’s online course schedule or online catalog.

Registration for courses offered in the fall and summer semesters generally begins during the first week of April; registration for spring semester courses starts in the first week of November. Announcement of the date and time for the preferred and open registration periods will be sent to all students via email, viewable through announcement postings on MyYCCC and through posters placed around the campus.

RESERVE CLAUSE

York County Community College reserves the right to change, without prior notice, any provisions, regulations, policies, procedures, costs, or requirements set forth herein and the right to withdraw or amend any services as may be required or desirable by circumstances. This handbook is provided to students and applicants for their general guidance only. It does not constitute a contract, either expressed or implied, and is subject to change at the College's discretion.

SALES AND SOLICITATION

YCCC limits solicitation on campus by outside organizations whose proceeds or activities do not directly benefit the College. Any college recognized group or organization that wishes to conduct a raffle or solicit sales must receive authorization. All activities shall be confined to public areas; door-to-door solicitation is prohibited. Please contact safety@yccc.edu for more information.

VEHICLES ON CAMPUS

Permission to operate and park a vehicle on the campus is a privilege granted to students by the College. Drivers are required to obey speed limits and keep the parking lot and roadway of the campus safe.

Vehicles may not be left on campus overnight without the express consent of the Director of Safety. Please refer to the YCCC website for current campus hours of operation as they may change during breaks and between semesters. Vehicles approved to be left overnight will be assigned a designated parking area. The Safety department may require that keys be left with the Safety Desk for any trips longer than 24 hours in duration when winter precipitation is forecast. The keys/car can be picked up when the campus reopens.

Any vehicles left overnight, with or without the consent of the above individuals, are done so at the owner's risk. Alternate overnight parking is available at the Wells Transportation Center commuter parking lot on Route 109.

No animals may be left in vehicles in the parking lot for any length of time. The owner of a service animal should have the dog with him/her at all times and not leave it unattended in a parked vehicle.

VISITORS/CHILDREN ON CAMPUS

Students who wish to bring guests to college functions must register them according to the guidelines published for the event. Please note, students must assume responsibility for their guest's behavior.

Children cannot be left unattended in any area of the campus, including vehicles, classrooms, labs, library, lounge, cafeteria, hallways and parking lots. Visitors/children are not allowed in classrooms or labs without prior permission of classroom instructors.

WITHDRAWAL POLICY

YCCC enters the withdrawal period at the conclusion of the published add/drop period in the academic calendar (<http://www.yccc.edu/>). A student may withdraw from a course up to the point where two-thirds of the class has met, and receive a grade of “W.” The “W” grade will be recorded on the student’s transcript, but will not affect the GPA. The “W” grade will, however, be included when the Financial Aid Office calculates Satisfactory Academic Progress (SAP), which may affect eligibility for future financial aid.

Students who withdraw from a course will be financially responsible for the cost of the course as determined by the refund policy found in the college catalog. Students who received financial aid for that semester may be responsible for repaying federal funds which may have been disbursed based upon credits prior to the withdrawal and upon the approved federal refund policy.

It is the student’s responsibility to check the Academic Calendar each semester to ensure that s/he withdraws from any or all courses prior to the withdrawal deadline. Students, who do not officially withdraw by the posted deadline, will receive the letter grade determined by the course instructor. This grade will be calculated into the student’s overall GPA. All withdraw requests must be made by contacting the Registration Office (registration@yccc.edu) as students do not have the ability to withdraw from classes by using the MyYCCC portal. Students should consult with Registration staff financial aid implications if they withdraw from all courses.

Withdrawal Due to Military Activation

Students who have been called to active military service, may withdraw from a course or courses with a grade of “W” regardless of the date, through Registration and Records with a copy of their official orders. For specific questions regarding refunds, please contact the Business Office at businessoffice3@yccc.edu or contact records@yccc.edu to submit official orders.

Withdrawal Under Extraordinary Circumstance

When an extraordinary circumstance prevents a student from meeting course requirements, the student may request a withdrawal. In this situation, the withdrawal request would be considered only when the circumstances include the most extraordinary of events, such as a serious illness or family death. The withdrawal may be from one or more courses or from the College.

The request for withdrawal under special circumstances requires the student to complete a form available from Records and Registration Office and provide detailed documentation about the nature of the serious illness or family death. (A written statement outlining the reason for the withdrawal can be accepted in place of the form.) The form/written statement and documentation should be submitted to the Director of Records and Registration as soon as possible after it is determined that the student can no longer fulfill his/her course requirement(s). Upon reviewing the information, the Director of Records and Retention will render a decision along with any terms or conditions in a written response. A student dissatisfied with this decision may appeal to the Dean of Academic Affairs. The appeal must be submitted in writing and the decision of the Dean of Academic Affairs is final.

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 to 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 one's self 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 and MCCS Procedure 501.1.
- 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 and MCCS Procedure 501.1.

Acts of sexual harassment, sexual assault, dating violence, domestic violence and stalking within the scope of Title IX's prohibitions are governed by MCCS Procedure 202.2. All other such conduct, excluding sexual harassment, is governed by MCCS Procedure 501.1. 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 Students 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 opportunities 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 Students ("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 Students.

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.

MCCS Policy 501 (7.20)

ACADEMIC SUPPORT SERVICES

ACCESSIBILITY SERVICES

In meaningful partnership with faculty and staff, York County Community College's Office for Student Accessibility Services ensures quality access to all opportunities for learning to qualified students with disabilities. The Accessibility Services Office provides accommodations for students with documented physical, learning, and/or psychological conditions thereby enabling them to have full access to academic and campus programs and services. The student is responsible for providing current documentation (generally no more than three years old) of the disability. After a full and detailed review, reasonable accommodation(s) will be determined **through an interactive process** between the student and the Coordinator. Students are taught to advocate for themselves; maximum student independence is a goal of this program.

LIBRARY

The YCCC Library, which is part of the Student Success Commons, provides access to high quality information resources, research support services, computers, and study space to all students currently enrolled in both credit and non-credit courses, as well as to faculty and staff. The Library is also open to the York County community.

The Library houses print sources, multimedia resources, and online research tools, including the online library catalog and article databases. To access the YCCC online library catalog and other resources via the internet, visit the website at <http://virtual.yccc.edu/library>. Access to library resources from off campus requires student login and ID number.

Borrowing Resources

Circulating materials (books, CDs, DVDs and audio tapes) may be checked out of the Library for three weeks at a time. In addition, the Library holds materials in Reference and On Reserve for limited or onsite use only. Through Minerva, a statewide cooperative network of libraries, students can obtain additional materials by requesting items through the online catalog using a student ID card or valid library card. YCCC students may also use the online catalog to renew checked out material. Visit

<http://virtual.yccc.edu/library> to learn how to access these services or visit or contact the Student Success Commons (<https://virtual.yccc.edu/studentssuccesscommons>).

The YCCC Library does not charge overdue fines for library materials. However, the Library does charge for books that are lost or not returned. Unpaid fees for lost or unreturned material will result in restrictions on your student account with the College.

RECORDS OFFICE

The Office Records can be reached at records@yccc.edu

This office assists students with updating and maintaining biograph, contact and academic information. Common services to students include transcript requests, verification letters, grade updates, and graduation audits and planning.

STUDENT SUCCESS COMMONS

The Student Success Commons provides free tutoring services and academic support to any YCCC student. The Student Success Commons staff, tutors and resources help students by teaching useful study strategies, building academic confidence and emphasizing scholarship. The Student Success Commons is located on the second floor of the main building in Wells and on the web at <http://virtual.yccc.edu/studentssuccesscommons>.

Tutoring:

The Student Success Commons provides free tutoring services to students with professional and student tutors in the following content areas:

- Math
- Writing and reading skills
- Biological sciences
- Tutoring for using Brightspace in online courses

If you do not see a subject area listed above, make a request to studentssuccesscommons@yccc.edu

Academic Skill Development Resources:

The Student Success Commons also provides information/resources for various topic free programs and workshops to students in:

- Instructional DVD's from basic math through algebra
- Basic computer skills
- Time management
- Graphing and scientific calculators
- Test taking skills and reducing test
- Online resources and handouts anxiety
- Citation style (APA and MLA)
and many others

Tutoring hours and workshops are scheduled each semester. Schedules will be posted on virtual.yccc.edu/studentssuccesscommons as well as on on-campus bulletin boards and at the Learning Center. During the summer and break periods, schedules are reduced. The Center is closed

on observed holidays and during weather related closings. Contact us at studentsuccesscommons@yccc.edu with questions, comments or concerns.

COLLEGE AND COMMUNITY SERVICES FOR STUDENTS CAMPUS SAFETY & EMERGENCY PROCEDURES

Safety consciousness is a priority for YCCC. The College suggests students and faculty utilize the “buddy system” – walking with another person -- when leaving the College after classes. The safety officer is available for an escort for those who are walking alone in the evening.

Questions, concerns or suggestions regarding safety, security or emergencies at YCCC should be reported to the Director of Campus Safety (207) 216-4433.

CAMPUS CRIME REPORTING

Contact the Safety Desk at 216-4433 to report a crime on campus. If there is an emergency situation, contact 911. The Director of Campus Safety can be reached at 216-4433 or safety@yccc.edu. In compliance with the Student Right to Know and Campus Security Act, YCCC is required to make available to all prospective and current students and employees information regarding crime statistics on the college campus. This information is compiled annually and is available for the preceding academic year.

EMAIL:

York County Community College uses a campus issued email account as the official means of communication with students. At the point of application or enrollment, all matriculated students are issued a college email account. It is the student’s responsibility to regularly check the YCCC issued email to remain abreast of information from faculty, staff, and other students as well as announcements of campus events and scheduled activities. Students can check their email account from any computer with internet access.

A student email address will be maintained for one semester beyond their last enrollment. For example, if a student graduates in May, the email address will remain active until December. After that timeframe, the email account will be deleted from the YCCC system.

EMERGENCY ALERT SYSTEM

York County Community College uses an alert system to advise members of the campus community of up-to-date information in the event of an emergency. Sign up to receive these types of alerts at https://my.yccc.edu/ICS/Emergency_Alert_Info.jnz?portlet=Free-form_Content and select Emergency Alert Info from the left hand column. Participation in the program is voluntary; all members of the campus community are strongly encouraged to participate and provide the preferred means of communication. All YCCC email addresses are automatically entered into the alert system.

Emergency information will be posted on www.yccc.edu. The College also has an internal public address system with speakers in all areas of the facility for immediate notification during normal business hours. For more information about the Emergency Alert System, contact Director of Safety at 207.216.4433.

EMERGENCY COMMUNICATIONS

Calling for assistance in an emergency situation may come from a number of sources: campus telephones, emergency phones located in each classroom and conference room, and blue light phones located in the parking lot. In case of an emergency:

In classrooms, conference rooms, faculty, staff, or administrative offices, dial 911. You will be connected to a 911 Call Center Operator.

In the parking lot underneath blue lights, press the Red Help Button on the phone. You will be connected to the College's Alarm monitoring company. The operator will answer, "You have reached York County Community College emergency line. Is this an emergency?"

The caller should identify him/herself and describe the nature of the situation.

Based on the nature of the emergency, the 911 or the Alarm Company Operator will contact the appropriate resource.

When the caller completes the call, s/he should return to the site of the emergency and wait for the Emergency Response Team member to arrive.

Situations where the classroom/conference room phone would be used include: medical emergency (i.e., seizure, chest pain, difficulty breathing, fainting), fire, violent behavior or actions that would place others safety or health at risk.

Situations where the blue light phone would be used include personal attacks or assaults, violent or extreme behaviors or actions that might pose a risk to the health or safety of others in the vicinity.

A situation is considered an emergency when an expected or unexpected incident or condition threatens life or safety and requires immediate action. It is important for others within and/or adjacent to the building be advised of the occurrence with accurate information in a timely manner.

In contrast, an urgent situation within or adjacent to the building or effecting the normal operations of the College is an incident or condition that does not pose an immediate threat to life or safety, but is of a nature where timely receipt of information or instruction may directly affect the well-being of the recipient.

YCCC will communicate with members of the campus community when an emergency or urgent situation arises by using several different means:

- A. Public Address System - A public address system is installed in each room and hallways in the College and speakers are affixed to the outside of the building. The use of this public address announcement system will be restricted to imparting information in the case of an emergency or for testing purposes. The decision to use the public address system rests with the President or Designated Leader from the Emergency Response Team to communicate that a viable threat exists to the college community. A viable threat might include situations involving an active shooter on campus or a hostile threat, or other situations which would create the need to "lock down" the building. The public address system will be active as soon as possible after the call is placed notifying the local authorities.

a. Lock Down

A **lock down** means that everyone who is inside the building should remain in place in the respective classroom or office. No one will be permitted to leave or enter the building when it is in lock down. Accordingly, the doors to the College will be secured. A decision to lock down the facility would be taken very seriously and generally in consultation with local law enforcement officials.

In case of an emergency requiring a lock down, an announcement will be made over the public address system to indicate that a threat exists. The announcement will be “The building is in lock down. Please follow lock down procedures.” All doors must be shut and locked immediately.

In locations where there are window blinds or shades, these window treatments should be completely closed.

Individuals inside the room should huddle in one corner of the room, farthest away from the door and windows and remain quiet until an “All clear” notification is announced over the public address system.

If the fire alarm sounds during a lock down, remain in the room until given instructions or an “All Clear” notification is announced over the Public Address System. Individuals in the building should not be using cell phones and should be following directions of any emergency response personnel who may provide directions.

When it is determined the situation has changed and it is safe for individuals to leave, the public address system will announce an *“All clear. It is now safe to leave the room and the building.”*

b. The public address system may be used to call for **an evacuation** of the building for a variety of situations, for example, gas leak, hazardous materials spill, active shooter. The **announcement will be brief and the direction will call for an evacuation of the building.** Detailed instructions on how to safely leave the building are printed and posted in each classroom, conference room and office; the emergency evacuation map lists primary and secondary escape routes.

Instructors are encouraged to point out this information at the start of every semester. In case of a building evacuation, the posted directions instruct individuals to:

- remain calm
- close doors and turn off lights when departing
- avoid talking and keep confusion to a minimum
- walk – do not run to exits
- exit in an orderly fashion
- do not jam or crowd exits
- assist individuals with special needs (*note: when the fire alarm is activated, the elevator does not operate; all exiting must be done by using the stairwells*)
- Assemble at the location which is designated on the printed instructions in each classroom or office)
- members of the Emergency Response Team will meet the Emergency Responders

- Individuals should remain in place until further instructions are provided, such as an “All clear. It is safe to re-enter the building” over the public address system or College officials or emergency personnel provide further directions.

Fire Alarm

Fire alarms will be used in any situation which would require the building be immediately evacuated as a result of a fire in the building or other situation which would involve bringing the local Emergency Responders onto the campus.

In the case where anyone witnesses flames or smells smoke in the building, s/he should go to the nearest fire station and pull the lever at the box to activate the system. This action will result in an immediate response from the local Fire Department. No announcement will be made through the College public address system to evacuate the building.

Campus Website

YCCC will use the campus website www.yccc.edu to post up-to-date information about any emergency or urgent situation on campus. All members of the campus community should check the website regularly for updates.

Telephone recording. The College main telephone number (207) 646-9282 will have a recorded response to provide information and instruction about the urgent or emergency situation at hand and concise directions to be followed. When the situation is resolved, the message will be changed to provide notification of return to normal operations, that is the resumption of classes or return to the workplace.

Emergency Alert System

Students, faculty and staff can register to receive a communication to a variety of devices, i.e., cell or home phone number, text message or email (to a designated account) with campus information about a delayed opening time, cancellation of all classes for all or part of a day, information about an emergency occurring in the building or surrounding areas with instruction not to report to the campus, or notification that the emergency is over and it is safe to return.

Public Media

YCCC will notify the following TV stations of any campus information about a delayed opening time, cancellation of all classes for all or part of the day, information about any emergency situation.

- **TV STATIONS:** Channel 6 – NBC/WCSH □ Channel 8 – ABC/WMTW □ Channel 13 - CBS/WGME

IDENTIFICATION CARDS

All matriculated YCCC students will be issued an official college identification card either at new student orientation or at the Safety Office following orientation. Students are required to carry their ID cards with them at all times.

Students may be required to display or surrender identification cards upon request (e.g., by faculty, administrators, or security) in order that proper identification may be established. Failing to comply with the above request, lending of cards, or reporting a false identity are violations of the conduct code that could result in dismissal from the College. Students must report a lost ID card to the Safety Office at safety@yccc.edu or by calling 207.216.4433. The charge for replacement ID is \$10.

MyYCCC STUDENT PORTAL:

All YCCC students are given access to an online student portal called MyYCCC. This password protected online portal gives students instant access to valuable academic information such as unofficial transcripts, grades, GPA, “hold” information, course schedules, current degree information, advisor information, financial aid information, and registration information. Students can also access non-academic information such as student-to-student textbook sales, ride shares, and the emergency alert system which notifies students when the campus is closed due to inclement weather. To log into MyYCCC, go to <https://my.yccc.edu>

Degree seeking students get the added benefit of being able to add courses and drop courses online during the scheduled Add/Drop period that is posted at <https://my.yccc.edu/ICS/Student> Regardless of whether a student is degree seeking or not, all students must withdraw from courses either in person or by emailing registration@yccc.edu during the scheduled withdrawal period.

It is ultimately the student’s responsibility to check their MyYCCC account to track their academic progress. YCCC often notifies students of important deadlines, notices, and events through the announcements section of the MyYCCC portal, so frequent log in is encouraged. All new students must attend a New Student Orientation session either online or on-campus so that they can learn how to log in and use their MyYCCC account.

ONLINE COMMUNITIES AND SOCIAL NETWORKING

York County Community College (YCCC) uses social media to interact with the College community for promotions, events and distribution of information. We welcome and encourage your participation on all social media platforms including but not limited to Facebook, Instagram, Twitter, LinkedIn and Youtube.

Simple guidelines for appropriate online conduct

- **Follow College policy.** All York County Community College/Maine Community College System Student Policies and Codes of Conduct apply to social media platforms and networking.
- **Online can mean forever.** Remember that what you post is accessible long after you post it even if you remove or delete it. If it is not something you would say to an employer in person you should not post it online. Don’t let poor judgment now prevent you from securing your dream job in the future.
- **Use privacy settings.** Understand and use the privacy settings on social networking sites. If you do not, your personal information is available to the entire world. Do not provide personal identifying information such as date of birth, phone numbers, home addresses or class schedules.
- **Be careful.** Be aware of who you add as a friend to your site. Do not allow someone else to create and manage accounts on your behalf unless you have total access to the logins, passwords and procedures for those accounts.

- **Respect others.** Don't infringe on the privacy of your friends, peers or College faculty and staff. Never post personal information of others that could be embarrassing to them or YCCC. If posting photos, ask the permission of those involved. If someone objects to photography, avoid using it as a matter of common courtesy.
- **Follow the rules.** Make sure you understand the policies and terms of use of any social media platform you use. Read the terms of service before using. Displaying behavior that violates federal and/or state law could have serious consequences that could affect your future.

Additionally, YCCC reserves the right to delete unacceptable posts and/or comments and ban and report users to the Dean of Students in the event we consider a comment or post to be harassment or inappropriate or in violation of a YCCC policy or Student Code of Conduct. The following are examples of unacceptable social networking usage. This list is not intended to be all-inclusive and will be adjusted as issues arise.

Examples are:

- Profane or obscene language or content;
- Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, national origin, physical or mental disability, sexual orientation, or content that violates a legal ownership interest of any other party;
- Infringement on copyrights or trademarks;
- Confidential or non-public information;
- Misinformation or misleading posts;
- Conduct or encouragement of illegal activity;
- Information that may tend to compromise the safety or security of the college or public.

STUDENT SENATE

The Student Senate serves as the link between the students, faculty and administration and plans and sponsors student activities on campus. All students are encouraged to become members of the Student Senate and are invited to attend Senate meetings to provide ideas for the betterment of the College community. The Senate derives its funds from the student activity fees, fundraising events, and sponsors. It finances college activities such as speakers, forums, intramurals, student newspaper and other social activities. Recognized student organizations may petition the Senate for funds to carry out their activities. For more information, contact the Director of Student Engagement; rmuller@yccc.edu

TRANSPORTATION

York County Community Action is the major provider of public transportation in York County. Their **WAVE** program provides van and bus service to YCCC. WAVE operates two routes, one serving Sanford to Wells, the other serving Sanford to Biddeford. WAVE vehicles can pick up passengers along the route, if the trip has been prescheduled. Details about how to use WAVE, including schedules, fares, and how to reserve your ride, are available at www.yorkwave.org.

The **Orange Line** (formerly the Sanford ocean shuttle) offers year round transportation 7 days a week, and stops at the YCCC campus Monday through Saturday. The Orange Line operates between Sanford and Wells, and has designated stops in those two towns. Schedule and fare information <http://www.shorelineexplorer.com/Orangeline.html>

Requests for specific information and bus route locations should be directed to York County Community Action Transportation, WAVE Office at (207) 459-WAVE (459-9283). Also check out other transportation at: www.yccac.org/yccac-transportation-home.html.

“Go Maine” is a free carpool assistance program funded by the Maine Department of Transportation and the Maine Turnpike Authority. This RideShare program matches you with other people who are going in the same direction. You are responsible for personal trip arrangements. For more information go to GoMaine www.gomaine.org or call 1(800) 280-RIDE.

MAINE COMMUNITY COLLEGE SYSTEM (MCCS) POLICIES

DRUGS AND ALCOHOL

A. Introduction

In accordance with pertinent laws, including the Drug-Free Workplace Act of 1988, Drug-Free Schools and Communities Act Amendments of 1989, and the Omnibus Transportation Employee Testing Act of 1991, the MCCS/YCCC adopts the following policy.

B. Policy

It is the policy of the MCCS/YCCC to prohibit the unlawful manufacture, distribution, dispensation, possession and/or use of a controlled substance, and to prohibit the unlawful and/or unauthorized possession, use, or distribution of alcohol, on any premises owned, leased or occupied by the MCCS, or in relation to any MCCS activity. This policy applies to all employees, students, independent contractors, persons provided by temporary employment agencies, volunteers, invitees and other visitors of the MCCS.

C. Notice of Convictions

All employees convicted of violating a criminal drug statute shall, within five (5) days of such conviction, notify the employee’s supervisor of the conviction and any resulting terms and conditions of punishment. Colleges receiving such notices shall promptly notify the MCCS director of human resources. All students convicted of violating a criminal drug statute shall, within five (5) days of such conviction, notify the college’s student affairs officer of the conviction and any resulting terms and conditions of punishment.

D. Required Programs

In support of this policy, the Colleges and/or System Office shall:

- a. Make a good faith effort to maintain a drug-free environment;
- b. Inform employees and students about the dangers of drugs and alcohol; availability of counseling, rehabilitation, and employee assistance programs; and penalties that may be imposed for abuse violations. This information shall be distributed annually to all employees and students;
- c. Provide new employees with a copy of this policy, and publish a copy of this policy for review by existing employees;
- d. Require a drug and/or alcohol test for those employees required to operate vehicles that require a commercial driver’s license; weigh more than 26,000 pounds; transport hazardous materials; and/or are designed to carry sixteen (16) or more persons; and
- e. For work performed by employees, including student employees, paid at least in part by a federal grant or contract:

- i. Inform such employees that a condition of such employment is to abide by the terms of this policy;
- ii. Notify the appropriate federal agency within ten (10) days after receiving notice that such an employee has been convicted of a drug crime that occurred in the workplace; and
- iii. Impose sanctions on, or require the satisfactory participation in a drug abuse assistance rehabilitation program by, any employee so convicted.

E. Penalties for Violations

Employees who violate this policy may be subject to disciplinary action, up to and including termination; required to participate satisfactorily in a drug and/or alcohol abuse assistance or rehabilitation program as agreed upon between the employee and the M CCS; and subject to criminal prosecution.

Students who violate this policy may be subject to disciplinary action under the M CCS Student Code of Conduct; subject to penalty under a Residence Hall Agreement; required to participate satisfactorily in a drug and/or alcohol abuse assistance or rehabilitation program as agreed upon between the student and the M CCS; and subject to criminal prosecution.

Independent contractors, persons provided by temporary employment agencies, volunteers, invitees, and visitors of the M CCS who violate this policy may be subject to any appropriate and applicable sanction, including exclusion from M CCS property and events; debarment from M CCS work; and criminal prosecution. (M CCS Policy – 804; 6/2009).

YCCC policy is to adhere to the current state and federal laws concerning the use and possession of alcoholic beverages and controlled substances. Examples of these laws are as follows:

Maine State Laws Concerning the Use and Possession of Alcoholic Beverages and Controlled Substances

1. Persons must be at least 21 years old to purchase, possess, or consume alcoholic beverages.
2. Persons must not present false identification, neither written or oral, in order to obtain alcoholic beverages.
3. Persons of legal drinking age must not provide alcoholic beverages to underage individuals. Unlicensed sale of alcohol on campus in any form is illegal and expressly forbidden. Persons/organizations who serve alcoholic beverages are responsible for the damages, both to the person and property, of those served.
4. Persons must not possess, traffic, make, grow, furnish, sell, or trade any controlled substance or counterfeit drug.
5. Possession of more than 1¼ ounces of marijuana is considered a misdemeanor.
6. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia; to grow, harvest, manufacture, produce, test, store, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.

In addition, YCCC also imposes the following regulations:

York County Community College Rules Governing the Use and Possession of Alcoholic Beverages and Controlled Substances

1. Possession and/or consumption of alcoholic beverages at YCCC is permitted only by people of legal drinking age who have special permission from the President. This applies to any and all functions such as entertainment, dances, athletic events, and any out-of- doors activities on any part of the campus.
2. Any person who is observed by a college official to be “under the influence” will be subject to disciplinary action.
3. Intoxication will not be accepted as a defense or as an excuse for disorderly conduct and/or damage to property on campus.
4. The York County Community College administration has the right to inspect bags or packages on campus when the administration has probable cause to believe it may contain alcohol and/or drugs.

FIREARMS

A. Rationale

The Board of Trustees accepts the recommendation of law enforcement that ready access to firearms by a person in distress contributes significantly to the likelihood of violence. The trustees also recognize the dangers posed by the accidental or careless discharge of a firearm on property owned, operated or occupied by the MCCA. This policy shall be enforced in good faith for the purpose of furthering safety on each campus.

B. Definitions

For purposes of this policy, the following terms have the following meanings:

1. “Firearm” means any weapon, whether loaded or unloaded, which is designed to expel a projectile by the action of an explosive and includes any such weapon commonly referred to as a pistol, revolver, rifle, gun, semi-automatic gun, machine gun, shotgun or any other weapon that can be made into a firearm by inserting a firing pin, or other similar thing, or by repair;
2. “Possession” means ownership, care, custody or control whether concealed or in plain view; and
3. “Property” means all colleges, campuses, off-campus centers, buildings, parking lots and all other grounds owned, operated or occupied by an entity of the MCCA.

C. Regulation

Pursuant to 20-A M.R.S.A. §10009, no person other than those specified below may possess a firearm on property owned, operated or occupied by a college and/or the System. This prohibition includes residence halls and motor vehicles parked on such property. This prohibition also includes any concealed weapon because a concealed carry permit does not authorize firearm possession in a location where, as under §10009, possession has been lawfully prohibited pursuant to express statutory authority. Persons who violate this policy may be subject to removal, discipline and/or other lawful remedies.

This regulation shall not apply to:

1. Law enforcement officials in their official capacity;

2. Supervised educational program personnel expressly approved in advance by a college president; and
3. Persons otherwise approved by the System president.

D. Use of Storage at Local Police Stations

A college or other MCCC location may not store firearms other than as a temporary or interim safety precaution. Each college should determine whether firearm storage for persons attending or visiting an MCCC property is available at a local police station and/or place of business, and advise accordingly those persons who seek such storage.

E. Notice

Each MCCC location shall provide at each location notice of this policy by publications, website and/or signage.

FIREWORKS

A. Purpose

The purpose of this policy is to promote the safety of YCCC students, employees and guests by prohibiting the possession and use of fireworks on property owned or controlled by YCCC.

B. Definitions

For purposes of this policy, the following terms have the following meanings:

- a. "Fireworks" means any composition or device designed to produce a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of "consumer fireworks" or "display fireworks" below. Fireworks include missile-type rockets, helicopters, aerial spinners, sky rockets and bottle rockets (i.e., any cylindrical tube containing chemical composition and a wooden stick attached for guidance and stability, that rises into the air upon ignition and that may produce a burst of color or sound at or near the height of flight).
- b. "Consumer fireworks" means any small firework device designed to produce visible effects by combustion. This includes small devices designed to produce audible effects, such as whistling devices, ground devices containing explosive materials, and aerial devices containing explosive materials.
- c. "Display fireworks" means large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation.

C. Prohibition

The possession and use of consumer fireworks, display fireworks and other fireworks are prohibited on property owned or controlled by YCCC. This prohibition applies even if the municipality in which the property owned or controlled by YCCC is located permits YCCC to allow consumer or any other fireworks.

D. Exception

The only exception to this policy is that, with the written approval of a college president, a college may host or permit an event that allows a licensed vendor to use lawful consumer or display fireworks, provided that the pertinent municipality permits the college to allow such

fireworks, and provided further that the vendor takes the standard and requisite safety precautions.
(MCCS Policy – 811; 5/2013).

FREE SPEECH AND ORDERLY OPERATIONS

A. Introduction

Public colleges occupy a unique place in our society. They are institutions of higher learning dedicated to the discovery and dissemination of knowledge and, in that capacity, they assign a high priority to the freedom of speech. At the same time, public colleges are governmental entities and they must balance that important freedom with other legitimate goals and objectives, including the maintenance of a safe, lawful and orderly environment.

As an instrumentality of the State of Maine, the MCCS/YCCC is committed to its constitutional obligations to respect rights of expression. As an institution of higher learning, the MCCS/YCCC embraces academic freedom and the open exchange of diverse ideas, and is committed to its priority educational objectives of teaching, learning and student success. Finally, as an institution accessible to the public, the MCCS/YCCC accepts the responsibilities that relate to the relatively open nature of some of its campuses and facilities.

B. Interpretation

This policy establishes general principles governing rights of speech and expression at MCCS/YCCC. It makes no effort to articulate every principle of law, or to anticipate and address the innumerable factual situations, likely to confront our colleges. Nonetheless, the guidance and rules set forth here are meaningful and important. They are not, however, intended, nor shall they be interpreted, to expand or diminish any legal right of expression or any legal right of regulation accorded by law or contract.

C. Policy Statement

The MCCS/YCCC highly values the free exchange of ideas. The MCCS/YCCC also respects its obligation to maintain a safe, lawful and orderly environment. The primary objective of the MCCS/YCCC is student educational success, and persons exercising their rights of expression and assembly must conduct their activities in a manner that does not unduly interfere with normal operations and conforms to reasonable regulations regarding time, place and manner.

D. Types of Speech Forums

In determining which MCCS/YCCC grounds and facilities may be used for certain expressive activities, MCCS/YCCC employs the standard “forum” analysis widely used in American higher education. Subject to nuanced details and exceptions too numerous to set forth here, these different forums may be summarized as follows.

1. Public Forum

A public forum is public property that has been traditionally available and used for assembly or debate. Examples would include streets, parks, and lawn areas. A college may limit speech activity in such locations only if the limitation furthers a compelling college interest and is narrowly drawn to achieve that interest. Reasonable regulations on the time, place and manner of speech in public forums are permissible in a public forum if the regulations are content-neutral, are narrowly tailored to serve a significant interest, and provide ample alternative locations for the activity.

2. Designated Forum

A designated forum is an area that does not qualify as a public forum but has been affirmatively identified by a college to allow certain speech activities. An example might be an auditorium or lobby of a college building. In designating such locations, a college may also designate certain limits on the forum (these are called “limited designated forums”). For example, a college may designate a certain forum as being available only for internal but not external (or vice versa) persons or groups. Once an area is designated as regular or limited forum, a college is not required to continue that forum indefinitely. But for so long as the designation applies, the college is bound by the rights and limits it has so designated. If the forum is designated without any such limits, then the same standards applicable to a public forum apply: Reasonable time, place and manner regulations are permissible, but content-based prohibitions must be narrowly drawn to further a compelling college interest.

3. Non-Public Forum

A non-public forum is an area other than a public or designated forum. Examples include many college facilities, such as classrooms, residence hall rooms, faculty and staff offices, academic buildings, administration buildings, libraries and computer labs. These locations may be restricted to use for their intended purposes and are not available for public speech activity.

E. Policy on Speech Forums

In those areas of operation that by law constitute traditional public forums, the MCCS respects the relatively broad right of public speech required by law. In those areas of operation that by law constitute designated or non-public forums, the MCCS/YCCC reserves the authority to impose all limitations permitted by law.

To these ends, each college of the MCCS/YCCC shall recognize any area of operation that by law constitutes a public forum. Each college may also identify additional designated public forums in which public speech may be permitted if the college so chooses. Finally, each college shall recognize any other area that does not constitute a public or designated forum as a non-public forum in which public speech is not permitted.

F. Time, Place and Manner Regulations and Practices

The MCCS/YCCC respects the right of individuals and associations to communicate the lawfully protected content of their expressions. The MCCS/YCCC reserves the authority it may exercise by law to impose regulations and/or develop practices that reasonably limit the time, place and manner in which such acts of expression and/or assembly may occur. Each college may adopt reasonable time,

place and manner regulations or practices governing the use of its public, designated and non-public forums. Such regulations or practices may require, for example, timely notice to the college of the intended activity; reasonable limitations on the timing, duration, manner and location of such activity; and payment of a reasonable fee.

G. General Rules

In addition to rules that may be reasonably adopted by a college under section F above, the following regulations shall apply:

1. Unlawful Expression

The MCCS/YCCC does not permit expression that is not protected by law. Such expression includes, but is not limited to, defamation, incitement to unlawful conduct, imminent threats of actual violence or harm, obscenity, fighting words, gross disobedience of legitimate rules, copyright or trademark violation, criminal or civil harassment, sexual harassment, trespass, false advertising, and use of public resources to promote partisan political activities.

2. Maintaining Orderly Operations

No person may engage in expressive conduct that has the effect of disrupting or preventing the orderly conduct of the MCCS/YCCC mission, program, function or activity; blocking the legitimate activity of any person on the MCCS campus or in any MCCS building; constituting or inciting a violation of law; impeding or blocking the flow of pedestrian or vehicular traffic; or likely leading to an unsafe or unhealthy condition.

1. Priority to the MCCS/YCCC Community Members
2. Solicitations
3. Sound Amplification Systems
4. Distribution of Written Material

a. Posters, Signs and Postings

Students, employees and organizations affiliated with the MCCS/YCCC shall have preferential and prioritized access to MCCS/YCCC grounds and facilities over those persons not so affiliated with the MCCS/YCCC. Solicitation may occur only in accordance with the lawful procedures and regulations adopted by a college. For purposes of this policy, “solicitation” means any commercial or non-commercial attempt by an individual or group to promote the sale, use or service of a particular product or organization.

Use of any sound amplification system or device is prohibited on MCCS/YCCC property except as authorized by appropriate authorities.

Literature, fliers, brochures, information sheets and like printed promotional material may be distributed on MCCS/YCCC property only as follows:

Such material may be posted upon information boards and in those other areas designated by a college, and by means consistent with the college’s time, place and manner regulations or practices. Except

where otherwise specifically authorized, such materials may not be affixed to automobiles, trees, poles, doors, benches, sidewalks, walls, windows, ceilings, trash receptacles, streets, signs, steps, grounds, fixtures or any other equipment or surface.

b. Leaflets and Handouts

H. Speech with Content Offensive to Others

One purpose of the First Amendment is to protect earnest debates on challenging subjects. Because this is especially true where people hold strongly held personal, social or religious views, the First Amendment may in some instances limit the authority of entities like the MCCS/YCCC to prevent or punish statements that some may regard as offensive. Such statements could include those that offend or annoy, or that disparage another person's race, ethnicity or other personal attribute. Although the MCCS/YCCC does not condone slurs or epithets because they do not

Such material may be distributed to interested persons in public forums and those areas designated by the college for this activity, and by means consistent with the college's time, place and manner regulations or practices. All other such distribution is prohibited.

contribute substantive content or further serious pedagogical interests, the MCCS/YCCC recognizes established constitutional limitations upon its ability to sanction all speech that simply offends or annoys.

Nonetheless, the MCCS/YCCC reserves all authority not so limited. And in all instances, including those instances where MCCS/YCCC authority may be so limited, the MCCS/YCCC recognizes the opportunity to exercise its own speech rights. The MCCS/YCCC does so in part here by expressly embracing two institutional values. First, all members of its college communities have a voluntary educational opportunity to understand the difference between substantive ideas and personal disparagement. And second, such persons have a voluntary ethical obligation to respect that difference by striving for expression whose purpose is more meaningful than insult, and whose effect is more meaningful than insolence. The MCCS/YCCC embraces these values even if in some instances they cannot be enforced as rules.

I. Rental of Facilities

No portion of this policy is intended, nor shall it be interpreted, to diminish the authority of the MCCS/YCCC and its colleges to impose reasonable terms and conditions in renting its facilities. Such terms and conditions may include, for example, payment of a fee, proof of adequate insurance and a commitment to defend and indemnify the MCCS/YCCC.

SEXUAL HARASSMENT, SEXUAL ASSAULT AND OTHER SEX BASED CONDUCT, RELATIONSHIP VIOLENCE, AND STALKING

Sexual harassment, a form of sex discrimination, is a violation of state and federal law and a violation of this policy when engaged in by employees or students. As described herein, the federal definition of “sexual harassment” under Title IX of the Education Amendments of 1972 is substantially broader than the state definition and includes sexual assault, dating and domestic violence and stalking. This policy is also violated when students or employees engage in conduct defined by state law as sexual violence, intimate partner violence and stalking. Conduct governed by this policy is collectively referred to herein as “prohibited conduct.”

A full description of the procedure governing the administration of this policy is set forth in MCCS Procedure [202.2](#), which includes definitions, how to make a report of prohibited conduct, file a Formal Complaint, and obtain emergency and ongoing support services and supportive measures; the procedures for informal and formal resolution; and the investigative, disciplinary and appeals processes. A summary description of procedural information is set forth in Section C herein.

All capitalized terms used herein and not otherwise defined in this Policy 202 shall have the same meaning given to such terms in Procedure 202.2.

Any Maine Community College System employee or student who violates this policy or the applicable laws will be subject to disciplinary action.

A. Sexual Harassment

1. Maine Human Rights Act and Title VII of the Civil Rights Act of 1964

Under the Maine Human Rights Act and Title VII of the Civil Rights Act of 1964, sexual advances, requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature, including conduct based on sex, constitute sexual harassment when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or educational benefits; or
- b. Submission to or rejection of such conduct is used as the basis for an employment or education decision affecting an individual; or
- c. Such conduct is so severe or pervasive as to have the purpose or effect of substantially interfering with an individual’s academic or work performance or creating an intimidating, hostile or offensive employment, educational or living environment, thereby effectively denying equal access to an MCCS program or activity; and
- d. A person of reasonable sensibilities would clearly understand that the conduct was unwelcome, harmful or offensive.

2. Title IX of the Education Amendments Act of 1972

Title IX of the Education Amendments of 1972 has similar proscriptions against the same types of unwelcome sexual and sex-based conduct prohibited by Title VII and the Maine Human Rights Act, although with different definitions of the prohibited conduct. Title IX also includes sexual assault, stalking, dating violence and domestic violence within the definition of sexual harassment.

Under Title IX, sexual harassment is unwelcome conduct based on sex that satisfies one of more of the following:

- a. An MCCS employee conditions the provision of an MCCS aid, benefit, or service on an individual's participation in unwelcome sexual conduct.
- b. Unwelcome sexual conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to MCCS education programs or activities.
- c. Sexual assault, domestic violence, dating violence or stalking as defined by federal law and set forth in MCCS Procedure 202.2.

In addition, certain jurisdictional requirements must be satisfied for the conduct to be within the scope of Title IX. Specifically, the alleged conduct must have:

- d. occurred against a person in the United States;
- e. participating or attempting to participate in an MCCS education program or activity at a location owned or controlled by MCCS; and
- f. MCCS had substantial control over the alleged perpetrator and the context in which the alleged sexual harassment occurred.

B. State Law Prohibitions on Sexual Violence, Intimate Partner Violence and Stalking

Maine law prohibits conduct that falls within the broad definitions of sexual violence and intimate partner violence, as well as stalking. These categories of conduct are similar to those prohibited by Title IX, but the definitions differ. In addition, unlike Title IX, these categories are not included within the state definition of sexual harassment. The definitions of sexual violence, intimate partner violence and stalking as defined by Maine law are set forth in Procedure 202.2.

C. Procedure for Filing a Report or Formal Complaint, Obtaining Support Services and Information on Resolution Options

The procedure for filing a report or Formal Complaint of conduct prohibited by this policy is set forth in MCCS Procedure [202.2](#), which also describes emergency and ongoing support and services and

supportive measures; the availability of important information on crisis center support, as well as medical, counseling, law enforcement, legal and financial aid services; the procedures for reporting prohibited conduct, filing a Formal Complaint and informal resolution; and the investigative, disciplinary and appeals process.

Individuals who believe that they are victims of conduct prohibited by this policy are strongly encouraged to report the conduct to their Title IX Coordinator so they can receive emergency support and services, supportive measures and important information as soon as possible. The filing of a Formal Complaint is not required in order to receive emergency and ongoing services designed to aid victims of prohibited conduct.

Victims of sexual violence, intimate partner violence and stalking as defined by state law may also seek emergency and ongoing support and services from a Confidential Resource Advisor (“CRA”), a specially trained sexual assault or domestic violence advocate. The roles and responsibilities of the Title IX Coordinator and the CRA are more fully described in Procedure 202.2.

As described in Procedure 202.2, the filing of a Formal Complaint with the Title IX coordinator is required in order to initiate the investigation and disciplinary process. It is the policy of the Maine Community College System to provide fair and impartial investigations, consistent with related MCCS procedures and guidance, that will protect the rights of persons filing complaints of conduct prohibited by this policy, the persons complained against, and the Maine Community College System. All conduct within the scope of this policy is governed by MCCS Procedure 202.2.

Additionally, individuals may also file a sexual harassment complaint with the Maine Human Rights Commission within 300 days of the alleged incident. Further information is available from the Maine Human Rights Commission at State House Station 51, Augusta, Maine 04333, (207) 287-2326, and/or from the United States Department of Education, Office for Civil Rights, 33 Arch Street, Suite 900, Boston, Massachusetts 02110, tel. 617-289-0111, TTY/TTD 617-289-0063, and fax 617-289-0150.

College presidents are directed to take appropriate steps to distribute this policy statement and to inform students and employees of procedures for making complaints.

D. Confidentiality

Disclosure by the Title IX Coordinator, other MCCS employees or the CRA of information regarding an incident of prohibited conduct, including the identities of the parties, is prohibited except as permitted under federal or state law. A CRA is also prohibited from disclosing any information about the parties, the incident, or other information obtained while providing services unless required by law or with consent of the person. While a person who receives CRA services may refuse to disclose, and refuse to permit a CRA from disclosing, confidential communications between the person and the CRA and any written records, memoranda or reports concerning the person, the CRA may still be required to disclose said information under the law.

E. Protective and No Contact Orders

A person who has experienced an alleged incident of conduct governed by this policy has the right to request from a court that a temporary or permanent restraining order, or other protection or no-contact order be issued against an alleged offender. Only the police, and not College security, have the authority to enforce such an order by arresting a person who violates the order. In the event an order is obtained, a copy should be provided to the Title IX Coordinator or the head of campus security so that the College may be better prepared to promptly contact the police if necessary and to provide such other assistance as may be available and appropriate to the circumstances, including when both parties have an on campus presence due to class schedules or employment responsibilities.

Mutual no contact orders issued by the Title IX Coordinator may be available as a supportive measure for complainants and respondents and are enforced by the college.

F. Retaliation and Immunity

The College will take appropriate steps to ensure that a person who in good faith reports or participates in an investigation under Procedure 202.2 will not be subjected to retaliation by the Respondent or others. Anyone who has experienced retaliation is strongly encouraged to report that concern to the Title IX Coordinator.

A person who reports having experienced an alleged incident of prohibited conduct, or a witness who requests an investigation of such conduct, shall not be subject to disciplinary action for drug and alcohol use, trespassing or unauthorized entry of College facilities prohibited by the M CCS Student Code of Conduct if the College becomes aware of the alleged prohibited conduct as a result of the report or investigation of the alleged conduct, unless the request was not made in good faith or the Code violation was egregious. An egregious violation must include, but is not limited to, an action that places the health and safety of another person at risk.

G. False Reports

It is a violation of this policy to intentionally file a report of any kind with a College official when the person knows that such report, by fabrication or material embellishment, is false.

H. Amendment

Prior to adopting substantive amendments to this policy, M CCS shall provide a draft of the proposed amendments to internal and external parties by electronic or U.S. mail with instructions on how to comment and a reasonable length of time in which to comment. Non-substantive amendments are not subject to these requirements.

(M CCS Policy 202; 6/2023)

TITLE IX SEXUAL HARASSMENT PROCEDURE

A. Introduction

Procedure is to define and to describe the reporting, investigation and adjudication procedures that govern M CCS' 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.

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.

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 online for 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.

CRA's 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.

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. 12991(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.

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:

- 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.

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;
- 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.

(MCCS Procedure 202.2; updated 6/23)

PROCEDURE FOR DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT AND AFFIRMATIVE ACTION COMPLAINTS

Introduction

This procedure does not apply to allegations that meet the Title IX definition of sexual harassment as set forth in MCCS Policy 202 section B. Such allegations are governed by MCCS Procedure 202.2.

Harassment, including sexual harassment, (hereinafter collectively called "harassment") and discrimination (including retaliation, intimidation and coercion) on the basis of race, color, national origin, age, ancestry, genetic information, sex, religion, veteran status, sexual orientation, including gender identity or expression, familial status and disability (hereinafter called "discrimination") are a violation of certain federal and/or state laws, as well as certain Maine Community College System ("MCCS") and College policies. In addition, federal and/or state law require in some, and permit in other, instances the MCCS and Colleges to engage in affirmative action in its educational and employment activities.

Except as otherwise provided, this document establishes the procedure for each College in receiving and investigating complaints brought by a student, employee, applicant or any other person (hereinafter the "complainant") that allege harassment or discrimination by a College student, employee, contractor or other agent (hereinafter the "respondent"). This procedure also applies to complaints regarding the College's use of affirmative action which, for purposes of this procedure, shall be processed in the same manner as a complaint alleging discrimination.

II. Publication of this Procedure

This procedure must be available to all employees in a location clearly designated by the College; included in the College's Student handbook; and posted on each College's Web site. Notice of the College's non-discrimination statement and contact information of the College's Equal Opportunity Officer (EO Officer) and ADA compliance officers must also be posted in conspicuous locations on campus.

III. Reporting Discrimination and/or Harassment A. Where to Report

Any person who believes that he or she has been discriminated against or harassed ("complainant") must make a timely report to the College's EO Officer as set forth herein.

If the EO Officer is the person alleged to have discriminated against or harassed, the complainant should report the complaint to the College President. The College President will then assign a person other than the EO Officer to investigate the complaint.

If the College President is the person alleged to have discriminated against or harassed, the role of the College President in this procedure will be executed by the MCCS Director of Human Resources, who may be contacted at 323 State Street, Augusta, Maine, 04330; ph: 207-629-4000, or that Director's designee.

B. When to Report

A complainant should report their complaint as soon as possible after the first date of the alleged discrimination or harassment, and must report, if at all, not later than 300 calendar days after the last date of the alleged discrimination or harassment.

C. How to Report

A complaint may be made orally or in writing, and it must be particular. It must disclose the identity of the person(s) alleged to have engaged in discrimination or harassment ("respondent"), and the location(s), date(s) and description of the alleged acts. If a complainant discusses a complaint with an employee of the College, that employee should promptly refer the complainant to the EO Officer and inform the Officer of that employee's knowledge of the complaint.

The College cannot take complaints "off the record." Once the College receives such information, it has a duty to investigate and possibly take action even if, at the time of the complaint, the complainant does not want the College to do either. Unless the complainant signs a written statement specifying withdrawal of the complaint, the complainant may not be deemed to have withdrawn her or his complaint.

A report filed under this procedure will not be deemed to be a "grievance" under any applicable collective bargaining agreement. If a complainant seeks to file a collective bargaining-based grievance, the complainant must do so in addition to complying with this procedure.

D. Disability Accommodation Complaints

A person whose discrimination complaint relates to a disability accommodation must first comply with the College's ADA or Disability Services policy and procedure, and present any such concerns to the College's ADA or Disability Coordinator prior to reporting a complaint to the EO Officer.

IV. Investigation of Complaints

The following procedures apply to the investigation of discrimination and harassment complaints subject to this procedure. In some instances, the College President or MCCS Director of Human Resources may authorize a qualified person other than the EO Officer to conduct the investigation and/or act upon its findings, which person shall then assume the EO Officer's duties as designated.

A. Informal Procedure

The EO Officer will attempt to resolve a complaint of discrimination or harassment as informally as possible by seeking information and cooperation from both the complainant and respondent.

If the parties agree to use this informal procedure, such procedure will be completed within 20 working days of the EO Officer's receipt of the complaint. This timeframe may be extended by the EO Officer as the Officer deems reasonably necessary, provided that any such extension does not impose undue delay, and provided further that the EO Officer documents the dates of, and reasons for, each delay.

If either the complainant or respondent declines to use the informal procedure, or such informal procedure is not otherwise successful, the EO Officer will use the following formal procedure.

B. Formal Procedure

The formal procedure, if used, will be completed within 60 calendar days of the EO Officer receipt of a complaint under this procedure.

1. Within 10 working days of receiving the complaint

Within 10 working days of receiving the complaint, the EO Officer will:

- a) meet with the complainant to discuss the complaint;
- b) provide to the respondent that notice of the complaint as may be required by either the Student Code of Conduct or the collective bargaining agreement;
- c) begin to collect evidence and arrange interviews of witnesses; and
- d) interview the respondent.

2. Within 5 working days of completing the investigation

An investigation is complete when the pertinent supervisor (e.g., Dean of Students, College President) and EO Officer determine that no additional fact finding is required. Within 5 working days of completing the investigation, the College will decide upon its response to the complaint and so inform the complainant and respondent of the nature of that response. Personnel privacy obligations may prevent the College from disclosing to the complainant the details of the specific action that the College will take.

3. Extension and Coordination of Above Timeframes

The timeframes specified above may be extended by the EO Officer as the Officer deems reasonably necessary, provided that any such extension does not impose undue delay, and provided further that the EO Officer documents the dates of, and reasons for, each delay.

In addition, this formal procedure must be applied as consistently as possible with the related procedures set forth in the MCCS Student Code of Conduct and MCCS collective bargaining agreements. When a timeframe specified in this formal procedure conflicts with a specific timeframe set forth in the Student Code of Conduct or collective bargaining agreement, the timeframe in the Code and agreements shall control, provided that such control shall not unduly delay the completion of the College's investigation under this procedure.

C. Interim Steps

While a complaint is under review, the EO Officer may recommend to the appropriate supervising authority at the College that such authority take, consistent with the applicable procedures and standards set forth in the College's Student Code of Conduct and/or any employment policy or agreement, any appropriate or necessary interim action such as removing the complainant from contact with the respondent.

D. Limit on Confidentiality

The College may need, as part of its investigation, to disclose the complainant's name, statements and allegations to certain relevant other persons, including the alleged discriminator or harasser.

V. Action Upon Findings from the Investigation

If the College determines that it will take disciplinary or other responsive action as a result of its investigation, that action will be taken without undue delay as follows.

A. Action Against a Student

To implement discipline or other action in response to complaints against a student, the College will use the MCCS Student Code of Conduct.

B. Action Against an Employee

To implement discipline or other action in response to complaints against an employee, the College will use the applicable collective bargaining agreement or other pertinent employment policy.

C. Action Against Others

To implement discipline or other action in response to complaints against a contractor or other party, the College will consult with the College President.

D. Action to Address Disability Accommodations

To address the College's provision of disability accommodation, the College will follow its pertinent ADA or Disability Services protocol.

VI. Appeals of College Response to Complaint

Any appeals from action taken under *Section V* above shall be taken pursuant to the applicable Code, collective bargaining agreement or employment policy. Only if those sources do not provide an appeal process to an affected party, then the following appeal process shall apply.

Within 10 working days of receiving the report of the investigation, a party to the complaint who is aggrieved by the decision may appeal ("appellant") to the College President (or to the MCCS Director of Human Resources if the College President is the respondent to the complaint; see *Section III.A.*). Within 10 working days of receipt of the appeal, the College President will meet with the appellant to discuss the appeal. Within 10 working days after the meeting, the College President will inform the appellant and other party(s) to the complaint of the College President's decision on the appeal. Such timeframes may be extended by the College President as the President deems reasonably necessary, provided any such extension does not impose undue delay, and provided further that the College President documents the dates of, and reasons for, each delay.

VII. External Complaint Procedures

In addition to, or in place of, filing a complaint through this procedure, a complainant has the right to file a private lawsuit or a complaint with outside agencies. For example, a complaint alleging discrimination in the College's education programs and/or activities under Title VI of the Civil Rights Act of 1964 (race, color, national origin), the Age Discrimination Act of 1975 (age), Title IX of the Education Amendments of 1972 (sex), Section 504 of the Rehabilitation Act of 1973 (disability), and/or Title II of the Americans with Disabilities Act of 1990 (disability) may be filed with the United States Department of Education, Office for Civil Rights, 33 Arch Street, Suite 900, Boston, MA 02110, telephone 617.289.0111, TTY/TDD 617.289.0063, fax 617.289.0150, e-mail OCR.Boston@ed.gov, internet <http://www.ed.gov/about/offices/list/ocr/index.html?src=oc>. The Federal government agency that has the responsibility for enforcing anti-discrimination laws in regard to employment is the United States Equal Employment Opportunity Commission, which may be contacted at 475 Government Center, Boston, MA 02203, telephone 617.565.3200 or 1.800.669.4000, TTY 617.565.3204 or 1.800.669.6820, fax 617.565.3196, internet <http://www.eeoc.gov/>.

The State agency in Maine that has the responsibility for enforcing anti-discrimination laws is the Maine Human Rights Commission, which may be contacted at 51 State House Station, Augusta, ME 04333-0051, telephone 207.624.6050, TTY/TDD 207.624.6064, fax 207.624.6063, internet <http://www.state.me.us/mhrc/index.shtml>.

VIII. Retaliation, Intimidation and Coercion

Retaliation, intimidation and/or coercion against any person who in good faith either files a discrimination or harassment complaint or otherwise participates in the complaint process is a violation of law and MCCS policy. Complaints alleging retaliation of any kind shall be reported immediately to the EO Officer as set forth in *Section III* of this procedure.

IX. Other Provisions

A. Communication with Disabled Persons

In implementing this procedure, the College must communicate with a complainant who has a disability in a format accessible to the complainant.

B. Record Retention

Unless otherwise directed by the MCCS Human Resources Director or MCCS General Counsel, the AA/ND College will retain a record of all information, complaints, decisions, appeals and responses handled under this procedure for at least three (3) years.

C. Interpretation of this Procedure

This Procedure intends to make as clear and consistent as practical the College's best practices in complying with state and federal laws. This procedure is not intended, and shall not be construed, to create or expand substantive or procedural rights under any law.

LIST OF RESPONSIBLE INDIVIDUALS

PRESIDENT

Michael Fischer, Ed. D., President
207-216-4311, mfischer@yccc.edu

AFFIRMATIVE ACTION OFFICER and TITLE IX COORDINATOR

Dr. Jennifer Laney, Dean of Students
207/216-4444, jarey@yccc.edu

STUDENT CONDUCT OFFICER

Dr. Jennifer Laney, Dean of Students
207/216-4399, jlaney@yccc.edu

ADA COMPLIANCE COORDINATOR

Dr. Jennifer Laney, Dean of Students
207/216-4399, jlaney@yccc.edu

MCCS HUMAN RESOURCES DIRECTOR

Rob Nadeau, Director of Human Resources
207-629-4009, rnadeau@mccs.me.edu

MCCS ASSISTANT GENERAL COUNSEL

Sally Meredith, MCCS Legal Counsel
207/629-4042, smeredith@mccs.me.edu

STUDENT SEXUAL MISCONDUCT AND ASSAULT, STALKING, AND RELATIONSHIP VIOLENCE

A. Introduction

This procedure governs acts by students of nonconsensual sexual conduct, dating and domestic violence and stalking that do not fall within the scope of Title IX of the Education Amendments of 1972. Such acts within the scope of Title IX are governed by MCCS Procedure 202.2. This procedure supplements the MCCS Student Code of Conduct (“Code”) by defining the prohibited acts of non-consensual sexual conduct, dating and domestic violence, and stalking governed by this procedure; explaining the procedures that will apply to the handling of such alleged violations; and providing important additional information to all students. The definitions of prohibited conduct governed by this procedure reflect Maine law where applicable and may differ from the federal definitions required in Procedure 202.2.

B. Definitions

For purposes of this procedure, the following terms have the following meanings.

1. **“Reliable Consent”** is a knowing, voluntary, and mutual decision 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 acquiescence to the sexual activity shall not be regarded as reliable consent.

Reliable 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 can be withdrawn at any time and, if so withdrawn, the sexual activity shall stop. Agreement from a person who is visibly under the influence of alcohol or drugs or otherwise impaired shall not be regarded as reliable consent.

2. **“Acquiescence”** means a person’s submission to engaging in one or more sexual activities without communicating either reliable consent or an express physical or verbal objection.
3. **“Sexual misconduct”** means the following where there is no reliable consent:
 - a. **“Sexual touching,”** which means any intentional touching of the breasts, buttocks, groin or inner thigh, directly or through clothing; or
 - b. **“Sexual contact,”** which means any intentional touching of the genitals or anus, directly or through clothing, other than as would constitute a sexual act, or
 - c. **“Sexual act,”** which means any intentional act when that act involves direct physical contact between the:
 - 1) Genitals of one and the mouth or anus of another; or
 - 2) Genitals of one and the genitals of another; or
 - 3) Genitals or anus of one and an instrument or device manipulated by another person.

4. **"Sexual assault"** means any sexual misconduct as defined above where, at the time of the sexual activity, the Complainant:
 - a. Expressly communicated by words or physical act(s) a timely objection; or
 - b. Was visibly intoxicated or otherwise visibly impaired; or
 - c. Was unconscious, incapacitated, or otherwise unaware that sexual activity was occurring or about to occur; or
 - d. Was placed in reasonable fear of physical injury or other harm because of the Respondent's use or threatened use of physical force or other harm.

1. **"Dating Violence"** 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:
 - a. The length of the relationship;
 - b. The type of relationship; and,
 - c. The frequency of interaction between the persons involved in the relationship.

2. **"Domestic Violence"** means one of the following criminal acts against a family or household member:
 - a. Assault-intentionally, knowingly or recklessly causing bodily injury or offensive physical contact;
 - b. Criminal threatening -intentionally or knowingly placing a person in fear of imminent bodily injury;
 - c. Criminal terrorizing-communicating a threat of violence that places a person in fear for their safety or the safety of another;
 - d. Reckless conduct-recklessly creating a substantial risk of bodily injury to another person;
 - e. Stalking-intentionally or knowingly engaging in a course of conduct directed at or concerning a family or household member that would cause a reasonable person to;
 - i. suffer serious inconvenience or emotional distress,
 - ii. fear death or fear the death of a close relation,
 - iii. fear damage or destruction to or tampering with property, or
 - iv. fear injury to or the death of an animal owned by or in the possession and control of that person; or

3. **"Stalking"** means the conduct described in subsection 6.e, but the conduct may be directed at or concerning any person.

4. **"Complainant"** means a person who believes he or she experienced sexual misconduct or assault by student.

6. **"Respondent"** means a student accused of sexual misconduct or assault.

7. **"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.

C. Prohibited Conduct

It is a violation of the Student Code of Conduct for a student to intentionally engage in sexual misconduct or sexual assault, stalking, dating violence or to retaliate against a person who in good faith reports or participates in an investigation under this procedure. A student may be found responsible for retaliation even if not found responsible for the underlying alleged sexual misconduct or assault.

D. Reports to a College

1. **When to Report.** Students are advised to report allegations of sexual misconduct or sexual assault, stalking, dating violence or domestic violence immediately or as soon as possible.
2. **Where to Report.** Reports should be given to the Title IX Coordinator. Any other employee who receives such a report shall immediately share the report with the Title IX Coordinator. The Title IX Coordinator will determine whether the conduct is governed by this procedure or by MCCS Procedure 202.2 (Title IX Sexual Harassment Procedure).
3. **What to Report.** A complaint may be made orally or in writing, and should be as specific as possible. A report should disclose the identity of the person(s) alleged to have engaged in the sexual misconduct or sexual assault, and the location(s), date(s) and description of the alleged acts. A College cannot take complaints "off the record." Once a College receives such information, it has a duty to investigate and possibly take action even if, at the time of the complaint, the Complainant does not want the College to do either. Unless the Complainant signs a written statement specifying withdrawal of the complaint, the Complainant may not be deemed to have withdrawn her or his complaint.
4. **False Reports.** It is a violation of the Code for any student to intentionally file a report of any kind with a College official when the student knows that such report, by fabrication or material embellishment, is false.

F. Information Provided to a Complainant at the Time of a Report

At the time of a report to the Title IX Coordinator, the College shall provide to the Complainant a copy, or hypertext links to copies, of the Code, this Procedure and the Appendices to this Procedure. The Respondent shall receive copies or hypertext links upon notification of the allegation(s).

Students are hereby advised of the following:

1. **Preserving Evidence.** It is important to preserve all evidence, including but not limited to physical evidence, text messages, social media, photographs, and security video in any way related to an allegation of sexual assault or misconduct, stalking,

domestic violence, other acts of violence occurring within a dating relationship, retaliation, or request for a protective order;

2. **Confidentiality.** The College uses best efforts to protect the confidentiality of the identity and allegations involved in a report, including keeping all records confidential to the extent permissible by law. Information regarding sexual misconduct or assault reports, and any investigation or review of those reports, including sanctioning determinations, will be shared among College officials with a legitimate educational interest or with external individuals or entities only on a need-to-know basis and only as permitted by College policy and applicable law. A College will be required to disclose the Complainant's name, statements and allegations to the Respondent. A College may choose to comment publicly, in writing or otherwise, to the extent permitted by law, regarding the decision reached if, in the judgment of the College, the best interests of the community would be served by such a disclosure. If possible and appropriate, the anonymity of the student(s) involved will be protected;
3. **Counseling, Health and Mental Health Services.** Counseling, health and mental health support services are available on campus and/or in the area and both the Respondent and the Complainant shall be provided with information to access available services. A list of such services is attached in the *Appendix* to this procedure;
4. **Law Enforcement.** The complainant has the right to contact, and file a criminal complaint with, the police. A list of such authorities is attached in the *Appendix*. The police can advise and assist with the Complainant's option to request from a court that a temporary or permanent restraining order, or other protection or no-contact order be issued against an alleged offender;
5. **Victim Advocacy and Legal Assistance Services.** Victim advocacy and legal assistance services are also available. A list of such services is attached in the *Appendix*; and
6. **Financial Aid and Visa and Immigration Assistance.** Information regarding student financial aid issues may be obtained from the College's Financial Aid Office. International students may obtain information regarding visa and immigration issues from the College's Designated School Official. A listing of contacts at each college are included in the *Appendix*.

G. Investigations

The College shall use the Code of Conduct in conducting an investigation of reports or allegations of conduct within the scope of this procedure.

H. Interim Steps While an Investigation is Conducted

A College shall consider what interim steps, if any, should be taken until the investigation and findings are complete. Such steps include, for example, changing the affected student(s) academic, living, transportation, and working situations if requested and reasonably available.

I. Participation during Proceedings

Consistent with the Code, both the Complainant and the Respondent shall have the same opportunity to have others present during internal disciplinary proceedings, including the opportunity to be accompanied to related meetings by an advisor of their choice.

J. Outcomes

At the time that the College makes its final findings, the College shall in writing notify simultaneously the Complainant and Respondent of:

1. Whether the Respondent was found to violate the Code and, if so, the provisions violated and discipline imposed; and
2. The Respondent's and Complainant's rights under the Code to appeal the findings and any discipline.

K. Discipline

A violation of this procedure shall result in discipline under the Code. With regard to cases involving sexual conduct, because of the wide range of conduct that exists between cases of violent assault and cases of poor communication, the following guidelines shall assist Colleges in determining the appropriate discipline for each case.

1. **Sexual Assault vs. Sexual Misconduct.** Findings of sexual assault shall be regarded as more severe than findings of sexual misconduct.
2. **Types of Sexual Misconduct.** Findings of a sexual act shall be regarded as a more severe form of sexual misconduct than findings of sexual contact, and findings of sexual contact shall be regarded as a more severe form of sexual misconduct than findings of sexual touching.
3. **Cases of Acquiescence.** Findings that a student did not obtain reliable consent and instead relied upon mere acquiescence shall be regarded as important but less severe than cases involving sexual assault.
4. **Repeat Violators.** Findings that a student was previously found responsible for sexual misconduct or sexual assault shall be regarded as more severe than a first-offender.

L. Retaliation

The College will take appropriate steps to ensure that a person who in good faith reports or participates in an investigation under this procedure will not be subjected to retaliation by the Respondent or others. Anyone who has experienced retaliation is strongly encouraged to report that concern using the procedures in *Section C* above.

M. Protective Orders

Complainants have the right to request from a court that a temporary or permanent restraining order, or other protection or no-contact order be issued against an alleged offender. Only the police, and not College security, have the authority to enforce such an order by arresting a person who violates the order. The Complainant should, therefore, promptly inform the Dean of Student and/or Enrollment Services if such an order is obtained so that the College may be better prepared to more promptly contact the police if necessary.

N. Primary Authority and Annual Training

The Title IX Coordinator at each college shall have primary responsibility for overseeing the application of this procedure. The Title IX Coordinator shall ensure that Disciplinary Officers, Resident Directors, Resident Assistants, Disciplinary Committee Members and other pertinent employees are annually informed about this procedure. The Title IX Coordinator shall further consult with the MCCS General or Assistant Counsel on questions arising under, or recommendations to improve, this procedure.

O. 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.

P. Appendices

The Appendix of services and authorities referenced in *Section F* above is attached to this procedure.
DATE(S) AMENDED: April 2, 2020 (effective May 18, 2020)

APPENDIX: 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 regional sexual assault crisis and support centers that comprise the MeCASA:

Sexual Assault Response Services of Southern Maine

(York and Cumberland Counties)

24 hour support line: 1-800-313-9900 www.sarsonline.org

Other Maine-based Sexual Violence Services

Maliseet Domestic Violence and Sexual Assault Program (207) 532-6401

Passamaquoddy Peaceful Relations 1-877-853-2613

Penobscot Nation, Domestic Violence and Sexual Assault Services (207) 817-7498

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>

POLICE DEPARTMENT – Wells, ME

York County Community College	Wells Police Department 1563 Post Road, Wells ME 04090 (207) 646-9354
--	--

AREA MEDICAL HOSPITALS

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

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

Southern Maine Health Care-Sanford Medical Center, 25 June Street, Sanford, ME 04073
(207) 283-7000 <http://www.smmc.org/>

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

Portland Office

Cumberland, York, Sagadahoc, Androscoggin, Oxford, Franklin, Lincoln and Knox
88 Federal Street, P.O. Box 547, Portland, ME 04112
(207) 774-8211, All Offices TTY: 711,
<http://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.

(207) 780-4370, Toll free: (877)-780-2522
<http://mainelaw.maine.edu/programscenters/clac.html>

Maine Lawyer Referral Service

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

POLITICAL ACTIVITIES

A. Introduction

For reasons set forth in the M CCS policy governing Freedom of Speech and Orderly Operations, M CCS is strongly committed to the ideals, principles and values promoted by the First Amendment. For reasons also set forth in that policy, M CCS has a duty to balance that commitment against the responsibility not to permit certain types of political activities that are typically not permitted by analogous laws governing the use of state-owned property and resources. To this end, this policy identifies and distinguishes prohibited partisan activities from permitted non-partisan activities that may occur on M CCS property or with M CCS resources. The purpose of this policy to minimize both the perception and the actuality of public resources being used for partisan political activities.

B. Interpretation

This policy shall be construed consistently with the M CCS policy governing Freedom of Speech and Orderly Operations, any contractual provisions regarding academic freedom, and pertinent provisions of law. The activities identified in this policy are not exhaustive, and the judgment required in applying the standards of this policy to a given case will very likely depend upon the facts of each case.

C. Definitions

For purposes of this policy, the following terms have the following meanings.

1. “Candidate” means any person seeking partisan elective municipal, county, state or federal office, including a state constitutional office or leadership position in the Maine Legislature.
2. “Partisan political activities” means:
 - Advocacy for the election or defeat of a candidate, political party (“party”) by any person or entity, including a political action committee (“PAC”); or
 - Solicitation of a contribution for a candidate, party or PAC that is reportable under Maine law.
3. “Non-partisan political activities” means:
 - Advocacy to pass or defeat legislation, bond issue, policy referendum or citizen initiative; and
 - Other non-partisan civic or educational activities.

D. Distinguishing M CCS from the Individual

The purpose of this policy is to minimize both the perception and the actuality of public resources -- M CCS appropriations, equipment, supplies and property -- being used for partisan political activities. This policy does not attempt to control or limit the use of any employee’s personal time and resources to engage in political activities. In most instances, the distinction between personal and professional resources is clear. In some instances, however, the distinction is not always clear. For example, M CCS employees may seek to testify before a legislative committee. There, the employee should do so on the employee’s own time and should inform the committee that the employee is speaking in the employee’s individual capacity, and not as a spokesperson or representative of the M CCS or a college. Likewise, those few employees whose official duties include serving as leading spokesperson for an institution or an official liaison for governmental affairs, such as a president, dean or legislative liaison, should avoid publically endorsing or supporting a candidate, party or PAC where there is risk that the statements would be perceived, given their position, as support or endorsement by the institution itself.

E. Use of MCCS Resources by Employees for Non-Partisan Political Activities

Generally speaking, MCCS permits employees to use MCCS resources to engage in nonpartisan political activities related to their employment duties and the mission of MCCS. For example, faculty may engage in non-partisan political activities that arise from the instruction and education of students. These activities include a pedagogically sound curriculum, appropriate educational projects and genuine curricular activities aimed at educating students about the political process and contemporary issues. Likewise, a college may engage in genuine voter education activities, and genuine voter education programs designed to increase public understanding of the electoral process or to encourage citizens to become involved in the process, provided that such training is non-partisan in the recruitment of employee participants, the selection of students, and in the design and delivery of curriculum.

Consistent with its statutory mission to provide leadership in creating an educated labor force and to promote economic development, the MCCS President and college presidents may also periodically authorize certain employees to use MCCS work hours, resources and property to advocate for the passage or defeat of bond issues, policy referenda or citizen's initiatives that the MCCS President determines are likely to have a material effect on the MCCS.

F. Use of MCCS Resources by Employees for Partisan Political Activities

Except as otherwise provided by this policy, MCCS does not permit the use of MCCS work hours, resources or property for partisan political activities. An MCCS employee may not engage in partisan political activities during work hours; while in a building, facility or vehicle owned, leased or otherwise occupied by MCCS or the State of Maine; or when using the facilities, services or equipment of MCCS including, but not limited to, the computers, networks, telephones, copying machines, paper or any other office supply or equipment. Generally speaking, these prohibitions require that MCCS employees do not:

- Coordinate college activities with partisan political campaign events;
- Use institutional letterhead in support of a candidate, party, political action or PAC;
- Provide mailing lists, use of office space, telephones, photocopying or other institutional facilities or support to a candidate, campaign, political party or PAC;
- Endorse or make other public oral or written public statements by an institutional official such as a president or dean in support of a candidate, party or PAC where there is risk from the nature of the speaker's employment position and duties that the statements would be perceived as support or endorsement by the institution; and
- Use a college's website to a hyperlink to the web pages, or other space on a college's website, of a candidate, party or PAC; or
- Provide message forums on a college's website to support or defeat particular candidates without providing a disclaimer that the opinions are neither those of the institution nor sanctioned by the institution.

G. Use of MCCS Resources by Students for Partisan Political Activities

Recognized student groups may use college facilities for partisan political purposes, provided that such groups pay the usual and normal charge, if any, for use of institutional facilities by student groups. Administrators and faculty should take special care in relation to any such proposed student activities, to avoid the appearance of institutional endorsement and to observe the other principles

of institutional neutrality. Likewise, a college may provide financial and administrative support to its student newspaper, if any, even though the newspaper publishes editorial opinions on political and legislative matters.

H. Other Limitations Regarding Certain Common Political Activities

The following rules apply to the use of M CCS property in the following instances.

a. Political Signs

i. Signs Regarding Candidates and Parties: Signs for candidates for local, state or federal elective office may only be affixed to college property in areas where the public is not reasonably expected to have contact.

ii. Signs Regarding Referenda and Bond Issues: Signs for or against a referendum, citizen initiative or bond issue may be affixed to college property, provided that the college president determines that such nonpartisan political speech will further M CCS interests,

b. Filming Political Advertisements

Political advertisements regarding a candidate, bond issue, referenda or citizen initiative may not be filmed on M CCS property without the prior approval of the M CCS President. Filming that is so approved must also comply with the M CCS policy on Filming and Photography on M CCS Property.

c. Voter Registration Activities

Voter registration activities may be permitted in college buildings as allowed by the college's facilities' use or vendors' use policy, but are not permitted in any college residence halls.

d. Use of M CCS Facilities by Political Candidates and Parties a. Candidate or Party Use of Meeting Rooms

Candidates and parties may use M CCS facilities to the same extent permitted, and under the same terms imposed, for other external persons or entities, provided that such use complies with any pertinent college or System policies regarding facility use and the following:

i. Candidate or Party Speaking Forums

If a college invites or permits one candidate or party to speak at a college, either alone or in a forum with another candidate or party, the college must:

- Invite or permit any other legally qualified candidate or party to participate so that no one candidate or party is favored in relation to the activity;
- State explicitly in the introduction of the speaker and in communications concerning the speaker's attendance that:
- The college does not support or oppose any one candidate or party;
- Campaign fundraising at the event is prohibited; and
- Make reasonable efforts to ensure that any appearance is tailored to an academic setting by focusing on issues and not candidates, allowing for questions, and prohibiting solicitations or references to campaign donations.

ii. Candidate Appearances in Classrooms

A college may allow a candidate to speak to a class of students, provided that the talk is tailored to an academic setting by focusing on issues and not candidates, allowing for questions, and prohibiting solicitations or references to campaign donations.

I. Additional Guidance

In determining the lawfulness of other or more specific political activities not addressed above, colleges should consult the guidance of the American Council on Education, Political Campaign-Related Activities of and at Colleges and Universities issued in November, 2007. (MCCS Policy – 211; 6/2010)

PUBLIC ORDER AND HAZING

A. Introduction

Pursuant to 20-A M.R.S.A. §10004, the MCCS hereby adopts the following rules to maintain public order and prohibit injurious hazing.

B. Maintenance of Public Order

Pursuant to 20-A M.R.S.A. §10004(2)(A), it is a violation of MCCS policy to engage in any conduct that poses an imminent threat to public order on MCCS property or during an MCCS or college event. Such conduct includes any violation of 1) the MCCS Student Code of Conduct; 2) any System or college rule of employee, contractor or visitor conduct; and 3) any violation of Maine's civil and criminal laws. Such laws include, but are not limited to, 17-A MRSA §§501-516, Offenses Against Public Order, which prohibit disorderly conduct, failure to disperse, unlawful assembly, obstructing public ways, harassment, harassment by telephone, violation of a protective order, desecration and defacement, false public alarm or report, and certain violations of privacy.

C. Prohibition of Injurious Hazing

Pursuant to 20-A M.R.S.A. §10004(2)(B), it is a violation of MCCS policy to engage in the injurious hazing of any student, employee, group or entity affiliated with a college or the MCCS. "Injurious hazing" means any action or situation on or off MCCS 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 MCCS.

D. Penalties

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

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

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

E. Administrative Responsibility

Pursuant to 20-A M.R.S.A. §10004(4), the trustees hereby assign responsibility for administering the rules herein to the System and college presidents for further delegation as such presidents see fit.

F. Appeal Procedures

Procedures for appealing the action or lack of action with regard to this policy shall be those procedures outlined in the MCCS Student Code of Conduct, employment contract(s), other MCCS contracts or leases, other applicable or pertinent documents, or that procedure adopted ad hoc to apply to conduct not otherwise covered by any such existing procedure.

(MCCS Policy – 802; 6/2009)

REGULATION OF STUDENT ORGANIZATIONS

A. Introduction

Co-curricular student organizations play an important role in complementing classroom learning and contributing to the sense of campus community. YCCC values the contributions that these student associations make to the educational process. Because of this importance, all student organizations are required to operate in accordance with certain reasonable rules and expectations, and those organizations that are registered with a college are accorded the privileges and benefits set forth in this policy.

B. Definitions

For purposes of this policy, “student organization” means a group of students who regularly use college facilities, equipment or other resources for a common purpose under a common name, and who represent such name and purpose to other members of the college community. “Registered student organization” means a student organization that has registered with a college under Section G of this policy.

C. Policy

All registered and unregistered student organizations are subject to regulation by a college. All registered student organizations are accorded the privileges and benefits set forth in this policy.

D. Responsibilities of All Registered and Unregistered Student Organizations

All registered and unregistered student organizations have responsibilities that include, but are not limited to, the following.

a. Purpose

All student organizations must be formed for a co-curricular student-focused purpose consistent with the college’s goals and standards.

b. Membership, Participation and Leadership

Membership, participation and leadership in organizations must be open to all registered community college students. An organization may not unlawfully discriminate in selecting members, controlling participation and/or in electing officers. Organizations that select their members or leaders on the basis of a commitment to a set of beliefs may limit membership and participation in the organization to students who, upon individual inquiry by the organization, affirm that they support the organization’s goals and agree with its beliefs, provided that such qualification criteria do not operate to constitute unlawful discrimination.

c. Activities

i. Planning

Organizations must notify the college sufficiently in advance to plan appropriately for organization events.

ii. Conduct

All student organizations must conduct their activities consistent with their constitution and application for recognition; pertinent laws; the mission and policies of YCCC; and college and YCCC policies including, but not limited to, those governing student conduct, alcohol possession and use, drug possession and use, hazing, non-discrimination and harassment. Organizations must not conduct activities that interfere with the rights and privileges of other members of the campus community; prevent or disrupt any college or YCCC function or activity; obstruct the legitimate movement of any person about the campus or in any college building or facility; or involve high risk of physical, financial or emotional harm.

d. Politically Related Events

This policy permits organizations to engage in constitutionally protected political speech and activities. Nonetheless, student organizations may not conduct activities that constitute partisan political activities in violation of law or policy. Because the laws and policies regulating such activities in public facilities are complex, all student organizations must consult in advance with the chief student service official prior to using college or YCCC names or resources to invite a candidate running for elected office, solicit funds for such candidates, use an on-campus address, telephone, computer, service, equipment or personnel in connection with, or to endorse, such candidacies.

e. Financial Responsibilities

Organizations may not incorporate or become separate registered tax-exempt organizations, and must manage organization funds prudently and ethically and in accordance with sound accounting practices. Off-campus or benefit fundraising must not be the main focus of the organization. Colleges shall have upon request access to all books and records of an organization.

f. Contracts and Other Like Commitments

Organizations must consult with the appropriate official designated by the college before executing any commercial contracts or making plans for sales, fundraisers or corporate sponsorships by any outside group. This will ensure that such arrangements are appropriately managed and commercially reasonable, and do not constitute unrelated business activity for a college.

g. Safety

Organizations are responsible for the safety of participants. Because organizations may be held personally liable in case of accidents, organizations must consult with the college to determine whether to obtain insurance for particular activities. Colleges reserve the authority to oversee, limit and stop any unsafe activities.

h. National Affiliation

A student organization may be affiliated with a national organization, but the local campus organization and student members must make all decisions ensuring that they reflect that college's goals, policies and student needs.

E. Sanctions for Non-Compliant Student Organizations

Each college reserves full authority to take appropriate action against any student organizations and/or their members who violate a law, college or YCCC policy. For an organization, such action may include loss of recognition, resulting in loss of access to college services. For an organization's members, such action may include discipline and reference to law enforcement authorities.

F. Benefits Accorded Registered Student Organizations

Organizations that apply for, qualify for and maintain registration pursuant to Section G below are accorded certain benefits and privileges by the college.

These include, as college resources allow, the following:

- Recognition in college publications and web site;
- Establishment of an account with a financial institution approved by the college and appropriate purchasing privileges in accordance with college and MCCS policies and expectations;
- Publication of meetings and activities in a college calendar;
- Posting privileges on an existing bulletin board, student organization website or other posting locations, if any, reserved for registered student organizations;
- Right to establish membership dues and conduct appropriate fundraising activities approved by the college;
- Use of the college's name, marks and logos in the student organization's title in accordance with MCCS policies on trademarks and licensing; a campus mailbox and email address; and certain Information Technology Services' equipment and services; and
- Eligibility for student fee allocations and other grants, stipends, awards and honors presented to student organizations and officers of student organizations; and use of campus office and storage space reserved for student organizations, if any.

G. Registration Applications and Renewals

a. Initial Applications

To register, an organization must complete a college's recognition packet. Typically, such a packet contains the organization's proposed name and description of proposed activities; the names of at least five currently registered students who are willing to serve as officers or members; evidence that the proposed organization will not duplicate the goals, activities or name of another existing student organization; evidence that the proposed activities do not create undue risk of harm or liability to others; proposed advisor; and a copy of the organization's proposed constitution and/or bylaws.

Once registered, an organization must ensure that the information in its registration packet is accurate throughout the academic year. Should the organization change its focus, leadership or fundamental activities during the academic year, the organization must promptly submit updated forms.

b. Annual Renewal

Registration expires at the end of the academic year. An organization that wants to keep its registered status must renew its registration at the start of each academic year by the process so designated by the college.

c. Approvals

Those initial or renewed registrations that meet the college's registration standards will be approved by the college.

H. Other Provisions Regarding Registered Organizations

a. Advisers

All registered organizations must have an adviser approved by the college. Advisers should be employed by the college on at least a half-time, regular basis and, whenever possible, be a faculty member in order to promote student-faculty interaction outside of the classroom.

b. Resource Limitations

While the colleges encourage creativity and entrepreneurial spirit among students, resource limitations may impose practical constraints on the number and range of student organizations that can be registered in any given year. Benefits may not be available to every student organization because of lack of institutional funding or because of additional criteria and processes that may be reasonably required of certain student organizations. In some cases, a college may need to charge for services provided to student organizations. Decisions about resource allocation will be at the discretion of the college and will be made on a case-by-case basis.

MCCS Policy – 503; 6/2009

STUDENT ISSUES ARISING AT CLINICAL AFFILIATES

A. Introduction

MCCS standards of academic integrity and the colleges' typical clinical affiliation agreements require a college to address promptly an allegation that a student participating in a clinical affiliation has engaged in significant clinical deficiency and/or misconduct. The purpose of this policy is to establish a consistent procedure for responding to such issues.

B. Definitions

For purposes of this policy, "significant clinical deficiency and/or misconduct" is defined as an allegation of deficient performance, academic misconduct, behavioral misconduct or violation of a program or affiliate rule that, if true, would result either directly (i.e., by expulsion from the clinical site) or indirectly (i.e., by effect of a grade reduction) in the student failing that clinical course prior to completing the course. "Significant clinical deficiency and/or misconduct" does not include determinations made in the normal grade assessment process at the end of the semester that a student has performed unsatisfactorily. Challenges to those determinations shall be made by a college's grade appeal process, and not by the appeal process set forth in Section D below.

C. Decisions by a Clinical Affiliate

A clinical affiliate typically retains the interim authority to remove a student from a clinical affiliate's site while a review and determination is made of allegations that a student participating in a clinical affiliation has engaged in significant clinical deficiency and/or misconduct. A clinical affiliate also typically retains the final authority to permanently exclude a student from its premises upon the affiliate's own determination, by the processes it deems fit, of allegations that a student has engaged in such acts. While a college may be consulted at either stage, the clinical affiliate typically retains exclusive authority to take such actions. As a result, these decisions are not subject to appeal by a student.

D. Decisions by a College

When notified that a student may have engaged in a significant clinical deficiency and/or misconduct, and the clinical affiliate has not itself acted to remove the student, a college shall use the following procedure:

a. Review, Interim Action and Recommendation by Faculty Member

The faculty member assigned to oversee the student's participation at a clinical affiliate shall investigate as promptly as possible allegations that a student may have engaged in a significant clinical deficiency and/or misconduct. The faculty member may also, after consulting when practicable with the department chair and/or chief academic officer, remove a student from a clinical affiliate while the faculty member's investigation is pending.

In performing the investigation, the faculty member shall:

- inform the student of the alleged deficiency and/or misconduct and the rule(s) that may have been violated;
- consider any information that the faculty member believes is relevant and reliable;
- provide the student with an opportunity to be interviewed; and iv. report in writing to the department chair the faculty member's findings and actions, if any, that the faculty member recommends be taken by the department chair.

In performing the above duties, the faculty member may consult on any aspect of the investigation with the department chair, program director, division leader, department colleagues and/or chief academic officer.

b. Decision by the Department Chair

Upon receipt of the faculty member's recommendations, the department chair, or other person designated by the chief academic officer (hereinafter collectively "department chair"), shall as promptly as possible:

- consider any information that the department chair believes is relevant and reliable;
- review the facts, identify the rule(s) violated if any, and impose an appropriate sanction, up to and including removing and/or excluding a student from the clinical affiliate; prohibiting the student from being placed at an alternative affiliate; and failing the student for the course. Sanctions imposed under this policy shall take effect immediately unless otherwise specified; and
- notify the student and college's chief academic officer of the department chair's decision in writing, and notify the student of the student's right to appeal to the college's chief academic officer.

In performing the above tasks, the department chair may re-interview the student and consult on any aspect of the investigation with the clinical affiliate, program director, division leader, department colleagues and the chief academic officer.

In those instances when the department chair seeks to apply sanctions in addition to the sanctions listed in Section D.b.ii above, such as probation, suspension or expulsion, the department chair shall refer the matter to the Dean of Academic Affairs and/or Disciplinary Officer for application of the MCCS Student Code of Conduct.

c. Appeal to the Chief Academic Officer

A student may appeal the decision of the department chair to the college's chief academic officer or other person designated by the chief academic officer (hereinafter collectively "chief academic officer") as follows. A written appeal must be submitted to the chief academic officer within two (2) school days following the day that the student is notified of

the department chair's decision, and must state the specific grounds for the appeal. A student who fails to file a proper and timely appeal may be deemed to have waived this right to appeal.

After receiving an appeal, a hearing shall be held as soon as practicable. The chief academic officer shall preside; the faculty member and/or department chair may present the allegations and findings regarding the student; the student will have an opportunity to respond; and the student, faculty member and/or department chair shall each have a closing opportunity to summarize his or her position.

All or a portion of the hearing may, at the discretion of the chief academic officer, be closed to persons other than those recognized by the chief academic officer. If a student does not attend the hearing, the chief academic officer may commence the hearing without the student or continue the hearing to a later time or date. The student may be assisted by a person during the hearing and that person may advise, but not speak on behalf of, the student. Only the chief academic officer may pose questions to the witnesses or parties. The chief academic officer is not bound by court rules of evidence or procedure.

d. Decision by the Chief Academic Officer

- In making a decision, the chief academic officer is not bound by the faculty member's or department chair's findings, recommendations, decisions or sanctions. The chief academic officer shall:
- render a decision as promptly as possible. In doing so, the chief academic officer may consult on any aspect of the investigation with the clinical affiliate, program director, division leader and the college president;
- impose any appropriate sanction up to and including removing and/or excluding a student from the clinical affiliate; prohibit the student from being placed at an alternative affiliate; and/or failing or dismissing the student from the course. Sanctions imposed by the chief academic officer take effect immediately unless otherwise specified;
- notify the student, faculty member and department chair of the chief academic officer's decision; and
- in those instances where the student's misconduct at a clinical affiliate appears to violate the MCCS Student Code of Conduct, and/or where the chief academic officer seeks to apply sanctions in addition to the sanctions listed in Section D.4.b above, such as probation, suspension or expulsion, the chief academic officer shall ensure the matter is applied to the MCCS Student Code of Conduct.

E. Notice and Receipt of Notice under this Procedure

A college may provide a notice under the above procedure to a student in person, by telephone conversation, 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 or in a telephone conversation; 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 procedure, and failure to do so may be construed as a waiver of rights accorded by this policy.

F. Coordination with Student Code of Conduct Proceedings

As noted in Sections D.2 and D.4 above, students whose misconduct at a clinical affiliate violates the MCCA Student Code of Conduct may, in addition to the above procedures, also be subject to procedures and sanctions of that Code.

(MCCA Policy – 310; 6/2009)

STUDENT TRAVEL FOR CERTAIN STUDENT ACTIVITIES APPROVED BY THE COLLEGE

A. Purpose

As part of the educational mission, Maine's community colleges offer students opportunities to participate in off-campus activities that are approved by a college. Examples of these activities include field trips for academic programs, events for recognized students, events for recognized organizations, and travel to competitions by members of athletic teams. Because the colleges have limited financial, physical and human resources to allocate to this type of travel, employees and students who intend to engage in such travel must comply with the rules and limitations set forth in this procedure.

B. Definitions

For purposes of this procedure:

1. "Travel" or "travel covered by this procedure" means a trip to a location off-campus for an activity that has been approved by a college. Such activities include field trips for academic programs, events for recognized students, events for recognized organizations, and travel to competitions by members of athletic teams; and
2. "A college-approved activity" means a class field trip, student awards ceremony, academic-related conference, intercollegiate athletic competition or other like event that a college has officially sanctioned. Evidence of such approval may be in writing or by a pre-travel promise to pay at least some portion of cost of such travel and/or the event.

C. Travel within Maine

For a variety of legal, insurance and liability reasons, colleges are strongly advised to limit travel covered by this procedure to within the State of Maine. Such travel within Maine must comply with the provisions of this procedure.

D. Travel Outside of Maine

Travel covered by this procedure that goes outside of Maine must comply with the provisions of this procedure and the following. Such travel must receive the prior approval of the college president who, before granting such approval, shall ensure that all potential legal, insurance and liability concerns have been reasonably addressed. In most instances, any such travel outside of Maine shall use public transportation or a bus charter in order to address those concerns. In those instances when those modes of transportation are not practicable, a college should consult with the Division of Risk Management and/or the MCCA General Counsel to identify alternative options.

E. Travel Outside the United States

Travel covered by this procedure that goes outside the United States must comply with the provisions of this procedure and the following. Such travel must receive the prior approval of the

college president who, before granting such approval, shall ensure that all potential legal, insurance and liability concerns have been reasonably addressed. In most instances, any such travel outside the United States shall use public transportation or private charters in order to address those concerns. In those instances when those modes of transportation are not practicable, a college should consult with the Division of Risk Management and/or the MCCS General Counsel to identify alternative options. A college should also consult with the MCCS General Counsel to discuss any additional issues arising from international travel.

F. Forms

Application of this procedure requires the use of several forms attached to this procedure. For example, all travel covered by this procedure must use the MCCS Student Assumption of Risk and Release Forms (one for travel within, and one for travel outside of, the United States). In the event of an injury that occurs during such travel, the college Injury Report Form must be used.

Application of this procedure may also require, depending upon the mode of transportation, the use of several forms attached to the MCCS Motor Vehicle Procedure. These include the MCCS Vehicle Use Agreement for Employees, and the MCCS Vehicle Use Agreement for Persons Who are Not Employees. In the event of an accident that occurs the Division of Risk Management Accident Report Form must be used.

G. Student Responsibilities

In order to participate in travel covered by this procedure, a student must:

- Sign and return to the appropriate college official the Assumption of Risk and Release Form prior to participation;
- Comply with all college rules and regulations during the trip. These include the Student Code of Conduct, the requirements of the Assumption of Risk and Release Form, and the duty to participate in a manner that reflects positively on the student and the college; and
- In the event of overnight travel, not stay in a location other than the location designated by the college without prior approval of the appropriate college official.

H. Employee Responsibilities

Prior to commencing a travel covered by this procedure, an employee must:

- Notify and receive approval from the employee's supervisor and, if the travel is outside of Maine, the approval of the college president, to ensure that any logistical, insurance or other matters are properly handled;
- Require students to sign and return the Assumption of Risks and Release Form. Any student who fails to sign this form may not participate in the travel and event; and
- Depending upon which vehicles, if any, are being used, understand the following:
 - Section I, which governs employees who use their own vehicles at the request of a college. All such employees must comply with the terms and conditions of that procedure;
 - Section II, which governs employees and students who use vehicles owned by a college, the System or the State. All such users must complete the Vehicle Use Agreement and be approved by the State of Maine Division of Risk Management prior to operating the vehicle; and iii.

- Section III, which governs the use of vehicles leased by a college. All drivers of such vehicles must comply with the terms and conditions of the procedure, including the purchase of requisite insurance.

I. Transportation: Drivers and Passengers

The following rules apply to the transportation of employees and students to and from travel covered by this procedure.

a. Employee as Driver

- i. To avoid exposure to one's personal insurance and meritless claims of misconduct, employees are strongly advised not to drive students in the employee's personal vehicle.
- ii. An employee may drive employees and/or students in a vehicle owned by a college, the System or the State of Maine provided that the driver is qualified under law and the MCCS Motor Vehicle Procedure to operate that vehicle, and complies with other provisions of that procedure.
- iii. An employee may drive other employees in a personal vehicle provided that the driver is qualified under law and the MCCS Motor Vehicle Procedure to operate that vehicle, and complies with provisions for such travel under that procedure.

b. Student as Driver

- i. A student must arrange for the student's own transportation if the college is not otherwise providing transportation.
- ii. An employee must not request or suggest that a student drive another student in the student's vehicle.
- iii. For a variety of potential legal, insurance and liability reasons, a student must not drive other students in a vehicle owned by a college, System or the State.

J. Transportation: Other

The following additional rules apply during travel covered by this procedure.

a. Motor Vehicle Accidents

In the event of a motor vehicle accident, the reporting and general guidelines of the college and the MCCS Motor Vehicle Procedure apply.

b. Emergencies

In the event of an emergency, a mobile telephone should be used to contact the appropriate college officials and/or police as required by the college and the MCCS Motor Vehicle Procedure.

c. Injuries

An employee must assist in securing emergency medical transport and treatment for a student; work with other college officials to notify the student's emergency contact of the student's condition; and file as soon as practicable with the college an Injury Report Form regarding any significant or serious injury.

K. Attendance and Academic Credit

A college shall not require the attendance of, or withhold academic credit from, a student who cannot, for want of transportation, travel or attend an off-campus event covered by this procedure.
(MCCS Policy – 800.2; 3/2010)

TOBACCO USE/SMOKING

A. Pursuant to 22 M.R.S.A. §1542 and §1580-A, YCCC adopts this policy regarding tobacco use/smoking in or near YCCC facilities in order to protect employees, students and members of the public from the detrimental effects of smoking by others.

B. Definitions

For purposes of this policy:

“Tobacco Use” and “Smoking” means carrying or having in one's possession a cigarette, cigar, pipe, tobacco or other object giving off or containing any substance giving off tobacco smoke; and “YCCC facility” means a structurally enclosed location or portion thereof at which employees perform services for the YCCC, and includes vehicles owned by the YCCC or the State of Maine.

C. Prohibitions

YCCC prohibits tobacco use/smoking throughout YCCC facilities and grounds.

D. Exceptions

The prohibitions in section C above shall apply unless Maine law or an M CCS collective bargaining agreement provides a less restrictive rule, or unless a campus or center adopts a more restrictive prohibition, and such prohibition does not violate either Maine law or an M CCS collective bargaining agreement.

E. Posting and Enforcement

YCCC shall post and supervise the implementation of this policy, and shall provide a copy of this policy to any student upon request. Failure to abide by the policy may result in a violation of the student conduct code.

F. Limitation of Liability

Pursuant to 22 M.R.S.A. §1580-A(3), nothing in this policy may be construed to subject the M CCS to any additional liability, other than liability that may exist by law, for harm to an employee from smoking by others in any M CCS facility covered by this policy.

M CCS Policy – 806; 6/2010

www.yccc.edu



WELLS CAMPUS

112 College Drive, Wells, ME 04090

207-646-9282 / 800-580-3820

SANFORD INSTRUCTIONAL SITE

60 Community Drive, Sanford, ME 04073

207-216-4369