



Miller Library

# 2024 Annual Security and Fire Safety Report

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Prepared by the Department of Security  
Includes Crime and Fire Statistics for Calendar  
Years 2021, 2022 and 2023

Colby

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Welcome to Colby College!

The safety of our community is a top priority for the College. The Colby College Annual Security and Fire Safety report is published pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The report provides information on campus safety practices, emergency messaging, crime statistics, residential hall fire statistics, safety policies and procedures for reporting emergencies and crimes on campus.

The report is published electronically on Colby's website and paper copies are available at campus security in Robert's Hall or by emailing [security@colby.edu](mailto:security@colby.edu). Campus security works closely with members of the campus community to provide a safe, welcoming environment for academics, athletics, work and residential life.

We encourage you to use the information provided here as a guide to security resources on campus. Should you have any questions or need more information, please reach out via phone at 207-859-5530 or email [security@colby.edu](mailto:security@colby.edu).

Sincerely,

*Anna Brookes*

Associate Vice President of Campus Safety & Security

## Reporting Emergencies and Crimes on Campus

The department of security is designated as the official office for campus crime and emergency reports. Members of the Colby College community are encouraged to **immediately** report crimes, emergencies, suspicious situations, or safety problems to the department. Accurate and prompt reporting ensures the department staff can evaluate, consider, and send timely warnings or emergency notifications, provide updated information to annual statistical disclosure and accurately track reportable crimes and other trends to create appropriate response and community engagement programs.

We also encourage accurate and prompt reporting to the department of security and/or the local police department when the victim of a crime elects to, or is unable to make such a report. Your assistance is essential to helping keep our campus safe.

The Department of Security may be reached 24/7 by:

**CALLING** 207-859-5911 or extension 5911 on any campus phone

**VISITING** our Dispatch Center and Department in Roberts Union

**TEXTING** or **MESSAGING** using the **COLBY SAFE app**

Activating the **EMERGENCY BLUE LIGHT KIOSKS** throughout campus

Crimes and other emergencies may also be reported by calling **911**.

### *Response to Emergencies and Crimes on Campus*

The department of security operates a 24/7 dispatch center located in Roberts Union. In response to a report or request from the community, the department will dispatch an officer to respond to all emergency calls via radio communication with 911 response as appropriate. All reported crimes will be investigated. Those who report a crime are provided with campus and community referrals and resources as needed. When placing an emergency call, please remember to stay on the line and wait for the dispatcher to end the call.

### *Law Enforcement Agency Partnerships*

Informational questions about local laws or reports of crimes can be directed to the City of Waterville Police Department (WPD) by telephone. The department of

security maintains a close working relationship with the Waterville Police Department, the Maine State Police, and the Kennebec County Sheriff's Office. Meetings are held between the leaders of these agencies on both a formal and informal basis. Our department works closely with these agencies when incidents arise that require joint investigative efforts, resources, crime-related reports and exchanges of information. There is a written memorandum of understanding between Colby College and the Waterville Police and Fire Departments.

### *Off-Campus Crime Reporting*

If criminal activity takes place in an off-campus location, Colby College community members should contact the local, county, or state police department with jurisdiction. In the United States, calling 911 will link reporters to the nearest emergency or crime reporting agency.

If the Waterville Police Department or other jurisdictional police departments are contacted about criminal activity off campus involving Colby students, these departments may notify the department of security. Students in these cases may be subject to arrest by the local, county or state police authorities and college disciplinary proceedings through the dean of student's office.

### *Anonymous Crime Reporting*

If you are the victim of a crime, or a witness to a crime, and do not want to pursue action within the Colby College system or the criminal justice system, you may still want to consider making an anonymous report. With your permission, the office of the dean of the college, department of security and/or a law enforcement agency can file a report on the details of the incident without revealing your identity. The purpose of an anonymous report is to comply with your wish to keep the matter private while taking steps to ensure the future safety of the community. With such information, the College can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for Colby College. To file an anonymous report, call the department of security at 207-859-5911 or visit the Colby College department of security website, [anonymous reporting \(https://life.colby.edu/your-safety/campus-safety/crime-prevention/#report-a-crime\)](https://life.colby.edu/your-safety/campus-safety/crime-prevention/#report-a-crime). You may also file a report in person by visiting the department of security office in Roberts Union, or by contacting any campus security authority.

### *Campus Security Authorities*

As part of the Clery Act, the College has identified a list of campus security authorities (CSAs) to whom crimes are reported. These individuals have been notified of their responsibility to report necessary information to the security

department when they receive a report of a Clery Act crime on Clery Act defined campus geography. These reports are then reviewed by the department.

Campus Security Authorities include members of the Colby community who have significant responsibility for student and campus activities including but not limited to;

- Security department staff and other individuals with campus security responsibilities including those responsible for monitoring entrance into college properties, event security staff and patrol staff.
- Individuals designated by the College to which students and employees should report criminal offenses such as the vice president and chief people person, dean of the college, dean of housing and residential education, director of community values, conflict resolution and restorative practice, and others.
- Other officials with significant responsibility for student and campus activities, including those student employees and staff involved in student housing, student discipline and campus judicial proceedings, students who serve as judicial or student conduct affairs officials, people who oversee student extracurricular activities, athletic team coaches or advisors, faculty advisors and those who oversee other student programs.

### *Confidential Reporting to Pastoral and Professional Counselors*

Students may make confidential reports to professional or pastoral counselors. These counselors, when acting in that capacity, are not considered campus security authorities. Counselors are encouraged if and when they deem it appropriate, to inform students they are counseling of any procedures to report crimes on a confidential basis for inclusion in the annual crime statistics. Counselors may work with the department of security to make confidential reports to assess for timely warning, emergency notification or other emergency messaging without disclosing personal identifying information.

At Colby, these counselors are identified as Colby counseling staff, health services staff, spiritual life pastoral counselors and Title IX confidential counselors.

Maine state law states that each institution must have at least one confidential resource advisor to provide emergency and ongoing support to survivors of sexual violence, intimate partner violence and stalking, and that the advisor(s) must be designated based upon their experience in advocating on behalf of victims of sexual assault or domestic violence and a demonstrated ability to effectively provide victim services related to sexual violence, intimate partner violence or stalking. At



Colby, a student can get in touch with this resource advisor by calling 207-509-9122.

## **Crime Prevention and Campus Security**

Colby College employs programs, technology and crime prevention tools to keep the campus safe. We strive to be proactive in educating our community about safety awareness and crime prevention. Facilities creates, improves and maintains landscaping, including nighttime lighting to minimize safety hazards. Access control and camera surveillance systems in addition to blue light kiosks, fire detection and suppression systems and other life safety alarm systems provide additional safety and security. Updated and improved measures are implemented during building renovation and construction projects.

### *Colby Card*

The Colby card is a one-card system designed to provide a convenient way for students to gain access to residence halls and dining halls and to use services such as the library, laundry, copying, and snack machines. The card incorporates proximity technology for access control, a magnetic stripe for dining services, laundry, vending, copying, and bar code technology for library services. The Colby card office is located in Lovejoy 128 and is staffed Monday - Friday from 8:30 a.m. to 4:30 p.m. After hours assistance is available by contacting the department of security.

### *Security of and Access to Campus Facilities*

Access to campus administrative and academic buildings and grounds is available during normal business hours to students, faculty members, staff members, and guests. With the exception of the residence halls, which are locked at all times, most campus facilities are normally open when classes are in session, or by special request coordinated with the office of campus events or the department of security. When class is not in session and when the campus is officially closed, all buildings are secured and only faculty, staff, and students with proper authorization are allowed access. The general public may attend cultural and recreational events on campus; however, access is limited to the facility in which the event is being held. Officers conduct routine security patrols of residence halls, and academic and administrative buildings to monitor activity.

Residence halls are locked at all times. Access is restricted to building residents and their authorized guests. Community advisors and department of safety officers monitor safety and security concerns inside residence halls.

Authorization for use of the campus grounds for assembly purposes must be obtained in advance from the office of campus events and/or the office of campus life or the office of summer programs/conference services.

### *Blue Light Emergency Phones*

Blue light emergency phones are located throughout the Colby campus. To contact the Department of Security 24/7 with one of these phones, simply press the large red button on the phone. When an emergency phone is activated, dispatch is alerted, and an officer will be sent to the location of the phone. No dialing or conversation is required, but, if possible, describe the nature of the emergency to the dispatcher so that other resources may be activated for response.

### *Campus Lighting*

Light fixtures on campus are monitored for malfunctions. Work orders are submitted to enable timely repairs. Areas where lighting could be enhanced to improve safety are reported to facility services for evaluation. We recommend that you use lighted walkways and pathways after dark for safety.

### *Parking Enforcement*

The department of security is responsible for regulating vehicle parking on campus. Detailed information about the College's current policies is available from the department office or electronically on the [parking website](https://life.colby.edu/your-safety/campus-safety/parking/), <https://life.colby.edu/your-safety/campus-safety/parking/> All vehicles, including those belonging to temporary visitors, must be registered with the department of security.

### *Safety Presentations*

Safety and crime prevention are discussed during orientation with first-year and transfer students. At the beginning of the academic year, students who live in Alfond Commons meet to discuss safety and crime prevention in general and specifically as it relates to living downtown. Members of security regularly visit student residences to present information regarding personal safety, alcohol and drug education, and crime prevention. To request a safety meeting or hear more about what we can provide for your group, contact the department of security at 207-859-5530 or visit us at Robert's Union.

### *Personal Safety Tips*

Additional crime prevention and safety tips, including fire and life safety information can always be found on the [department of security](https://life.colby.edu/your-safety/campus-safety/) webpage (<https://life.colby.edu/your-safety/campus-safety/>).

- Trust your instincts when something doesn't feel right.
- If you carry a cellular phone, have it turned on and easily accessible.
- Do not leave valuable items visible in your vehicle.
- Walk with others whenever possible, especially at night.
- Check the back seat of your vehicle before entering.
- Report all suspicious behavior to the department of security or the law enforcement agency of jurisdiction.

- When you go out, do so with people that you trust to look out for your safety.
- Be a good friend — keep an eye on your friends to make sure they are safe.
- When you are at a party, make sure that someone knows where you are at all times.
- Check on your friends to make sure they are safe, too.
- Get your own drinks. Only accept beverages from people you trust and never drink out of a cup that has been left unattended.
- Never walk home alone from bars or parties. Have a friend walk with you, call security for an escort, or let the events staff know that you need an escort.
- Use the Colby SAFE app for friend walk and personal blue light programs.
- Be aware of your surroundings.
- Walk with confidence. The more confident you look, the stronger you appear.
- Be assertive — don't let anyone violate your space.
- Do not prop open self-locking doors.
- Always lock your residence hall door and windows, even if you leave for just a few minutes.

### *Clery Act Crime and Fire Safety Log*

The department of security maintains a daily crime and fire safety log in accordance with the Clery Act that is available to the public. This log, which covers the last sixty days is available to the public upon request at the department of security office in Robert's Union. The department will make any portion of the log that is older than sixty days available within three business days of a request. Copies may also be accessed electronically by emailing [security@colby.edu](mailto:security@colby.edu). The crime log lists crimes on campus, dates and times, locations, dispositions, and notes. The fire safety log lists the nature, date, time, and location of fires in residential housing facilities.

A weekly summary report is also published in the Colby Echo.

## **Department of Security Authority and Jurisdiction**

### *About the Department of Security*

The department of security at Colby is responsible for crime prevention, safety education, College policy enforcement and emergency incident response on campus. In addition, the department oversees the Colby Shuttle and Colby Jitney programs. Museum security, charged with providing specialized security services for the Colby Museum also comes under the security department. The department

tracks Clery Act statistics. The department is open 24 hours a day/seven days a week in Robert's Union and staffed by approximately 25 employees.

Overseen by the associate vice president of campus safety and security, the associate and assistant director positions are responsible for the administrative operation of patrol, security and fire operations at Colby. Security officers patrol the campus, provide emergency communications, enforce parking policies and staff mobile and fixed posts as assigned. Security dispatchers monitor and provide emergency communications utilizing radios, telephones and other electronic platforms from the office in Robert's Union. The department contracts with private agency security staff to provide supplemental security staffing needs for parking, special events and details as needed.

The senior associate director for security oversees operations at the Colby Museum where specialized security officers provide patrol and static position services within the museum utilizing several security systems. The senior associate director of security also manages and maintains campus building access control and video surveillance systems, working closely with facilities and other staff on building renovations and new construction.

The Colby Shuttle provides students with regular, scheduled transportation between the Mayflower Hill campus and Alford Commons. The shuttle employs licensed CDL drivers, using marked 24 passenger vans. The Colby Jitney provides students with on demand transport for medical and other appointments at Maine General Hospital and other area locations.

All security staff undergo criminal background and motor vehicle checks. Ongoing annual training may include; first aid and CPR, Narcan use, criminal, civil and federal law, the Clery Act, Title IX investigations, mental health crisis response and first aid, incident command and emergency operations, instructor certifications and other important or trending topics.

The department of security and museum security respond to medical incidents on campus in close partnership with Colby Emergency Response (CER), a student-run organization of both national and Maine licensed emergency medical technicians (EMTs) who work as an extension of Colby's student health clinic at Maine General Health.

### *Authority*

The department of security and museum security is composed entirely of non-sworn campus security officers. Their enforcement authority is the same granted to any private citizen under Maine law, Title 17-A, MRSA, Section 16. Security officers do not have arrest powers. They are responsible for enforcing College policy as officials of the College with specific responsibilities for safety, security and parking

enforcement on campus. Per college policy, security officers have the authority to ask persons for identification and to determine whether individuals have lawful business at Colby College. Criminal incidents on campus are referred to the Waterville Police department.

### *Jurisdiction*

The Colby College security department's jurisdiction encompasses our Clery Act geography including the main or core campus on Mayflower Hill, the downtown campus in Waterville; the Hume Center in Sidney; campus residence halls, buildings or facilities; public property adjacent to, and accessible from, on-campus property; and leased, rented or otherwise recognized and/or controlled buildings, spaces or facilities within the campus area. The department and any contracted security employees do not have an expanded patrol jurisdiction beyond the buildings, facilities and property the college owns or otherwise controls. As noted above, campus security officers have the same enforcement authority as granted to any private citizen in Maine. Incidents involving crimes are investigated and charged by Waterville police department or the applicable law enforcement agency.

## **Emergency Messaging and Communications**

### *Emergency notification system*

Under the Clery Act, Colby College uses timely warnings and emergency notifications to inform the campus community of potential threats against which they can take preventative measures. In addition, Colby uses campus safety and/or crime notification messaging when the campus needs to be alerted about an incident or emergency that does not fall under the Clery Act guidelines for timely warnings and emergency notifications.

The Colby emergency notification systems uses a secure web service known as RAVE to communicate information and instructions in the event of an emergency. This emergency communication system sends messages or alerts, including timely warnings and emergency notifications via siren, voice, text, web posting and/or email messaging depending upon the situation to all of the numbers and addresses on file for each person. The College also has an audible siren warning system that may be activated during emergencies.

Department of security staff can activate RAVE emergency messaging immediately by sending pre-loaded messaging. These messages are concise with initial instructions and next update information. Planned updates and further messaging are constructed to provide safety information and next steps. Other serious situations that do not pose an immediate threat to members of the community, are assessed by the Emergency Management Advisory Committee (EMAC). Upon a determination by the EMAC, the committee activates the emergency notification

system. Subsequent messages are sent with further instructions and situational updates.

Staff from the office of communications are responsible for preparing and disseminating emergency messages and updates beyond the campus and on the campus website(s). Members of the larger community may tune into local media or check the Colby College website for updates and information about emergencies on campus.

Testing of the system involving the entire campus occurs at least twice during the academic year. Internal testing by the department of security occurs on a monthly basis or as needed. The tests are documented, and information received from recipients of the test is used to make changes and enhancements to the system.

The effectiveness of this system is dependent on the accuracy of the information on file; all members of the campus community are urged to regularly update their electronic contact numbers and addresses. A registration link to RAVE can be found on the MyColby page, look for “Emergency Contact Information (Colby Emergency Alert System)”.

### *Timely Warnings*

In the event of an incident which poses a serious or ongoing threat to members of the Colby College community, the College has various systems in place for communicating information quickly to those individuals. In compliance with the Clery Act, the department of security will post timely warnings for the college community to notify members of the community about serious crimes that occur on campus. Having knowledge of such crimes will assist community members in making informed decisions about their personal safety and help prevent similar crimes from occurring. These crimes may be reported to the department of security, a campus security authority, or to the Waterville Police Department. When issuing timely warnings, the College must withhold as confidential the name(s) and other identifying information of the victim(s).

The decision to issue a timely warning shall be decided on a case-by-case basis in compliance with the Clery Act. The decision is made by the associate vice president of campus safety and security, or designee, considering all available facts, including whether the crime is considered a serious or continuing threat to students or employees, and the possible risk of compromising law enforcement efforts. The department of security issues timely warnings for the following incidents:

- Criminal homicide
- Aggravated assault
- Sex offenses
- Robbery
- Motor vehicle theft

- Major incidents of arson
- Other crimes as determined necessary by the associate vice president of campus safety and security, or designee

The department of security does not issue timely warnings for the above listed crimes if:

- The suspect(s) is apprehended and the threat of imminent danger to the Colby College community has been mitigated by the apprehension.
- A report was not filed with the department of security, or
- If the department was not notified by campus security authorities in a manner that would allow the office to post a “timely” warning to the community.

Unless there are extenuating circumstances, a report that is filed more than five days after the date of the alleged incident may not allow the department to post a timely warning to the community. These situations will be evaluated on a case-by-case basis.

The department of security is not required to send a timely warning when the incident is reported to a confidential resource such as pastoral or professional counselor, health services staff, or a confidential Title IX counselor. These situations are evaluated on a case-by-case basis.

A copy of the timely warning message(s) will be filed in the corresponding case file.

### Emergency Notifications

The department of security will send an emergency notification via the emergency communications system to notify students and employees in a timely manner when it is determined that there is a significant emergency or dangerous situation involving an immediate threat to the health and/or safety of the community occurring on campus. The decision to send the message is made by the associate vice president of campus safety and security, or designee, considering all available facts. The notification to the affected campus community will contain information about the nature of the emergency including:

- What changes one needs to make immediately
- Evacuation procedures if necessary
- Assurance that an all-clear message will be sent when the emergency is over

An emergency notification will be released as soon as reasonably necessary without delay, unless the alert will compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. After the initial notification, follow-up information will be disseminated to the community via the emergency communication system.

An emergency notification may be related to criminal activity that is not subject to the timely warning standard required by the Clery Act. Examples of situations that may constitute a decision to issue an emergency notification include, but are not limited to:

- When serious injuries may occur or have occurred, for example, a building collapse, building explosion or fire
- A major disruption to campus operations, for example, a natural disaster, weather-related situation, major power outage, water emergency or serious act or threat to campus property.

A copy of the emergency notification message(s) will be filed in a corresponding case file.

## **Emergency Planning and Preparedness**

### **Emergency Management Advisory Committee (EMAC)**

The Colby College Emergency Management Advisory Committee (EMAC) prepares the campus for emergencies by creating and implementing written plans and protocols, training, conducting drills, and employing effective communication strategies. EMAC is composed of regular and ad-hoc members, depending upon the emergency or planning strategy. Colby EMAC members include representatives from the following offices:

- College President
- Administrative Vice President/Chief Financial Officer Provost and Dean of Faculty,
- Dean of the College
- Vice President and Dean of Student Advancement Vice President of Planning
- Vice President for College Advancement
- Vice President and Dean of Admissions and Financial Aid
- Vice President, General Counsel, and Secretary of the College
- Vice President of Communications
- Assistant Vice President for Facilities and Campus Planning Director of Capital Projects and Construction
- Director of Operations and Maintenance Supervisor of Mechanical and Electrical Services Steam Plant Engineer in Charge
- Supervisor of the Building Trades Vice President of Human Resources Director of Safety
- Director of Recruitment and Employment General Manager of Dining Services
- Associate vice president of campus safety and security
- Senior Associate Director of Security
- Associate Director of Security Assistant Director of Security

### **Evacuation Procedures**



In the event that it becomes necessary to evacuate campus buildings to mitigate a life-threatening emergency the department of security coordinates their efforts with emergency responders.

All individuals in a campus building, including guests, must evacuate the building any time the fire alarm system is activated if they can do so safely. This applies to actual emergencies and drills.

Diagrams of the building's floor plans containing recommended evacuation routes are posted inside buildings. Community members are strongly encouraged to familiarize themselves with the building layout and evacuation routes. Exit signs are located strategically through the buildings.

At the direction of campus security authorities or the responding on-scene commander (OSC), the building's fire alarm will be activated (if it has not been already) and you will be evacuated according to established plans.

- Do not burden yourself with unnecessary items or use the building's elevators. Follow all instructions given by security or response personnel.
- You will be directed away from the building to a designated safe zone, where you will be processed by emergency response services to address any injuries or other concerns.
- If the evacuation will be prolonged, College administrators will arrange for the temporary relocation of the building's occupants as necessary.

No one will be allowed to reenter the building without the express permission of the College or emergency personnel on scene.

Supervisors shall work with any employees with a disability to develop evacuation procedures that accommodate the impacted employee's disability. The Dean of Students and the Office and Campus Life shall work with any students with a disability to develop evacuation procedures that accommodate the impacted student's disability.

### [Lockdown/Shelter-in-Place Procedures](#)

In some emergency situations, evacuating the building/facility is not desired, and lockdown/shelter-in-place procedures are the best courses of action. A lockdown would typically be called for when some criminal element is threatening the campus, such as an active shooter, hostile intruder, or fugitive from justice. Shelter-in-place procedures would typically be called when some environmental element is threatening the campus, such as an airborne chemical plume or weather-related event (like a tornado or ice storm). Despite these technical differences, the actions that personnel should take essentially remain the same.

Once a lockdown or shelter-in-place command has been ordered, take the following actions:

- Stay inside the building you are in if it is safe to do so, even if you do not normally work or reside in that building.
- If you are at an outdoor location, proceed to the nearest building or other source of shelter.
- Close and lock exterior and interior doors to the greatest extent possible to maximize security.
- Close windows, blinds and drapes, and stay away from any objects that could fall or otherwise become projectiles.
- Terminate any on-going teaching activities (instruction, lab experiments, studio work, etc.), and turn off all local ventilation, fans, fume hoods, window air conditioners, etc.
- Be prepared to go to more secure locations, as directed by College officials, and do not leave the building or secured area until and unless told to do so. The general procedure during a life- threatening emergency is to remain inside the building you are in and seek a place of safety.
- Remain in a locked interior room and stay away from windows. Leaving a building may expose you to danger.
- If you are inside, stay where you are. Collect any readily available supplies and keep a telephone at hand.
- If you are outdoors, go to the nearest campus building and seek shelter.
- Locate an interior room, above ground level, and with no windows, if possible.
- Close and lock all doors and windows and stay away from them.
- Turn off air conditioners, heaters, and fans. Close vents to ventilation systems.
- Await further instructions from emergency services personnel.
- If the building is unsafe to remain in, evacuate and seek shelter in the nearest campus building.

## **Preparation of the Annual Clery Act Crime Statistics**

The department of security is charged with collecting data, and preparing and distributing the Annual Fire Safety and Security Report. The Clery Act compliance coordinator completes an analysis of all crimes reported to the department of security. Crime statistics are gathered from the core campus and buildings owned or controlled by Colby College and used for educational purposes. Comparison of referrals/arrests to ensure that duplicated reporting does not occur is also completed. Data is collected from the following:

- Colby College department of security
- Waterville Police Department
- Kennebec County Sheriff's Department

- Colby campus security authorities
- Colby Title IX
- Colby Office of Community Values, Conflict Resolution and Restorative Practice

### [Clery Act Geography Definitions](#)

In the annual security report, institutions are record crimes by location. Explained below, the four categories of locations subject to reporting are: on-campus, on-campus student housing facilities, non-campus building or property and public property.

#### On-Campus

1. Any building or property owned or controlled by an institution within the same reasonable contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
2. Any building or property that is reasonably within or contiguous to the area identified in the first paragraph of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

#### On-Campus Student Housing Facilities

Any student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

#### Non-Campus Building or Property

1. Any building or property owned or controlled by a student organization that is officially recognized by the institution; and
2. Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

#### Public Property

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

### [Colby College Clery Act Geography](#)

Mayflower Hill, Waterville, ME campus, including:

Millett House – 126 Mayflower Hill, Waterville, Maine

Lunder House – 75 Mayflower Hill Drive, Waterville, Maine

36 Mount Merici Avenue, Waterville, Maine

38 Mount Merici Avenue, Waterville, Maine

34 Burleigh Street, Waterville, Maine

150 Main Street, Bill and Joan Alford Commons, Waterville, Maine

Solar Way Annex, Oakland, Maine

Non-campus buildings/properties include:

18 Main Street, Greene Block, Waterville, Maine

93 Main Street - Joan Dignam Schmaltz Gallery of Art

173 Main Street, Waterville, Maine

13-15 Appleton Street Parking Lot, Waterville, Maine

Seton Hospital Parking Lot, 30 Chase Ave, Waterville, Maine (August 30, 2021-  
May 31, 2023)

Lockwood Ballpark Parking Lot, 11 Water Street (August 30, 2021 - May 31,  
2023)

9 Main Street - Lockwood Hotel, used for overflow student housing due to  
COVID-19 (August 15, 2021 to May 23, 2022)

Hume Center, 32-40 Bayberry Lane, Sidney, Maine

Outing Club Cabin, Snug Harbor Road, Oakland, Maine

Allen Island, off Port Clyde, Maine

Benner Island, off Port Clyde, Maine

Marston Bog, 88 Foster Point Road, Belgrade, Maine

Lovejoy Cemetery & Monument, S. Vigue Shore Rd, Albion, Maine

Campbell Wood Lot, Church Hill Road, Vassalboro, Maine

Salamanca, Spain (Faculty Apartment and “Colby Center”)

Dijon, France (Faculty Apartment)

### [Clery Act Crime Reporting Definitions](#)

Under the Clery Act, the College must include four distinct categories of crime in their annual report data;

- Criminal offenses
- Violence Against Women Act (VAWA) offenses
- Hate Crime offenses
- Arrests and Referrals for Disciplinary Action

The definitions for murder, robbery, aggravated assault, burglary, motor vehicle theft, weapons: carrying, possessing etc., law violations, drug abuse violations, and liquor law violations are from the Federal Bureau of Investigation's Uniform Crime Reporting Program Handbook. The definitions of the sex offenses are excerpted from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Handbook. The definitions of larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property are from the Hate Crime Data Collection Guidelines of the Uniform Crime Reporting Handbook.

### *Clery Act Criminal Offenses*

*Murder/Non-negligent Manslaughter*: The willful (non-negligent) killing of one human being by another.

*Manslaughter by Negligence*: The killing of another person through gross negligence.

*Sexual Assault*: An offense that meets the definition of **rape, fondling, incest** or **statutory rape** from the Violence Against Women Act as detailed below. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

*Robbery*: The taking or attempt to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

*Aggravated Assault*: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or means likely to produce death or great bodily harm.

*Burglary*: The unlawful entry of a structure to commit a felony or a theft.

*Motor Vehicle Theft*: The theft or attempted theft of a motor vehicle.

*Arson*: Willful or malicious burning or attempt to burn with or without intent to defraud a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

### *Violence Against Women Act (VAWA) Offenses*

*Sexual Assault:* An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

*Rape:* The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

*Fondling:* 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 his/her age or because of his/her temporary or permanent mental incapacity.

*Incest:* Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

*Statutory Rape:* Sexual intercourse with a person who is under the statutory age of consent.

*Domestic Violence:* A felony or misdemeanor crime of violence committed—

- i. By a current or former spouse or intimate partner of the victim;
- ii. By a person with whom the victim shares a child in common;
- iii. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- iv. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- v. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

*Dating Violence:* Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- i. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- ii. For the purpose of this definition-
  - a. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse
  - b. Dating Violence does not include acts covered under the definition of domestic violence

For the purpose of complying with the requirements of this section 668.41, any incident meeting this definition is considered a crime for the purpose of Clery Act reporting.

### Stalking

- i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
  - a. Fear for the person’s safety or the safety of others; or
  - b. Suffer substantial emotional distress.
- ii. For the purposes of this definition—
  - a. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
  - b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
  - c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

### Hate Crime Definitions

Hate Crime: A crime reported to local police agencies or to a Campus Security Authority that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. Although there are many possible categories of bias, under the Clery Act, only the following eight categories are reported:

#### *Race*

A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, Black or African Americans, whites.

#### *Religion*

A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.

#### *Sexual Orientation*

A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

#### *Gender*

A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender.

### *Gender Identity*

A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender nonconforming individuals.

### *Ethnicity*

A preformed negative opinion or attitude toward a group of people who members identify with each other, through a common heritage, often consisting of a common language, common culture and/or ideology that stresses common ancestry.

### *National Origin*

A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

### *Disability*

A preformed negative opinion or attitude toward a group of persons based on temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Hate crimes include any of the following offenses that are motivated by bias: murder and non-negligent manslaughter, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property. Hate crimes also include the following:

*Larceny-Theft*: The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.

*Simple Assault*: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

*Intimidation*: Unlawfully placing another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

*Criminal Mischief/Vandalism*: To willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

### *Arrests and Referrals for Disciplinary Action*

Under the Clery Act, institutions must also report arrests and referrals for campus disciplinary action for liquor law violations, drug abuse violations and weapons law violations defined as follows:



*Weapons Law Violations:* The violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.

*Drug Abuse Violations:* The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance.

*Liquor Law Violations:* The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence or drunkenness.

A note on possession of marijuana and drug paraphernalia in Maine: Maine has decriminalized possession of small amounts of marijuana and possession of drug paraphernalia. In 2022 and following a review of the College's counting and reporting process, Colby decided not to report those civil violations, accounting for the drop in Judicial Referrals (Disciplinary Actions) of drug law violations in that year. In 2023, the College re-evaluated the counting and reporting process relating to marijuana occurrences, which impacts the numbers reported in the foregoing table for 2023.

### *Unfounded Crimes*

Under the Clery Act, institutions must report when a crime is unfounded. A crime is unfounded if a reported crime is investigated by law enforcement authorities and found to be false or baseless meaning that the crime did not occur or was never attempted. Only sworn or commissioned law enforcement personnel may "unfound" a crime. Colby College department of security officers and personnel are not sworn or commissioned and, therefore, the department does not classify reports as unfounded.

## Clery Act Crime Statistics for Calendar Years 2021, 2022 and 2023

CLERY CRIME STATISTICS	On-Campus				Non-Campus Property	Public Property
	Year	Residences	Other	Total	Total	Total
<b>CRIMINAL HOMICIDE</b>						
Murder/Non- Negligent Manslaughter	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Negligent Manslaughter	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
<b>SEX OFFENSES</b>						
Rape	2023	9	0	9	0	0
	2022	8	0	8	0	0
	2021	8	0	8	0	0
Fondling	2023	3	0	3	0	0
	2022	1	0	1	0	0
	2021	3	0	3	0	0
Incest	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Statutory Rape	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0

CLERY CRIME STATISTICS	On-Campus			Non-Campus Property		Public Property
	Year	Residences	Other	Total	Total	Total
<b>OTHER CRIMINAL OFFENSES</b>						
Robbery	2023	0	0	0	0	0
	2022	0	1	0	0	0
	2021	0	1*	0	0	0
Aggravated Assault	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Burglary	2023	0	0	0	0	0
	2022	1	0	1	0	0
	2021	2	1	3	0	0
Motor Vehicle Theft	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Arson	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	1	1	0	0
<b>ARRESTS</b>						
Liquor Law Violations	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Drug Law Violations	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Illegal Weapons Possession	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0

\*Robbery from 2021 is an addition. It was miscoded in 2021.

CLERY CRIME STATISTICS	On-Campus				Non-Campus Property	Public Property
	Year	Residences	Other	Total	Total	Total
<b>JUDICIAL REFERRALS (DISCIPLINARY ACTIONS)</b>						
<b>Liquor Law Violations</b>	2023	69	13	82	3	0
	2022	68	5	73	10	0
	2021	68	11	79	1	0
<b>Drug Law Violations</b>	2023	22	5	27	0	0
	2022	0	0	0	0	0
	2021	9	1	10	2	0
<b>Illegal Weapons Possession</b>	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
<b>UNFOUNDED CRIMES</b>						
<b>Total Unfounded Crimes</b>	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0

Maine has decriminalized possession of small amounts of marijuana and possession of drug paraphernalia. In 2022 and following a review of the College’s counting and reporting process, Colby decided not to report those civil violations, accounting for the drop in Judicial Referrals (Disciplinary Actions) of drug law violations in that year. In 2023, the College re-evaluated the counting and reporting process relating to marijuana occurrences, which impacts the numbers reported in the foregoing table for 2023.

## VAWA (Violence Against Women Act) Statistics

CLERY CRIME STATISTICS	Year	On-Campus			Non-Campus Property	Public Property
		Residences	Other	Total	Total	Total
<b>VAWA (VIOLENCE AGAINST WOMEN ACT)</b>						
Domestic Violence	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Dating Violence	2023	4	0	4	0	0
	2022	1	0	1	0	0
	2021	1	0	1	0	0
Stalking	2023	2	0	2	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0

## Hate Crime Statistics

There were no recorded hate crimes for 2021.

There were no recorded hate crimes for 2022.

There were no recorded hate crimes for 2023.

## State of Maine Definitions of Sexual Assault and Domestic Violence Crimes

The definitions of sexual assault and domestic violence are different in the state of Maine vs. the Uniform Crime Reporting handbook used for Clery Act statistics. If you are a victim of a sexual assault or domestic violence in the state of Maine you should contact Title IX on campus or your local police department for assistance and resources. Further description of resources may be found in the Title IX section of this report. The link to Maine's sexual assault crimes can be found [here](https://legislature.maine.gov/statutes/17-A/title17-Ach11sec0.html), <https://legislature.maine.gov/statutes/17-A/title17-Ach11sec0.html>. The link to Maine's domestic violence crimes can be found here, <https://legislature.maine.gov/legis/statutes/17-A/title17-Ach9sec0.html>

In the State of Maine, chapter 11 of Title 17-A of the Maine Revised Statutes, defines sexual assault crimes.

### Sexual Assault

A person is guilty of gross sexual assault if that person engages in a sexual act with another person and:

- The other person submits as a result of compulsion,
- The other person, not the actor's spouse, has not in fact attained the age of 14 years.
- The other person, not the actor's spouse, has not in fact attained 12 years of age.
- The actor has substantially impaired the other person's power to appraise or control the other person's sexual acts by furnishing, as defined in section 1101, subsection 18, paragraph A, administering or employing drugs, intoxicants or other similar means.
- The actor compels or induces the other person to engage in the sexual act by any threat.
- The other person suffers from mental disability that is reasonably apparent or known to the actor, and which in fact renders the other person substantially incapable of appraising the nature of the contact involved or of understanding that the person has the right to deny or withdraw consent.
- The other person is unconscious or otherwise physically incapable of resisting and has not consented to the sexual act.
- The other person, not the actor's spouse, is under official supervision as a probationer, a parolee, a sex offender on supervised release, a prisoner on supervised community confinement status or a juvenile on community reintegration status or is detained in a hospital, prison or other institution, and the actor has supervisory or disciplinary authority over the other person.
- The other person, not the actor's spouse, is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student or the actor was a substitute teacher who had instructional, supervisory or disciplinary authority over the student at any time during the 12 months prior to the sexual act.
- The other person, not the actor's spouse, has not attained the age of 18 years and is a resident in or attending a children's home, child care facility, facility operated by a family child care provider, children's residential care facility, drug treatment center, youth camp licensed under Title 22, section 2495 or similar school, facility or institution regularly providing care or services for children, and the actor is a teacher, employee or other person having instructional, supervisory or disciplinary authority over the

other person or the actor was a substitute teacher who had instructional, supervisory or disciplinary authority over the student at any time during the 12 months prior to the sexual act.

- The other person has not in fact attained the age of 18 years and the actor is a parent, stepparent, foster parent, guardian or other similar person responsible for the long-term care and welfare of that other person.
- The actor is a psychiatrist, a psychologist or licensed as a social worker or counseling professional or purports to be a psychiatrist, a psychologist or licensed as a social worker or counseling professional to the other person and the other person, not the actor's spouse, is a current patient or client of the actor.
- The actor owns, operates or is an employee of an organization, program or residence that is operated, administered, licensed or funded by the Department of Health and Human Services and the other person, not the actor's spouse, receives services from the organization, program or residence and the organization, program or residence recognizes the other person as a person with an intellectual disability or autism. It is an affirmative defense to prosecution under this paragraph that the actor receives services for an intellectual disability or autism or is a person with an intellectual disability, as defined in Title 34-B, section 5001, subsection 3, or autism, as defined in Title 34-B, section 6002.
- The actor owns, operates or is an employee of an organization, program or residence that is operated, administered, licensed or funded by the Department of Health and Human Services and the other person, not the actor's spouse, receives services from the organization, program or residence and suffers from a mental disability that is reasonably apparent or known to the actor.
- The actor is employed to provide care to a dependent person, who is not the actor's spouse or domestic partner and who is unable to perform self-care because of advanced age or physical or mental disease, disorder or defect. For the purposes of this paragraph, "domestic partners" means 2 unmarried adults who are domiciled together under a long-term arrangement that evidences a commitment to remain responsible indefinitely for each other's welfare.
- The other person has not expressly or impliedly acquiesced to the sexual act.
- The actor is a law enforcement officer acting in performance of official duties and the other person, not the actor's spouse, is under arrest, in custody or being interrogated or temporarily detained, including during a traffic stop or questioning pursuant to an investigation of a crime. For the purposes of this paragraph, "law enforcement officer" has the same meaning as in Title 25, section 2801-A, subsection 5

### Sexual Abuse of Minors

A person is guilty of sexual abuse of a minor if:

- The person engages in a sexual act with another person, not the actor's spouse, who is either 14 or 15 years of age and the actor is at least 5 years older than the other person.
- The person violates paragraph A and the actor knows that the other person is related to the actor within the 2nd degree of consanguinity.
- The person violates paragraph A and the actor is at least 10 years older than the other person.
- The person is at least 21 years of age and engages in a sexual act with another person, not the actor's spouse, who is either 16 or 17 years of age and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official in the school district, school union, educational unit, school, facility or institution in which the student is enrolled
- The person violates paragraph C and the actor knows that the student is related to the actor within the 2nd degree of consanguinity.
- The person violates paragraph C and the actor is at least 10 years older than the student.
- It is a defense to a prosecution under subsection 1, paragraphs A, A-1, A-2 and F, that the actor reasonably believed the other person is at least 16 years of age.
- As used in this section, "related to the actor within the 2nd degree of consanguinity" has the meaning set forth in section 556.

### Unlawful Sexual Contact

A person is guilty of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and:

- The other person has not expressly or impliedly acquiesced in the sexual contact.
- The other person has not expressly or impliedly acquiesced in the sexual contact and the sexual contact includes penetration.
- The other person is unconscious or otherwise physically incapable of resisting and has not consented to the sexual contact.
- The other person is unconscious or otherwise physically incapable of resisting and has not consented to the sexual contact and the sexual contact includes penetration.
- The other person, not the actor's spouse, is in fact less than 14 years of age and the actor is at least 3 years older.
- The other person, not the actor's spouse, is in fact less than 12 years of age and the actor is at least 3 years older.
- The other person, not the actor's spouse, is in fact less than 14 years of age and the actor is at least 3 years older and the sexual contact includes penetration.



- The other person, not the actor's spouse, is in fact less than 12 years of age and the actor is at least 3 years older and the sexual contact includes penetration.
- The other person, not the actor's spouse, is in fact either 14 or 15 years of age and the actor is at least 10 years older than the other person.
- The other person suffers from a mental disability that is reasonably apparent or known to the actor that in fact renders the other person substantially incapable of appraising the nature of the contact involved or of understanding that the other person has the right to deny or withdraw consent.
- The other person suffers from a mental disability that is reasonably apparent or known to the actor that in fact renders the other person substantially incapable of appraising the nature of the contact involved or of understanding that the other person has the right to deny or withdraw consent and the sexual contact includes penetration.
- The other person, not the actor's spouse, is under official supervision as a probationer, a parolee, a sex offender on supervised release, a prisoner on supervised community confinement status or a juvenile on community reintegration status or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary authority over the other person.
- The other person, not the actor's spouse, is under official supervision as a probationer, a parolee, a sex offender on supervised release, a prisoner on supervised community confinement status or a juvenile on community reintegration status or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary authority over the other person and the sexual contact includes penetration.
- The other person, not the actor's spouse, is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student or the actor was a substitute teacher who had instructional, supervisory or disciplinary authority over the student at any time during the 12 months prior to the sexual contact.
- The other person, not the actor's spouse, is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student and the sexual contact includes penetration or the actor was a substitute teacher who had instructional, supervisory or disciplinary authority over the student at any time during the 12 months prior to the sexual contact and the sexual contact included penetration.
- The other person is in fact less than 18 years of age and the actor is a parent, stepparent, foster parent, guardian or other similar person

responsible for the long-term general care and welfare of that other person.

- The other person is in fact less than 18 years of age and the actor is a parent, stepparent, foster parent, guardian or other similar person responsible for the long-term general care and welfare of that other person and the sexual contact includes penetration.
- The other person submits as a result of compulsion.
- The other person submits as a result of compulsion and the sexual contact includes penetration.
- The actor owns, operates or is an employee of an organization, program or residence that is operated, administered, licensed or funded by the Department of Health and Human Services and the other person, not the actor's spouse, receives services from the organization, program or residence and the organization, program or residence recognizes that other person as a person with an intellectual disability or autism. It is an affirmative defense to prosecution under this paragraph that the actor receives services for an intellectual disability or autism or is a person with an intellectual disability, as defined in Title 34-B, section 5001, subsection 3, or autism, as defined in Title 34-B, section 6002.
- The actor owns, operates or is an employee of an organization, program or residence that is operated, administered, licensed or funded by the Department of Health and Human Services and the other person, not the actor's spouse, receives services from the organization, program or residence and the organization, program or residence recognizes that other person as a person with an intellectual disability or autism and the sexual contact includes penetration. It is an affirmative defense to prosecution under this paragraph that the actor receives services for an intellectual disability or autism or is a person with an intellectual disability, as defined in Title 34-B, section 5001, subsection 3, or autism, as defined in Title 34-B, section 6002.
- The actor owns, operates or is an employee of an organization, program or residence that is operated, administered, licensed or funded by the Department of Health and Human Services and the other person, not the actor's spouse, receives services from the organization, program or residence and suffers from a mental disability that is reasonably apparent or known to the actor.
- The actor owns, operates or is an employee of an organization, program or residence that is operated, administered, licensed or funded by the Department of Health and Human Services and the other person, not the actor's spouse, receives services from the organization, program or residence and suffers from a mental disability that is reasonably apparent or known to the actor and the sexual contact includes penetration.
- The other person, not the actor's spouse, is in fact less than 18 years of age and is a student enrolled in a private or public elementary, secondary

or special education school, facility or institution and the actor, who is at least 21 years of age, is a teacher, employee or other official in the school district, school union, educational unit, school, facility or institution in which the student is enrolled.

- The other person, not the actor's spouse, is in fact less than 18 years of age and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor, who is at least 21 years of age, is a teacher, employee or other official in the school district, school union, educational unit, school, facility or institution in which the student is enrolled and the sexual contact includes penetration.
- The actor is a psychiatrist, a psychologist or licensed as a social worker or counseling professional or purports to be a psychiatrist, a psychologist or licensed as a social worker or counseling professional to the other person and the other person, not the actor's spouse, is a current patient or client of the actor.
- The actor is a psychiatrist, a psychologist or licensed as a social worker or counseling professional or purports to be a psychiatrist, a psychologist or licensed as a social worker or counseling professional to the other person and the other person, not the actor's spouse, is a current patient or client of the actor and the sexual contact includes penetration.
- The actor is employed to provide care to a dependent person, who is not the actor's spouse or domestic partner and who is unable to perform self-care because of advanced age or physical or mental disease, disorder or defect. For the purposes of this paragraph, "domestic partners" means 2 unmarried adults who are domiciled together under a long-term arrangement that evidences a commitment to remain responsible indefinitely for each other's welfare.
- The actor is employed to provide care to a dependent person, who is not the actor's spouse or domestic partner and who is unable to perform self-care because of advanced age or physical or mental disease, disorder or defect and the sexual contact includes penetration. For the purposes of this paragraph, "domestic partners" means 2 unmarried adults who are domiciled together under a long-term arrangement that evidences a commitment to remain responsible indefinitely for each other's welfare.

### Stalking

In the State of Maine, chapter 9 of Title 17-A of the Maine Revised Statutes, defines stalking as: A person is guilty of stalking if:

- The actor intentionally or knowingly engages in a course of conduct directed at or concerning a specific person that would cause a reasonable person:
  - To suffer serious inconvenience or emotional distress;
  - To fear bodily injury or to fear bodily injury to a close relation;
  - To fear death or to fear the death of a close relation;

- To fear damage or destruction to or tampering with property; or
- To fear injury to or the death of an animal owned by or in the possession and control of that specific person.

As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

- "Course of conduct" means 2 or more acts, including but not limited to acts in which the actor, by any action, method, device or means, directly or indirectly follows, monitors, tracks, observes, surveils, threatens, harasses or communicates to or about a person or interferes with a person's property. "Course of conduct" also includes, but is not limited to, threats implied by conduct and gaining unauthorized access to personal, medical, financial or other identifying or confidential information
- "Close relation" means a current or former spouse or domestic partner, parent, child, sibling, stepchild, stepparent, grandparent, any person who regularly resides in the household or who within the prior 6 months regularly resided in the household or any person with a significant personal or professional relationship.
- "Emotional distress" means mental or emotional suffering of the person being stalked as evidenced by anxiety, fear, torment or apprehension that may or may not result in a physical manifestation of emotional distress or a mental health diagnosis.
- "Serious inconvenience" means that a person significantly modifies that person's actions or routines in an attempt to avoid the actor or because of the actor's course of conduct. "Serious inconvenience" includes, but is not limited to, changing a phone number, changing an electronic mail address, moving from an established residence, changing daily routines, changing routes to and from work, changing employment or work schedule or losing time from work or a job.

### Domestic Violence

Is defined in chapter 9 of Title 17-A of the Maine Revised Statutes. It includes any acts of assault, aggravated assault, elevated aggravated assault, elevated aggravated assault on a pregnant person, criminal threatening, terrorizing, stalking, or reckless conduct committed by persons who are considered a family or household member as defined by Title 19-A, section 4102, subsection 6 or a dating partner as defined in Title 19-A, section 4102, subsection 4. In Maine, this includes the following crimes (more information available through legal citations): **Domestic violence assault** ([17-A M.R.S. § 207-A](#)); **Domestic violence criminal threatening** ([17-A M.R.S. § 209-A](#)); **Domestic violence terrorizing** ([17-A M.R.S. § 210-B](#)), **Domestic violence stalking** ([17-A M.R.S. § 210-C](#)); **Domestic violence reckless conduct** ([17-A M.R.S. § 211-A](#))

### Family or Household Members

"Family or household members" means spouses or domestic partners or former spouses or former domestic partners, individuals presently or formerly living

together as spouses, parents of the same child, adult household members related by consanguinity or affinity or minor children of a household member when the defendant is an adult household member and, for the purposes of Title 15, section 1023, subsection 4, paragraph B-1 and Title 15, section 1094-B, this chapter and Title 17-A, sections 15, 207-A, 208-D, 208-E, 208-F, 209-A, 210-B, 210-C, 211-A, 1802, 1804 and 2301, subsection 1 only, includes individuals presently or formerly living together and individuals who are or were sexual partners. Holding oneself out to be a spouse is not necessary to constitute "living as spouses." For purposes of this subsection, "domestic partners" means 2 unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.

## **Alcohol and Illegal Drugs**

### *State of Maine Laws: Consumption, Sale, Purchase And Delivery Of Alcohol*

*Furnishing Liquor to a Minor or a Visibly Intoxicated Person:* Maine law makes it a crime for any person to knowingly give liquor to a minor or a visibly intoxicated person or to allow any minor under that person's control or in any place under that person's control to consume liquor. Violation of this law can result in a minimum fine of \$500 and up to six months in jail.

*Illegal Sale of Liquor:* It is a crime to sell liquor without having a liquor license issued by the Maine Bureau of Alcoholic Beverages. Violation of this law can result in fines of \$500 plus 30 days in jail for the first Offense. Subsequent offenses are punished by greater fines and jail time.

*Illegal Possession with Intent to Sell:* Any person who possesses liquor with the intent to sell it is in violation of Maine liquor laws and subject to a fine of between \$100 and \$500, and possible incarceration from two to six months.

*Seizure and Forfeiture of Vehicle:* Any vehicle used to transfer liquor intended for illegal sale may be impounded at the time of the violation or seized following the violation.

*Special Liquor Laws Relating to Minors Illegal Possession of Liquor:* Any minor (a person under the age of 21 years) who is found to be in possession or control of alcohol is guilty of a civil infraction and shall be subject to a fine of: (1) 1st offense, \$200 to \$400; (2) 2nd offense, \$300 to \$600; and (3) 3rd and subsequent offenses, \$600.

*Teen Drinking Laws:* Maine has a zero-tolerance law regarding operating under the influence by minors. An individual under the age of 21 years shall have that individual's license suspended for one year if he/she operates a motor vehicle with a blood alcohol concentration of .00, Any motor vehicle operator under 21 who operates or attempts to operate a motor vehicle with any alcohol in their blood shall have their license suspended by the Secretary of state for one year. If they have a

passenger under 21, an additional 180-day suspension will be imposed. Refusal to be tested will result in suspension of their operator's license for at least 18 months. Minors who test .08% or more will be prosecuted for the criminal offense of OUI.

One can of beer, one glass of wine or one ounce of distilled spirits can result in a blood alcohol level of .02 or more.

Illegal Transportation: No minor shall transport alcohol in a motor vehicle except in the scope of the person's employment or with the parent's knowledge or consent. The penalty is a 30-day driver's license suspension. A reinstatement fee will be charged to get a license reinstated. Points will be assessed against the offender's license. A fine of \$500 may be imposed.

Operating Under the Influence: Maine law prohibits drinking while operating a motor vehicle. Any person who violates this law commits a civil violation for which a maximum fine of \$500 may be imposed. Maine motor vehicle law makes it a crime for any person to operate a motor vehicle in Maine under the influence of alcohol or drugs or with an excessive blood alcohol level. Penalties for operating under the influence are as follows: (1) 1st Conviction: If your blood-alcohol content is .08 to .14 percent a fine of at least \$500 and loss of license for at least 150 days. Refusal to be tested results in a loss of license for 180 days; (2) If your blood-alcohol content is .15 percent or more, or you are traveling 30 m.p.h. or more over the speed limit, or you attempt to elude an officer of the law, a fine of at least \$500, at least 48 hours in jail, and loss of license for at least 150 days. Penalties for second and subsequent convictions include greater fines and mandatory jail time. The law requires an additional 275-day suspension be imposed by the court or the Secretary of State if transporting a passenger under 21. Refusal to be tested results in a loss of license for at least 275 days which is consecutive to any suspension imposed for an OUI conviction.

Vehicle Seizure or Forfeiture: A person operating under the influence while under suspension for a previous OUI or refusal, is subject to vehicle seizure and forfeiture.

Maine Liquor Liability Act: The Maine Liquor Liability Act serves to prevent alcohol related injuries, deaths and other damages among Maine's population. This law makes one liable civilly for the negligent or reckless service of alcohol to a minor or to a person who is visibly intoxicated. Monetary damages may be awarded for the negligent or reckless serving of alcohol, which causes property damage, bodily injury or death.

State Drug Offenses: Maine law prohibits the knowing, intentional and unauthorized possession, furnishing (distributing or giving away) and trafficking (selling) of scheduled drugs. Scheduled drugs include, for example, cocaine, marijuana, lysergic acid diethylamide (LSD), heroin, and steroids.

*Colby College Alcohol Policy*

The Colby community, including students, faculty, staff, trustees, overseers, and alumni, is committed to maintaining an academic and residential environment that supports personal growth and learning; assures individual rights and the well-being and dignity of others; promotes health, understanding, and respect; and fosters the opportunity to make lasting friendships. As part of such a healthy and respectful community, Colby, in consultation with those in our community, has developed a set of policies and rules pertaining to alcohol and drugs. These policies recognize the College has an obligation to comply with applicable federal and state laws and regulations concerning the use of alcohol and drugs. Beyond that obligation, these policies outline behaviors related to alcohol and drugs that Colby considers to be against the mission and values of the College. Alcohol and drug violations may result in outcomes or sanctions up to and including expulsion, as well as possible referral for substance use counseling and/or other educational/developmental programs or meetings, or Restorative Practices processes. It is important that you read this statement and understand the Community Values Violations listed in the Student Code of Conduct in their entirety to fully understand how they affect you and your place in our community.

### *Getting Help*

Assistance is available at the Garrison-Foster Health Center. The College has designated the Associate Director of Counseling Services ([ksbarlow@colby.edu](mailto:ksbarlow@colby.edu)) to assist students in dealing with substance use issues. The counselor can be reached at 207-859-4490.

In addition, students may obtain more information about substance use issues from the federal government's Substance Abuse and Mental Health Services Administration website and 24-hour help line: <https://www.samhsa.gov>; 1-800-662-4357.

### *Responsible Use*

Students who choose to drink alcohol are expected to do so in a safe, responsible, and legal manner.

- Students over the age of 21 may have alcohol in their personal rooms. If a roommate is under the age of 21, the alcohol must be clearly stored in a space under the sole control of the student who is over the age of 21. Alcohol may not be present in a common area in a suite (lounge, kitchen, etc.) unless all residents of the suite are over the age of 21.
- Intoxication will never be accepted as a defense or an excuse for violations of the Student Code of Conduct.
- Drinking games and “themed” parties that have the effect of encouraging excessive drinking and intoxication, and/or that set goals or expectations for the substance use choices of the participants are considered forms of irresponsible drinking.

- Drinking games and “themed” parties may also constitute prohibited hazing, depending on the circumstances. Hazing is not only prohibited by College policy, but is illegal in Maine and can result in criminal charges.
- Definitions of Possession and Furnishing of Drugs, Paraphernalia, and Alcohol: For the purposes of this policy, “possessing” includes merely allowing drugs, paraphernalia or alcohol to be kept in your room, car, locker, or other location under your control, even if the drugs, paraphernalia or alcohol is owned by someone else.
- For the purposes of this policy, “furnishing” includes providing, sharing and giving away drugs, paraphernalia or alcohol.
- Colby is a Substance-Free campus (“SubFree”) from the start of student staff training in the summer, through to the first day of classes. NO student may possess or consume alcohol or drugs on campus during this period.

### *Sanctions*

Alleged violations of the codes of conduct relating to alcohol and drugs will result in a disciplinary process. Adjudicated violations of drug and alcohol policies may lead to any sanction as described in the Code of Conduct for students, or the Staff or Faculty Handbooks.

### *Medical Amnesty Policy*

Policy Purpose: A Medical Amnesty Policy fosters responsible decision making, reduces barriers to calling for help, and encourages students to take active steps in maintaining the health and safety of the community in a situation involving an alcohol and/or drug related medical emergency. Colby encourages all students and hosting organizations to call for help as quickly as possible when medical attention is necessary. Medical Amnesty only applies to alcohol and drugs use policy violations and sanctions under the Student Code of Conduct.

Policy Application: In a situation where students or members of an organization seek medical attention for an alcohol or drug related medical emergency, Colby will treat the intoxicated students’ use of alcohol or drugs as a health and safety matter, not a disciplinary incident. Students who called for help and students who supported calling for help are also eligible for Medical Amnesty under this policy.

Amnesty does not necessarily apply to everyone involved in a situation or attending an event. Any student involved in the situation for whom there is some evidence of a violation of the Student Code of Conduct will be required to meet with the Office of Community Values to discuss the incident. Students will be informed at the meeting whether they are eligible for amnesty. If the student does not qualify for amnesty, the alleged violations will be addressed through a Resolution Process.

Referrals and Notice: When the student who required medical attention is allowed amnesty from disciplinary action for an alcohol or drug violation, they will be referred to Counseling Services for a consultation, which is a confidential discussion



of the incident and its contributing factors. This referral is a supportive measure not a disciplinary action. There will be no disciplinary findings for the alcohol or drug use. Failure to attend the consultation meeting may result in an alleged violation of the Student Code of Conduct.

### Legal Implications

While the College seeks to address violations of the community values in an educational, developmental and restorative manner, students who violate serious drug and alcohol laws may be referred to law enforcement authorities and face significant criminal and civil penalties.

Students attending Colby on visas may jeopardize their status for drug offenses. Students who are convicted of drug offenses may lose eligibility for federal financial aid.

Students arrested for an OUI during the academic year, or while working at Colby during the summer months, regardless of the location of the arrest, face outcomes or sanctions that include possible suspension from the College for a period of time (depending on the circumstances, disciplinary history, and the timing of the arrest during the year); an alcohol education program and/or substance use counseling; and parent/guardian notification.

Community members should be aware that it is illegal to have an open container of alcohol in a vehicle. This includes the Colby Shuttle and the Colby Jitney as well as any other Colby owned or leased vehicle. It is also illegal for minors under 21 to transport alcohol in a vehicle unless it is in the course of the minor's employment.

The College may discipline, suspend, or discharge an employee arrested, charged, or convicted for an off-duty drug or alcohol offense violation of criminal law or driving infraction for employees who drive on behalf of the College. Pending the outcome of a case, the College may suspend the employee without pay or may, in appropriate circumstances, discharge an employee.

The examples outlined of unacceptable conduct are presented as illustrations, and the College reserves the right to dismiss, suspend, or take other appropriate action, including termination of employment, for other reasons.

### *Drug-Free Workplace Act*

In November of 1988, the United States Congress enacted the Anti-Drug Abuse Act which contains a section called the "Drug-Free Workplace Act of 1988". This section requires organizations receiving federal grants and contracts to ensure that their workplaces are free from illegal use, possession, manufacture or distribution of controlled substances. The law requires employers who receive federal funds to:

- (1) notify employees that drug abuse is prohibited in the workplace;

- (2) establish a drug-free awareness program; and
- (3) require each employee to notify the College of any criminal conviction for violations occurring in the workplace, and impose sanctions or remedial actions

This law also requires individuals who receive federal funds to certify to the contracting or granting agency that, as a condition of the grant, the individual will not engage in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in conducting any activity under the grant. This requirement also applies to students who are recipients of Pell Grants. By signing the certification required for eligibility under the Pell Grant Program, a student is agreeing not to engage in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance during the period covered by the student's Pell Grant at all times. A Pell Grant recipient convicted of a criminal drug offense must report the conviction, in writing, within ten calendar days of the conviction to the Director, Grants and Contracts Service, U.S. Department of Education.

Any employee convicted of any workplace-related criminal drug violation must notify the appropriate College official within five calendar days after conviction. Faculty should contact the Dean of Faculty and staff should contact the Director of Human Resources. Failure to report a conviction may be grounds for termination of employment.

Violations of the Drug-Free Workplace Act may result in:

- (1) disciplinary action, up to and including termination of employment;
- (2) suspension of payments under the grant;
- (3) suspension or termination of the grant; and
- 4) suspension or debarment of the grantee.

### *Drug-Free Schools and Communities Act*

The Drug-Free Schools and Communities Act Amendments of 1989 require Colby to certify that it has adopted and implemented a program to prevent the illicit use of drugs and the abuse of alcohol by its students and employees. This program must include the annual distribution of the following to each student and employee:

- standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of drugs and alcohol by students and employees on an institution's property or as any part of the institution's activities;
- a description of the applicable legal sanctions under local, state, and federal law for unlawful possession, use, or distribution of illicit drugs or alcohol;
- a description of the health risks associated with the use of illicit drugs and the abuse of alcohol; a description of any drug and alcohol counseling, treatment, or rehabilitation program that are available to students and employees; and

- a clear statement that the institution will impose sanctions on students and employees (consistent with local, State, and Federal law) and a description of these sanctions, up to and including expulsion or termination of employment and referral for prosecution for violation of the standards of conduct.

The Act requires Colby to review program effectiveness on a periodic basis.

### *Substance Abuse Policy*

Students, faculty, and staff are responsible individuals and thus expected to obey the law and take personal responsibility for their conduct. Colby recognizes that substance abuse is a complex problem that is not easily resolved solely by personal effort and may require professional assistance and/or treatment. Accordingly, the College has designated a number of individuals to assist students, faculty, and staff who seek referral for assistance with a substance abuse problem. Students, faculty, and staff with substance abuse problems are encouraged to take advantage of available diagnostic, referral, counseling, and prevention services. However, those seeking assistance will not be granted special privileges or exemptions from standard human resources practices applicable to job performance requirements and from standard academic and student conduct requirements.

Colby will not excuse acts of misconduct committed by students, faculty, and staff whose judgment is impaired due to substance abuse.

Disciplinary Sanctions: Students, faculty and staff who violate Colby policy will be subject to disciplinary action by the College as set forth in the relevant Handbook.

### *Federal And State Drug Laws*

The possession, use, or distribution of illicit drugs is prohibited by state and federal law. Strict penalties are provided for drug convictions, including mandatory prison terms for many offenses. The following information, although not complete, is an overview of Federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction.

#### *Forfeiture of Personal Property and Real Estate 21 U.S.C. 853*

Any person convicted of a federal drug offense punishable by more than 1 year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued, and property is seized at the time an individual is arrested on charges that may result in forfeiture.

#### *Federal Drug Trafficking Penalties 21 U.S.C. 841*

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The list below is a sample of the range and severity of federal penalties imposed for first convictions. Penalties

for subsequent convictions are twice as severe. If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces a mandatory life sentence and fines ranging up to \$8 million. Persons convicted on federal charges of drug trafficking within 1,000 feet of a university (21 U.S.C. Sec. 845a) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one (1) year.

### Federal Drug Possession Penalties

Persons convicted on federal charges of possessing any controlled substance face penalties of up to 1 year in prison and a mandatory fine of no less than \$1,000 up to a maximum of \$100,000. Second convictions are punishable by not less than 15 days but not more than two (2) years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than three (3) years in prison and a minimum fine of \$5,000.

### Marijuana legalization in Maine

In Maine, individuals over the age of 21 may possess up to 2.5 ounces of marijuana or up to 2.5 ounces of marijuana and marijuana concentrate including no more than 5 grams of marijuana concentrate. Nevertheless, federal law prohibits the use, possession, and/or cultivation of marijuana at U.S. educational institutions. Federal law also requires any institution of higher education which receives federal funding to have policies in place which prohibit possession and use of marijuana on campus. Therefore, the use, possession, distribution, sale and/or cultivation of marijuana is not allowed on the Colby campus, in Colby vehicles and facilities, or at Colby events.

Although Maine law permits the use of recreational and medical marijuana under certain conditions, federal law prohibits all use, possession, and/or cultivation of marijuana at U.S. educational institutions. Federal law also requires any institution of higher education which receives federal funding to have policies in place which prohibit possession and use of marijuana on campus. Therefore, the use, possession, and/or cultivation of marijuana for medical purposes is not allowed on the Colby campus, in Colby vehicles and facilities, or at Colby events.

Note: CBD, short for cannabidiol, is a compound that comes from the non-psychoactive portion of a cannabis plant. CBD is not a controlled substance under federal law, and its use is legal in Maine. However, before using CBD in any form, you are strongly encouraged to fully understand its health effects and if you use it, consider whether you should do so under supervision. Some individuals experience side effects from CBD use. Likewise, because there is no regulation of CBD, you should also ensure your CBD is third-party tested. Some can contain small

amounts of THC – the psychoactive compound in cannabis – or other ingredients. Dosages can vary widely from the stated dosage on the container.

Colby does not prohibit the use of CBD unless it is combined with some other violation such as vaping. Unlike cannabis, CBD is not prohibited by the NCAA. However, if you use CBD and it contains small amounts of THC, the THC could show up in a drug test and adversely affect your eligibility.

### *Disciplinary Sanctions*

Students, faculty and staff who violate Colby policy will be subject to disciplinary action by the College as set forth in the relevant handbook.

### *Alcohol and Drug Abuse Education Programs*

Colby has developed programs to prevent the abuse of drugs and alcohol by students and employees. The program provides services related to drug and alcohol use and abuse, including dissemination of information materials, educational programs, counseling services, referrals and college disciplinary actions. Colby's sources for drug and alcohol abuse education programs are as follows:

- Colby's Coordinator of Alcohol and Drug Programs. Students with questions or concerns about alcohol or drug use are encouraged to contact 207-859-4460;
- College Health and Counseling Services (207-859-4460) provides mental health counseling services.
- Disciplinary matters are overseen by the College's Assistant Dean of Conduct and Accountability/Title IX Coordinator (207-859-4256).

Colby College employees may access up to eight counseling sessions for alcohol/drug issues through the College's Employment Assistance Program (EAP). Employees interested in this benefit should contact the confidential EAP at 1-800-554-6931. More information is also available on human resource's [employee assistance program](#) webpage.

<https://www.colby.edu/humanresources/benefits/employee-assistance-program-eap/>

### *Tobacco Free Campus*

Colby College is a tobacco free campus. For the purposes of this policy, tobacco use will be defined as the possession of any lighted tobacco products, or the use of any type of smokeless tobacco including electronic cigarettes, vaping, and chewing tobacco. The use of any such products will not be permitted on any College-owned property, including, but not limited to buildings, grounds, parking areas, walkways, recreational and sporting facilities and College-owned or leased vehicles or any other vehicles on Colby-owned property. This policy will apply to faculty, staff,

students, clients, contractors, vendors and visitors, and will be in effect during and after normal campus hours, as well as during all College sponsored events.

## **Weapons Policies**

Colby College regulates the possession and use of weapons on campus and prohibits the possession of weapons in campus buildings and on grounds. This policy includes any device which can expel a projectile and/or other dangerous weapon including knives, explosives, bows and arrows, swords, or other items, which, in their intended use, are capable of inflicting serious injury. Prohibited knives include, but are not limited to, any knife with a blade length of more than four inches, any knife with a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity, or by an outward, downward or centrifugal thrust or movement.

- Firearms, ammunition, or other weapons are strictly forbidden in any college-owned or operated building or space.
- Except for law enforcement, concealed weapons and handguns of any type are prohibited on campus.
- This policy shall not apply to law enforcement officials, supervised educational programs approved in advance by the president of the College or their designee, and persons or programs otherwise approved by the president of the College or their designee.
- This policy shall apply to any campus properties, off-campus properties, buildings, parking lots and any other grounds owned, operated or under the control of Colby College.

### *Guidelines For Authorized Secure Weapons Storage On Campus*

- All firearms and ammunition on campus must be registered and stored at the department of security.
- A firearm storage request form must be completed and signed upon the initial request to store a firearm or ammunition.
- A Colby Card must be presented to store or retrieve a firearm.
- Any student may submit a firearm for immediate storage at the department of security.
- Students wishing to access their firearm must contact the department in advance to make an appointment to retrieve their firearm.
- In order for the firearm to be returned to the student by the department, the requirements of this policy must be met, and the student must provide proof of a firearm safety course or a valid State of Maine hunting license.

- Names of students storing firearms will be shared with the office of the dean of students.
- Access to the firearms storage locker will be controlled by the department of security.
- Firearms must have actions cleared, and chambers and magazines empty with a gun lock in place before presenting for storage. Safe discharge canisters are available at the department of security
- Ammunition to be stored at the Security Department must be in a durable container, clearly marked with the owner's name and housing assignment number. Ammunition will be limited to 50 rounds for rifles and 25 rounds for shotguns.
- Magazines that hold more than the standard number of rounds are prohibited.
- Firearms must be transported to and from the department, unloaded and in a protective case.
- The department of security reserves the right to refuse to release any firearm to an individual for any reason.
- The department of security reserves the right to require that firearms be shipped off campus at the owner's expense.
- The department is not responsible for items damaged or lost.

The associate vice president of campus safety and security may seize any weapon(s) or deny permission to possess any weapon on campus property deemed to present a danger to the campus community. Questions regarding this policy should be directed to the department of security at (207) 859-5539.

## **Missing Student Policy and Notification Procedures**

Persons reporting missing students may make their first contact with the department of Security, the Office of Campus Life, or the Office of the Dean of Students. Reports may come from parents, fellow students, Professors, Community Advisors, or others. Regardless of the source or the office contacted first, the Department of Security of Security will be immediately notified of all missing-student reports. Upon receiving such notification, the dispatcher, with direction from the Associate Vice President of Safety and Security, Associate or Assistant Director, will report via phone to the Waterville Police Department that a student has been reported missing. Initially, however, the Department of Security will be fully responsible for the investigation.

Students may identify a contact person(s) whom Colby shall notify within 24 hours of a determination by the Department of Security or a law enforcement agency that the student is missing. The contact will be kept confidential and it may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

If the student resides in an on-campus student housing facility and is determined missing, the following steps will be taken immediately:

- If the student has designated a missing person contact, notifying that contact person within 24 hours.
- If the student is under 18 years of age and is not emancipated, notifying the student's custodial parent or guardian and any other designated contact person within 24 hours.
- Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, informing the local law enforcement agency that has jurisdiction in the area that the student is missing within 24 hours, unless the local law enforcement agency was the entity that made the determination that the student is missing.
- Security personnel will interview any members of the Colby community who might have information about the missing student's whereabouts.

Interviews may include, but will not be limited to, Community Advisors, faculty and staff members, roommates, friends, and family members. Particular attention will be given to possible locations of the missing student and their most recent mental state and/or personal problems. The department of security has the right to enter student rooms in search of missing persons.

Security personnel will determine the last campus card transaction completed by the student in question and request to be alerted if any further transactions are attempted. All access information will be gathered on the missing person to see what areas of the campus were accessed last.

All missing student reports must be relayed promptly to both the associate vice president of campus safety and security (AVP) and the dean-on-call (DOC). Periodic updates should be given to both the AVP and the DOC. The AVP will determine which other College officials need to be notified. The local police authorities will be regularly updated on the progress of the investigation and will become involved at their discretion. If it is determined by the local police or the AVP that the entire College community is at risk, the department of security will be responsible for communicating that danger to the campus via any medium that the AVP shall deem appropriate.

After the situation is resolved, the AVP will prepare a detailed briefing and report to be provided to both the municipal authorities and the dean of students.

## **Colby College Non-Discrimination Policy**

### *Policy Statement*

Colby College is a private, coeducational liberal arts college that admits students and makes personnel decisions on the basis of the individual's qualifications to contribute to Colby's educational objectives and institutional needs. Colby does not



discriminate on the basis of race, color, gender, sex, sexual orientation, gender identity or expression, physical or mental disability, religion, ancestry or national origin, age, marital status, genetic information, veteran's status, pregnancy, childbirth, or related medical conditions, or any other basis prohibited by state, federal or local law in employment or in our educational programs. Colby is an affirmative action/equal opportunity employer and operates in accordance with federal and state laws regarding non-discrimination. As part of its policy of providing equal employment opportunities to qualified individuals with physical or mental disabilities, and prohibiting discrimination on the basis of disability, Colby will make reasonable accommodations for disabled applicants and qualified employees to ensure equal opportunity in the application process, to enable employees to perform essential job functions, and to enable disabled employees to enjoy the same benefits and privileges of employment that are enjoyed by other employees.

## **Colby College Title IX Sexual Misconduct, Intimate Partner Violence and Harassment Policy**

### *Emergency assistance*

If the safety of any individual is an immediate concern, involved parties or observers should contact the local police department by **dialing 911** in the United States. Involved parties or observers in other countries should notify local law enforcement and Colby's Title IX Coordinator by calling 1-(207)-859-4266 or after hours, please contact Campus Security at 1- (207)-859-5911 and ask for the Title IX Coordinator to return your call.

Students may seek emergency medical treatment at:

MaineGeneral Medical Center  
1-207-872-1000  
149 North Street  
Waterville, ME 04901

Inland Hospital  
1-207-861-3000  
200 Kennedy Memorial Drive  
Waterville, ME 04901

### *Policy statement*

This policy implements the Title IX Regulations effective August 1, 2024 and contains essential information describing how Colby College addresses Sex Discrimination, including sex-based harassment as that term is defined by Title IX. It also addresses Interpersonal Violence, which encompasses Sexual Violence, Intimate Partner Violence, and Stalking as those terms are defined under Maine law. See Sexual Violence, Intimate Partner Violence and Stalking at Institutions of Higher Education, 20-A MRS § 12981 et seq. All of these terms address prohibited conduct that may commonly be known as sexual harassment, sexual misconduct, or sexual assault. This policy also addresses the College's obligations under Title IX in responding to a student's pregnancy or related conditions.

We urge the Colby community to speak with the Title IX Coordinator or the College's Confidential Resources about questions about this Policy. The College offers a comprehensive guide for Parties and their Advisors involved in the Grievance Procedure (Title IX and Maine Interpersonal Violence Guide for Parties, Advisors and Others). In addition, the College maintains a guide that provides more detail on the roles and responsibilities of the Confidential Resource Advisor. The foregoing guides can be accessed here: <https://life.colby.edu/your-safety/sexual-violence-titleix/title-ix-policy-guidance/>.

Colby College is committed to fostering a community and workplace environment that is safe and secure for all students, staff, faculty, and others who participate or are attempting to participate in the College's academic, co-curricular and employment programs and activities ("education programs and activities"). Colby does not discriminate on the basis of sex (including sexual orientation, gender identity, pregnancy and related conditions or parental status) and prohibits all sex discrimination in its education programs and activities, as required by Title IX and its regulations and under Maine law. The College has developed and adopted this Policy and Grievance Procedure to provide for the prompt and equitable resolution of complaints of Sex Discrimination, Sex-based Harassment, and Interpersonal Violence.

Sex Discrimination, including Sex-Based Harassment, and Interpersonal Violence are prohibited at Colby. They undermine the values and the mission of the College and contradict the College's Affirmation. It is the responsibility of every member of the Colby community to foster an environment free of Sex Discrimination, Sex-Based Harassment, and Interpersonal Violence. While Colby Employees, as described in Section VII below, have mandated responsibilities regarding notification to the Title IX Coordinator, all members of our community are encouraged to take reasonable and prudent action to prevent, stop and report acts of Sex Discrimination, Sex-Based Harassment and Interpersonal Violence.

In addition to the conduct addressed in its Policy, the College prohibits other acts of sex discrimination, sexual harassment, and sexual misconduct, which are identified and addressed in the [Student Code of Conduct](#), the [Faculty Handbook](#), and the [Staff Handbook](#). Individuals who are not sure which policy applies to a particular situation are encouraged to speak with the Title IX Coordinator, a Deputy Title IX Coordinator or a Confidential Resource, identified herein below and in the aforementioned handbooks.

The College's Grievance Procedure following Complaints of alleged Title IX Policy or Interpersonal Violence Policy violations may not serve as a substitute for the criminal justice process. Likewise, these policies do not prevent or prohibit a person from seeking relief through a criminal prosecution or commencing a civil lawsuit.

### *Effective Date*

This policy is effective on August 1, 2024 and applies to all Complaints of Sex Discrimination, Sex-Based Harassment, and Interpersonal Violence that occurred on or after that date. Reports of conduct that occurred before August 1, 2024, regardless of when the Complaint is received, are addressed and resolved using the Colby Title IX Policy in effect at the time of the alleged conduct. If the report or Complaint involves alleged continuing conduct or multiple acts that occurred both before and after August 1, 2024, then the report or Complaint will be addressed and resolved under the process set forth in this Policy; however, the definitions of the alleged prohibited conduct in effect at the time will apply. If there are questions about what definitions or process applies, please consult the Title IX Coordinator.

### *Jurisdiction*

This policy addresses Title IX Sex Discrimination against (1) any Student enrolled at the College and participating in the College's education programs and activities; (2) any Employee of the College; or (3) any individual (including alumni, volunteers, faculty and staff) attempting to participate in the College's education programs and activities; or (4) applicants for enrollment or employment at the College. This policy covers Sex Discrimination that occurs during the course of the College's education programs and activities (including College-approved student organizations), whether those programs and activities take place on campus or elsewhere in the United States, and even if some conduct alleged to be contributing to the hostile environment occurred outside the education program or activity or outside the United States.

This policy also addresses Interpersonal Violence under Maine law against (1) any Student who is enrolled or is seeking to be enrolled at the College and is a candidate for a degree or has taken a leave of absence as a result of having been a victim of Sexual Violence, Intimate Partner Violence, or Stalking, and (2) any Employee of the College. This policy addresses Interpersonal Violence regardless of where the alleged offense occurred. You do not need to determine which type of conduct applies to your situation OR whether a matter is covered under the Title IX regulations, Maine law, Student Code of Conduct, or a combination. The Title IX Coordinator will assist you in explaining which policy (or policies) applies to your situation. In cases where there are no differences between definitions or there is a conflict, Title IX governs.

Sexual misconduct or Sex Discrimination not covered by this Policy may be covered by other College policies, such as the Student Code of Conduct, Staff Handbook, or Faculty Handbook. Individuals are encouraged to contact the Title IX Coordinator, a Deputy Title IX Coordinator or a Confidential Employee/Confidential Resource if they have questions concerning possible sexual misconduct of any kind or wish to make a Complaint of Sex Discrimination or Interpersonal Violence.

### *Responsibility of College employees to report prohibited conduct*

The College requires all College Employees, including officers, faculty and staff (including Community Advisors and Area Residential Directors) to notify the Title IX Coordinator/Deputy Title IX Coordinator if they learn of incidents that reasonably may constitute Sex Discrimination or Interpersonal Violence. A report does not need to be made if a Student/Employee is generally inquiring about the College's Title IX/Interpersonal Violence policy or process. Likewise, an Advisor does not need to report an incident revealed to them by the Advisor's Party. Failure to report can result in corrective action or sanctions.

The only individuals exempted from this reporting/notification requirement are the Confidential Employees/Confidential Resource Advisors listed herein. In addition, the reporting/notification requirements do not apply to an employee who has personally been subject to conduct that reasonably may constitute Sex Discrimination or Interpersonal Violence.

### *Making a report or notification of sex discrimination or interpersonal violence*

Any individual who is required to notify the Title IX Coordinator of conduct that reasonably may constitute Sex Discrimination or Interpersonal Violence, and any other individual who wishes to make a report should contact either the Title IX Coordinator or any one of the Deputy Title IX Coordinators below at any time. Reports after regular business hours can be made through Campus Security at 207-859-5911 (emergency number); 207-859-5530 (business number). Campus Security is located in 128 Roberts Union.

Title IX Coordinator:       Emily Schusterbauer  
                                      Eustis 210A,  
                                      207-859-4266  
                                      [titleix@colby.edu](mailto:titleix@colby.edu)

Deputy Title IX Coordinator for Athletics:   Casie Runksmeier  
  Harold Alfond Athletics and Recreation  
Center D319  
  207-859-4941  
  [casie.runksmeier@colby.edu](mailto:casie.runksmeier@colby.edu)

Deputy Title IX Coordinator for Admissions:   Molly Hodgkins  
  Lunder House  
  207-859-4816  
  [molly.hodgkins@colby.edu](mailto:molly.hodgkins@colby.edu)

Deputy Title IX Coordinator for Faculty:

Carol A. Hurney  
Eustis 203A 207-859-4787  
[carol.hurney@colby.edu](mailto:carol.hurney@colby.edu)

Deputy Title IX Coordinator for Staff:

Jesse Begin  
118 Roberts  
207-859-5507  
[jbegin@colby.edu](mailto:jbegin@colby.edu)

Other Reporting Options:

The U.S. Department of Education’s Office of Civil Rights (“OCR”) is the entity charged with enforcing Title IX. Inquiries can be referred to:

Office of Civil Rights, Boston Office  
Department of Education 8<sup>th</sup> Floor  
5 Post Office Square Boston, MA 02129-3921  
617-289-0111 (telephone)  
617-289-0140 (fax)  
[OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

The Maine Human Rights Commission (“MHRC”) is the entity charged with enforcing Maine’s nondiscrimination laws. Inquiries can be referred to:

Maine Human Rights Commission 19 Union Street (street address)  
#51 State House Station (mailing address) Augusta, ME 04333  
207-624-6290 (telephone)  
207-624-8729 (fax)  
[maine.gov/mhrc/about](http://maine.gov/mhrc/about)

### *Emergency resources, confidential resources on campus and other support*

#### 1. Immediate Safety Concern

If the safety of any individual is an immediate concern, involved parties or observers can contact:

- Police, by dialing 911 in the United States. Waterville Police Department, by dialing 207- 680-4700 or at 10 Colby St, Waterville, ME 04901. Maine State Police, through this [link](#).
- Campus Security at 207-859-5911 (emergency number); 207-859-5530 (business number); 128 Roberts. Campus Security can assist individuals in accessing the Title IX Coordinator, the Deputy Title IX

Coordinators, and/or the Confidential Title IX Advocate outside of normal business hours.

2. Emergency Medical Treatment (including medical forensic exams)  
Transportation is available to these resources through Campus Security. Financial reimbursement for transportation for medical care may be reimbursed by the College.
  - MaineGeneral Medical Center 149 North Street, Waterville, Maine 04901, 207-872-1000
  - Northern Light Inland Hospital 200 Kennedy Memorial Drive Waterville, Maine 04901, 207-861-3000
3. On-Campus/Colby-Affiliated Confidential Resources  
The following staff are considered Confidential Employees and are available on campus on a confidential basis (“Confidential Resources”), meaning information disclosed to these individuals will not be reported or disclosed to the Title IX Coordinator/Deputy Title IX Coordinators or other members of the College community without the Complainant/Reporting Party’s consent, except in the limited circumstances described later in this section.

Kate Smanik  
Office of Religious and Spiritual Life/Confidential Resource Advisor Lorimer 034  
207-859-4272  
[kesmanik@colby.edu](mailto:kesmanik@colby.edu)

Kevin Murray  
Director of Student Access and Disability Services/Confidential Resource Advisor Eustis 103b  
207-859-4475  
[kjmurray@colby.edu](mailto:kjmurray@colby.edu)

Kay Shirley  
Assistant Dean of Student Success/Confidential Resource Advisor/Confidential Employee  
Eustis 107B  
207-859-4560  
[kshirley@colby.edu](mailto:kshirley@colby.edu)

[Colby Counseling Services/Counselor Providers](#)  
Garrison-Foster  
207-859-4490

Maine General College Health

149 North Street, Second Floor  
Waterville, Maine 04901  
207-861-6860

Academic Support  
[The Dean of Studies Office](#)  
Eustis 107  
207-859-4560

Confidential Resources can assist individuals by explaining how the Title IX and Maine Interpersonal Violence Policy processes and other College processes work; assist individuals with accessing Supportive Measures and accommodations for disabilities (including but not limited to confidential mental health supports, short-term academic and/or athletic accommodations, temporary housing changes, obtaining a no-contact directive), resources and other services available on and off-campus, including the police.

If an alleged incident of Sex Discrimination or Interpersonal Violence is reported to the Confidential Resource Advisor, the Confidential Resource Advisor:

- A. Shall notify all campus resources that are involved in providing or enforcing Supportive Measures or accommodations of their duties.
- B. May, if appropriate and directed by a student, assist the student in contacting or reporting to campus or local law enforcement agencies.
- C. Shall notify a student of their rights and the College's responsibility regarding institutional no-contact directives and no-trespass orders, as well as the College's responsibilities regarding a Protection From Abuse or Protection From Harassment Orders or any other lawful order issued by the College or by a criminal, civil or tribal court.

There are very rare circumstances where a Confidential Resource may have a professional obligation to divulge information disclosed to them, particularly if there is a serious risk of danger or threat to people or property. (In addition, there are requirements to report allegations of sexual and/or physical abuse of persons under the age of 18 under Maine law).

Individuals who contact a Confidential Resource always have the option to make a report to a Title IX Coordinator at a later time. In situations involving allegations of Sex-based Harassment or Interpersonal Violence, it is prohibited for a single Confidential Resource Advisor to work with both the Complainant/Reporting Party and Respondent/Responding Party in the same case.

4. Off-Campus Support Resources

The following are examples of off-campus resources available to individuals. Resources are available 24 hours per day.

Sexual Assault Crisis and Support Center (resource for **Reporting Parties**)  
(Local sexual assault support center)

16 Commerce Plaza Winthrop, ME 04364  
1-800-871-7741 (24/7)

*The Sexual Assault Crisis and Support Center provides: direct support through a 24/7 helpline, support groups, and one to one advocacy; hospital, law enforcement reporting, and court accompaniment; and prevention education.*

RAINN National Sexual Assault Hotline (resource for **Reporting Parties**)  
(National sexual assault hotline)

1-800-656-4673 24/7 Support, advocacy, information, and referrals for local services for anyone who has experienced sexual violence or is supporting someone who has experienced sexual violence.

The Family Violence Project (resource for **Reporting Parties**) (Domestic violence resource center)

83 Western Ave Augusta, ME 04330  
1-866-834-HELP

*The Family Violence Project provides direct support through a 24/7 helpline, support groups, and one to one advocacy; law enforcement reporting and court accompaniment; emergency and longer-term shelter options; and prevention education.*

Maine Victims' Compensation Program

207-624-7882 or 1-800-903-7882

*The Maine Victims' Compensation Program provides financial reimbursement for losses suffered by victims of violent crime and their families.*

National Suicide Prevention Hotline

988

*The Lifeline provides 24/7, free and confidential support for people in distress, prevention and crisis resources for you or your loved ones, and best practices for professionals in the United States.*

[\*Definitions: General Terms Applicable to Title IX Sex Discrimination \(Federal Law\) and Interpersonal Violence \(Maine Law\)\*](#)



This policy applies to and prohibits Sex Discrimination, including Sex-Based Harassment as defined under Title IX and Interpersonal Violence, which encompasses Sexual Violence, Intimate Partner Violence, or Stalking as defined under the Maine law. “Sexual misconduct” is an umbrella term used by the College to encompass a full range of conduct of a sexual nature that is prohibited in our community, whether under Title IX, Maine law, or another College policy.

Day: As used in this policy, a Day means a “business day,” Monday through Friday, but does not include days when the College is not open. During the academic year from the arrival of students in August through Commencement, the College is open except during periods of recess identified in the Academic Calendar. The College is open during the period in the summer months between Commencement and the arrival of students for the following academic year, except for Memorial Day, Juneteenth and July 4.

Grievance Procedure: The Title IX/Interpersonal Violence Grievance Procedure is initiated by a Complaint and is the process by which the Complaint is investigated and resolved.

Investigator: A trained professional designated to investigate the alleged conduct and to determine whether, based on a preponderance of the evidence, the conduct occurred and whether such conduct constitutes a violation of this Policy. The Title IX Coordinator or Deputy Title IX Coordinator, in consultation with other Colby administrators as appropriate, determines and assigns the Investigator for each case.

Party or Parties means a Complainant/Complaining Party or Respondent/Responding Party.

Retaliation means intimidation, threats, coercion, or discrimination against any person by the College, a student, or an employee (or other person authorized by the College to provide aid, benefit, or service under the College’s education program or activity) for the purpose of interfering with any right or privilege secured by Title IX or its regulations or Maine’s Interpersonal Violence law or because the person has reported information, made a Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations, Maine’s Interpersonal Violence Law, or this Policy. Retaliation includes, but is not limited to, peer retaliation. Nothing in this definition precludes the College from requiring an Employee (or other individual authorized by the College to provide aid, benefit, or service under the Colby’s education program or activity) to participate in, or otherwise assist with, an investigation or proceeding under this Policy.

Title IX Coordinator/Deputy Coordinators: The Title IX Coordinator is a trained administrator who is designated and authorized to oversee the College's compliance with Title IX and to assist individuals through the Title IX and Interpersonal Violence process. Deputy Title IX Coordinators are trained administrators or staff members who assist in the implementation of the Title IX policy and processing of Title IX and Interpersonal Violence reports or Complaints. A Deputy Title IX Coordinator may serve as the lead Title IX Coordinator in a particular case where the Title IX Coordinator has a conflict of interest or is unavailable.

Witness: An individual who has relevant information concerning a Complaint. Witnesses may include expert witnesses.

*Definitions: Terms Specific to Title IX (federal law)*

Advisor: An individual chosen by a Party to assist them during the course of the Grievance Procedure. A Party may have more than one Advisor – such as an Advisor for emotional support (a support Advisor) and an Advisor for the Grievance Procedure (a Grievance Advisor). An Advisor may be, for example, a parent, guardian, attorney, etc. Except during an Informal Resolution Process, Advisors may not speak for or on behalf of the Party. A Party, and not their Advisor, answers questions posed by the Investigator. Requests for Supportive Measures must be requested and agreed upon by the Party, not the Advisor. These restrictions on advisors do not prevent an Advisor, parent, or legal guardian from raising concerns about the well-being of a Party directly to the Title IX Coordinator, Class Dean or other Colby official, nor do they prevent a parent or legal guardian from acting on behalf of a minor or other individual as permitted under federal or state law.

Complainant means:

1. A Student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or
2. A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the recipient's education program or activity at the time of the alleged sex discrimination.

Note: that a person is entitled to make a complaint of Sex-based Harassment only if they themselves are alleged to have been subjected to the Sex-based Harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a Complaint consistent with the requirements of this policy and Title IX.

Complaint means an oral or written request to the College that objectively can be understood as a request for the College to investigate and make a determination

about alleged discrimination under Title IX or its regulations. A Complaint should be directed to the Title IX Coordinator.

Confidential Employee means a Colby employee whose communications are privileged or confidential under Federal or State law; a Colby employee whom the College has designated as confidential under the Title IX Regulations as set forth herein above for the purpose of providing services to persons related to Sex Discrimination; or a Colby employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about Sex Discrimination. All Colby Employees, except Confidential Employees and Confidential Resource Advisors must comply with the Policy's notification requirements.

Consent: In the context of sexual activity, Consent means all parties reasonably understand that they freely agree, through words and/or actions, to engage in sexual activity. Consent may be withdrawn at any time. A person does not "freely agree" to sexual activity when the agreement results from force, violence, threats, intimidation or coercion. A person does not "freely agree" where the person was incapacitated, and the other party knew or should have known of that Incapacitation.

Disciplinary sanctions mean consequences imposed on a Respondent following a determination under Title IX that the Respondent violated the College's prohibition on Sex Discrimination.

Employee: As used in this policy, an Employee is a staff or faculty member who is employed or has applied for employment, or is a volunteer in the College's education programs and activities, and who has the right to file a Complaint of Sex Discrimination under the Title IX regulations and this policy. A Student who is employed by the College may be considered an Employee for purposes of the Grievance Procedures under this policy, depending upon the particular circumstances. Students enrolled in a degree program who are employed by the College are not considered Employees for purposes of the notification requirements, except for Community Advisors, Area Residence Directors, other residence hall staff, and sexual violence prevention peer educators.

Incapacitation: In the context of sexual activity, Incapacitation means that a person lacks the ability or capacity to make rational, reasonable judgments about whether to Consent to sexual activity. Incapacitation exists when a person is asleep or unconscious, and can also exist because of a temporary mental or physical health condition, or when a person suffers from a substantial impairment of their mental or physical faculties as a result of drug or liquor use. Some indications of Incapacitation may include lack of control over physical movements, lack of awareness of circumstances or surroundings, and slurred speech.

Parental status means the status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is:

1. A biological parent;
2. An adoptive parent;
3. A foster parent;
4. A stepparent;
5. A legal custodian or guardian;
6. In loco parentis with respect to such a person; or
7. Actively seeking legal custody, guardianship, visitation, or adoption of such a person.

Pregnancy or related conditions means:

1. Pregnancy, childbirth, termination of pregnancy, or lactation;
2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Relevant means related to the allegations of Sex Discrimination under investigation as part of these Grievance Procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged Sex Discrimination occurred, and evidence is relevant when it may aid an Investigator in determining whether the alleged Sex Discrimination occurred.

Remedies means measures provided, as appropriate, to a Complainant or any other person the College identifies as having had their equal access to Colby's education program or activity limited or denied by Sex Discrimination. These measures are provided to restore or preserve that person's access to the College's education program or activity after Colby determines that Sex Discrimination occurred.

Respondent means a person who is alleged to have violated Colby's prohibition on Sex Discrimination.

Sex Discrimination includes all sex discrimination occurring under the College's education or program in the United States, including but not limited to discrimination based on sex stereotypes, sex characteristics, sexual orientation, gender identity, and pregnancy/parental status. Sex-Based Harassment is a form of Sex Discrimination.

Sex-Based Harassment is a form of Sex Discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

1. Quid pro quo harassment. An employee, agent, or other person (including students) authorized by Colby to provide an aid, benefit, or service under the College's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
2. Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
  - A. The degree to which the conduct affected the Complainant's ability to access the College's education program or activity;
  - B. The type, frequency, and duration of the conduct;
  - C. The Parties' ages, roles within the College's education program or activity, previous interactions, and other factors about each Party that may be relevant to evaluating the effects of the conduct;
  - D. The location of the conduct and the context in which the conduct occurred; and
  - E. Other sex-based harassment in the recipient's education program or activity.
3. Specific offenses
  - A. Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, which is defined as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, including:
    - i. Rape – sexual intercourse with a person without the consent of that person, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity or state of Incapacitation;
    - ii. Oral or anal sexual intercourse with another person without the consent of that person, including instances

where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity or state of Incapacitation.

- iii. Sexual Assault with an Object – Use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person without the consent of that person, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity or state of Incapacitation.
- iv. Fondling – The touching of the private body parts (for example, but not limited to, breasts, genitals, or buttocks) of another person for the purpose of sexual gratification without the consent of that person, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity or state of Incapacitation.
- v. Incest – sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- vi. Statutory Rape – A sexual act with another person who is not the perpetrator’s spouse and who is under the age of 14, or who is 14 or 15 and the perpetrator is at least 5 years older than the other person.

B. Dating violence meaning violence committed by a person:

- i. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- ii. Where 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;

C. Domestic violence meaning felony or misdemeanor crimes committed by a person who:

- i. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the State of Maine, or a person similarly situated to a spouse of the victim;
- ii. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- iii. Shares a child in common with the victim; or
- iv. Commits acts against a youth or adult victim who is protected from those acts under Maine's family or domestic violence laws.

In Maine, domestic violence includes the following crimes (more information available through legal citations): Domestic violence assault (17-A M.R.S. § 207-A); Domestic violence criminal threatening (17-A M.R.S. § 209-A); Domestic violence terrorizing (17-A M.R.S. § 210-B), Domestic violence stalking (17-A M.R.S. § 210-C); Domestic violence reckless conduct (17-A M.R.S. § 211-A).

- D. Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - i. Fear for the person's safety or the safety of others; or
  - ii. Suffer substantial emotional distress.

Student means a person who has gained admission. Note that a Student can make a Complaint of Sex-based Harassment only if they themselves are alleged to have been subjected to (i.e. experienced) the Sex-based Harassment or if they have a legal right to act on behalf of such person.

Supportive Measures means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

1. Restore or preserve that party's access to the College's education program or activity, including measures that are designed to protect the safety of the parties or the College's educational environment; or
2. Provide support during the College's Grievance Procedures or during an Informal Resolution Process.

*Definitions: Terms Specific to Interpersonal Violence (Maine law)*

Affirmative Consent: Consent to sexual activity that can be revoked at any time.

"Affirmative Consent" does not include silence, lack of resistance or consent given while Intoxicated.

Confidential Resource Advisor: The individual(s) the College has designated as confidential for the purpose of providing confidential emergency and ongoing support to survivors of Sexual violence, Intimate Partner Violence and Stalking.

Employee: An individual who is employed by Colby College, including a full-time, part-time or contracted Employee, or an individual who was employed Colby, including a full-time, part-time or contracted Employee, but has taken a leave of absence or terminated the employment as a result of having been a victim of Sexual Violence, Intimate Partner Violence, or Stalking or for any other reason.

Intimate Partner Violence: Any of the acts that constitute abuse under [Title 19-A, section 4102, subsection 1, paragraphs A to H](#) that are committed by an individual who is or has been in a social relationship with another individual of an intimate nature regardless of whether the individual were or are sexual partners.

Intoxication: A substantial impairment of an individual's mental or physical faculties as a result of drug or liquor use ([28-A M.R.S. § 2503\(2\)](#)).

Reporting Party: Any Student or Employee who reports having experienced an alleged incident of Sexual Violence, Intimate Partner Violence, or Stalking at Colby College.

Responding Party: Any individual who has been accused of an alleged incident of Sexual Violence, Intimate Partner Violence, or Stalking at Colby College.

Sexual Violence: Any conduct that constitutes:

1. Any crime under [Title 17-A, chapter 11](#) (Sexual Assaults);
2. Unauthorized dissemination of certain private images pursuant to [Title 17-A, section 511-A](#);
3. Aggravated sex trafficking or sex trafficking pursuant to [Title 17-A, section 852 or 853](#) respectively; or
4. Sexual Harassment as defined in [Title 14, section 6000, subsection 2-A](#).

Stalking: Any conduct that constitutes the crime of stalking under [Title 17-A, section 210-A](#).

Student: An individual who is enrolled or is seeking to be enrolled at Colby College and is a candidate for a degree or diploma or graduate certificate or has taken a leave of absence as a result of having been a victim of Sexual Violence, Intimate Partner Violence, or Stalking.



Trauma-Informed Response: A response by an individual who has received specific training in the complexities of trauma caused by Sexual Violence, Intimate Partner Violence, or Stalking including training on:

1. The neurobiological impact of trauma;
2. The influence of societal stereotypes or other misconceptions relating to the causes and impacts of trauma on an individual experiencing the trauma caused by Sexual Violence, Intimate Partner Violence, or Stalking;
3. Methodologies for avoiding perpetration of the trauma caused by Sexual Violence, Intimate Partner Violence, or Stalking; and
4. How to conduct an effective investigation of trauma.

### *After A Report or Notification of Sex Discrimination or Interpersonal Violence is Made*

This Section describes the College's response when the Title IX Coordinator becomes aware of conduct that reasonably may constitute Sex Discrimination or Interpersonal Violence. This Section applies even if a Complaint has not been made. As noted above, a report or notification does not automatically initiate the formal Grievance Procedure; however, even without a formal Complaint, the Title IX Coordinator will respond as described below to promptly and effectively end any Sex Discrimination in the College's education program or activity, prevent its recurrence, and remedy its effects.

### *Initial Response by Title IX Coordinator*

When notified of conduct that reasonably may constitute Sex Discrimination or Interpersonal Violence, the Title IX Coordinator will promptly and effectively end any Sex Discrimination in the College's education program or activity, prevent its recurrence, and remedy its effects. In doing so, the Title IX Coordinator will:

1. Treat the Complainant and Respondent equitably;
2. Offer and coordinate Supportive Measures as appropriate, for the Complainant. If the Grievance Procedure or an Informal Resolution process is initiated, then offer and coordinate supportive measures as appropriate for the Respondent.
3. Notify the Complainant or, if the Complainant is unknown, the individual who reported the conduct, of the Grievance Procedure and the applicable Track and the Informal Resolution Process, if appropriate and if a Complaint is made, notify the Respondent of the Grievance Procedure and the applicable Track and the Informal Resolution Process, if appropriate.
4. In response to a Complaint, initiate the Grievance Procedure and the applicable Track, or the Informal Resolution process if appropriate and requested by all parties.

### *Determination Whether to Initiate Title IX Coordinator Complaint*

In cases where the Title IX Coordinator is notified of conduct that reasonably may constitute Sex Discrimination, and in the absence of a Complaint or the withdrawal of any or all the allegations in a Complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator will determine whether to initiate a complaint as required under Title IX. The Title IX Coordinator must consider, at a minimum, the following factors:

1. The Complainant's request not to proceed with initiation of a Complaint;
2. The Complainant's reasonable safety concerns regarding initiation of a complaint;
3. The risk that additional acts of Sex Discrimination would occur if a Complaint is not initiated;
4. The severity of the alleged Sex Discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
5. The age and relationship of the parties, including whether the Respondent is an employee of the College;
6. The scope of the alleged Sex Discrimination, including information suggesting a pattern, ongoing Sex Discrimination, or Sex Discrimination alleged to have impacted multiple individuals;
7. The availability of evidence to assist a decisionmaker in determining whether Sex Discrimination occurred; and
8. Whether the College could end the alleged Sex Discrimination and prevent its recurrence without initiating its grievance procedures.

If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents the College from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a Complaint. Prior to the initiation of a Complaint under this Section, the Title IX Coordinator will notify the Complainant and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing Supportive Measures. Regardless of whether a Complaint is initiated under this Section, the Title IX Coordinator will take prompt and effective steps to ensure that Sex Discrimination does not continue or recur within the College's education program or activity.

### *Supportive Measures*

The Title IX Coordinator will offer and coordinate supportive measures as appropriate for the Complainant and/or Respondent to restore or preserve that person's access to the College's education program or activity or provide support

during the College's Grievance Procedures or during the Informal Resolution Process. Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties or the College's educational environment, or to provide support during the College's Grievance Procedures or during the informal resolution process. Supportive measures shall not be imposed for punitive or disciplinary reasons.

The following are examples of types of Supportive Measures that may be implemented, depending on the particular circumstances of the individuals involved and the claimed violation; this is not an exhaustive list:

- Referrals for mental health and medical services, on and off campus;
- Referrals to other support services and resources, on and off campus;
- Academic and/or athletic/co-curricular adjustments (such as deadline extensions, course changes, late add/drops, incompletes);
- Disability accommodations to participate in the Title IX process;
- Housing assistance (safe room, temporary change of room/residence hall, etc.);
- Assistance with changes in campus transportation;
- Assistance with changes in campus employment (schedule change, location change, etc.);
- Assistance with taking a leave of absence;
- Assistance with obtaining no-contact directives and/or no-trespass orders;
- Assistance in finding an Advisor for the Complaint process;
- Assistance in understanding the Title IX process and other College.

### *Emergency Removal and Administrative Leave*

Colby may remove a Student Respondent/Responding Party from its campus and/or College program on an emergency basis or place an Employee Respondent/Responding Party on administrative leave as set forth below. Any such decision to place a Student or Employee on emergency leave shall be made in compliance with any applicable disability laws, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act and the Maine Human Rights Act.

The College, in consultation with the Title IX Coordinator, may remove a Student Respondent/Responding Party from its education program or activity on an emergency basis:

1. If there is a determination (following an individualized safety and risk analysis) that there is an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of Sex Discrimination justifying removal.

2. The Respondent/Responding Party will be provided notice of the emergency removal, and will be provided an opportunity to challenge the decision immediately following the removal (this is an opportunity to be heard, not a hearing) by submitting a request in writing within **five (5) Days** of the notice of the removal to the Title IX Coordinator, who shall forward the request to the Dean of College or their designee. The Respondent/Responding Party has the burden to demonstrate why the emergency leave was unreasonable.

The Title IX Coordinator, in consultation with the General Counsel's office and either (i) the Provost (for faculty); or (ii) Human Resources and the Department Head (for staff) may also place an Employee Respondent on administrative leave from employment responsibilities during the pendency of the College's Grievance Procedures.

### *Grievance Procedures*

Colby will treat Complainants and Respondents equitably during the Grievance Procedure. The College requires that any Title IX Coordinator, Deputy Title IX Coordinator, or Investigator not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. **The College presumes that the Respondent is not responsible for the alleged Sex Discrimination until a determination is made at the conclusion of this Grievance Procedure.**

This section describes the procedures for addressing ALL Complaints of discrimination based on sex. A Complaint will be processed through one of two tracks - Track A or Track B. Each track outlines an investigation and determination process depending on the type of conduct and the identity of the parties involved:

Track A applies to:

ALL Complaints of Sex Discrimination, including all Complaints of Sex-Based Harassment involving Employees.<sup>[2]</sup> However, Track A cannot be used for complaints alleging Sex-Based Harassment where a Student is one of the Parties involved.

Track B applies ONLY to:

Complaints of Sex-Based Harassment where a Student is one of the parties involved (i.e. a Student is the Complainant or Respondent).

Be sure to review the "**Definitions**" sections of this Policy to understand the difference between Sex-Based Harassment, which is one type of discrimination based on sex, and other types of Sex Discrimination, such as discrimination based on sex characteristics or stereotyping, sexual orientation, gender identity and pregnancy/parental status.

If you have questions about which track applies to the Complaint you are involved in, please consult the Title IX Coordinator.

#### Relevant Evidence – Applicable to Both Tracks

The Investigator will objectively evaluate all evidence that is relevant and not otherwise impermissible – including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person’s status as a Complainant, Respondent, or witness. The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the Investigator to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a Confidential Employee or Confidential Resource Advisor, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party’s or witness’s records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the College obtains that party’s or witness’s voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the Complainant’s sexual interests or prior sexual conduct, unless evidence about the Complainant’s prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant’s prior sexual conduct with the Respondent that is offered to prove consent to the alleged Sex-Based Harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant’s consent to the alleged Sex-Based Harassment or preclude determination that Sex-Based Harassment occurred.

#### Consolidation of Complaints – Applicable to Both Tracks

The Title IX Coordinator may consolidate complaints of Sex Discrimination against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. The Title IX Coordinator will not consolidate complaints if consolidation would violate the Family Educational Rights and Privacy Act (FERPA). When more than one Complainant or more than one respondent is involved, references to a party, Complainant, or Respondent include the plural, as applicable.

### Advisors - Applicable to Both Tracks

The College will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the Advisor of their choice, who may be, but is not required to be, an attorney. The College will not limit the choice or presence of the Advisor for the Complainant or Respondent in any meeting or proceeding. The role of the Advisor is limited as follows. Except during an Informal Resolution Process, Advisors may not speak for or on behalf of the Party. Requests for Supportive Measures must be requested and agreed upon by the Party, not the Advisor. A Party, and not their Advisor, answers questions posed by the Investigator. Please note, however, that these restrictions on advisors do not prevent an Advisor, parent, or legal guardian from raising concerns about the well-being of a Party directly to the Title IX Coordinator, Class Dean or other Colby official, nor do they prevent a parent or legal guardian from acting on behalf of a minor or other individual as permitted under federal or state law.

### Notice of Allegations - Applicable to Both Tracks

Upon initiation of the Grievance Procedure, the Title IX Coordinator will notify the parties in writing of the following, at least **five (5) Days** before any initial interview:

- The College's Grievance Procedures and which Track applies, and, if appropriate, any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute Sex Discrimination, and the date(s) and location(s) of the alleged incident(s);
- That Retaliation is prohibited;
- That the Respondent is presumed not responsible for the alleged Sex Discrimination or Sex-Based Harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Investigator;
- The parties may have an advisor of their choice who may be, but is not required to be, an attorney;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence; and
- This Policy prohibits knowingly making false statements or knowingly submitting false information during the grievance procedures.

If, in the course of an investigation, the College decides to investigate additional allegations of Sex Discrimination or Sex-Based Harassment by the Respondent toward the Complainant that are not included in the written notice or that are included in a consolidated complaint, it will provide written notice of the additional allegations to the parties.

### *Investigation and determination: TRACK A*

Track A applies to all Sex Discrimination Complaints that: (i) do not allege Sex-Based Harassment or (ii) allege Sex-Based Harassment without a student party.

The Title IX Coordinator, in consultation with other Colby administrators as appropriate, will appoint the Investigator to conduct an adequate, reliable, and impartial investigation of the Complaint and make a determination as to whether or not the alleged Sex Discrimination occurred. The burden is on Colby – not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether Sex Discrimination occurred.

#### A. Investigation Process – TRACK A

During the investigation, the Investigator will:

- Interview the parties;
- Provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible;
- Gather information and evidence relevant to the Complaint and not otherwise impermissible, including inculpatory and exculpatory evidence
- Interview witnesses and conduct such other activities that will assist in ascertaining facts (site visits, review of documents, etc.). The decision to interview witnesses or conduct other information-gathering activities is at the discretion of the Investigator;
- To the extent credibility is both in dispute and relevant to evaluating one or more allegations of Sex Discrimination, question the parties and witnesses and conduct follow up interviews as necessary and appropriate to assess credibility;
- Review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance;
- Prior to making any factual findings or a determination of responsibility, the Investigator will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible in the following manner:
  - The Title IX Coordinator will provide the parties with the evidence appendix;
  - The parties must acknowledge that they will not further disseminate information and evidence obtained solely through the Grievance Procedure; however, disclosures of such

information and evidence for purposes of administrative proceedings or litigation related to the Complaint of sex discrimination are authorized; and

- The parties will be provided **ten (10) Days** to respond to the evidence appendix by submitting a response in writing to the Title IX Coordinator, who shall forward the responses, if any, to the Investigator.
- The Investigator shall consider the parties' written responses prior to making any factual findings or a determination as to responsibility.
- The Investigator will promptly notify the Title IX Coordinator when the Investigation Process is completed.

#### B. Mitigation and Impact Statements – TRACK A

The Title IX Coordinator will promptly notify the Parties when the Investigation Process is completed. Within **five (5) Days** of such notification, the Parties may submit to the Title IX Coordinator written mitigation and/or impact statements related to potential sanctions. If the Investigator determines Sex Discrimination occurred as set forth below, then the Investigator will notify the Title IX Coordinator. The Title IX Coordinator will provide the Sanctioning Panel/Officer with copies of the parties' statements, if any. If the Investigator determines that Sex Discrimination did not occur, then the Title IX Coordinator will not release the statements.

#### C. Determination of Whether Sex Discrimination Occurred – TRACK A

Following the investigation and evaluation of all relevant and not otherwise impermissible evidence and the parties' responses to the evidence, if any, the Investigator will prepare and submit a report to the Title IX Coordinator to include factual findings and a determination, by a preponderance of the evidence standard, whether Sex Discrimination occurred. The report will include the rationale for such determination. The standard of proof requires the Investigator to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the Investigator is not persuaded by a preponderance of the evidence that Sex Discrimination occurred, whatever the quantity of the evidence is, the Investigator will not determine that Sex Discrimination occurred.

In the event there is a determination that the alleged Sex Discrimination did not occur, the Title IX Coordinator will promptly, but no later than **seven (7) Days** after receiving the Investigator's report, provide to the Parties the Investigator's report and the procedures and permissible bases for the Complainant and Respondent to appeal.

In the event there is a determination that Sex Discrimination occurred, the Title IX Coordinator will comply with the Disciplinary Sanctions and Remedies provisions in Section XI(H) below.



### *Investigation and Determination: TRACK B*

Track B applies to Sex-Based Harassment Complaints involving a student party (either a Complainant or a Respondent). The Title IX Coordinator, in consultation with other Colby administrators as appropriate, will appoint the Investigator to conduct an adequate, reliable, and impartial investigation of the Complaint and make a determination as to whether or not the alleged Sex-Based Harassment occurred. The burden is on Colby – not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether Sex-Based Harassment occurred.

#### A. Investigation Process – TRACK B

During the investigation, the Investigator will:

- Provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate;
- Provide an equal opportunity for the parties to present fact witnesses, and expert witnesses, if applicable, and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible
- Gather information and evidence relevant to the Complaint and not otherwise impermissible, including inculpatory and exculpatory evidence
- Interview witnesses and conduct such other activities that will assist in ascertaining facts (site visits, review of documents, etc.). The decision to interview witnesses or conduct other information-gathering activities is at the discretion of the Investigator;
- Review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance
- Provide each party and the party’s advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of Sex-Based Harassment and not otherwise impermissible, in the following manner:
  - The Investigator will provide both parties with an equal opportunity to access the relevant and not otherwise impermissible evidence set forth in an evidence appendix;
  - The Title IX Coordinator will provide the parties with the evidence appendix;
  - The parties must acknowledge that they will not further disseminate information and evidence obtained solely through the Grievance Procedure;
  - The parties will be provided **ten (10) Days** to respond to the evidence appendix by submitting a response in writing to the Title IX Coordinator, who shall forward the responses, if any to the Investigator.

- The Investigator shall consider the parties' written responses and the information obtained during the questioning section below prior to making any factual findings or a determination as to responsibility.

#### B. Questioning the Parties and Witnesses – TRACK B

The following process enables the Investigator to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of Sex-Based Harassment. The following process is provided for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility:

- The Investigator will ask such questions during individual meetings with a party or witness;
- The Investigator will allow each party to propose such questions that the party wants asked of any party or witness and those questions will be asked by the Investigator during one or more individual meetings, including follow-up meetings, subject to the procedures for evaluating and limiting questions discussed below;
- In asking the questions posed by the parties, the Investigator may reword or rephrase a proposed question for clarity so long as the reworded or rephrased question is designed to address or reach the same point or issue
- The Investigator will provide each party with a transcript of the interviews and follow-up meetings of the other party and witnesses; and
- Each party will have **seven (7) Days** after being provided with a copy of the transcript to propose follow-up questions to the Investigator.
- It is within the Investigator's discretion to determine when to conclude the questioning phase and follow-up questioning phase so long as both parties are provided an equal opportunity to ask follow-up questions.
- The Investigator will promptly notify the Title IX Coordinator when the Investigation Process, including the questioning phase is completed.

The Investigator will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The Investigator will give a party an opportunity to clarify or revise a question that the Investigator determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked.

The Investigator may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The Investigator will not draw an inference about whether Sex-

Based Harassment occurred based solely on a party's or witness's refusal to respond to such questions.

### C. Mitigation and Impact Statements – TRACK B

The Title IX Coordinator will promptly notify the Parties when the Investigation Process, including the questioning phase, is completed. Within **five (5) Days** of such notification, the Parties may submit to the Title IX Coordinator written mitigation and/or impact statements related to potential sanctions. If the Investigator determines Sex-Based Harassment occurred as set forth below, then the Investigator will notify the Title IX Coordinator. The Title IX Coordinator will provide the Sanctioning Panel/Officer with copies of the parties' statements, if any. If the Investigator determines that Sex-Based Harassment did not occur, then the Title IX Coordinator will not release the statements.

### D. Determination of Whether Sex-Based Harassment Occurred – TRACK B

Following the investigation process set forth above and an evaluation of all relevant and not otherwise impermissible evidence and the parties' responses to the evidence, if any, the Investigator will use the preponderance of the evidence standard of proof to determine whether Sex-Based Harassment occurred. The standard of proof requires the Investigator to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the Investigator is not persuaded by a preponderance of the evidence that Sex-Based Harassment occurred, whatever the quantity of the evidence is, the Investigator will not determine that Sex-Based Harassment occurred.

The Investigator will prepare a report to include the following:

- A description of the alleged Sex-Based Harassment;
- Information about the policies and procedures that the Investigator used to evaluate the allegations;
- The Investigator's evaluation of the relevant and not otherwise impermissible evidence and determination whether Sex-Based Harassment occurred;
- The College's Appeal procedures and the permissible bases for the Complainant and Respondent to appeal.

In the event the Investigator finds that the alleged Sex-Based Harassment did not occur, the Title IX Coordinator will promptly, but no later than **seven (7) Days** after receiving the Investigator's report, notify the parties simultaneously in writing of the determination whether Sex-Based Harassment by sharing the Investigator's report with the parties.

In the event the Investigator finds that Sex-Based Harassment occurred, the Title IX Coordinator will comply with the Disciplinary Sanctions and Remedies provisions described below. The Title IX Coordinator will inform the Investigator of the sanctions and remedies, if any, and the Investigator will include in their report any

disciplinary sanctions the College will impose on the Respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by the College to the Complainant, and, to the extent appropriate, other students identified by the College to be experiencing the effects of the Sex-Based Harassment. The Title IX Coordinator will promptly, but no later than **seven (7) Days** after receiving the Investigator's report, notify the parties simultaneously in writing of the determination whether Sex-Based Harassment by sharing the Investigator's report with the parties.

#### *Disciplinary Sanctions and Remedies Applicable to Both Tracks*

The College will not impose discipline on a Respondent for Sex Discrimination prohibited by this Policy unless there is a determination at the conclusion of the grievance procedures that the Respondent engaged in prohibited Sex Discrimination. The College will comply with the Grievance Procedure before the imposition of any disciplinary sanctions against a Respondent.

If there is a determination that Sex Discrimination and/or Sex-Based Harassment occurred under either Track A or Track B, then the Title IX Coordinator will coordinate the imposition of any disciplinary sanctions on a Respondent by submitting the Investigator's report and the parties' mitigation and/or impact statements, if any, to the appropriate sanctioning official(s) identified below. All individuals involved in sanctioning decisions will be trained as required under Title IX and Maine law.

- For student Respondents: the Dean of Students or their designee
- For staff member Respondents: the employee's Director, in consultation with Human Resources
- For faculty Respondents: Associate Provost or their designee
- For all other Respondents or matters: the Title IX Coordinator, in consultation with the General Counsel's office, will designate an appropriate sanctioning official, taking into consideration the circumstances of the case, including the Complainant and Respondent's relationship with the College.

The sanctioning official(s) will make a sanctioning decision based on the factual findings and determination in the Investigator's report. In making a decision, the sanctioning official may consult with other College administrators, as appropriate, and may also consider the parties' mitigation and/or impact statements, if any, and other factors including but not limited to the severity of the violation and the Respondent's prior discipline, if any. The sanctioning official(s) will promptly notify the Title IX Coordinator of its decision in writing. The Title IX Coordinator will promptly notify the Investigator of the sanctioning decision, which will be incorporated into the Investigator's report as described above.

The Title IX Coordinator will also coordinate the provision and implementation of remedies to a Complainant and other people the College identifies as having had equal access to Colby's education program or activity limited or denied by Sex Discrimination or Sex-Based Harassment and take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within Colby's education program or activity.

The College will not discipline a party, witness, or others participating in the Grievance Procedures for making a false statement or for engaging in consensual sexual conduct based solely on the outcome of the investigation or findings made by the Investigator (i.e. whether Sex Discrimination occurred).

### Disciplinary Sanctions

Following a determination that Sex Discrimination or Sex-Based Harassment occurred, the College may impose disciplinary sanctions, which may include:

#### **Students**

The following are examples of the types of sanctions that may be imposed on a Student Respondent/Responding Party when there is a determination that they are responsible for one or more violations of this policy:

- Warning: A formal written statement that the Student's behavior was unacceptable and a warning that future violations of College policies and rules will result in more severe action.
- Probation: A formal statement that any future violations of College policies and rules will result in possible suspension or expulsion. Terms of the probation will be specified and may include denial of social privileges; exclusion from activities; housing restrictions/loss; referral to counseling or other supports; and/or other measures deemed appropriate.
- Suspension: Termination of Student status for a definite period or for an indefinite period with the right to re-apply after a specific length of time. Suspension may include specific conditions for the Student's return. A Student returning from suspension remains on disciplinary probation for the remainder of the Student's Colby career. Other restrictions may be imposed as deemed appropriate.
- Expulsion: Permanent separation from the College.
- Withholding Diploma: The College may withhold a Student's diploma for a specified period of time and/or prohibit participation in commencement and activities associated with commencement if the Student has disciplinary charges pending, or as a sanction if the

Student is found responsible for an alleged violation.

- Revocation of Degree: In extraordinary circumstances, the College reserves the right to revoke a degree awarded by the College for Sex Discrimination or Interpersonal Violence committed by a Student prior to graduation if a finding of responsibility is not concluded until after graduation or in other aggravating circumstances.
- Other Actions: Such other action as the sanctioning official may reasonably deem appropriate. Examples include, but are not limited to:
  - Mandated counseling or substance use counseling.
  - Apology.
  - Facilitated meeting with Complainant/Reporting Party and/or other affected individuals (only with agreement of Complainant/Reporting Party and other affected individuals).
  - Campus or community service.
  - Restitution (for damages related to a Sexual Harassment or Interpersonal Violence incident).
  - Housing sanctions (including, but not limited to, loss, revocation or restriction of privilege to live in College housing or specific types of housing, alteration of status in housing lottery).
  - Loss of existing, or loss of opportunity for leadership positions, campus employment, extracurricular activities and/or off-campus study.
  - Loss of social privileges, such as the ability to attend or participate in social, extracurricular and/or alumni activities and events.
  - No-contact directives and/or no-trespass orders on campus or at College events for a predetermined or indefinite period of time.

### **Staff**

The following are examples of the types of sanctions that may be imposed on a staff member Respondent/Responding Party when there is a determination that they are responsible for one or more violations of this Policy.

- Written warning.
- Probation.
- Demotion.
- Suspension with or without pay.
- Termination.
- Forfeiture of pay increase.
- Loss of supervisory responsibilities.

- Performance improvement/performance management plan.
- Counseling.
- Training.
- Apology or facilitated meeting(s).
- No-contact directive and/or no-trespass orders on campus or at College events for a predetermined or indefinite period of time.
- Loss/relocation of office.
- Loss of College housing.
- Loss of other privileges.

### **Faculty**

In addition to the above sanctions, faculty may also face sanctions that include, but are not limited to the following:

- Loss of department, division or program chair.
- Loss of research funds or other funds.
- Loss of named chair.
- Restrictions on interaction with department/program.
- Loss of tenure.
- Suspension.
- Dismissal.

### **Other Respondent/Responding Party**

For all other Respondents not described above, the College may impose appropriate sanctions, including but not limited to:

- Warning: A formal written statement that the person's behavior was unacceptable and a warning that future violations of College policies and rules will result in more severe action;
- No-contact directive and/or no-trespass orders on campus or at College events for a predetermined or indefinite period of time;
- Termination of any privilege available or offered by the College;
- Permanent separation from the College; or
- Other actions as the Sanction Panel may reasonably deem appropriate under the facts and circumstances.

### Remedies

The College may also provide remedies, which are measures used to ensure that the Complainant/ Reporting Party has equal access to the College's education programs and activities following a determination of responsibility. Such remedies may include the measures described under Section IX, Supportive Measures, and may include other appropriate measures, depending upon the determination and the needs of the Complainant/Reporting Party. The Title IX Coordinator is responsible for implementing remedies and providing any needed assistance to the Complainant/Reporting Party.

### *Appeals - Applicable to Both Tracks*

Parties have the opportunity to appeal from a dismissal of a Complaint or a determination whether Sex Discrimination or Sex-Based Harassment occurred on the following bases:

- Procedural irregularity that would change the outcome, including specifying how it would change the outcome;
- New evidence that would change the outcome, including specifying how it would change the outcome, and that was not reasonably available when the determination or dismissal was made;
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against Complainant/Reporting Parties or Respondent/Responding Parties generally, or the individual Complainant/Reporting Party or Respondent/Responding Party that would change the outcome;
- That a sanction imposed was improper in light of aggravating or mitigating circumstances not known at the time that a Party was provided an opportunity to comment on sanctions, if any, or was not properly considered by the Sanctioning Panel/Official (only applicable to appeals from a determination that Sex Discrimination or Sex-Based Harassment occurred).

An appeal of a dismissal of a Complaint or determination of whether Sex Discrimination or Sex-Based Harassment occurred must be filed in writing within ten (10) Days of receiving the notice of dismissal or determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Unless granted an extension for good cause by the Title IX Coordinator before the expiration of the appeal period, appeals submitted after this deadline are not timely and shall not be considered.

Appeals must be filed by email to the Title IX Coordinator, who shall refer it to the appropriate appeals officer:

- For student Respondents: the Dean of the College or their designee
- For staff member Respondents: the Senior Human Resources Staff member and Chief Human Resources Officer
- For faculty Respondents: the Provost or their designee
- For all other Respondents or matters: the Title IX Coordinator, in consultation with the General Counsel's office, will designate an appropriate appeals officer, taking into consideration the circumstances of the case, including the Complainant and Respondent's relationships with the College.

In the event of a conflict of interest or bias, or unavailability, other officers of the College may serve as appeals officers as designated by the Title IX Coordinator in consultation with the General Counsel's office. The Title IX Coordinator will:



- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint; and
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations and Maine law.

The Title IX Coordinator shall provide a notice of and a copy of the appeal to all other Parties, including a notice of allegations, if notice was not previously provided to the Respondent (i.e. an appeal of a dismissal of a Complaint prior to the Respondent being notified). The other Parties shall have seven (7) Days from the notice of the appeal to submit a response in writing by email to the Title IX Coordinator addressing the appeal, which shall be shared with the appealing party. The officer considering the appeal shall conduct an impartial review of the appeal, including consideration of the record of the matter, and may consult with other College officials/General Counsel in making their decision.

Within fifteen (15) Days of receiving the other Parties' written statements addressing the appeal, the appeals officer shall issue a written decision describing the result of the appeal and rationale for the result. The Title IX Coordinator will provide the result of the appeal and the rationale for the result to the Parties simultaneously in writing. The appeal officer may: 1) deny the appeal; 2) grant the appeal and send back the matter to the Investigator for further consideration; 3) grant the appeal by revising the sanction; or 4) grant the appeal of a dismissal of a Complaint and order that an investigation be conducted under the applicable Track.

### *Dismissals of Complaints*

The College may dismiss a Complaint of Sex Discrimination if:

1. The College is unable to identify the Respondent after taking reasonable steps to do so;
2. The Respondent is not participating or seeking to participate in the College's education program or activity and is not employed by the College;
3. The Complainant voluntarily withdraws any or all of the allegations in the complaint,
4. The Title IX Coordinator declines to initiate a complaint, and the College determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute Sex Discrimination under Title IX even if proven; or the College determines the conduct alleged in the complaint, even if proven, would not constitute Sex Discrimination under Title IX. Before dismissing the complaint, the Title IX Coordinator will make reasonable efforts to clarify the allegations with the Complainant.

Upon dismissal, the Title IX Coordinator will promptly notify the Complainant of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then the Title IX Coordinator will notify the parties simultaneously in writing.

The College will notify the Complainant that a dismissal may be appealed on the bases outlined herein. If dismissal occurs after the Respondent has been notified of the allegations, then the College will also notify the Respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, the College will follow the procedures outlined in the Appeals section above.

When a complaint is dismissed, the College will, at a minimum:

- Offer supportive measures to the Complainant as appropriate;
- If the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within Colby's education program or activity.

### *Informal Resolution Process*

In lieu of resolving a Complaint through Colby's Grievance Procedures, the parties may instead elect to participate in an informal resolution process. Participation in the informal resolution process is voluntary. An informal resolution process can be started at any time and does not require the filing of a Complaint or the initiation of the Grievance Procedure. Informal resolution is not available to resolve a complaint that includes allegations that an employee engaged in Sex-Based harassment of an elementary school or secondary school student, or when such process would conflict with federal, state, or local law.

Informal resolution can take many forms, depending on the particular case. Examples include but are not limited to: facilitated discussions between the Parties; restorative justice; acknowledgment of responsibility by a Respondent/Responding Party; apologies; agreed upon sanctions against a Respondent/Responding Party or requirements to engage in specific services; or Supportive Measures.

Before the initiation of an informal resolution process, the Title IX Coordinator will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume Grievance Procedures at any time before agreeing to a resolution;

- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information Colby will maintain and whether and how the College could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

Any terms in an informal resolution that include involvement by the College must be approved by the Title IX Coordinator. If an informal resolution agreement is reached, it must be signed by the Parties and the College. Once signed, the agreement is final and binding according to its terms.

If an informal resolution process does not resolve the Complaint, nothing from the informal resolution process may be considered as evidence in the Grievance Procedure. An informal resolution facilitator may not be a Witness during the Grievance Procedure.

### *Timeframes*

The College seeks to resolve all Complaints in a prompt and timely manner. Colby has established the following reasonably prompt timeframes for the major stages of the Grievance Procedures:

- Initial evaluation of the Complaint (i.e., the decision whether to dismiss or investigate a Complaint) will be concluded within ten (10) Days of receipt of the Complaint.
- Investigation and determination will be concluded within 120 Days from the date of the notice of Investigation.
- Notice to parties of the determination and, if there is a finding of responsibility, sanctions, if any, will be made in writing within seven (7) Days after the determination or the determination of the sanction, if applicable.
- An appeal, if any, will be concluded within fifteen (15) Days of receipt of the appeal, or response to the appeal, whichever is later.

The specific circumstances and complexity of each Complaint varies widely. Accordingly, the Title IX Coordinator may grant reasonable extensions of these timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay. Good cause to extend the timeframes may be based on the complexity of the investigation, including but not limited to the number of witnesses involved or the amount of documentation, or extenuating circumstances, including but not limited to intervening College breaks or exams or the availability of the parties or witnesses. A Party's request for an extension must

be made to the Title IX Coordinator in writing setting forth the reason and the requested length of the extension.

### *Privacy*

The College will take reasonable steps to protect the privacy of the parties and witnesses during its Grievance Procedure. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consulting with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the Grievance Procedure. The College will not disclose the identity of the Complainant/Reporting party or the Respondent/Responding party, except as necessary to carry out this Policy or as otherwise permitted under state or federal law.

### *Prohibition on Retaliation*

As noted above in the Definitions section, Retaliation means intimidation, threats, coercion, or discrimination against any person by the College, a student, or an employee or other person authorized by the College to provide aid, benefit, or service under the College's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations or Maine's Interpersonal Violence law or because the person has reported information, made a Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations, Maine's Interpersonal Violence law, or this Policy. Retaliation includes, but is not limited to, peer retaliation. Retaliation is strictly prohibited. The parties cannot engage in Retaliation, including against witnesses. The prohibition on Retaliation does not preclude the College from requiring an Employee (or other individual authorized by the College to provide aid, benefit, or service under the Colby's education program or activity) to participate in, or otherwise assist with, an investigation or proceeding under this Policy.

When the College has information about conduct that reasonably may constitute Retaliation under Title IX, the Title IX Coordinator will comply with this Policy and, upon receiving a Complaint alleging Retaliation, the Title IX Coordinator will initiate the Grievance Procedure and Track A as set forth above will apply, or as appropriate, an Informal Resolution Process under this Policy. If the Complaint of Retaliation is consolidated with a Complaint of Sex-based Harassment involving a Student Complainant or Student Respondent, then the Title IX Coordinator will initiate the Grievance Procedure and Track B will apply.

### *Amnesty for possible conduct violations related to sex discrimination, sex-based harassment, and interpersonal violence reports*

The College strongly encourages individuals to report Sex Discrimination, Sex-Based Harassment, and Interpersonal Violence, as it takes these matters very

seriously. As a result, the College will generally not subject an individual making such a report/Complaint or a Complainant/Reporting Party to disciplinary action for possible violations of the Student Code of Conduct. These violations refer solely to personal consumption of alcohol or drugs, trespassing, or unauthorized entry of the College's facilities connected with the reported incident. However, amnesty only applies if the report or Complaint was made in good faith and if the conduct violation was not egregious, and did not result in harm to other individuals.

The extent of any amnesty will be considered in light of the facts of a particular case, and the College will have sole discretion to determine whether or not to address co-occurring conduct violations of the Code of Conduct.

The College also has the discretion to encourage individuals who are granted amnesty from disciplinary sanctions to engage in substance use counseling or other appropriate services.

#### *Prohibited Faculty and Staff Relationships with Students*

It is a violation of College policy for any officer, faculty, administrator, or staff member of the College to engage in a romantic, dating and/or sexual relationship with a Student. Even if the conduct alleged is consensual and/or does not constitute a violation of this Policy, the conduct will be addressed through the conduct processes applicable to faculty, staff, or the community member. Individuals who have questions about this issue should consult with the Title IX Coordinator/Deputy Title IX Coordinator or a Confidential Resource.

#### *False Reports and Statements*

False reports and/or intentionally and knowingly making materially false statements in bad faith in connection with this Policy to any College official, appointed Investigator, or in the course of any College proceeding, is prohibited and will be addressed through the conduct processes applicable to students, faculty, or staff, based on the nature of the report. The College will not discipline a party, witness, or others participating in the Grievance Procedures for making a false statement based solely on the outcome or findings of an investigation. In other words, a statement or report submitted by a party, witness or others is not false if the investigator issues a finding which is inconsistent with that statement or report, unless the person knew the submitted report or statement was materially false.

#### *Student Pregnancy or Related Conditions*

Colby does not discriminate in its education program or activity against any Student based on the Student's current, potential, or past pregnancy or related conditions. This section addresses the College's responsibilities and process for responding to a Student's pregnancy or related conditions. To the extent it is consistent with its obligations under Title IX, Colby will treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical

conditions with respect to any medical or hospital benefit, service, plan, or policy the College administers, operates, offers, or participates in with respect to students admitted to the College's education program or activity. The College's responsibilities and process for responding to an Employee's pregnancy is set forth in the Staff Handbook and the Faculty Handbook. Questions related to those Employee processes should be directed to Human Resources (for staff) or the Department Chair and/or the Associate Provost for Faculty Affairs (for faculty).

A. Employee Obligations and Responsibilities

When a Student, or a person who has a legal right to act on behalf of the Student, informs any Colby employee of the Student's pregnancy or related conditions, unless the employee reasonably believes that the Title IX Coordinator has been notified, the employee must promptly provide that person with the Title IX Coordinator's contact information and inform that person that the Title IX Coordinator can coordinate specific actions to prevent Sex Discrimination and ensure the Student's equal access to Colby's education program or activity.

B. Title IX Coordinator Response

Once the Title IX Coordinator becomes aware of the Student's pregnancy or related conditions, the Title IX Coordinator will inform the student, and if applicable, the person who notified the Title IX Coordinator of the student's pregnancy or related conditions and has a legal right to act on behalf of the student, of the College's obligations under Title IX related to the Student's pregnancy or related conditions, provide the College's statement of nondiscrimination, and provide the information and options in this Section.

The Title IX Coordinator will also implement the following steps:

- The Title IX Coordinator will provide reasonable modifications to the College's policies, practices, or procedures as necessary to prevent Sex Discrimination and ensure equal access to Colby's education program or activity to the Student.
  - Each reasonable modification shall be based on the Student's individualized needs. In determining what modifications are required, the Title IX Coordinator shall consult with the Student.
- The Student has discretion to accept or decline each reasonable modification offered by the Title IX Coordinator.
- If a Student accepts the offered reasonable modification, the Title IX Coordinator, working in conjunction with appropriate College officials, shall implement it.

A modification that the College can demonstrate would fundamentally alter the nature of its education program or activity is not a reasonable modification. Subject to that limitation, reasonable modifications may include, but are not limited to the following:

- Breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom;
- Intermittent absences to attend medical appointments;
- Access to online or homebound education;
- Changes in schedule or course sequence;
- Extensions of time for coursework and rescheduling of tests and examinations;
- Allowing a student to sit or stand, or carry or keep water nearby;
- Counseling;
- Changes in physical space or supplies (for example, access to a larger desk or a footrest);
- Elevator access; or
- Other changes to policies, practices, or procedures that do not fundamentally alter the nature of its education program or activity is not a reasonable modification.

C. Voluntary Access to Separate and Comparable Programs and Voluntary Leaves

In addition, if applicable, the College shall allow the Student to voluntarily access any separate and comparable portion of the College's education program or activity offered to students who are not pregnant and do not have related conditions.

The College will also permit the student to voluntarily take a leave of absence from the College's education program or activity to cover, at minimum, the period of time deemed medically necessary by the Student's licensed healthcare provider. To the extent that a Student qualifies for leave under the College's leave policy that allows a greater period of time than the medically necessary period, the College shall permit the Student to take voluntary leave under that policy instead if the Student so chooses. When the Student returns to Colby's education program or activity, the Student shall be reinstated to the academic status and, as practicable, to the extracurricular status that the Student held when the voluntary leave began.

D. Lactation Space

The Title IX Coordinator shall ensure that the Student can access to a lactation space, which must be a space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed. Any Student who needs assistance locating a space that meets these requirements should contact the Title IX Coordinator or a Deputy Title IX Coordinator and that

individual, in consultation with appropriate College officials, as necessary, will promptly assist the Student.

## **Title IX And Interpersonal Violence Policy Training**

The College shall ensure that annual training required is provided to all individuals related to the Title IX and Interpersonal Violence Policies as required under federal and Maine law, and hence engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and,
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for employees and students.

Such training includes, but may not be limited to the following:

Mandatory awareness programming for incoming Students and all Employees of the College. Awareness programming shall be made available to all returning Students of the College:

- The definitions of Sexual Violence, Intimate Partner Violence, and Stalking;
- The definition of Affirmative Consent and the role that drugs and alcohol play in an individual's ability to provide Affirmative Consent;
- Options for reporting;
- The College's procedures for resolving reports of Sexual Violence, Intimate Partner Violence, and Stalking and the range of sanctions or penalties that the institution may impose on Students and Employees who are found responsible;
- The name, contact information and role of the Confidential Resource Advisor; information about the local sexual assault support center and domestic violence resource center, their confidential services, and how to access those services;
- Bystander intervention and risk reduction strategies.
- Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harms or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening and identifying safe and effective intervention options, and taking action to intervene.



- Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- Sensitivity to marginalized groups that recognizes the disproportionate impacts and rates of occurrence of Sexual Violence, Intimate Partner Violence, and Stalking on members of marginalized groups including but not limited to people of color, people with disabilities, and lesbian, gay, bisexual, and transgender people.
- Annual training for Title IX Coordinators, campus safety personnel, and individuals involved in the disciplinary process
- The definitions of and information on particular types of conduct that constitute Sexual Violence, Intimate Partner Violence, and Stalking;
- The definition of Affirmative Consent and the role that drugs and alcohol play in an individual's ability to provide Affirmative Consent;
- Information about providing a Trauma-Informed Response when working with and interviewing victims of an alleged incident of Sexual Violence, Intimate Partner Violence, or Stalking;
- The effects of trauma, including the neurobiological impacts on an individual;
- Cultural competency training regarding how Sexual Violence, Intimate Partner Violence, and Stalking may affect Students differently depending on a Student's cultural background, national origin, sex, ethnicity, religion, gender identity, gender expression, and sexual orientation
- Methods of communicating sensitively and compassionately with a Reporting Party, including an awareness of responding to a Reporting Party with a consideration of that party's cultural background and providing services to or assisting in locating services for the Reporting Party;
- Information regarding how Sexual Violence, Intimate Partner Violence, and Stalking may affect Students with developmental or intellectual disabilities; and
- Methods of communicating sensitively with a Responding Party, including an awareness of the emotional impact of an allegation of Sexual Violence, Intimate Partner Violence, and Stalking.

The Title IX Coordinator shall ensure that training materials shall be posted on the College's website.

## **Student and New Employee Sexual Misconduct, Intimate Partner Violence and Harassment Training**

Central to Colby's effort to create a respectful and knowledgeable campus is our mandatory sexual misconduct prevention programming for first-year and second-year students. This programming engages students with this important topic as

they adjust to their new community. During the fall semester, the mandatory sexual misconduct prevention programming for first- year students consists of a presentation during orientation week and a two-session interactive sexual misconduct prevention training.

Using a national model entitled Speak About It, the students are introduced to issues including sexual communication, sexual consent, sexual violence, risk reduction, and dating violence.

This a mandatory part of the orientation programming.

The two-session sexual misconduct prevention training engages the students in a sustained discussion about the complex issues introduced by Speak About It. The sessions are led by a team of trained sexual violence prevention peer educators. The peer-led training sessions give students a comprehensive understanding of Colby's sexual misconduct policies and procedures and introduce you to the basic skills necessary to safely intervene in incidents of sexual misconduct before they escalate. The training also gives the students the tools to effectively support a friend who may have experienced sexual misconduct.

Second-year Colby students are required to register for and attend one 90-minute peer-led sexual misconduct prevention training session. This training is designed to build upon the peer- led training sessions that were completed as a first-year student and focus more extensively on developing bystander intervention skills.

Colby's Sexual Violence Prevention Peer Educators hold regular office hours during the fall prevention training cycle. These office hours provide space and time for student-to-student engagement about how we define, experience, and respond to Sexual Misconduct at Colby.

During new employee orientation Colby's Harassment and Sexual Harassment Policy and Complaint Procedures are provide to new employee and discussed.

Posters are used as a way to continually keep the message fresh in the minds of the Colby community.

## **Harassment and Sexual Harassment Policy and Complaint Procedures**

The right of free expression and the open exchange of ideas and views are essential, especially in a learning environment, and Colby College upholds these freedoms vigorously. The College is committed to assuring dignity for all and desires to be welcoming to every member of the campus community. In furtherance of that aim, Colby has developed this policy, which prohibits harassment.

### Harassment

Harassment is defined as unwelcome hostile or intimidating remarks, spoken or written (including, for example, e-mail, text messages, postings on electronic

message boards, voicemail messages), or physical gestures directed at a specific person based on that person's race, color, sex, sexual orientation, gender identity or expression, pregnancy, religion, age, ancestry or national origin, physical or mental disability, marital status, genetic information, veteran's status, or any other basis prohibited by state, federal or local law.

Because harassment results in loss of self-esteem for the victim and in the deterioration of the quality of the classroom, campus life, athletic, social, or workplace environment, the College prohibits harassment, including sexual harassment. Harassment by any student or by any employee of the College will not be tolerated. It also is a violation of this policy for any person accused of harassment to retaliate against any person who reports an incident of harassment. Students and employees should feel free to report such incidents without fear of reprisal.

### Harassment in the Classroom

Colby believes that academic freedom is the cornerstone of a college education, and faculty members have wide latitude to conduct classroom sessions in creative and intellectually stimulating ways. A true and valued learning experience may cause discomfort, as students are challenged and exposed to new and perhaps disquieting ways of thinking or living. Nonetheless, students have the right to participate in the classroom without being subjected to harassment in violation of this policy. It is incumbent on faculty members to balance the demand of rigorous and thought-provoking teaching with the expectation that students will not be personally harassed or singled out in the learning process on the basis of group membership. Instructors have the special responsibility to explain to their students, when necessary, the educational purpose of any classroom technique or practice.

### *Retaliation Prohibited*

Colby prohibits retaliation against anyone who makes a good faith report of conduct in violation of Colby's discrimination or harassment policies. Further, Colby will not tolerate retaliation against any employee who, in good faith, cooperates in the investigation of such conduct.

### *Procedures for Harassment Complaints Against a Student*

Harassment or retaliation by a student of another student, a faculty member, a staff member, or a third party (in circumstances directly affecting the College community) is a violation of Colby's Code of Student Conduct. A report of harassment by a student should be made to the Office of the Dean of the College. In accordance with Title IX, instances of sexual harassment should be reported to Megan Hatch (ext. 4266, [mshatch@colby.edu](mailto:mshatch@colby.edu)), who is Colby's Title IX Coordinator. The Student Disciplinary Procedures set forth in the Colby Student Handbook will apply to the report. The Student Handbook can be found online on the Dean of the College's webpage

<https://www.colby.edu/deanofthecollege/deanofstudents/studentconduct/>.

Possible sanctions for a student found responsible for harassment include, but are not limited to, disciplinary probation, community service, suspension, or expulsion.

In addition, the Office of the Dean of the College will consider, and if appropriate impose, supportive measures to protect a student who claims he or she has been a victim of harassment, including sexual harassment.

#### *Procedures for Title IX Harassment Complaints Against a Faculty or Staff Member*

A complaint of harassment or retaliation against a member of the faculty or staff by a student, faculty member, staff member or third party (in circumstances directly related to the faculty or staff member's position with the College) should be made to Emily Schusterbauer (ext. 4266, [mshatch@colby.edu](mailto:mshatch@colby.edu)), who is Colby's Title IX Coordinator. If the complainant is uncomfortable reporting the complaint to the Title IX Coordinator, the complaint should be made to the Deputy Title IX Coordinator for the faculty – Carol Hurney (ext. 4787, [cahurney@colby.edu](mailto:cahurney@colby.edu)), or the Deputy Title IX Coordinator in Athletics -- 207-859-4941, Athletic Center D321. The Title IX Coordinator will have the complaint investigated promptly, typically using an external investigator. The investigation and adjudication process for Title IX complaints is set forth more fully here (<https://www.colby.edu/sexualviolence/>)

For complaints against a faculty member, if the remedial action includes a sanction of suspension or dismissal of the accused faculty member, the faculty member has the right to a hearing before a Faculty Hearing Committee under Section XIII of the Faculty Personnel Procedures set forth in the Faculty Handbook.

#### *Title IX Sexual Harassment*

As required by Title IX regulations, the College will respond promptly to reports and complaints of sexual harassment as defined under Title IX, including: sexual assault, dating violence, domestic violence, stalking, quid pro quo sexual harassment by an employee, hostile environment sexual harassment, and retaliation connected to reporting or participating in the Title IX process.

Colby's Title IX Sexual Harassment Policy (<https://www.colby.edu/sexualviolence/>) addresses Title IX Sexual Harassment against (1) any student enrolled at the College and participating in the College's education programs and activities; (2) any individual, including alumni, faculty, and staff, attempting to participate in the College's education programs and activities; (3) applicants for enrollment or employment at the College. This policy covers sexual harassment that occurs during the course of the College's education programs and activities (including College- approved student organizations), whether they take place on campus or elsewhere in the United States.

After a finding of responsibility through the Title IX hearing procedures (described in the Title IX Sexual Harassment Policy), the application of any sanctions (but not the finding of responsibility itself) must be processed in compliance with the faculty disciplinary process (Section XIII of Faculty Personnel Procedures in this handbook).

In accordance with the Title IX regulations and as a general rule, sexual harassment which occurs in a foreign study program or in the United States but off-campus in a non-College education program or activity is not covered by the Title IX Policy. Acts

of sexual misconduct outside of Title IX are addressed in other policies, including those described above.

Annually facility and staff distributed information on

- Sexual Harassment Policy
- Code of Conduct
- Video Display Training
- Benefit Summary Annual Report
- Drug Free Schools and Communities Act Notification

## **Sex Offender Registry and Access To Related Information**

The federal Campus Sex Crimes Prevention Act requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student.

In addition, all persons convicted of violations under the laws of the United States or any other state substantially similar to an offense for which registration is required shall provide to the local agency all necessary information for inclusion in the State Police Registry within ten days of establishing residence within a state. Any persons required to register shall also be required to reregister within ten days following any change of residence, whether within or outside of the state.

Non-resident offenders entering the state of Maine for employment, to carry on a vocation, or as a student attending school who are required to register in their state of residence or who would be required to register under this section if a resident of the state shall, within ten days of accepting employment or enrolling in school in Maine, be required to register and reregister pursuant to this section.

For purposes of this section “student” means a person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any secondary school, trade or professional institution, or institution of higher education.

The information in the Maine Registry is based upon conviction data and is, therefore considered a public record. Information concerning offenders registered with the Maine registry may be disclosed to any person requesting information on a specific individual in accordance with the law. Information regarding a specific person requested pursuant to the law shall be disseminated upon receipt of an official request from that may be submitted directly to the Maine State Police or the State Police through a local law-enforcement agency.

As the local police authority, Waterville Police Department is the contact agency for questions relating to Maine's local sex offender registry. Community members may also access the State of Maine Sex Offender Registry at the following web address: <http://sor.informe.org> or by contacting the Maine State Police at (207) 657-3030.

## **Bias Incidents and Crimes**

### Bias Crimes Compliance Statement

Colby College seeks to prepare all students to thrive as fully engaged citizens of a diverse and increasingly complex world. In keeping with this goal, Colby is duly committed to distinguishing itself as a living and learning community that values and exemplifies the inclusion of diverse persons and perspectives. However, no college or community is immune to problems that arise as a result of various forms of bias. As part of the College's commitment to an inclusive campus community, response protocols have been developed to address incidents that occur on-campus or at any Colby-sponsored off-campus event. We urge all community members to familiarize themselves with the reporting protocol found in this document and to promptly report any incidents that violate the standards that we as a community seek to uphold.

### What is a bias incident?

A bias incident is an action that violates College policy and is motivated in whole or in part, by the perpetrator's bias or attitude against an individual or group based on perceived or actual personal characteristics, such as their race, religion, ethnicity, gender, gender identity, sexual orientation, or disability.

Examples of bias incidents include harassment, intimidating or threatening comments or messages, vandalism of personal or college property, and defacing posters or signs. Bias incidents affect not only the individual victim or target of a specific action, but often make an entire group or community feel vulnerable and unwelcome.

### What is a hate crime?

A hate crime is any crime involving or motivated in whole or in part by prejudice, including race, gender, religion, sexual orientation, gender identity, national origin, ethnicity, and disability. In addition to the victim, members of the victim's group, and the community as a whole, can feel victimized by a hate crime. The Colby community should be aware that certain hate crimes may be prohibited by federal law, Maine state law and/or Colby policy.

A person commits a hate crime when they commit a specified offense and either: intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or intentionally commits the act or acts constituting

the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

Examples of specific crimes identifiable as hate crimes include murder, manslaughter, robbery, aggravated assault, burglary, motor vehicle theft, arson, forcible and non-forcible sex offenses, intimidation, destruction, damage or vandalism of property in which the victim is intentionally selected because of the actual or perceived protected category.

#### What are the penalties for committing hate crimes?

For most crimes, when a person is convicted of a hate crime, the crime is deemed to be one category higher than the specified offense the defendant committed, and the person is sentenced accordingly.

Penalties for hate crimes are very serious and range from fines to imprisonment for lengthy periods depending on the nature of the underlying criminal offense, the use of violence, or previous convictions of the offender.

Hate crimes are prohibited in separate ways by law and Colby College policy. Thus, offenders may be prosecuted under federal, and/or state criminal and/or civil statutes and subject to disciplinary action by the College.

The College may pursue disciplinary action while criminal action is pending or even if criminal justice authorities choose not to prosecute. In addition to any criminal penalties, students found responsible for a hate crime are subject to disciplinary action and penalties, which may include, among other penalties, separation from the College.

#### *Reporting a Bias Incident or Hate Crime*

All members of the Colby community are urged to promptly report any bias incident directed against a Colby community member or group that occurs on-campus or at any Colby-sponsored off-campus event.

To report an incident or crime in progress call the Campus Security Emergency Line at 207-859-5911 immediately.

To report a bias incident or hate crime, please complete the Bias Incident Report Form using this link, <https://cm.maxient.com/reporting.php?ColbyCollege>. The reporting form is available on the webpage for the Office of Community Values, Conflict Resolution, and Restorative Practice.

Upon submission, the report is automatically directed to the Department of Security and the Dean of Students Office.

Upon receipt of a report, the Associate vice president of campus safety and security (or designee) will contact the victim, the Associate Provost and Dean of Diversity, Equity, and Inclusion and, if the complainant is a student, the Dean of Students. The Associate Provost will convene a team of the appropriate staff to respond to the report.

The College will respond in the following ways.

- Review the report and ensure that an investigation is initiated in a timely manner.
- A staff member will be designated to ensure that the complainant is provided with appropriate support and referrals to resources on and off-campus and relevant updates concerning the investigation and resolution.
- If necessary, coordinate with college administrators to determine how best to mitigate campus tensions arising from a complaint, whether or not that incident rises to the level of a policy violation.

**Colby College Resources:**

- Counseling Services 207-859-4460
- Dean of Students Office 207-859-4250
- Student Health Services 207-861-6860
- Campus Life Office 207-859-4280
- Colby Security 207-859-5530 or 859-5911 if an emergency
- Equal Employment Officer 207-859-4733

**Off-Campus Resources:**

- Waterville Police 911 or 207-680-4700 for general information
- State Police 800-452-4664
- Kennebec County Sheriff 207-623-3614
- Maine General Emergency Department 207-872-1300
- Inland Hospital Emergency Department 207-861-3200
- Maine Attorney General's Office 207-626-8800

Please note: the reporting system does not create a new category of prohibited behavior or a new process for members of the Colby community to be disciplined or sanctioned. Reported conduct that may be a violation of college policy will be referred for action through existing disciplinary or judicial procedures. Reported conduct that may be a violation of law may also be referred to local law enforcement agencies.

End of Security Report



# Annual Fire Safety Report

The department of security publishes the Annual Fire Safety Report which is incorporated into the Annual Security and Fire Safety report for Clery Act compliance. This document contains information about the fire safety practices and standards for Colby College. Statistics for fires occurring in residential halls in calendar years 2021, 2022 and 2023 are included.

## *Definitions*

### Assembly Areas

If it becomes necessary, College officials will designate a secure location for assembly and head counting in the event of actual emergencies that necessitate building evacuations. Should such an incident occur, individuals should proceed from their initial assembly area to the designated assembly area until either the emergency is terminated, or further direction is provided. See the last section of this document for your building's primary initial gathering points.

Cause of Fire: The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure or act of nature

Daily Fire Log: A daily fire log is maintained at the Colby Security Office and available to the public for review during normal business hours.

Fire: Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Fire Safety Report Log: An institution that maintains on-campus student housing facilities must maintain a written, easily understood fire log that records, by the date that the fire was reported, any fire that occurred in an on-campus student housing facility. This log must include the nature, date, time and general location of each fire.

Fire Drill: A supervised practice of a mandatory evacuation of a building for a fire.

Fire-Related Injury: Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term person may include students, employees, visitors, firefighters, or any other individuals.

Fire-Related Death: Any instance in which a person is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire. Dies within one year of injuries sustained as a result of the fire.

Fire Safety System: Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler

systems or other fire extinguishing system, fire detection devices, stand-alone smoke alarms, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.

### Initial Assembly Areas

All routinely occupied college facilities have an initial assembly area that is a location selected by the Department of Security where occupants should gather immediately following an evacuation signal (fire alarm) to await further instructions. Please contact your CA if you have not been advised of your building's initial assembly area.

On Campus Student Housing Facility: Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

Value of Property Damage: The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

### *Evacuation and reporting procedures*

In case of fire:

- Immediately report the fire to Colby Security – ext. 5911 by on-campus phone, 207- 859-5911 by cell phone
- Activate a nearby fire alarm pull station if one is accessible.
- Remain calm, turn lights on, and dress appropriately, and exit the building.
- Close your door as you leave.
- If safe to do so, close any open windows in your room. If your door is cool to the touch, then open door slowly. If door is warm DO NOT OPEN IT!
- Evacuate the building via designated emergency egress routes. Do not use elevators!
- If there is smoke or heat, crawl on your hands and knees.
- Proceed to the initial assembly area to await further instructions

If unable to evacuate

- Seal the space under the door with a towel, wet if possible.
- Open window, hang a sheet or towel out of the window, and close it
- Open window at regular intervals to announce your location and then close it.

All employees and students should gather at the initial assembly area and wait for further instructions. Most alarms last only a few minutes then employees and students are allowed back into the building. For actual fires employees and students

will be directed to an alternate location to wait for further instructions and information. The department of security and/or the responding fire department is in command of the scene.

### *Sanctions*

Fire safety at Colby College is the responsibility of every student and employee. By a combination of design/engineering controls, safe working/learning/living practices, and appropriate student/employee behaviors, the Colby College community minimizes its collective risks to fire hazards. Employees and students receive information pertaining to fire safety education awareness on an annual basis during new student and new employee orientation and two annual residential hall fire drills.

Failure to follow the guidance contained in this document puts your lives and the lives of your fellow students and co-workers at risk. Additionally, non-conformance with the federal, state and local fire codes may result in formal violations/citations against the College. The College may take appropriate action against those who purposefully or willfully disregard fire safety including but not limited to the following:

- Disciplinary action up to and including expulsion for students and termination for employees who tamper with or otherwise disregard the fire safety equipment, policies and training they are afforded;
- Departmental, professional, and personal financial responsibility for fire safety citations and penalties in certain situations where the violations in their living/working areas were easily correctable and communicated, but were not corrected within the time frames granted.

### *Fire safety systems in residential buildings*

All residential halls are equipped with fire safety systems including;

- Stand-alone smoke detectors
- Carbon monoxide detectors
- Fire extinguishers
- Exit signs
- Posted evacuation plans and placards

Further, all residential buildings have sprinkler systems except 38 Mount Merici Avenue, a small house. 38 Mount Merici Drive also does not have report-back detectors/automatic alarm system.

All residential buildings conduct 2 evacuation drills held during the academic year.

The following residential halls are equipped with high hazard suppression systems due to the commercial kitchens on the premises;

- Foss
- Roberts Union

The Johnson Pond Houses are equipped with natural gas detectors, including;

- Paula Crane Lunder House
- Jane Powers House
- Jacqueline Nunez House
- Carol Swann-Daniels House

### *Prohibited items in residential buildings*

- Flame producing or open heat cooking devices (hot plates, elemental heaters, toasters, toaster ovens, camp stoves)
- Grills of any type
- Candles (wickless, decorative, or otherwise), oil lamps, or incense
- Halogen lamps exceeding 250 watts
- Non-LED string lights (“fairy lights” or “Christmas lights”) Strip-lights with adhesive backing applied directly to walls
- Extension cords without a surge protector
- Space heaters or other heating appliances
- Camping Fuel (see Director of Outdoor Education and Leadership for storage policy)
- Fireworks, flare guns, or any other incendiary device
- Hazardous Chemicals Refrigerators over 4.5 cubic feet
- Air conditioners of any type Ceiling fans
- Waterbeds
- Satellite dishes
- Power tools
- Motorcycles, mopeds, scooter, or any other motorized vehicle or device (gas or battery powered)
- Natural Christmas trees or branches, straw, or hay
- Hot tubs and inflatable swimming pools
- Guns and other weapons

### *Unsafe behavior in residential buildings*

- Tampering with a smoke detector by covering it, disabling it, removing it, or hanging objects from it. Students should contact Security as soon as possible to report a smoke detector that does not appear to be functional
- Discharging a fire extinguisher unnecessarily; moving or damaging fire extinguishers.
- Covering electrical fixtures, pipes, or sprinkler heads with any item
- Hanging items from the ceiling
- Pulling a fire alarm unnecessarily
- Tampering with electrical switches or fixtures
- Failure to evacuate for a fire drill or alarm
- Using fireplaces in residence halls

- Barbecuing/grilling (including gas grills)
- Breaking or removing exit signs
- Tampering with or artificially adjusting room temperatures, room thermostats, etc.
- Accessing rooftops, balconies and ledges on any College owned building on and off-campus.
- Accessing interior courtyards that are not authorized for student use
- Providing access to residence halls for unauthorized persons
- Propping open exterior doors
- Tampering with locks, latches, door alarms, automatic closure or key card mechanisms
- Unauthorized copying, possession and/or use of College keys or key cards; allowing unauthorized persons to use keys or key cards
- Tampering with routers or other electrical/technological devices
- Leaving or storing personal items/furniture in community spaces (i.e. lounge, hallway, etc.)

Community members found in possession of prohibited items in the residential building or reported for any of the unsafe behaviors listed above may be subject to the disciplinary process.

### *Open fires policy*

Open fires in commercial, raised fire pits with a protective screen cover are closely governed by the [open fires policy](#), must go through an application process and are subject to approval by the Waterville Fire Department. For more information, please consult the policy.

chrome-extension://efaidnbnmnnibpcajpcglclefindmkaj/https://www.colby.edu/wp-content/uploads/2018/01/Open-Fires-Policy-2017.04.13.pdf

All other forms of fires are prohibited including bonfires, campfires and fires in other types of containers.

Community members in violation of the open fires policy may be subject to discipline.

### *Campus Non-Smoking Policy*

Smoking, defined as the burning of a lighted cigar, cigarette or pipe, is not permitted in any campus facility or on Campus grounds. This policy applies to all employees, student residences, including all rooms, lounges, and public spaces.

**TABLE: Fire Statistics: Calendar years 2023, 2022 and 2021**

<b>Clery Act Fire Statistics: On Campus Residential Buildings 2023</b>					
<b>Building</b>	<b>Date</b>	<b>Cause</b>	<b>Injuries</b>	<b>Deaths</b>	<b>Damage</b>
Alfond Commons	4/24/23	Unintentional Dab pen battery malfunctioned inside backpack	0	0	\$1000
Goddard-Hodgkins	8/8/23	Unintentional Flooring ignited during installation by contractor	0	0	\$100

<b>Clery Act Fire Statistics: On Campus Residential Buildings 2022</b>					
<b>Building</b>	<b>Date</b>	<b>Cause</b>	<b>Injuries</b>	<b>Deaths</b>	<b>Damage</b>
Robert's Union	3/28/22	Unintentional Items on top of pottery kiln ignited	0	0	\$100
Dana	9/4/22	Unintentional Fan malfunctioned and ignited in a window	0	0	\$500
Alfond Commons	9/19/22	Unintentional Grease fire on stovetop	0	0	\$100
Alfond Commons	10/10/22	Unintentional Aluminum dish caught fire in microwave	0	0	\$300

<b>Clery Act Fire Statistics: On Campus Residential Buildings 2021</b>					
<b>Building</b>	<b>Date</b>	<b>Cause</b>	<b>Injuries</b>	<b>Deaths</b>	<b>Damage</b>
There were no reported fires in residential buildings in 2021					