



Miller Library

Colby College 2026 Annual Security and Fire Safety Report

Prepared by Campus Security
Includes Crime and Fire Statistics for
Calendar Years 2023, 2024, and 2025

Colby

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Welcome to Colby College!

At Colby, the safety and well-being of our community remain at the heart of our mission. In compliance with the Jeanne Clery Campus Safety Act, the College publishes its Annual Security and Fire Safety Report each year. This report offers a comprehensive look at crime and fire statistics for the last three years, campus safety resources, emergency communication systems, and the procedures for reporting incidents. It also details our policies and the partnerships between Campus Security, key campus offices, and local first responder agencies—all working together to sustain a safe and supportive environment for learning, living, and working at Colby College.

The report is available electronically on the College's website. Paper copies are available at Campus Security in Roberts or by email request at security@colby.edu.

We encourage all members of the Colby community to review the report as a resource for understanding campus safety practices and available support. For more information, please contact Campus Security at 207-859-5530, security@colby.edu, or visit us in Roberts.

Sincerely,

A handwritten signature in black ink that reads "Anna Brookes". The script is fluid and cursive, with the first letters of each word being capitalized and prominent.

Associate Vice President
Campus Safety and Security

Reporting Emergencies and Crimes on Campus

Campus 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 our 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 Campus 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.

Campus Security may be reached 24/7 by:

CALLING 207-859-5530 or extension 5530 on any campus phone

VISITING our Dispatch Center and department in Roberts Hall

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

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

Crimes and other emergencies may be reported by calling **911**. Please call Campus Security after calling 911. We assist emergency responders with location information and may be able to provide additional campus resources such as Colby Emergency Response for medical incidents.

Response to emergencies and crimes on campus

Campus Security operates a 24/7 dispatch center located in Roberts Hall. 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. Campus Security maintains a close working relationship with the Waterville Police Department and the Maine State Police. 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 not a written memorandum of understanding between Colby College and the Waterville Police for the investigation of alleged criminal offenses..

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 Campus Security. Students in

these cases may be subject to arrest and prosecution 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, Campus 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 Campus Security at 207-859-5530 or visit the Colby College Campus 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 Campus Security office in Roberts Hall, or by contacting any campus security authority. Please note that submitting an anonymous report may make it more difficult for the College or law enforcement to conduct a thorough investigation, gather evidence, or take action against an individual.

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 Campus Security 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;

- Campus Security department staff and other individuals with campus security responsibilities including those responsible for monitoring access to 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 officer, dean of the college, dean of housing and residential education, director of community values 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 Campus Security department 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 Counseling Services 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. The Facilities department 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 also implemented during building renovation and construction projects.

Colby Card

The Colby Card is a one-card system designed to provide a secure way for students to gain access to residence 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 Campus Security.

Security of and access to campus facilities

In 2026, the College transitioned to a secure campus model utilizing a card access system. Only students, staff, faculty and others as approved by the College have access to secured spaces. The general public may attend cultural, athletic, and recreational events on campus; however, access is limited to the facility in which the event is being held.

Campus Security officers conduct routine security patrols of all building on campus and grounds to monitor access and security.

Residence halls remain locked at all times. Entry is restricted to students, building residents and their authorized guests. Community advisors and Campus Security officers monitor safety and security concerns inside residence halls. Other employees in facilities and residential experience may have access as authorized.

Authorization for use of the campus grounds and buildings for assembly purposes may be obtained in advance from the Office of Campus Events and/or the Office of Campus Life and/or the Office of Summer Programs/Summer Sessions.

Blue Light Emergency Kiosks

Blue light emergency kiosks are located throughout the Colby campus. To contact Campus Security 24/7 using one of these kiosks, simply press the large red button. When an emergency phone is activated, dispatch is alerted, and an officer will be sent to the location of the kiosk. 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. Facilities department work orders are submitted to enable timely repairs. Areas where lighting could be enhanced to improve safety can be reported to Facilities or Campus Security for evaluation. We recommend that you use lighted walkways and pathways after dark for safety.

Parking enforcement

Campus 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 overnight visitors, must be registered with Campus Security.

Safety education

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 the Bill and Joan Alfond Main Street Commons meet to discuss safety and crime prevention in general and specifically as it relates to living in downtown Waterville. Members of Campus Security also visit student residences including the Alfond Senior Apartments 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 Campus Security at 207-859-5530 or visit us at Roberts Hall.

Personal safety tips

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

Personal Awareness

- Trust your instincts when something doesn't feel right.
- Stay aware of your surroundings and have your phone turned on and accessible.
- Walk with others when possible, especially at night.

Building and Room Security

- Lock your residence hall door when leaving and/or sleeping.
- Do not prop outside or self-locking doors

Vehicle Safety

- Always lock your vehicle.
- Do not leave valuables inside.
- Check the back seat before entering your car.

Social Situations

- At parties, make sure someone knows where you are going.
- Watch your drinks—only accept beverages from trusted sources and never consume from cups left unattended.
- Travel home safely—Use the Mule Shuttle, walk with friends, use the ColbySAFE app tracker or if you feel unsafe, call Campus Security for an escort.

Look out for Each Other

- Check in with friends to make sure they get home safely.
- Report suspicious behavior to Campus Security.

Clery Act Crime and Fire Safety Log

Campus 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 Campus Security office in Roberts Hall. 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. 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 over the last sixty days.

A weekly summary report is also submitted to the Colby Echo when school is in session.

Colby Campus Security Authority and Jurisdiction

About Campus Security

Campus 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 Jitney programs. Museum Security, charged with providing specialized security services for the Colby College Museum of Art also comes under Campus Security. The department tracks Clery Act statistics. The department is open 24 hours a day/seven days a week in Roberts Hall and staffed by approximately 25 employees.

Overseen by the associate vice president for campus safety and security, the two associate director positions are responsible for the administrative operation of patrol, security and fire operations at the College. Campus security sergeants provide supervision to all line staff and also perform duties as needed. Officers patrol the campus, provide emergency communications, enforce parking policies and staff mobile and fixed posts as assigned. Campus security dispatchers monitor and provide emergency communications utilizing radios, telephones and other electronic platforms from the office in Roberts Hall. The department contracts with private security agencies to provide supplemental security staffing needs for parking, special and athletic events, and details as needed.

The senior associate director oversees operations at the Colby College Museum of Art 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 security 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 the Bill and Joan Alford Main Street Commons. The shuttle employs licensed CDL drivers, using marked passenger vans. The shuttle service also provides transportation to area shopping centers and scheduled special group events.

The Colby Jitney provides students with on demand transport for medical and other appointments at MaineGeneral Health and other local locations.

All security staff undergo criminal, background and motor vehicle record 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, incident command, de-escalation and emergency operations, instructor certifications and other important or trending topics.

Campus 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,

MaineGeneral Health. For a medical emergency, call 911 then call Campus Security for additional campus resources and to help guide emergency responders to your location.

Authority

Campus Security and Museum Security are composed entirely of non-sworn 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 the College. Criminal incidents on campus are referred to the Waterville Police department.

Jurisdiction

Campus Security's jurisdiction encompasses Colby's Clery Act geography including the core campus on Mayflower Hill, Allen and Benner Islands, Port Clyde, downtown properties 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 the Waterville Police department or the applicable law enforcement agency.

Emergency Messaging and Communications

Emergency communication 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 communication 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 voice, text, web posting and/or email messaging depending upon the situation to. Campus Security staff can send real-time notifications about serious threats or emergency situations requiring immediate action through voice, text, and email channels.. These messages contain a brief description of the emergency, clear instructions on what to do and when to expect updated information or next steps. The goal is to provide clear direction quickly, ensuring campus safety during a crisis. Subsequent messages are sent with further instructions and situational updates.

Staff from the office of communications may disseminate 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.

The alert system is tested campus-wide at least twice during the academic year. Internal testing by Campus Security occurs on a monthly basis or as needed. The tests are documented and information collected 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 check their electronic contact numbers and addresses in Workday. Information on how to update your emergency contact information in Workday here, <https://sites.google.com/colby.edu/home-emergency-contact/home>.

Timely Warnings

In the event of an incident which poses a serious or ongoing threat to members of the Colby College community, various systems are in place for communicating information quickly. In compliance with the Clery Act, Campus Security will disseminate timely warnings to notify members of the community about serious crimes that occur on campus. Having knowledge of such crimes assists community members in making informed decisions about their personal safety and may help prevent similar crimes from occurring. These crimes may be reported to Campus Security, a Campus Security Authority, or to the Waterville or local police department. When issuing timely warnings, the College withholds as confidential the name(s) and other identifying information of the victim(s).

The decision to issue a timely warning is 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. Campus Security issues timely warnings for incidents including:

- Criminal homicide
- Aggravated assault
- Sex offenses
- Robbery
- Motor vehicle theft
- Arson
- Other crimes as determined necessary by the associate vice president of campus safety and security, or designee

Campus Security may not issue timely warnings for the above listed crimes if:

- The suspect(s) is apprehended and the threat of imminent danger to the College community has been mitigated by their apprehension.
- A report was not filed with Campus 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.

Campus Security is not required to send a timely warning when the incident is solely 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 a corresponding case file.

Emergency Notifications

Campus 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/alert 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:

- president
- vice president and chief financial officer
- provost
- dean of faculty
- dean of the college
- senior vice president
- vice president of planning and strategy
- chief advancement officer
- vice president and dean of admissions and financial aid
- vice president, general counsel, and secretary of the college
- associate vice president of campus operations
- associate vice president for capital projects and planning
- maintenance supervisor of mechanical and electrical services
- steam plant engineer in charge

- supervisor of the building trades
- vice president and chief people services officer
- district manager, Parkhurst Dining Services
- associate vice president of campus safety and security
- senior associate director of campus security
- associate director of campus security
- associate director of campus security
- assistant vice president for risk management

Evacuation procedures

In the event that it becomes necessary to evacuate campus buildings to mitigate a life-threatening emergency Campus 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; all community members are required to treat every Fire Drill as if it were a real emergency. Refusing to evacuate during a Fire Drill or alarm is a violation of College policy. Individuals who remain in a building risk disciplinary action.

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 officers or the responding on-scene commander (OSC), the building's fire alarm will be activated (if it has not been already) and those inside 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 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 Office of Residential Experience and Access and Disability Services shall work with any students with a disability to develop evacuation procedures that accommodate the impacted student's disability. People Services provides assistance and planning for those employees in need of accommodations.

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 may 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. The order will be communicated through the emergency communication system.

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, 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

Campus 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 Campus 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 and arrests to ensure that duplicated reporting does not occur is also completed. Data is collected from the following:

- Colby College Campus Security
- Waterville Police Department
- Kennebec County Sheriff's Department
- Maine State Police
- Colby Campus Security Authorities
- Colby Title IX
- Colby Office of Community Values

Clery Act geography definitions

In the annual security report, institutions 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 the 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
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
Coastal Resilience I LLC, 2-4-6 Cold Storage Rd, Port Clyde, Maine

Coastal Resilience II LLC, 5 Cold Storage Rd, Port Clyde, 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
- iii. For the purpose of complying with the requirements of this section and §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 (CSA) 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, arson, and motor vehicle theft. 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: These statistics includes violation of certain state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages - specifically, furnishing or delivering liquor to minors, allowing a minor to possess or consume liquor, knowingly furnishing liquor or allowing a minor to possess or consume liquor that causes serious bodily injury or death, furnishing liquor to a visibly intoxicated person, knowingly procuring, furnishing, giving, selling, delivering or aiding in procuring imitation liquor for or to a minor or allowing a minor to possess or consume imitation liquor; defacing or removing a malt liquor keg; unlicensed sale of liquor; employing children under 16 for illegal liquor activities, and importation of alcohol over certain limits.

Possession of an unlabeled keg, importation of alcohol below certain statutory thresholds, minors who purchase, consume or transport liquor or imitation liquor, or who possess or present a false identification card, are civil liquor violations and operating under the influence are not included in these statistics, nor is possession of alcohol by an individual 21 years of age or older where such possession is in violation of College policy, only.

A note on possession of marijuana and drug paraphernalia in Maine:

Maine 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 Campus Security and Museum Security officers and personnel are not sworn or commissioned, therefore the departments do not classify reports as unfounded.

Understanding the Statistics Below

These statistics represent reports of offenses that meet the strict definitions of the Clery Act, (see page 16).

1. These numbers reflect reports received. The Act requires disclosure of reports and not whether an investigation was requested or ensued, or a conclusion was reached.
2. Colby strongly encourages reporting and is dedicated to maintaining transparent, supportive systems that build community confidence in how incidents are handled. Accurate and prompt reporting ensures our 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.
3. Incidents do not necessarily involve Colby students. Any reportable crime is included, even if it involves non-Colby community members or was entirely unrelated to College operations or activities.
4. Reported crimes do not necessarily have to occur on campus to be included. The crimes must be reported if they are on property reasonably contiguous to buildings or property owned or controlled by the College.
5. Clery Act statistics for a given year may include reports of incidents that took place in prior years. They are compiled based on the date a crime was reported to the College or law enforcement, not the date of occurrence. Reports are investigated on a case-by-case basis..
6. Reports of campus crimes can originate from victims, witnesses, anonymous reporters, mandatory college employees and campus security authorities, confidential counselors, and external law enforcement agencies.

Clery Act Crime Statistics for Calendar Years 2023, 2024 and 2025

CLERY CRIME STATISTICS	On-Campus				Non-Campus Property	Public Property
Offense Type	Year	Residences	Other	Total	Total	Total
CRIMINAL HOMICIDE						
Murder/Non- Negligent Manslaughter	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Negligent Manslaughter	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
SEX OFFENSES						
Rape	2025	11	0	11	0	0
	2024	6	0	6	0	0
	2023	9	0	9	0	0
Fondling	2025	2	0	2	0	0
	2024	4	0	4	0	0
	2023	3	0	3	0	0
Incest	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Statutory Rape	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0

CLERY CRIME STATISTICS	On-Campus				Non-Campus Property	Public Property
Offense Type	Year	Residences	Other	Total	Total	Total
OTHER CRIMINAL OFFENSES						
Robbery	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Aggravated Assault	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Burglary	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Motor Vehicle Theft	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Arson	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
ARRESTS						
Liquor Law Violations	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Drug Law Violations	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Illegal Weapons Possession	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0

CLERY CRIME STATISTICS	On-Campus				Non-Campus Property	Public Property
Offense Type	Year	Residences	Other	Total	Total	Total
JUDICIAL REFERRALS (DISCIPLINARY ACTIONS)						
Liquor Law Violations	2025	1	0	1*	0	0
	2024	62	16	78	0	0
	2023	69	13	82	3	0
Drug Law Violations	2025	6	0	6	1	0
	2024	5	0	5	0	0
	2023	22	5	27	0	0
Illegal Weapons Possession	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
UNFOUNDED CRIMES						
Total Unfounded Crimes	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0

*Please note, Colby College received guidance in 2026 that only criminal liquor law violations need to be reported. Previously, the College has been counting both criminal and civil violations. This explains the discrepancy in statistics between prior reporting years and 2025.

VAWA (Violence Against Women Act) Statistics

CLERY CRIME STATISTICS		On-Campus			Non-Campus Property	Public Property
Offense Type	Year	Residences	Other	Total	Total	Total
VAWA (VIOLENCE AGAINST WOMEN ACT)						
Domestic Violence	2025	0	0	0	0	0
	2024	0	0	0	0	0
	2023	0	0	0	0	0
Dating Violence	2025	3	0	3	0	0
	2024	10	0	10	0	0
	2023	4	0	4	0	0
Stalking	2025	3	0	3	0	0
	2024	2	0	2	0	0
	2023	2	0	2	0	0

Hate crime statistics

There were no recorded hate crimes for 2023.

There were no recorded hate crimes for 2024.

There were no recorded hate crimes for 2025.

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):

<https://legislature.maine.gov/legis/statutes/17-A/title17-Ach9sec0.html>

Gross Sexual Assault (17-A M.R.S. § 253)

In the State of Maine, 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 consented to the sexual act and the actor is criminally negligent with regard to whether the other person has consented.
- 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 (17-A M.R.S. § 254)

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 (17-A M.R.S. § 255-A)

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 consented to the sexual contact and the actor is criminally negligent with regard to whether the other person has consented
- The other person has not consented to the sexual contact, the actor is criminally negligent with regard to whether the other person has consented 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 (17-A M.R.S. § 210-A)

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 ([17-A M.R.S. Chapter 9](#))

Domestic Violence includes acts of assault, aggravated assault, criminal threatening, terrorizing, stalking, or reckless conduct committed against a family or household member or a dating partner. Specific statutory crimes include:

- **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 ([19-A M.R.S. § 4102\(6\)](#)): "Family or household members" means:

- Present or former spouses or domestic partners;
- Individuals presently or formerly living together as spouses (holding oneself out to be a spouse is not necessary);
- Parents of the same child;
- Adult household members related by consanguinity or affinity;
- Minor children of a parent or guardian when the defendant is an adult household member of that parent or guardian;
- Individuals presently or formerly living together; and
- Individuals who are or were sexual partners.

Domestic Partners Definition: Refers to two unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.

Dating Partners ([19-A M.R.S. § 4102\(4\)](#)): "Dating partners" means individuals currently or formerly involved in dating each other, whether or not the individuals are or were sexual partners.

Note on Dating Violence: Maine criminal statutes address dating violence under the legal framework of domestic violence offenses when committed against a dating partner. However, campus Title IX policy and Clery Act federal reporting standards recognize and track dating violence as a distinct, independent category.

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 for Class E violations, up to 364 days in jail for Class D violations, and up to five years in jail for Class C violations.

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 class E crime.

Seizure and Forfeiture of Vehicle: Any vehicle used to transfer liquor intended for illegal sale are subject to forfeiture to the State..

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 above .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.

Illegal Transportation: No minor shall transport alcohol in a motor vehicle except in the scope of the person's employment or at the request of a parent . The penalty for the first offense 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 up to \$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. 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. For the first conviction, penalties for operating under the influence are as follows: (1) 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.(2) If your blood-alcohol content is .15 percent or more, you are traveling 30 m.p.h. or more over the speed limit, you attempt to elude an officer of the law, or you are traveling with a passenger under 21 years of age, 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. Refusal to be tested results in a minimum fine of \$600 and at least 96 hours of jail time. The court shall order an additional 275-day suspension 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, visitors, 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 Katie Barlow, Associate Director of Counseling Services (ksbarlow@colby.edu) to assist students in dealing with substance use issues. Katie 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 that encourage excessive consumption and intoxication, and/or establish goals or expectations regarding a participant's substance use, are considered forms of irresponsible drinking. This behavior may also constitute prohibited hazing, depending on the circumstances. Hazing is not only prohibited by College policy, but is illegal under federal law and 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 are 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.

Signs of a medical emergency can be remembered by the acronym "PUBS!" and include:

Puking* **U**nresponsive to pinching* **B**reathing, when irregular, loud or involves snoring* **S**kin, cold or blue; in a darker skinned person, lips and nailbeds will be pale *! If even only one of these signs is present, call 911, then call Campus Security at 207-859-5530. Campus Security will alert Colby Emergency Response.

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.

In an effort to provide supportive follow up care, the Office of Community Values will also notify the class dean of the student who needed medical attention and, if applicable, the coach of the student who needed medical attention if they are a student athlete.

Policy Limitations

This policy only applies to students in need of medical attention and the students who actively participated or supported in calling for help.

Medical amnesty may be offered by the Office of Community Values for first time violations of the alcohol and substance use policy.

The decision regarding whether to apply medical amnesty for first time violations is made by the Office of Community Values.

After receiving medical amnesty one time, eligibility for future medical amnesty for additional alcohol and substance use policy violations is at the discretion of the dean of students in consultation with the Office of Community Values.

This policy only applies to amnesty for alcohol and drugs use policy violations and sanctions under the student code of conduct.

If other code or Colby policy violations, including, but not limited to: Title IX, assault/other physical violence, property damage, harassment, or hazing, occur as part of an incident requiring medical attention, Colby will likely take disciplinary action and apply sanctions.

Calling for medical assistance may be viewed as a mitigating factor in determining sanctions for other code and college policy violations.

Colby organizations may have their own rules and consequences that apply to circumstances involving alcohol or other drugs violations. This policy does not limit teams or organizations from applying those rules.

Legal Implications

While the College seeks to address Community Values violations 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 driving under the influence of alcohol or drugs 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 of 1988

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:

- Notify employees that drug abuse is prohibited in the workplace;
- Establish a drug-free awareness program; and
- Require each employee to notify the College of any criminal conviction for violations occurring in the workplace, and impose sanctions or remedial actions for convicted employees.

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 vice president and chief people officer. Failure to report a conviction may be grounds for termination of employment.

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

- Disciplinary action, up to and including termination of employment
- Suspension of payments under the grant
- Suspension or termination of the grant; and
- Suspension or debarment of the grantee.

Drug-Free Schools and Communities Act of 1989

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 typically 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.

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; impact on Colby

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 United States 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.

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;
- Colby Health and Counseling Services (207-859-4460) provides mental health counseling services.
- Disciplinary matters are overseen by the College's director of community values/Title IX Coordinator (207-859-4256).

Colby College employees may access 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 the office of people services [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 including the Colby Shuttle and Jitney. This policy applies to faculty, staff, students, clients, contractors, vendors and visitors, and is 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 Campus 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 Campus Security in Roberts Hall.

- 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 Campus 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 Campus Security.
- Ammunition to be stored at Campus Security 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.
- Campus Security reserves the right to refuse to release any firearm to an individual for any reason.
- Campus Security reserves the right to require that firearms be shipped off campus at the owner's expense.
- Campus Security 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 Campus Security at (207) 859-5530.

Hazing: statement of policy and prevention programs

What is hazing?

Aligned with state and federal law, Colby College defines hazing as any intentional, knowing or reckless act committed by a person, individually or in concert with others, against another person or persons (regardless of the willingness of such other person or persons to participate) that:

- is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization (whether or not recognized by Colby); and
- causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury.

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

Hazing is illegal under the federal [Stop Campus Hazing Act, Public Law No: 118-173 \(12/23/2024\)](#) and [Maine law, 20-A M.R.S.A. Section 10004](#). Maine law defines hazing as “any action or situation, including harassing behavior, which recklessly or intentionally endangers the mental or physical health of a student enrolled at an institution in this State or any activity expected of a student as a condition of joining or maintaining membership in a group that humiliates, degrades, abuses or endangers the student, regardless of the student's willingness to participate in the activity” committed by any student, administrator, faculty member or organization affiliated with the institution.

Colby College does not fall within the jurisdiction of any indigenous tribe or nation. The City of Waterville does not have a hazing ordinance.

Examples of hazing activities by individuals, groups or organizations in connection with recruiting, initiating and/or membership activities may include, without limitation, the following:

- Any physical act of violence inflicted upon, or expected by, another person;
- Causing excessive fatigue or sleep deprivation;
- Any physical activity expected of, or inflicted upon, another person by a student or students;
- Pressure or coercion, whether explicit or implicit, to consume any legal or illegal substance;
- Making available illegal substances to students;
- Pressure or coercion, whether explicit or implicit, to join or participate in an activity or group involving students and/or alumni that has not been sanctioned by the College and/or that has been banned;
- Kidnapping, road quests, road trips, and/or abandonment;
- Engaging in public stunts, humiliating or degrading tasks or activities;
- Servitude (expecting a new member to do tasks for an experienced member);
- Costuming or alteration of appearance;
- Line-ups or berating behavior;
- Coerced behavior which is crude and offensive in a sexual way;
- Interference with academic activities;
- Requiring students to keep prohibited activities a secret

Violations of this policy, and/or applicable federal and state law, by students may result in sanctions up to and including expulsion. Violations by a College employee may result in disciplinary action up to and including termination. Violations by a student club or organization may result in disbandment. The College may also refer individuals who violate this policy and applicable law to law enforcement and result in civil and/or criminal penalties. Each student club or organization affiliated with the College, including athletic teams, is required to adopt a hazing policy as part of its bylaws/governing documents. This requirement is overseen by the director of student engagement and leadership development and the director of athletics.

How to report hazing

Suspected hazing committed by a student or students can be reported to the Office of Community Values via the general student conduct reporting form:

- https://cm.maxient.com/reportingform.php?ColbyCollege&layout_id=0

Suspected hazing committed by staff can be reported to Colby Office of People Services by contacting the director for people services operations.

Suspected hazing committed by faculty can be reported to the Office of the Provost by contacting the dean of the faculty.

How hazing is investigated

Alleged hazing is investigated and adjudicated following the processes set forth in the [student handbook](#) (see section 7.6: *Alleged Code Violation Resolution Processes*), and Staff Handbook (see: “Conflict Resolution Procedures”), as applicable.

Alleged violations of the hazing policy by students are addressed by the Director of Community Values, Aracelis Mason-Pollard..

Alleged violations of the hazing policy by students are addressed by the Executive Director of People Operations, Jesse Begin.

How does Colby promote policy awareness and the prevention of hazing?

1. Annual notification of policy: Colby publishes annual handbooks for students, staff, and faculty which contain information regarding hazing policies. The College notifies students, staff and faculty of the publication of the handbooks each fall semester. Hazing information is also contained in the Annual Security Report published each fall semester.
2. First Year Orientation: All First Year students receive information on hazing and bystander intervention during in-person Orientation.
3. Club and organization policy: College policy requires every recognized club or organization to include in its constitution and bylaws an anti-hazing statement.
4. Athletics compliance training: All student-athletes receive annual pre-season training regarding the building of healthy team cultures, what constitutes hazing, and the potential outcomes of hazing for their team and individual students.
5. Residential experience staff education: All student staff (community advisors and area residence directors) receive information to better understand hazing and ways to prevent, identify, and report suspected hazing.
6. Hazing infographics: Colby will ensure that every residence hall, dining hall, club room, academic department, and the athletic center, display infographics to assist students in identifying and addressing or reporting hazing.
7. The College will be administering an annual online training module through United Educators titled *Recognize and Prevent Hazing*.

Colby's Campus Hazing Transparency Report (CHTR) summarizing findings concerning any recognized or established student organization is published biannually.

Missing student policy and notification procedures

Persons reporting missing students may make their first contact with Campus Security, the Office of Residential Experience, 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, Campus 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, or associate directors, will report via phone to the Waterville Police Department that a student has been reported missing. Initially, however, Campus Security will be fully responsible for the investigation.

Students may identify a confidential contact person(s) whom Colby shall notify within 24 hours of a determination by Campus 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, that contact person will be notified within 24 hours.
- If the student is under 18 years of age and is not emancipated, the student's custodial parent or guardian and any other designated contact person will be notified within 24 hours.
- Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, the local law enforcement agency that has jurisdiction in the area that the student is missing will be informed 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. Campus 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, Campus 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 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)-859-5530 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

Emergency response following an incident of sexual violence:

- Get to a safe place.
- Avoid washing, douching, brushing your teeth, or changing your clothes. While this may be difficult, preserving any evidence is important in case you decide to report the assault to the police.
- For immediate help, contact:
 - Campus Security ([207-859-5530](tel:207-859-5530)), the Dean on Call ([207-859-5530](tel:207-859-5530)), or the Waterville Police Department (911).
 - Campus Security and the Dean on Call can put you in contact with a Confidential Resource Advisor and/or Colby's Title IX Coordinator (Emily Schusterbauer).
- To seek immediate and confidential medical attention, call Colby Emergency Response ([207-859-5911](tel:207-859-5911)) or go to the Hospital Emergency Room ([MaineGeneral Medical Center](#) – Thayer Campus, 149 North Street, Waterville, ME 04901)
- To have a forensic medical exam and complete a rape kit, go to the Hospital Emergency Room ([MaineGeneral Medical Center](#) – Thayer Campus, 149 North Street, Waterville, ME 04901)
- For 24-hour anonymous support, contact the Maine Sexual Assault Crisis and Support Line: [1-800-871-7741](tel:1-800-871-7741).
- For additional on-campus support, call a community advisor and/or a trusted friend.
- Consider reporting the assault. You may report the assault to the College or to local police. Going to the hospital to seek medical attention does not obligate you to report the crime.

If you would like to have a forensic medical exam conducted, it is important that you go to the Hospital Emergency Room as soon as possible, ideally within 96 hours of the incident. At MaineGeneral Medical Center-Thayer Campus, a specially trained SAFE nurse will conduct your exam and a support person from The Sexual Assault Crisis and Support Center will be made available. Promptly getting a forensic medical exam is important if you think you might report your sexual assault to the police, but getting a forensic medical exam does not obligate you to file a police report. Campus Security and the Dean on Call can put

you in contact with a Confidential Resource Advisor and/or Colby's Title IX Coordinator Emily Schusterbauer.

Title IX Sex Discrimination and Maine Interpersonal Violence Policy

Policy statement

This Policy implements the Title IX Regulations effective May 19, 2020¹ and contains essential information describing how Colby College addresses Sexual 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.² Acts of sexual misconduct outside of Title IX are addressed in other policies.

For more information regarding Title IX, the College offers a comprehensive guide for Parties and their Advisors, Witnesses and other individuals 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. These guides can be accessed [HERE](#).

<https://life.colby.edu/your-safety/sexual-violence-title-ix/title-ix-policy-guidance/>

Colby College is committed to providing a community and workplace environment that is safe and secure for all students, staff, faculty and others who 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 and gender identity), and is committed to responding promptly, equitably, and fairly to any reports or complaints of sex discrimination, **Sexual Harassment**, and **Interpersonal Violence**.

Sexual Harassment and/or **Interpersonal Violence** of any kind undermines the values and the mission of the College and contradicts the College's Affirmation. It is the responsibility of every member of the Colby community to foster an environment free of **Sexual Harassment** and **Interpersonal Violence**. All members of our community are encouraged to take reasonable and prudent action to prevent, stop and report acts of **Sexual Harassment** and **Interpersonal Violence**.

As required by the Title IX regulations and Maine law, the College will respond promptly in a manner that is not deliberately indifferent to reports and complaints of **Sexual Harassment** as defined under Title IX which take place within Colby's education programs and activities and **Sexual Violence, Intimate Partner Violence**, or **Stalking** as defined under the Maine law, including:

Sexual Harassment:

- **Quid Pro Quo Sexual Harassment by an Employee;**
- **Hostile Environment Sexual Harassment;**
- **Sexual Assault;**
- **Dating Violence;**
- **Stalking;**
- **Domestic Violence;** and
- **Retaliation** connected to reporting or participating in the Title IX processes.

¹ As a result of a nationwide injunction blocking the 2024 Title IX regulations and policies developed under those regulations, this policy is compliant with the 2020 Title IX regulations.

² See Sexual Violence, Intimate Partner Violence and Stalking at Institutions of Higher Education, 20-A MRS § 12981 *et seq.*

Interpersonal Violence:

- **Sexual Violence;**
- **Intimate Partner Violence;**
- **Stalking;** and
- **Retaliation**, as defined under Title IX, connected to reporting or participating in the Interpersonal Violence processes.

Definitions of these terms and others are provided in Section K of this policy.³ The College will provide **Supportive Measures** to any **Student** or **Employee** who is the alleged victim of **Sexual Harassment** or **Interpersonal Violence**. The College will also provide **Supportive Measures** to any **Respondent/Responding Party** after a **Report** is filed.

In addition to the conduct addressed in the Title IX Policy and the Interpersonal Violence Policy, the College prohibits other acts of sexual misconduct, which are identified and addressed in the Student Code of Conduct (see the Sexual Misconduct section of the Student Handbook), 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** (see **Appendix A**).

The College's disciplinary proceedings following 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 July 1, 2025, including **Reports** or **Formal Complaints** made related to alleged conduct that occurred prior to July 1, 2025.

Jurisdiction

This policy 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 **Employee** of the College; or (3) any individual (including alumni, 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 **Sexual Harassment** that occurs during the course of the College's education programs and activities (including College-approved student organizations) of which the College has substantial control over, whether they take place on campus or elsewhere in the United States. 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. However, such misconduct may be covered by other College policies, such as the Interpersonal Violence Policy or the Student Code of Conduct. The College can also provide appropriate **Supportive Measures** in such circumstances.

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.

³ Terms in bold have a particular meaning, most of which are defined in this policy.

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) apply to your situation. In cases where there are no differences between definitions or there is a conflict, Title IX governs. If there are allegations of misconduct that are governed by the Student Code of Conduct, the Faculty Handbook or the Staff Handbook and are closely intertwined with the allegations in a Complaint, the Investigator may be authorized to include those claims in the Investigation. The **Parties** will be notified in writing if the **Investigation** will include such claims.

Individuals are encouraged to contact the **Title IX Coordinator**, a **Deputy Title IX Coordinator**, or a **Confidential Resource** (see **Appendix A**) if they have questions concerning possible sexual misconduct of any kind or wish to make a report of **Sexual Harassment or Interpersonal Violence**.

Responsibility of College employees to report prohibited conduct

The College requires all College officers, faculty and staff (including Community Advisors (“CAs”) and Area Residential Directors (“ARDs”)) to make a **report** to the **Title IX Coordinator/Deputy Title IX Coordinator** if they learn of incidents that may possibly violate this policy. 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, or if a **Student/Employee** is talking generally about a situation and does not identify any individual involved in the situation. Likewise, a support or hearing **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 requirement are the Confidential Resources listed in **Appendix A**.

Students and **Employees** should be aware that if they discuss a possible violation of this policy with a non-Confidential Resource at the College, that individual is obligated to report it to the **Title IX Coordinator/Deputy Title IX Coordinator**. If College officers, faculty and staff believe a **Student/Employee** is about to disclose a possible violation of this policy, they should inform the **Student/Employee** that they are not a **Confidential Resource** and will have to report anything the student/employee discloses to them. However, even if a College officer, faculty or staff member has to make a **Report**, this does not automatically lead to action under this policy on the part of the College. Except in rare instances, the **Student/Employee** will still retain the discretion whether or not to file a **Formal Complaint**.

A **Report** or notification to the Title IX Coordinator is different from a **Formal Complaint**. The College responds to a **Report** or notification, but it does not automatically initiate the formal **Grievance Procedure** (i.e. an investigation). A **Formal Complaint**, as fully described in the Definitions section (section E), is a request to the College to investigate. By way of an example, a student may notify the Title IX Coordinator that they were subjected to a Sexual Assault. This does not mean that the Title IX Coordinator automatically initiates an investigation. Instead, the Title IX Coordinator responds as described in Section F, including providing **Supportive Measures**. If the student makes a **Formal Complaint**, then, assuming the alleged conduct falls within this Policy and is not otherwise subject to dismissal, the Title IX Coordinator would initiate the applicable **Grievance Procedure**.

Making a report or notification of sex discrimination or interpersonal violence

Any individual who is required to make a **Report**, and any other individual who wishes to make a **Report** of **Sexual Harassment** or **Interpersonal Violence** 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 207-859-5530 . Campus Security is located on the first floor of Roberts Hall.

- **Title IX Coordinator:** Emily Schusterbauer, Violence Prevention and Title IX Coordinator
Eustis 210A
207-859-4266
eeschust@colby.edu or titleix@colby.edu

- **Deputy Title IX Coordinators:**

Casie Runksmeier, Deputy Director of Athletics
Harold Alfond Athletics and Recreation Center D319
207-859-4941
casie.runksmeier@colby.edu

Molly Hodgkins, Deputy Dean of Enrollment Management
Lunder House
207-859-4816
molly.hodgkins@colby.edu

Carol A. Hurney, Associate Provost for Teaching and Learning
Eustis 203A
207-859-4787
carol.hurney@colby.edu

Jesse Begin, Executive Director, People Operations
SSW Alumni Center 161
207-859-5511
jesse.begin@colby.edu

Reports may be made anonymously, but due to the nature of anonymous reports, the College's ability to contact the possible victim, provide **Supportive Measures**, or offer the option of filing a **Formal Complaint** may be hampered by the inability of obtaining further information when an anonymous **Report** is made. Individuals may bring a friend or support person to meetings with the **Title IX Coordinator** or a **Confidential Resource Advisor** to discuss Title IX matters, including a possible **Report**.

Other reporting options

A **Complainant**, **Respondent**, or **Witness** have many options, including counseling and support services, both on and off-campus. Information regarding contact information for local emergency services as well as contact information for **Confidential Resources** and other support services that are available to provide support to **Parties** and **Witnesses** are described in further detail in **Appendix A**.

Amnesty for possible conduct violations related to sexual harassment and interpersonal violence reports

The College strongly encourages individuals to report **Sexual 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**, or **Parties** or **Witnesses** who participate in the **Grievance Process**, 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 their participation was in good faith and if the violation was not egregious, and did not result in harm to other individuals. Even if full amnesty from disciplinary action does not apply, the fact of making a **Report** or participating in the process in good faith may be considered as a mitigating factor for any sanctions.

The extent of any amnesty will be considered in light of the facts of a particular case, and the College has 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.

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 207-859-5530; 128 Roberts Hall. 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

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, Dean of Religious and Spiritual Life
Office of Religious and Spiritual Life/Confidential Resource Advisor Lorimer 034
207-859-4272
kesmanik@colby.edu

Kevin Murray, Director, Student Access and Disability Services
Student Access and Disability Services/Confidential Resource Advisor Eustis 103b
207-859-4475
kimmurray@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*)

1-800-656-467324/7 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 covers two particular types of sexual misconduct: **Sexual 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, the Maine law, or another College policy.

IMPORTANT NOTE: In this section, you will see that some terms and some types of prohibited conduct appear twice; while other terms and types of prohibited conduct appear to be similar, but not identical. This is because certain terms and types of conduct may have one definition under Title IX and another under the Maine Interpersonal Violence law.

1. General Terms: Title IX Policy (Federal Title IX law)

- A. Adjudicator:** An independent, trained individual selected by the College to preside at the hearing of a **Formal Complaint**, make determinations as to whether a **Respondent** is responsible/not responsible, and to impose any remedies and/or disciplinary sanctions.
- B. 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 hearing (a hearing **Advisor**). An **Advisor** may be an attorney. An advisor's role is to support and advise the Party, and therefore, the Party must be the primary source of contact, except in extraordinary circumstances. If a **Party** does not have an **Advisor** for the hearing, the College shall provide an **Advisor** for the Party at the College's expense. The role of **Advisors** is discussed in greater detail in the College's **Title IX and Maine Interpersonal Violence Guide for Parties, Advisors and Others**.
- C. Complainant:** The Title IX regulations define the **Complainant** as (i) the possible victim of **Sexual Harassment** identified in a **Report** or (ii) a person who has filed a **Formal Complaint**. A

Complaint may include more than one **Complainant**, such as in instances where a group of individuals are alleging they are victims of **Sexual Harassment** by one or more **Respondents**.

- D. **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” when the person was incapacitated, and the other party knew or should have known of that **Incapacitation**.
- E. **Day:** As used in this policy, a **Day** means a “business day,” Monday through Friday, and does not include days when the College is officially closed. Please refer to the College Holiday and Winter Break schedule, as posted on the [College’s website](#), as Colby does not close on all federal or state holidays, but may also be closed at other times, such as during the week of Thanksgiving and between Christmas and New Year’s Day. When in doubt, please contact the **Title IX Coordinator** to confirm what days the College is open.
- F. **Employee:** As used in this policy, an **Employee** is a staff or faculty member who is employed, has applied for employment, or is a volunteer in the College’s education programs and activities, and who has the right to file a **Formal Complaint** of **Sexual Harassment** under the Title IX regulations and this policy. A **Student** who is employed by the College may be considered an **Employee** under this policy, depending upon the particular circumstances.
- G. **Formal Complaint:** A **Formal Complaint** can only be initiated by the **Complainant** of **Sexual Harassment** (although in certain circumstances the **Title IX Coordinator** may file a formal complaint on behalf of the College). A formal complaint must be made in writing to the **Title IX Coordinator** or a **Deputy Title IX Coordinator**, and triggers the College’s Title IX **Grievance Procedure**.
- H. **Grievance Procedure:** The Title IX/Interpersonal Violence **Grievance Procedure** is initiated through the filing of a **Formal Complaint** and is the process by which the **Formal Complaint** is investigated and resolved. Details of this procedure are at Section J of this policy.
- I. **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.
- J. **Investigator:** An independent, trained individual selected by the College to investigate a **Formal Complaint**.
- K. **Parties:** The **Parties** are the **Complainant(s)** and **Respondent(s)** to a **Formal Complaint**.
- L. **Report:** Any individual may make a **Report** of possible sex discrimination or sexual misconduct, whether the individual is the possible victim or not. A **Report** is not the same as a **Formal Complaint** of **Sexual Harassment**, which is defined above. A **Report** triggers an obligation by the Title IX Coordinator to discuss with, and provide to the **Complainant** (if known) appropriate **Supportive Measures**; and to explain the **Formal Complaint** process under this policy.
- M. **Respondent:** The Title IX regulations define the **Respondent** as the individual who has had a **Formal Complaint** filed against them for possibly engaging in **Sexual Harassment**. A

Complainant may identify more than one **Respondent**, such as a complaint against individuals who allegedly engaged in **Sexual Harassment** as part of an organization, club, or other campus group or team.

- N. **Student:** As used in this policy, a **Student** is an individual who is enrolled/participating in or attempting to enroll/participate in the College's education programs and activities, and who has the right to file a **Formal Complaint** of **Sexual Harassment** under the Title IX regulations and this policy.
- O. **Supportive Measures:** Steps taken by the College to support a **Student or Employee** who is reported to be the possible victim of **Sexual Harassment** and/or has filed a **Formal Complaint** of **Sexual Harassment**; or who is a **Respondent** to a **Formal Complaint**. **Supportive Measures** may also be provided by a Confidential Resource Advisor and to individuals affected by possible sexual misconduct violations under other College policies. **Supportive Measures** are discussed in more detail in Section H
- P. **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 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 reports. 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.
- Q. **Witness:** An individual who has relevant information concerning a **Formal Complaint**. **Witnesses** may include expert witnesses.

General Terms: Interpersonal Violence Policy (Maine law)

- A. **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**. Colby interprets "**Affirmative Consent**" to be identical to the definition of consent under its Title IX policy.
- B. **Employee:** An individual who is employed by an **Institution of Higher Education**, including a full-time, part-time or contracted **Employee**, or an individual who was employed by an institution of higher education, including a full-time, part-time or contracted **Employee**, but has taken a leave of absence or terminated employment as a result of having been a victim of **Sexual Violence, Intimate Partner Violence, or Stalking** or for any other reason.
- C. **Institution of Higher Education:** Any public, private, nonprofit, or for-profit postsecondary school chartered, incorporated, or otherwise organized in the State with an established physical presence in the State.
- D. **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\(2\)](#)).
- E. **Reporting Party:** Any **Student** or **Employee** who reports having experienced an alleged incident of **Sexual Violence, Intimate Partner Violence, or Stalking** at an **Institution of Higher Education**.
- F. **Responding Party:** Any individual who has been accused of an alleged incident of **Sexual Violence, Intimate Partner Violence, or Stalking** at an **Institution of Higher Education**.

- G. Student:** An individual who is enrolled or is seeking to be enrolled in an **Institution of Higher Education** in the State 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 or **Sexual Violence, Intimate Partner Violence, or Stalking**.
- H. Title IX Coordinator:** An **Employee** at an **Institution of Higher Education** who is responsible for institutional compliance with the so-called Title IX provisions of the federal Education Amendments of 1972, Public Law 92-318, as amended.
- I. 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:
- o The neurobiological impact of trauma;
 - o 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**;
 - o Methodologies for avoiding perpetration of the trauma caused by **Sexual Violence, Intimate Partner Violence, or Stalking**; and
 - o How to conduct an effective investigation of trauma.

2. Prohibited Conduct

Prohibited conduct that constitutes **Sexual Harassment** under the Title IX regulations and/or **Interpersonal Violence** under the Maine law within the context of the College's education programs and activities are defined below. **Sexual Harassment** and **Interpersonal Violence** can be committed by any person regardless of gender, sexual orientation or gender identity; and can be committed using technology.

It is possible that some conduct may be covered by both laws, as well as the Student Code of Conduct, and the **Title IX Coordinator** will provide direction and guidance if this occurs. For other sexual misconduct and related offenses, please see the Sexual Misconduct section of the Student Handbook and the conduct policies and processes applicable to faculty or staff in the Faculty Handbook and Staff Handbook.

Any questions about the meaning of the terminology below should be directed to the **Title IX Coordinator**, a **Deputy Title IX Coordinator**, or a Confidential Resource Advisor.

Prohibited conduct under Title IX (Federal Title IX law)

- A. Quid Pro Quo Sexual Harassment by an Employee.** The Title IX regulations define **Quid Pro Quo Sexual Harassment** by an **Employee** as follows:
- 1) When an **Employee** conditions an aid, benefit or service to a **Student** (including but not limited to a grade, participation in a program/activity, a recommendation, summer employment position or other benefit) on their participation in unwelcome conduct of a sexual nature (as determined by a reasonable person); or
 - 2) When an **Employee** conditions an aid, benefit or service to an **Employee** (including but not limited to an employment position, a promotion, a favorable evaluation or other benefit) on their participation in unwelcome conduct of a sexual nature.

- B. Hostile Environment Sexual Harassment.** The Title IX regulations define **Hostile Environment Sexual Harassment** as unwelcome sex-based conduct (as determined by a reasonable person) that is so severe, pervasive AND objectively offensive that it effectively denies a **Student** or **Employee** equal access to the College's education programs and activities.
- C. Sexual Assault.** The Title IX regulations define **Sexual Assault** as an offense classified as a **Forcible or Non-forcible Sex Offense** under the uniform crime reporting system of the FBI, which are:
- 1) **Forcible Sex Offenses** – Any sexual act directed against another person, without the **Consent** of the victim, including instances where the victim is in a state of **Incapacitation**. These include:
 - i. **Forcible rape** – Sexual intercourse with a person, forcibly and/or without that person's **Consent** or in instances where the victim is in a state of **Incapacitation**.
 - ii. **Forcible oral or anal sexual intercourse** with another person, forcibly and/or without that person's **Consent** or in instances where the victim is incapable of giving **Consent** because of their youth or because 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, forcibly and/or without that person's **Consent** or in instances where the person is incapable of giving **Consent** because of their youth or because of **Incapacitation**.
 - iv. **Forcible fondling** – The touching of the private body parts (genitals, buttocks, or breasts) of another person for the purpose of sexual gratification, forcibly and/or without that person's **Consent**, or in instances where the person is incapable of giving **Consent** because of their youth or because of **Incapacitation**.
 - 2) **Non-Forcible Sex Offenses** include incest and statutory rape. "Statutory rape" in Maine is defined as 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.
- D. Dating Violence.** The Title IX regulations define **Dating Violence** as physical or sexual abuse, threats of physical or sexual abuse, or emotional abuse committed by a person:
- 1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - 2) Where the existence of such a relationship shall be determined based on a consideration of the following factors: (a) length of relationship; (b) type of relationship; (c) the frequency of interaction between persons in the relationship.
- E. Stalking.** The Title IX regulations define **Stalking** as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety, the safety of others, or suffer severe emotional distress.
- F. Domestic Violence.** The Title IX regulations define **Domestic Violence** as physical or sexual abuse, or threats of physical or sexual abuse committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Maine, or

by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family laws of Maine.

- 1) 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](#)).

- G. **Retaliation.** No individual may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege under Title IX, or because the individual has made a Report or Formal Complaint, testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding or hearing. Reports of retaliation should be made to the Title IX Coordinator and shall be addressed and resolved promptly and equitably through the Grievance Procedure. The exercise of First Amendment rights shall not constitute prohibited Retaliation.
- H. **False Reports and Statements.** False reports and/or making materially false statements in bad faith in connection with this policy to any College official 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. A finding that a **Respondent** is not responsible for a violation of the Title IX policy after a hearing (or vice versa) does not mean that a report or statement was made in bad faith.
- I. **Faculty and Staff Relationships with Students.** As outlined in the Staff Handbook, or Faculty Handbook, 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**, regardless of whether the relationship is consensual. Individuals who have questions about this issue should consult with the **Title IX Coordinator/Deputy Title IX Coordinator** or a **Confidential Resource** (see **Appendix A**). A violation of this subsection may be addressed through the Staff or Faculty handbook or under the procedures in this policy, depending on the facts.

Prohibited Conduct under the Interpersonal Violence Law (Maine law)

A. Sexual Violence. Any conduct that constitutes:

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

B. 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.

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

After a report or notification of sex discrimination or interpersonal violence is made

After a **Report** of **Sexual Harassment** or **Interpersonal Violence** is made, the **Title IX Coordinator** or one of the **Deputy Title IX Coordinators** will meet with the **Complainant/Reporting Party** if they are identified in the **Report**. In addition to determining whether Title IX, Maine's Interpersonal Violence law, or both apply

to the situation, the **Title IX Coordinator/Deputy Title IX Coordinator** will discuss **Supportive Measures** that may be appropriate in the particular circumstances (see Section H for detailed discussion of **Supportive Measures**). The **Title IX Coordinator/Deputy Title IX Coordinator** will then implement any needed **Supportive Measures**. Such measures will remain confidential to the extent possible in the particular circumstances. In some situations, specific administrators, faculty, staff, and/or students may need limited information about matters in a **Report** in order to effectively implement **Supportive Measures**.

The **Title IX Coordinator/Deputy Title IX Coordinator** will explain the process for filing a **Formal Complaint** under this policy and the **Grievance Procedure** that follows a **Formal Complaint**. There is no obligation to file a **Formal Complaint**.

If a **Complainant/Reporting Party** chooses not to file a **Formal Complaint**, they may continue to receive appropriate **Supportive Measures**.

Supportive measures

Supportive Measures are individualized services offered to a **Complainant/Reporting Party** or **Respondent/Responding Party** following a **Report** of **Sexual Harassment** or **Interpersonal Violence**. Such **Supportive Measures** may continue and may be modified based on the **Party's** needs if a **Formal Complaint** is filed during the **Grievance Procedure**, and after the **Grievance Procedure** is completed.

Supportive Measures are also available to individuals through a **Confidential Resource Advisor** (see **Appendix A**). **Supportive Measures** may also be available to **Witnesses** or participants in a Title IX process. Individuals involved with possible violations of sexual misconduct under other College policies may also receive **Supportive Measures**, even if the possible violation does not meet the definitions under or otherwise implicate this policy.

Supportive Measures are without charge to the **Party** and are designed to facilitate each **Party's** access to education programs and activities. In addition, **Supportive Measures** may not be overly burdensome or disciplinary/punitive to a **Respondent/Responding Party** prior to a finding of responsibility in the **Grievance Procedure**. The **Title IX Coordinator** and/or **Confidential Resource Advisor** works with the **Parties** throughout the process, and **Supportive Measures** can be modified to reflect any needed changes at any point in the process. The **Title IX Coordinator** shall document **Supportive Measures**, including any instance where it is deemed that **Supportive Measures** are not necessary or are not desired by the **Parties**.

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 **Formal Complaint** process;
- Assistance in understanding the Title IX process and other College processes.

How to Make a Formal Complaint

A **Complainant/Reporting Party** may make a **Formal Complaint** to the **Title IX Coordinator**. **Formal Complaints** cannot be anonymous. The **Formal Complaint** may be filed in writing or through an electronic submission and must include the **Complainant/Reporting Party's** physical or digital signature (or otherwise indicate that the **Complainant/Reporting Party** is the one filing the **Formal Complaint**). The **Formal Complaint** must include the following:

- Basic information about the possible violation(s) of **Sexual Harassment** and/or **Interpersonal Violence** (such as date, time, location, type of incident, name(s) of individuals involved)
- A request that Colby investigate the allegation(s).

Formal Complaints may be filed with the Title IX Coordinator or Deputy Title IX Coordinator as listed in Appendix A.

1. Formal Complaint Filed by Title IX Coordinator

In rare cases where the **Title IX Coordinator** determines that the specific circumstances warrant pursuing a **Formal Complaint** (such as when the alleged **Respondent** has previously been found responsible for serious sexual misconduct or there may be a safety threat to the College community), the **Title IX Coordinator** may file a **Formal Complaint** on behalf of the College. In such cases, the **Complainant/Reporting Party** will be notified, as appropriate, as the Grievance Procedure proceeds but is not a party to the case. Likewise, the **Title IX Coordinator** is not a **Party**, for purposes of this policy, if they file a **Formal Complaint** on behalf of the College.

2. Consolidation of Formal Complaints

The **Title IX Coordinator** may consolidate **Formal Complaints** where circumstances warrant. Such circumstances might include, but are not limited to, situations where a **Complainant/Reporting Party** has filed a **Formal Complaint** of sexual harassment against more than one **Respondent/Responding Party** involving the same incident; there are multiple complaints against a **Respondent/Responding Party**; or when a **Respondent/Responding Party** makes a **Formal Complaint** against the **Complainant/Reporting Party** arising out of the same facts or circumstances. At the College's discretion, the **Investigation** and/or the **Adjudication** may be consolidated, in whole or in part.

In addition, where allegations made in a **Formal Complaint** include conduct that falls under this Policy and conduct that falls outside this Policy, but the conduct is interrelated, the allegations may be combined for **Investigation** and/or resolution. Similarly, in the event there is a related investigation or proceeding under a separate College policy (i.e. Student Code of Conduct) that includes allegations related to conduct covered by this Policy, the complaints or matters may be combined for one investigation and/or resolution. If any of the conduct falls under Title IX, the procedures outlined in this Policy will apply to that portion of the matter. At the College's discretion, other related allegations arising under separate College policies may also be addressed using the procedures set forth in this Policy. A decision to consolidate matters is made at the discretion of the Title IX Coordinator. If it is determined that consolidation is appropriate, then notice will be sent to all **Parties** involved.

3. Dismissal of Formal Complaints

The **Title IX Coordinator** must dismiss a **Formal Complaint**:

- a. If the conduct alleged in the **Formal Complaint** does not constitute **Sexual Harassment** or **Interpersonal Violence** as defined in this policy;

- b. If the conduct does not occur within the jurisdiction governing the reported behavior;

However, even if the **Formal Complaint** is dismissed, if the conduct alleged is covered by another College policy, the conduct may be addressed under that policy, depending on the circumstances.

The **Title IX Coordinator** may dismiss a formal complaint:

- a. If a **Complainant/Reporting Party** withdraws the **Formal Complaint**, or withdraws particular allegations within the **Formal Complaint**;
- b. The **Respondent** is no longer enrolled in or employed by the College; or
- c. If there are specific circumstances that prevent the College from gathering evidence sufficient to reach a determination regarding the **Formal Complaint**.

If a **Formal Complaint** is dismissed for any reason, the **Title IX Coordinator** will promptly and simultaneously send written notice to the **Parties** explaining the reasons. **Parties** have the opportunity to appeal dismissals in accordance with this policy (see Section J subsection 9).

Under the Title IX regulations, the **Title IX Coordinator** cannot dismiss a **Formal Complaint** based on an assessment that it has no merit, is frivolous, or has been previously investigated. Any **Formal Complaint** that is not dismissed for one of the reasons specified above must be processed through the **Grievance Procedure** unless it is resolved through an informal resolution process (see Section J subsection 3).

What Happens After a Formal Complaint is Made?: The Title IX/Interpersonal Violence Grievance Procedure

A **Formal Complaint** initiates the **Title IX/Interpersonal Violence Grievance Procedure**. The **Title IX Coordinator** has general responsibility for implementing this procedure. This section outlines the significant steps in the process in summary form. Detailed information about the procedure can be found in the College's ***Title IX and Maine Interpersonal Violence Guide for Parties, Advisors and Others***.

1. General Obligations of the College

- a. The College will:
 - Treat **Complainants/Reporting Parties** and **Respondents/Responding Parties** equitably;
 - Not presume a **Respondent/Responding Party** is responsible until and unless such a determination is made following a hearing;
 - Objectively evaluate all relevant evidence;
 - Ensure that any individuals involved in the **Grievance Procedure (Title IX Coordinator or Deputy Title IX Coordinator, investigators, adjudicator, and any others)** have appropriate training, and do not have conflicts of interest or bias;
 - Ensure that all **Parties** are present or included in any correspondence, meetings, or phone calls with the **Title IX Coordinator or Investigator**, unless there are extraordinary circumstances, as determined by the College. In such cases, the

College may require an **Advisor** to certify that the Student is receiving information and being kept informed about all aspects of the **Grievance Procedure**;

- Follow reasonably prompt timelines for conclusion of the **Grievance Procedure** and provide reasons for delay;
 - Provide all required notices of meetings and hearings;
 - Provide opportunities for **Parties** to review and respond to relevant evidence, both favorable and unfavorable;
 - Provide **Parties** with the opportunity to be accompanied to any meetings or hearings by an **Advisor** of their choice;
 - Provide **Parties** with the opportunity to present **Witnesses**, as well as other relevant evidence;
 - Permit the **Title IX Coordinator** or **Deputy Coordinators** to request a meeting with a **Party** and their **Advisor** at any time.
 - Not restrict the **Parties** from speaking about the case for their own emotional support and to prepare their case;
 - Assume the burden of gathering evidence and of proof (rather than such burdens resting with the **Parties**); and
 - Comply with all applicable confidentiality and privacy laws and regulations during the Title IX process. This includes keeping the identities of **Parties** confidential, except as necessary to carry out a disciplinary proceeding or as otherwise permitted under state and federal law.
 - Not restrict parents of **Parties** or guardians from inquiring about the wellbeing of their **Student**, with the consent of the Student.
- b. In addition to the obligations under the Title IX regulations, the College provides up to \$500 for student **Parties** to consult with an attorney at any point in the **Grievance Procedure**.
- c. **Deadlines and Extensions:** In general, the College will attempt to complete the **Grievance Procedure** within ninety (90) **Days**. However, there may be circumstances when the process will take longer due to the absence or temporary unavailability of individuals important to the process, difficulties in obtaining evidence and other reasonable considerations.

Parties may make requests for short extensions of deadlines imposed on them in the **Grievance Procedure** for good cause (illness, unavoidable absence of **Advisor**, etc.). When granted, such extensions are generally presumed to be for five **Days**. Any such request must be made to the **Title IX Coordinator** in writing and must explain the reason an extension is requested. The **Title IX Coordinator** shall treat requests from **Parties** for extensions equitably and shall notify the **Parties** of any extensions that are granted or denied.

2. Notice to Parties and Initial Steps

- a. The **Title IX Coordinator** will provide written notice of the **Formal Complaint** and allegations of **Sexual Harassment** or **Interpersonal Violence** potentially constituting prohibited conduct under this policy. The notice will include:
- Notice regarding the **Grievance Procedure** and the availability of an informal resolution process;

- Sufficient details known at the time (including identities of **Parties**, if known; the conduct alleged; and the date and location of the alleged incident, if known), with sufficient time to prepare before any initial interview (no less than five (5) **Days**).
 - As required by the Title IX regulations, a statement that the **Respondent/Responding Party** is presumed not responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the **Grievance Procedure**;
 - Notice that the **Parties** may have an **Advisor** of their choice, who may be an attorney. However, an Advisor may not speak on behalf of the **Party** and the **Party** must be included in any correspondence, meetings, or phone calls with the **Title IX Coordinator** or **Investigator**, unless there are extraordinary circumstances, as determined by the College;
 - Notice that the **Parties** may inspect and review evidence;
 - Notice of provisions in the conduct processes applicable to students, faculty, or staff that prohibits making false reports or providing materially false information in bad faith during the **Grievance Procedure**;
 - Notice that the **Parties** may discuss their case. However, **Parties** should avoid statements that are defamatory; or that disclose other conduct which could be viewed objectively as constituting intimidation or retaliation; or that may impair the integrity of the investigation or **Grievance Procedure**;
 - Notice that the College, not either **Party**, has the burden of proof in determining whether a **Party** is responsible or not; and
 - Notice of the name of the **Investigator**, with sufficient time (no less than five (5) **Days**) to raise then-known reasonable concerns of conflict of interest or bias, and the basis for those concerns, to the **Title IX Coordinator**.
 - Notice that the **Parties** can raise reasonable concerns regarding the **Title IX Coordinator** or a **Deputy Title IX Coordinator**, to the **Title IX Coordinator/designee**.
 - Notice that either **Party** has resources available to them that includes descriptions of the types of and contact information for counseling, health, safety, academic and other support services available on campus or within the local community or region. These resources may differ between **Parties**, as resources that support **Complainants/Reporting Parties** may not support **Respondents/Reporting Parties** and vice versa.
- b. If additional allegations become known at a later time, the original notice to the **Parties** will be supplemented. Misconduct which subsequently becomes known but is not covered by this policy may be addressed pursuant to other applicable College policies.
 - c. The **Title IX Coordinator** will discuss **Supportive Measures** with each **Party** and implement such measures as appropriate (see Section O).
 - d. Prior to a hearing, claims of conflicts of interest, bias, or other concerns regarding College officials involved in the **Grievance Procedure** will be resolved by the **Title IX Coordinator**, or if the **Title IX Coordinator** is the subject of a claim, one of the **Deputy Title IX Coordinators**. At the hearing, such claims may be raised with the **Adjudicator**, even if previously addressed.

3. Informal Resolution Process

After a **Formal Complaint** has been filed, and if the **Title IX Coordinator** believes the circumstances are appropriate, the **Title IX Coordinator** may offer the parties the opportunity to participate in an informal resolution process to resolve the complaint without completing the investigation and hearing process. An informal resolution process can be started at any time during the **Grievance Procedure**. However, an informal resolution process cannot be used to resolve a **Formal Complaint** when a student is the **Complainant/Reporting Party**, and the **Respondent/Responding Party** is an employee.

Informal resolutions 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**. **Parties** must voluntarily agree in writing to participate in an informal resolution process, and either **Party** can withdraw from the process at any time.

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. The College discourages, but does not prohibit, the use of non-disclosure provisions in informal resolution agreements. If included, a non-disclosure provision must not restrict the ability of either **Party** to disclose the allegations in a current or subsequent investigation or hearing by the College involving the **Parties**. Likewise, a non-disclosure provision must not prohibit an individual from disclosing their perspective of the underlying events that were the subject of the informal resolution process in any subsequent Title IX or Student/Employee Conduct matter at the College involving that individual – whether as a **Party** or a **Witness**. The **Adjudicator** or decision-maker may accord whatever weight is appropriate to that disclosure or information. The **Adjudicator** or decision-maker will expressly include an explanation of how that disclosure or information was considered in their findings and decision, including any determinations of credibility and weight accorded that disclosure or information. An informal resolution agreement may be considered by the College in any subsequent Title IX proceeding, including but not limited to sanctioning. An informal resolution agreement may also be considered in any subsequent administrative proceedings or in litigation in which the College is a party.

If an informal resolution process does not resolve the **Formal Complaint**, nothing from the process may be considered as evidence in the **Grievance Procedure**. An informal resolution facilitator may not be called as a **Witness** in a hearing, unless approved by the **Adjudicator**.

4. Emergency Leave

The College, in consultation with the **Title IX Coordinator**, may place a **Respondent/Responding Party** on emergency leave at any point after a **Report** is filed:

- a. If there is a determination (following an individualized safety and risk analysis) that there is an immediate threat to the health or safety of a student, other individual, or the College community arising from the allegations of **Sexual Harassment**, including the **Respondent/Responding Party's** reported post-incident action or behavior. Examples of such circumstances might include, but are not limited to, a continued threat of violence against a **Complainant/Reporting Party** by a **Respondent/Responding Party**, a **Respondent/Responding Party's** threat of self-harm due to the allegations, or ongoing threat to the community posed by the **Respondent/Responding Party**. Nothing prohibits the College from providing **Supportive Measures** to the **Respondent/Responding Party** leading up to, during, or after an emergency leave.
- b. The **Respondent/Responding Party** will be provided notice of the emergency leave and will be provided an opportunity to challenge the decision following the removal (this is an opportunity

to be heard, not a hearing). The **Respondent/Responding Party** has the burden to demonstrate why the emergency leave was unreasonable.

- c. Any such decision to place a **Student** or **Employee** on emergency leave shall be made in compliance with any applicable College policies and disability laws, including the IDEA Individuals with Disabilities Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act and the Maine Human Rights Act.

5. Investigation Process

The **Title IX Coordinator** will appoint the **Investigator** to investigate the **Formal Complaint**. The **Investigator** will:

- a. Meet with the **Parties** after they have received appropriate notice of any meeting and its purpose, with sufficient time to prepare.
- b. Allow **Parties** to have their **Advisor** at all meetings (and allow limited participation of **Advisors** consistent with the College's **Title IX and Maine Interpersonal Violence Guide for Parties, Advisors and Others**.) As part of the investigation, **Advisors** may not be asked to disclose their communications regarding the Title IX matter with the **Advisor's Party**, unless the **Party** consents. Please review the Guide for a discussion on the roles and types of **Advisors**.
- c. Decide the procedures for gathering evidence. As a part of this procedure, the **Investigator** shall allow **Parties** to identify **Witnesses** and submit favorable and unfavorable evidence.
- d. Interview **Parties** and **Witnesses** and conduct other activities that will assist in ascertaining facts (site visits, review of documents, etc.). The **Investigator** shall prepare written summaries or transcripts of all interviews and allow the individual interviewed an opportunity to review and comment on the written summary or transcript of their interview. The **Parties** will also have an opportunity to review the summaries or transcripts of all individuals interviewed as part of the evidence review process described below. The decision to summarize or transcribe interviews is at the discretion of the Investigator.
- e. Consider evidence that is relevant and directly related to the allegations in the **Formal Complaint**.
- f. Prior to completing the investigation report, provide the **Parties** and their **Advisors** with an equal opportunity to inspect and review any evidence that is obtained in the investigation that is directly related to the allegations in the **Formal Complaint**. This includes all such directly related evidence, whether the **Investigator** intends to rely upon it or not in the investigation report, as well as evidence favorable and unfavorable to the **Parties**. The **Parties** and **Advisors** must acknowledge that they will not further disseminate the evidence record to any person, but may use it to prepare for the hearing. The **Parties** will be provided ten (10) **Days** to submit a written response. The **Investigator** shall consider the **Parties'** written responses prior to completing the investigation report. The written responses from the **Parties** will be shared with the other **Parties** and included in the final evidence appendix. The **Parties'** written responses may be incorporated into the investigation report, as determined by the **Investigator**.
- g. Create an investigation report that fairly summarizes relevant evidence and submit it to the **Title IX Coordinator**. The **Investigator** may, at their discretion, comment on the credibility of a **Party**, **Witness**, or documentary evidence. Credibility determinations shall not be based on a person's status as a **Complainant/Reporting Party**, **Respondent/Responding Party**, or **Witness**.

- h. The investigation report shall contain a record of decisions regarding any evidence that is not shared with the **Parties**, including evidence protected by a legal privilege. This record should contain the basis for any decision to not share evidence with the **Parties**.

In turn, the **Title IX Coordinator** shall:

- a. Provide a hard or electronic copy of the investigation report to the **Parties** and **Advisors** (if any) at least ten (10) **Days** prior to the scheduled hearing, for their review and written responses. The **Parties** and **Advisors** must acknowledge that they will not further disseminate the investigation report to any person, but may use it to prepare for the hearing. The **Parties'** written responses to the investigation report, if any, must be provided to the **Title IX Coordinator** within five (5) **Days** of receipt of the report. The **Title IX Coordinator** shall provide each **Party** with all responses.

In their responses, **Parties** must identify any claims of procedural error in the **Grievance Procedure**, including any claim of conflict of interest or bias by the **Investigator**. The **Title IX Coordinator**, in consultation with other College officials, will evaluate any claim of procedural error and remedy any error as appropriate, including but not limited to requiring the **Investigator** to interview other **Witnesses** or consider additional evidence.

- b. Appoint an **Adjudicator**, notify the **Parties** of the identity of the **Adjudicator**, and provide not less than five (5) **Days** for a written response from the **Parties** raising any concerns regarding a conflict of interest or bias on the part of the **Adjudicator**.
- c. Forward the investigation report and the **Parties'** responses to the **Adjudicator** in advance of the hearing.

6. Live Hearing

The College shall conduct a live hearing through which an **Adjudicator** will consider the evidence, make determinations of responsibility, and impose remedies including, if warranted, disciplinary sanctions.

The **Title IX Coordinator** shall be responsible for scheduling the live hearing (no less than ten (10) **Days** after receiving the written responses to the investigative report); notifying persons who need to be present at the hearing, including the **Parties**, **Advisors**, the **Investigator** and **Witnesses** identified in the investigation report; and providing a copy of the College's **Title IX and Maine Interpersonal Violence Guide for Parties, Advisors and Others** to all participants. **Witnesses** will be requested to provide testimony at the hearing. The **Title IX Coordinator** is required to limit attendance at the hearing, consistent with the Family Educational Rights and Privacy Act (FERPA), to **Parties**, **Advisors**, **Witnesses**, the **Investigator**, the **Adjudicator**, other College **Title IX Coordinators**, staff to facilitate technology for the hearing, and the Office of General Counsel or its designee. If there are others that a **Party** wishes to have present at the hearing to provide testimony, the **Party** must notify the **Title IX Coordinator** within three (3) **Days** of receiving notice of the hearing.

Some important features of hearings include the following:

- a. Under Title IX, neither **Party** may waive the right to a live hearing, but any individual, including the **Parties** and **Witnesses**, has the right to decline to appear at and/or participate in the hearing. The College has no authority to compel **Parties** or **Witnesses** to be present for a hearing. If a **Party** does not attend the hearing, their **Advisor** still must attend; if the **Party's Advisor** does not attend or the **Party** does not have an **Advisor**, then the College will appoint an **Advisor** for the Party for purposes of the hearing, as described below.
- b. **Parties** and **Witnesses** may choose not to participate in cross examination at the hearing. However, if a **Party** or **Witness** decides not to participate at the hearing, then the **Adjudicator**

must determine how much weight, if any, to afford statements they may have provided during the investigation or that are otherwise in the record.

- c. At the College's discretion, the live hearing may be conducted virtually, with the **parties** in separate rooms, and with technology enabling participants to simultaneously see and hear each other (i.e. Zoom). If the College decides to hold the hearing in-person, then a party may request, and the College shall allow that party to participate in a separate room with appropriate technology to accommodate that request. By mutual consent, the **Parties** may agree that only the **Advisors** and a person providing evidence to the **Adjudicator** will have the camera on.
- d. The live hearing is not a judicial or court proceeding, and the formal rules of evidence do not apply.
- e. The **Adjudicator**, not the **Investigator**, makes the final determination of responsibility and imposes remedies, including disciplinary sanctions where warranted. The **Adjudicator** will not be the **Title IX Coordinator** or the **Investigator**.
- f. The **Adjudicator** may impose reasonable time limits on opening/closing statements, cross-examination, and comments by the **Parties** and their **Advisors** during the hearing and shall generally preside over the hearing and enforce the rules of decorum.
- g. The **Adjudicator** may ask questions of the **Parties**, their **Advisors** and any **Witnesses**, even if the **Parties** do not participate in cross examination.
- h. The **Adjudicator** shall rule on the relevance of evidence offered or of any question asked of a **Party** or **Witness** prior to the question being answered, especially during cross-examination. The **Adjudicator** may also admit evidence not produced during the investigation, provided such evidence is relevant, there is good cause for its failure to be produced during the investigation, and its admission does not constitute an unfair surprise to a **Party**.
- i. All relevant evidence, both inculpatory and exculpatory, shall be evaluated objectively.
- j. The **Adjudicator** may request input from the College concerning possible sanctions, either during the live hearing or during the period between the closing of the hearing and the issuance of the **Adjudicator's** written determination. Information on sanctions provided by the College after the close of the hearing will be provided to the **Complainant/Reporting Party** and **Respondent/Responding Party** at the same time it is provided to the **Adjudicator**, and the **Parties** will have five (5) **Days** to provide a written response to the information on sanctions provided by the College.
- k. The College's Office of General Counsel or its designee shall attend the hearing and may provide information or advice to the **Adjudicator** or guidance to the participants during the hearing as needed.
- l. **Parties** must have an **Advisor** at the hearing. If a party does not have an **Advisor** when the final **report** is issued, then the College will appoint one for the **Party** at no cost to the **Party**. The College has established reasonable restrictions and limitations on **Advisors'** fees and expenses. It is the duty of the **Advisor** to ensure they comply with the restrictions in order to be compensated.
- m. Communications between a **Party** and the **Party's Advisor** are not relevant evidence and are not admissible at the live hearing, whether during cross-examination or in questions from the **Adjudicator**.

- n. The Title IX regulations require that **Advisors** (and not the **Parties**) may question other **Parties** and **Witnesses**, following the College's rules of decorum.
- o. A video or audio recording or transcript shall be made of the hearing and made available to the **Parties** for inspection and review.

7. Standard of Proof and Determination of Responsibility

The College uses a preponderance of the evidence standard ("more likely than not") in making determinations of responsibility, for both **Students** and **Employees**.

The **Adjudicator** shall issue a written determination, which shall include the following:

- Identification of all the allegations potentially constituting **Sexual Harassment** or **Interpersonal Violence** as defined in the Title IX regulations and this policy;
- Identification of the specific code of conduct or Title IX policy provisions that were violated if the **Respondent/Responding Party** is determined to be responsible.
- A description of the procedural steps taken from receipt of the **Formal Complaint** through the determination, including notifications to the **Parties**, interviews with **Parties** and **Witnesses**, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, and any disciplinary sanctions the College imposes on the **Respondent/Responding Party**.
- A statement as to whether remedies designed to restore or preserve equal access to the College's education programs and activities will be provided to the **Complainant/Reporting Party**; however, the **Adjudicator** shall not identify such remedies. The **Title IX Coordinator** shall work with the **Complainant/Reporting Party** to design remedies consistent with the **Adjudicator's** findings.
- The College's procedure and permissible bases for the **Complainant/Reporting Party** and **Respondent/Responding Party** to appeal the determination (or dismissal).

The written determination shall be provided to the **Parties** simultaneously. For alleged violations of the Title IX Policy, the written determination shall be issued within fifteen (15) **Days** of the hearing. For alleged violations of the Interpersonal Violence Policy, the written determination shall be issued within seven (7) **Days**. In cases where the alleged violations fall under both the Title IX Policy and the Interpersonal Violence Policy, the Title IX regulations apply, and the written determination shall be issued within fifteen (15) **Days**. If good cause for additional time is shown, these deadlines may be extended by the **Title IX Coordinator**. The determination concerning responsibility becomes final either on the date that the College provides the **Parties** with the written determination of the results of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal period expires. A complaint filed with the Office of Civil Rights or Maine Human Rights Commission is not an appeal for purposes of determining when a finding of responsibility becomes final.

8. Remedies, Supportive Measures and Sanctions

a. Remedies

Remedies are measures used to ensure that the **Complainant/Reporting Party** has equal access to the College's education programs and activities following an **Adjudicator's** determination of responsibility.

Such remedies may include the measures described under Section O, **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**.

b. **Supportive Measures**

As noted in Section O, the **Title IX Coordinator** may continue and/or adjust **Supportive Measures** for the **Complainant/Reporting Party** or **Respondent/Responding Party** following the conclusion of the **Grievance Procedure**, based on the **Party's** respective needs at that time.

c. **Sanctions**

1) **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 **Sexual Harassment** 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 **Adjudicator** may reasonably deem appropriate. Examples include, but are not limited to:
 - Mandated counseling or substance use counseling.
 - No-contact directive(s).
 - Apology.

- o Facilitated meeting with **Complainant/Reporting Party** and/or other affected individuals (only with agreement of **Complainant/Reporting Party** and other affected individuals).
- o Campus or community service.
- o Restitution (for damages related to a **Sexual Harassment** or **Interpersonal Violence** incident).
- o 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).
- o Loss of existing, or loss of opportunity for leadership positions, campus employment, extracurricular activities and/or off-campus study.
- o Loss of social privileges, such as the ability to attend or participate in social, extracurricular and/or alumni activities and events.
- o No-contact directives and/or no-trespass orders on campus or at College events for a pre-determined or indefinite period of time.

2) **Faculty and Staff**

(a) **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 pre-determined or indefinite period of time.
- Loss/relocation of office.
- Loss of College housing.
- Loss of other privileges.

(b) **Faculty.** Sanctions for faculty must be processed in compliance with the faculty disciplinary process, as described in the Faculty Handbook, and will not be decided by the **Adjudicator**. However, determinations of responsibility for a **Title IX** or **Interpersonal Violence** violation may not be re-heard or adjudicated again as part of the faculty disciplinary process. In addition to the sanctions (2a) above, 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.

9. Appeals

Parties have the opportunity to appeal a determination regarding responsibility, and from dismissals of **Formal Complaints**.

Appeals are allowed on the following grounds:

- Procedural errors that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The **Title IX Coordinator** wrongfully concluded that the **Formal Complaint** did not constitute **Sexual Harassment** or **Interpersonal Violence** under this Policy and dismissed the **Formal Complaint**;
- The **Title IX Coordinator, Investigator** or **Adjudicator** 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 affected the outcome of the matter; or
- A sanction imposed was improper in light of mitigating or extenuating 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 **Adjudicator**.

An appeal must be filed in writing within ten (10) **Days** of receiving the 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 with the **Title IX Coordinator**, who shall refer it to the appropriate appeals officer – the Dean of the College (for **Student Respondents/Responding Parties**), the Provost (for faculty **Respondents/Responding Parties**), or the Vice President and Chief People Officer (for staff **Respondents/Responding Parties**), provided that these officers have not had substantial involvement in the **Grievance Process** which is the subject of the appeal. In the event of a conflict of interest or bias, or unavailability, other officers of the College may serve as appeals officers, as determined by the College.
- The **Title IX Coordinator** shall provide a copy of the appeal to all other **Parties**.
- The other **Parties** are permitted but are not required to submit a written statement addressing the appeal. If they wish to do so, then the other **Parties** shall have five (5) **Days** from the date of receiving the Appeal. The written statement will be shared with the Party appealing. No replies or further submissions are permitted.
- 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/College counsel in making their decision.
- Within ten (10) **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 and provide it simultaneously to the **Parties**. The officer may: 1) deny the appeal; 2) grant the appeal and send back the matter to the **Adjudicator** for further

consideration; 3) grant the appeal and send back the matter for a new live hearing before a new **Adjudicator**; 4) grant the appeal by revising the sanction; or 5) grant the appeal of a dismissal of a **Formal Complaint** and order that an investigation be conducted.

Records

Records in connection with **Sexual Harassment** or **Interpersonal Violence Reports, Formal Complaints** and proceedings shall be maintained for a minimum of seven years from resolution of the incident, or six years from date of last attendance or employment at the College by any **Party**, whichever is later, including but not necessarily limited to the following:

1. Each **Sexual Harassment** or **Interpersonal Violence** investigation including any determination regarding responsibility and any audio recording of hearings; any disciplinary sanctions imposed on the **Respondent/Responding Party**; and any remedies provided to the **Complainant/Reporting Party**;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom;
4. All materials used to train **Title IX Coordinators, Investigators, Adjudicators**, individuals reviewing appeals, and any person who facilitates informal resolutions; and
5. Records of any actions, including any **Supportive Measures** provided in response to a **Report** or **Formal Complaint** of **Sexual Harassment** and **Interpersonal Violence** (and if **Supportive Measures** are not provided, the basis for such decision).

The **Title IX Coordinator** shall be responsible for the required recordkeeping.

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 is 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.

Additionally, all athletic teams and all seniors living in the on-campus apartments receive required Title IX-related training, and all students are invited to participate in awareness and prevention initiatives during Dating Violence Awareness Month and Sexual Assault Awareness Month.

During new employee orientation Colby's Harassment and Sexual Harassment Policy and Complaint Procedures are provided to new employee and discussed. The Title IX Office partners with Colby's Human Resources Department to offer Faculty and staff additional opportunities to engage throughout the academic year, with some opportunities being targeted based on specific role at the College.

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 Emily Schusterbauer (ext. 4266, emily.schusterbauer@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, emily.schusterbauer@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 a Deputy Title IX Coordinator. They are identified in the Student Handbook and in the College's Title IX policy. 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 faculty 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.

For Clery Act reporting purposes, hate crimes include any standard Clery-reportable offense (such as murder, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, arson, or stalking) as well as four additional secondary offenses: intimidation, simple assault, larceny-theft, and destruction/damage/vandalism of property, when committed due to bias.

Under federal Clery Act guidelines, reportable bias categories include: Race, Religion, Sexual Orientation, Gender, Gender Identity, Disability, Ethnicity, and National Origin.

For the complete federal definitions of hate crime offenses and specific bias categories used for Annual Security Report statistics, please refer to Page 18.

What are the penalties for committing hate crimes?

Penalties for hate crimes are severe and range from fines to lengthy periods of imprisonment, depending on the nature of the underlying criminal offense, the presence of violence, or prior convictions of the offender. Under applicable state and federal laws, a conviction for a hate-motivated offense may result in elevated criminal charges and enhanced sentencing.

Hate crimes are prohibited by law and by Colby College policy. Offenders may be prosecuted under federal and/or state criminal and civil statutes, as well as subjected to institutional disciplinary action. The College may pursue internal disciplinary action while criminal proceedings are pending, or even if law enforcement authorities decline to prosecute. Students found responsible through the College disciplinary process are subject to sanctions up to and including 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 Campus Security at 207-859-5530 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..

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

Upon receipt of a report, the associate vice president for campus safety and security (or designee) will contact the victim, those College officers and staff who have jurisdiction over bias incidents or hate crimes claims, 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:

- Colby Counseling Services — 207-859-4460
- Dean of Students Office — 207-859-4250
- Colby Health Services — 207-861-6860
- Campus Life Office — 207-859-4280
- Campus Security — 207-859-5530
- 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
- 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

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Clery Act Annual Fire Safety Report

Campus 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 2023, 2024 and 2025 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 Campus Security office in Roberts Hall 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 systems, 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 Campus Security where occupants should gather immediately following an evacuation signal (fire alarm) to await further instructions. Please contact your community advisor if you have not been advised of your residential 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 call 911 to report the fire and then call Colby Campus Security — ext. 5530 by on-campus phone, 207- 859-5530 by cell phone
- Activate a nearby fire alarm pull station if one is accessible.
- Remain calm, turn lights on, 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 the door slowly. If the 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 wet towel, if possible.
- Open window, hang a sheet or towel out of the window, and close it
- Open the window at regular intervals to announce your location and then close it.

Sanctions

No single fire safety strategy can eliminate all hazards. Only through a combination of thoughtful design and engineering controls, safe practices in our work, learning, and living environments, and responsible behavior from both students and employees can we reduce our collective risk from fire hazards. To support this effort, all students and employees receive fire safety education and awareness information.

Non-conformance with federal, state, or local fire codes may result in formal violations or citations against the College. The College reserves the right to take appropriate action against any individual who willfully disregards fire safety, including but not limited to: disciplinary measures up to and including expulsion for students or termination for employees who tamper with, disable, or otherwise ignore fire safety equipment, policies, and training.

Clery Act Annual Fire Statistics

2025

Resident Hall	Total Fires	Date/Time of Fire	Cause of Fire	Category of Fire	Fire Related Injuries	Fire Related Deaths	Value of Property Damage
Bill and Joan Alford Main Street Commons	1	2/25/2025 7:15pm	Grease fire from cooking	Unintentional	0	0	\$1000

2024

Resident Hall	Total Fires	Date/Time of Fire	Cause of Fire	Category of Fire	Fire Related Injuries	Fire Related Deaths	Value of Property Damage
Leonard Hall	1	3/6/2024 10:11pm	Hot Hookah placed in trash causing flames	Unintentional	0	0	\$28,535

2023

Resident Hall	Total Fires	Date/Time of Fire	Cause of Fire	Category of Fire	Fire Related Injuries	Fire Related Deaths	Value of Property Damage
Bill and Joan Alford Commons Main Street	1	4/24/2023 1:47pm	Dab Pen inside backpack malfunctioned and overheated	Unintentional	0	0	\$1000
Goddard-Hodgkins Hall	1	8/8/2023 10:48 am	Piece of flooring fell onto a torch during installation by contractor	Unintentional	0	0	\$100

Student Housing Fire Safety Chart

Facility	Fire Alarm Monitoring Done On-site	Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans and Placards	Number of Evacuation (Fire) Drills Each Calendar Year
Harold and Bibby Alfond Residence Complex	x	x	x	x	x	2
Anthony-Mitchell-Schupf Hall	x	x	x	x	x	2
Averill Hall	x	x	x	x	x	2
Coburn Hall	x	x	x	x	x	2
Dana Hall	x	x	x	x	x	2
Drummond Hall	x	x	x	x	x	2
East Quad: Butler, Champlin, Small	x	x	x	x	x	2
Foss Hall	x	x	x	x	x	2
Goddard-Hodgkins Hall	x	x	x	x	x	2
Heights	x	x	x	x	x	2
Hill House	x	x	x	x	x	2
Hillside Complex:						
Taylor Hall	x	x	x	x	x	2
Sturtevant Hall	x	x	x	x	x	2
Leonard Hall	x	x	x	x	x	2
Marriner Hall	x	x	x	x	x	2
Williams Hall	x	x	x	x	x	2
Johnson Hall	x	x	x	x	x	2
Paula Crane Lunder House	x	x	x	x	x	2
Mary Low Hall	x	x	x	x	x	2
Jacqueline Nuñez House	x	x	x	x	x	2
Perkins-Wilson Hall	x	x	x	x	x	2
Pierce Hall	x	x	x	x	x	2
Piper Hall	x	x	x	x	x	2
Jane Powers House	x	x	x	x	x	2
Roberts Hall	x	x	x	x	x	2

Facility	Fire Alarm Monitoring Done On-site	Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans and Placards	Number of Evacuation (Fire) Drills Each Calendar Year
Carol Swann- Daniels House	x	x	x	x	x	2
Treworgy Hall	x	x	x	x	x	2
West Quad: Chaplin, Pepper, Robins	x	x	x	x	x	2
Woodman Hall	x	x	x	x	x	2
Bill and Joan Alfond Main Street Commons	System reports to Waterville Fire Department	x	x	x	x	2
36 Mt Merici	No	No	x	x	x	2
38 Mt Merici	No	No	x	x	x	2

END of REPORT

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