2016
Bates College
Annual Campus Safety
&
Fire Report
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The Jeanne Clery Disclosure of Campus Security Policy & Campus Crime Statistics Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 requires the distribution of an annual security report to all current students, faculty and staff. The annual security report includes statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings, property owned or controlled by Bates College, and on public property within or immediately adjacent to and accessible from the campus. The report also includes institutional policies concerning campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, domestic and dating violence, stalking, and fires in campus residential buildings.

Annual Report 2016 – Campus Crime, Fire, Alcohol, and Illegal Drugs

This information is provided to meet the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 and has been prepared by Security and Campus Safety.

Each fall, e-mail notification is made to students and employees providing a link to this report. The URL is also included on the websites of Human Resources and Admissions to inform prospective students and employees. You can link directly to the site at www.bates.edu/security.

Preparation of Disclosure of Crime Statistics

Security and Campus Safety prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is prepared in cooperation with the Lewiston Police Department, Lewiston Fire Department, other law enforcement agencies, the Student Affairs Office, Associate Dean of Students for Student Support and Community Standards, and the Office of Residence Life.

Information on campus crime, arrest, and referral statistics includes those reported to Security and Campus Safety, designated campus officials, and the Lewiston Police Department. These statistics may also include crimes that have been reported through Student Health Services or Counseling and Psychological Services on a voluntary or confidential basis. A procedure is in place to anonymously capture crime statistics disclosed confidentially during such a session.

Security and Campus Safety Department

Security and Campus Safety Department is located at 245 College Street. The phone number is 207-786-6254. The Department reports to the Student Affairs Office. The Security and Campus Safety staff includes the director of security and campus safety, one assistant director, two
patrol supervisors, one electronic access system manager, one administrative assistant, nine full-time patrol officers, four full-time communication officers, and one part-time communication officer. The department provides protection and services 24 hours a day, 365 days a year.

Security and Campus Safety officers have completed 50 hours of training at the New England Campus Security Officer Training Academy held at Bates College in Lewiston, Maine or the New Hampshire Campus Safety Academy held at Keene State College. Other Security and Campus Safety officers have participated in training provided by the Justice Planning and Management Associates. Officers also attend workshops and training seminars that are relevant to campus security and safety. Security and Campus Safety officers patrol the campus 24 hours a day using motor vehicles, bicycles, and on foot. During the academic year, Security and Campus Safety provides a student security escort service during evening hours.

The Security and Campus Safety Communication Office is staffed by trained dispatchers and operates on a 24 hour basis. They monitor a network of security cameras and life safety alarm systems, and receive all calls for emergency and routine service. Communication officers instantly dispatch the appropriate response to a call for service. Security and Campus Safety officers respond to and investigate reported incident and policy violations.

**Cooperative Law Enforcement Functions**

Security and Campus Safety officers do not have powers of arrest, but cooperate with local law enforcement agencies. Security and Campus Safety does not have working memoranda of understanding for the investigation of alleged criminal offenses with the local law enforcement agencies inasmuch as law enforcement will investigate those alleged criminal offenses.
Security and Campus Safety officers have the authority to ask persons for identification and determine whether individuals have lawful business at Bates College. Officers conduct investigations of all incidents and submit detailed reports. Security and Campus Safety officers work closely with the investigative staff at the Lewiston Police Department when incidents arise that require joint investigative efforts, resources, crime-related reports, and exchange of information as deemed necessary.

Building and Grounds Security

The Bates College campus is open to the public. Academic and other buildings are available to authorized members of the campus community, to official visitors, and to individuals who have legitimate business needs during the hours buildings are open. All buildings are secured each night and are open only during scheduled operating hours. Entry after scheduled hours is only available to faculty, staff, and authorized students as determined by the appropriate academic or administrative offices.

Buildings are currently secured by key-locks and/or electronic access control and are patrolled by officers from Security and Campus Safety. Certain buildings are alarmed and monitored by security cameras for the protection of contents and people. The alarms are activated when any illegal entry is made. These alarms are monitored by communication officers located at Security and Campus Safety. Immediate response to the alarm location is made by Security and Campus Safety officers.
All residence halls are secured 24 hours a day. They are equipped with an electronic card access system that allows authorized students and other approved members of the College community to gain access to a building by swiping their Bates College I.D. in front of a card reader located at designated exterior doors.

Security and campus safety officers perform regular building checks each evening. Residence hall staff is also assigned to each dormitory. Safety and security checks made in the residence halls are conducted to detect damage to facilities and any suspicious activities. Any suspicious activity, suspicious person(s), or crimes in progress should be reported immediately to Security and Campus Safety.

Security phones, which are identified and visible by a blue light, are located throughout the campus. These phones are checked on a daily basis to assure that they are operational. Grounds maintenance includes the trimming of trees and shrubs that might be a hazard to the safety of students and others walking on campus, especially at night. Lighting has been increased and improved throughout the campus, and lights are well maintained. Defective or inoperable lighting is noted by security patrols at night and is repaired quickly by Facility Services, who have developed a burnt bulb replacement program.

**Crime Prevention Resources and Services**

The crime prevention program plays an important role within the Bates College community. Security and Campus Safety operates under the assumption that they are a component of the educational process for students, faculty, and staff within the community. The program relies on a teamwork approach.

During orientation in September, students are informed of services offered by Security and Campus Safety. Security officers give presentations during mandatory dorm meetings, providing information about ways to maintain personal safety and residence hall security. Similar information is presented to new employees during new employee orientation. Crime prevention programs and sexual assault prevention programs are offered on a continual basis.

The following is a listing of the crime prevention programs and projects utilized by Security and Campus Safety:

**Community Engagement Program**

One of the major objectives of community engagement efforts is to establish an active partnership between Security and Campus Safety and the community that can analyze problems and help implement solutions and services that are truly community based. This requires Security and Campus Safety to make a conscious effort to create an atmosphere in which community partners actively and willingly co-operate with our office.
Bicycle Registration Program

Bicycles parked outside should always be locked to a bike rack with a strong lock. U-bolt locks are recommended. Bicycles may be stored inside designated bicycle storage rooms available in various locations. To help deter theft and assist in returning lost and stolen bicycles, it is strongly recommended that bicycles are registered with Security and Campus Safety. There is no charge to register your bicycle.

RAD Self Defense Program

The Rape Aggression Defense program is dedicated to teaching women defensive concepts and techniques against assaults.

Shuttle and Safety Escort Program

This program provides personal safety escorts for persons walking from one point to another on campus and individuals traveling from campus to their off-campus residence after dark.

New Student Orientation

Crime prevention brochures and other printed material are presented as a formal part of orientation at the start of the academic year.

Crime Prevention Presentations

Officers conduct crime awareness and prevention programs in residence halls and elsewhere on campus throughout the year.

New Employee Orientation

New employees are provided with campus safety and security information.

Event Security

Security and Campus Safety works with event organizers to ensure that the event being held is safe for participants.

Security Alarm Systems

A sophisticated computer-enhanced alarm system monitors a campus-wide network of intrusion and duress alarms.
Printed Crime Prevention Materials

Brochures and posters carrying crime prevention and awareness information related to residence hall safety and security, bicycle safety, and sexual assaults are widely distributed at crime prevention presentations and at the Security and Campus Safety office.

Security Alerts

In the event that criminal or hazardous activity requires timely public notice to alert community members of potentially dangerous situations, Security and Campus Safety prepares and distributes security alerts via email and the Bates College website.

Blue Light Emergency Phones

There are over 140 security phones located throughout the campus.

Security and Campus Safety promotes and encourages the use of these phones. These phones are connected directly to Security and Campus Safety – no dialing is required. The Security Phone System is monitored by the communications officer and is activated when the large red button in the center of the phone is pushed. If a phone is activated and the communications officer does not receive a response, an officer is immediately dispatched to that location. Security phones may be used to contact Security and Campus Safety for any reason, such as to call for an escort, report a suspicious person, or to report an emergency.

Campus Lighting

Lighting fixtures on campus are monitored for malfunctions and work orders are submitted to repair any lighting issues. Facility Services conducts a light maintenance program every year for all exterior lights. Areas where lighting could be enhanced to improve safety are reported to Facility Services for evaluation.

Laptop Theft Prevention

Information is provided to the campus community on laptop theft prevention along with tracking software in case the laptop is stolen.

Green Dot Bystander Intervention

Green Dot is a comprehensive, strategic, and research-based approach to violence prevention. Green Dot’s teachings, while primarily focused on eradicating power-based personal violence,
are applicable to everything from physical or sexual violence to inappropriate language to dorm damage and more. It utilizes peer-to-peer influence to shift and change cultural expectations.

Campus Security Authorities

A Campus Security Authority (CSA) is a Clery Act-specific term that encompasses four groups of individuals and organizations associated with an institution.

- A campus police department or a campus security department of an institution.
- Any individual or individuals who are responsible for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance to institutional property).
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including but not limited to student housing, student discipline, and campus judicial proceedings. An official is defined as any person who has the authority and duty to take action or respond to particular issues on behalf of the institution.

Bates College Campus Security Authorities

<table>
<thead>
<tr>
<th>Athletics</th>
<th>786-6341</th>
<th>Campus Life</th>
<th>786-6305</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alumni Gym</td>
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<tr>
<td>130 Central Avenue</td>
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<td></td>
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<tr>
<td>Merrill Gym</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>141 Russell Street</td>
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<td></td>
</tr>
<tr>
<td>(Director, Asst. Directors, Coaches &amp; student monitors)</td>
<td></td>
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<tr>
<td>Student Affairs</td>
<td>786-6219</td>
<td>Off-Campus Study Program</td>
<td>786-6223</td>
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<tr>
<td>Lane Hall</td>
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<td></td>
<td></td>
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<tr>
<td>2 Andrews Road</td>
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<td></td>
<td></td>
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<tr>
<td>(Dean, Associate Deans &amp; Assistant Deans)</td>
<td></td>
<td></td>
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<tr>
<td>Residence Life and Health Education</td>
<td>786-6066</td>
<td>Office of Intercultural Education</td>
<td>786-8303</td>
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<tr>
<td>Lane Hall</td>
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<td></td>
<td></td>
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<tr>
<td>2 Andrews Road</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>(Assoc. Dean, Assoc. Director, Assist. Director, &amp; RCTLs, RCs, &amp; JAs)</td>
<td></td>
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<tr>
<td>Campus Life</td>
<td></td>
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<td></td>
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<tr>
<td>Chase Hall</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>56 Campus Avenue</td>
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<td></td>
<td></td>
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<tr>
<td>(Assoc. Dean, Assist. Dean, &amp; Assist. Director)</td>
<td></td>
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<tr>
<td>Off-Campus Study Program</td>
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<td>Roger Williams Hall</td>
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<td>9 Andrews Road</td>
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<tr>
<td>(Assoc. Dean and Assist. Director)</td>
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<tr>
<td>Office of Intercultural Education</td>
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<tr>
<td>Chase Hall</td>
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<tr>
<td>56 Campus Avenue</td>
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<td></td>
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<tr>
<td>(Assist. Deans &amp; Assist. Director)</td>
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<td>Department</td>
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<tr>
<td>Dean of Faculty’s Office</td>
<td>786-6066</td>
<td>Lane Hall 2 Andrews Road (Dean, Associate Dean &amp; Assistant Dean)</td>
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</tr>
<tr>
<td>Health Services</td>
<td>786-6199</td>
<td>31 Campus Avenue (Director)</td>
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</tr>
<tr>
<td>Security and Campus Safety</td>
<td>786-6254</td>
<td>245 College Street (Director, Assoc. Director, Security Officers &amp; Communication Officers)</td>
<td></td>
</tr>
<tr>
<td>Title IX Office</td>
<td>786-6445</td>
<td>Lane Hall 2 Andrews Road (Director of Title IX and Civil Rights Compliance)</td>
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<tr>
<td>Harward Center</td>
<td>786-6202</td>
<td>161 Wood Street (Directors &amp; Assistant Directors)</td>
<td></td>
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<tr>
<td>Office of Equity and Diversity</td>
<td>786-6031</td>
<td>Lane Hall 2 Andrews Road (Chief Diversity Officer)</td>
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<tr>
<td>Human Resources</td>
<td>786-6140</td>
<td>215 College Street (AVP, Sr. Director, &amp; Directors)</td>
<td></td>
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<tr>
<td>Environmental Health &amp; Safety</td>
<td>786-6413</td>
<td>220 College Street (Director &amp; Health &amp; Safety Specialist)</td>
<td></td>
</tr>
<tr>
<td>Conferences &amp; Campus Events</td>
<td>786-6400</td>
<td>Commons 136 Central Avenue (AVP, Assistant Directors &amp; Managers)</td>
<td></td>
</tr>
<tr>
<td>Student Supervisors</td>
<td></td>
<td>Various Individuals and Locations</td>
<td></td>
</tr>
</tbody>
</table>

**Reporting Criminal Activities or Emergencies**

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to Security and Campus Safety in a timely manner. The Security and Campus Safety non-emergency number is 207-786-6254.

Emergency calls should be made to 911 or 207-786-6111 (The Security and Campus Safety emergency number connects directly to a Security and Campus Safety Communications Officer). When calling 911, the call is made through the Lewiston-Auburn Emergency Communication Center and the Security and Campus Safety Office. When the call is placed from any on-campus phone, the phone number, location, and name will appear on the Communication Office computer screen. Both the Security and Campus Safety Communication
Officer and the Lewiston-Auburn Emergency Communications Center dispatcher will be able to talk with the caller.

Persons may use the security phones that are strategically located around campus, providing a direct line to Security and Campus Safety when the red button is pushed. There are over 140 of these phones in various locations that are visible with a blue light hanging over them. Anyone may use these phones to report a criminal incident, a fire, or other type of emergency or to request assistance of any kind from Security and Campus Safety. Phones are also available in each residential room.

Persons desiring more confidentiality may also come to the Security and Campus Safety office at any time of the day or night to report a crime, or they could go directly to the police to make their report. Persons may report criminal activity to local law enforcement officials, campus security, or to Campus Security Authorities (listed previously).

When calling Security and Campus Safety, please provide the following information:

- Your name
- Location and description of the incident you are reporting
- A description of any vehicles or suspects involved in the incident.

The most important thing to remember is that suspicion of a crime does not require proof. If you suspect that a crime is being committed or has been committed, call Security and Campus Safety immediately.

When a crime is reported to Security and Campus Safety or other appropriate officials of the college, it will normally be investigated by Security and Campus Safety and/or the police. In addition, if the suspect is a student, there may be an inquiry through the Student Conduct Committee or the Title IX Office, or if the suspect is an employee of the college, an inquiry may be conducted by the Office of Human Resources and/or other appropriate college officials. It is the policy of the college to take every report of criminal activity seriously and to take appropriate action, consistent with applicable law, public safety, and campus safety.

**Anonymous/Confidential Reporting**

If you are a victim of a crime and do not want to pursue action within the college system or the criminal justice system, you may still want to consider making a confidential report. With your permission, Security and Campus Safety can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. 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
Members of the campus community can also report an incident by going to the Incident Reporting Form at www.bates.edu/security/anonymous-reporting-form. By filling out the form that is available, an officer from Security and Campus Safety will investigate the complaint once it is received through the college email system.

Individuals may also report with complete anonymity using the secure Anonymous Reporting Form hosted by EthicsPoint at: bates.ethicspoint.com. EthicsPoint allows anyone to report suspected misconduct or other concerns anonymously. This service allows the college to communicate with the person making the report, while maintaining complete confidentiality. EthicsPoint stores all information regarding these reports on their secure servers. These reports are investigated by the appropriate college officials.

Definitions of Crimes – The Clery Act

The following definitions are to be used for reporting crimes listed in The Clery Act in accordance with the Federal Bureau of Investigation’s Uniform Crime Reporting Program. 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 Uniform Crime Reporting 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.

**Arson:** Any 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.

**Aggravated Assault:** The unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the
use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully complete.)

**Burglary:** The unlawful entry into a building or other structure with the intent to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Forcible Entry:** All offenses where force of any kind is used to unlawfully enter a structure for the purpose of committing a theft or felony.

**Unlawful Entry-No Force:** The entry of a structure in this situation is achieved by use of an unlocked door or window.

**Attempted Forcible Entry:** A situation where a forcible entry into a locked structure is attempted but not completed.

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

**Criminal Homicide-Murder and Nonnegligent Manslaughter:** The willful (nonnegligent) killing of one human being by another.

**Robbery:** The taking, or attempting 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.

**Weapons: Carrying, Possessing etc.:** The violation 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. This classification encompasses weapons offenses that are regulatory in nature.

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

**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, manufacturing, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.
Larceny/Theft Offenses: The unlawful taking, carrying, leading, or riding away of property from the possession, or constructive possession of another person.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned-including joyriding.)

Violence Against Women Act Offenses

Sexual Assault: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. This includes any offense that meets the definition of Rape, Fondling, Incest or Statutory Rape as used in the FBI’s UCR program and included in Appendix A of 34 CFR Part 668.

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 by a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with the victim as a spouse or intimate partner, 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 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.

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. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic abuse.
**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

**Hate Crime Definitions**

**Hate Crime:** A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim.

Although there are many possible categories of bias, under The Clery Act, only the following eight categories are reported:

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

For purposes of reporting under The Clery Act, a hate crime is defined as including the offenses of criminal homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft,
arson, larceny-theft, simple assault, intimidation, criminal mischief/vandalism, and any other crime involving bodily injury.

**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 bone, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

**Criminal Mischief/Vandalism:** To willfully or maliciously destroy, damage, disfigure, or deface, any public or private property, real or personal, without the consent of the owner or the person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

**Larceny-Theft (Except Motor Vehicle Theft):** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

**Intimidation:** To unlawfully place 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.

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**Crime Statistics Report**

The statistical reports for calendar years 2013, 2014, and 2015 are shown at [www.bates.edu/security](http://www.bates.edu/security). The following is a list of geographic definitions provided for better understanding of how statistics are counted and categorized.
Geographic Definitions

On-Campus
1. Any building or property owned or controlled by an institution of higher education 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 or is reasonably contiguous to the area that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

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.

A 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.
<table>
<thead>
<tr>
<th>Offense Reported by Hierarchy</th>
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* Note: Residential Facility Crime Statistics are a subset of the On-Campus Category, i.e. they are counted in both categories.
Hate Crimes

The following statistics are reported for crimes that have manifest evidence that the victim was intentionally selected because of the victim’s actual or perceived race (R), religion (RE), sexual orientation (S), gender (G), gender identification (GI), national origin (NO), ethnicity (E), or disability (D).

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<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Intimidation</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Vandalism</td>
<td>0</td>
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</tr>
</tbody>
</table>
Policies Addressing Sexual Assault, Dating Violence, Domestic Violence, and Stalking

Bates College prohibits dating violence, domestic violence, sexual assault, and stalking as they are defined for the purposes of the Clery Act. These definitions are listed on pages 14-15.

Definitions of Terms in the State of Maine

In the State of Maine, sexual assault is defined in chapter 11 of Title 17-A of the Maine Revised Statues. Generally speaking, sexual assault includes: the crime commonly referred to as rape (called "gross sexual assault" in Maine), statutory rape, unlawful sexual contact (touching of the genitals or anus where no permission is given or the person touched is under 14 years old or otherwise incapable of resisting), exposing one's genitals to a child, showing sexually explicit materials to a child with the intent of encouraging sexual contact, soliciting a child by computer, or unlawful sexual touching (touching the breasts, buttocks, groin or inner thigh where no permission is given or the person touched is under 14 years old or otherwise incapable of resisting). Sexual assault also includes prohibited contact with a minor by certain convicted sex offenders. For more specific details of these crimes - including the specific ages that the victims and perpetrators must be for it to qualify as a "sexual assault" - please review the Maine Criminal Code directly.

Stalking is defined in Title 17-A, section 210-A of the Maine Revised Statutes (Maine Criminal Code). Stalking must be based on two or more acts by a defendant involving (for example) following, monitoring, threatening, harassing, interfering with property, or communicating with or about a specific person. The defendant must want or know that these acts will cause the specific person to: (a) suffer serious inconvenience or emotional distress; (b) fear bodily injury or death to oneself or a close relation; (c) fear damage, destruction, or tampering of property; or (d) fear injury or death of an animal owned by or kept by the specific person.

Domestic Violence is defined in chapter 9 of Title 17-A of the Maine Revised Statues. It includes any acts of assault, threatening, terrorizing, stalking or reckless conduct committed by persons who are considered a family or household member as defined by Title 19-A, section 4002, subsection 4 (current of former spouses or domestic partners; individuals presently or formerly living together as spouses; biological parents of the same child; adult household members related by blood or marriage; minor children of a household member when the defendant is an adult household member; individuals presently or formerly living together; individuals who are or were sexual partners).

The State of Maine does not define consent.
Reporting Sexual Assault, Dating Violence, Domestic Violence, and Stalking

If an individual wishes to make a report of sexual assault, dating violence, and domestic violence, and stalking they may report to the college, to local law enforcement, or to both.

Individuals wishing to file a criminal complaint may call the Lewiston Police Department directly at 911 or 207-784-6421. They may also go directly to the Lewiston Police Station at 171 Park Avenue, Lewiston. Individuals may also contact the Title IX Officer, Gwen Lexow, at 207-786-6445 or Campus Safety and Security at 207-786-6254 for assistance in filing a criminal complaint. Individuals are NOT required to file a criminal complaint.

Individuals wishing to file a report with the college should follow the procedures outlined below.

In all cases, the college encourages individuals to preserve evidence for future use. Physical evidence may be necessary for criminal prosecution or for obtaining a Protection Order. If possible, do not bathe, change clothing, use the restroom, or brush your teeth prior to having evidence gathered. Central Maine Medical Center, (207-795-2200) located at 300 Main Street Lewiston, has Sexual Assault Forensic Examiners available to provide forensic exams and collect other physical evidence. You do not need to file a police report to get a forensic exam. Evidence can be held anonymously for 60 days.

Individuals are also encouraged to preserve any electronic or other physical evidence for future use.

Civil Protection Orders

Maine law enables victims of domestic or dating abuse, sexual assault, stalking, or other forms of harassment to obtain both short-term emergency protection and, after hearing, long-term protection. Individuals can petition the court for either a Protection from Abuse (against a family member) or Protection from Harassment (against a non-family member) Order. For more information on how to petition for a civil protection order, you may speak with Bekah Snyder, Bates Sexual Assault Victim Advocate (207-753-6996) or with Sexual Assault Prevention and Response Services (877-527-8644). You may also access the State of Maine’s “Guide to Protection Orders” at: courts.maine.gov/reports_pubs/pubs/handbooks_guides/pa_ph/PA-PH%20Guide-05.14.pdf.

The college will work with any Bates community member to honor and enforce any civil protection order.

Campus No Contact Orders

College administrators are authorized to issue a No Contact Order (NCO) prohibiting contact between students when there exists a reasonable concern that physical or psychological harm may result from such contact.
The college will consider all facts and circumstances that may be relevant to whether an NCO should be issued, including, but not limited to, the following factors:

- When there are allegations, threats, or evidence of physical violence by one student against another;
- When there are allegations, threats, or evidence of emotional abuse or harassment by one student of another;
- When there is a substantial risk of emotional harm from continued contact between students;
- When continued contact between students may have a material impact on campus disciplinary proceedings;
- When requested or agreed to in good faith by both students involved; and
- When there are of allegations of serious college policy violations.

All NCOs shall provide that neither student may have contact with the other. “Contact” includes, but is not necessarily limited to, in-person contact, telephone calls, email, texts and other forms of electronic communication, social media-based messages or postings, and third party communications including through proxies.

NCOs may include additional protective measures or other terms specific to the safety, well-being, or other needs of either or both students subject to the NCO, when deemed necessary by the college. Any additional terms shall be expressly stated in the NCO. Additional protective measures or other terms need not be reciprocal. They may include, but are not limited to, the following:

- Restricting a student from being in close proximity to the other student;
- Restricting a student’s access to certain campus locations, including the other student’s residence hall;
- Restricting the times a student may be present in on-campus dining facilities;
- Requiring that the students not be enrolled in the same academic course(s); and
- Requiring that the students not participate in the same co-curricular or extra-curricular activities.

NCOs may be issued by the following administrators:

- For matters pertaining to the Code of Student Conduct: the Associate Dean of Students for Student Support and Community Standards, or his/her designee;
- For matters pertaining to the Sexual Misconduct and Harassment Policy: the Title IX Officer, or her/her designee; and
- For emergency situations involving personal safety: the Director of Security and Campus Safety may issue temporary NCOs, which shall be confirmed, modified or rescinded by the Associate Dean or Title IX Officer once all relevant information is reviewed.

The college will review all NCOs annually. Each NCO will remain in effect until the graduation or withdrawal of at least one of the parties, unless the NCO expressly provides otherwise or is modified or rescinded by the college. A student seeking the modification or rescission of an NCO shall so request the administrator who issued the NCO. The issuing administrator shall consult with both parties before determining whether or not to modify or rescind the NCO.
Violations of No Contact Orders are subject to discipline under the Code of Student Conduct or the retaliation provisions of the Sexual Misconduct and Harassment Policy, as appropriate.

**Complete Bates College Sexual Misconduct and Harassment Policy (revised Aug. 2016)**

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Appendix A: Procedures for Resolving Complaints Against a Student

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I. Overview: Institutional Values and Community Principles

Bates College values the diversity of persons, perspectives, and convictions. Critical thinking, rigorous analysis, and open discussion of a full range of ideas lie at the heart of the college’s mission as an institution of higher learning. The college seeks to encourage inquiry and reasoned dialogue in a climate of mutual respect. The application of the Sexual Misconduct and Harassment Policy strives to ensure that we uphold our institutional values and community principles in order to maintain a community free from the harmful consequences of sexual and gender-based harassment. Harassment and discrimination threaten our ability to thrive personally, academically, and professionally at Bates. Sexual misconduct, a form of sex discrimination, violates a person’s rights, dignity, and integrity and violates our community principles and the mission of the college.
Bates College is committed to providing a non-discriminatory and harassment-free educational, living and working environment for all members of the Bates community, including students, faculty, administrators, staff, contractors, and visitors. The college maintains a community characterized by trust, mutual respect, and responsibility where all can feel secure and free from discrimination in the classroom; social, recreational, and residential environments; and the workplace. All members of the community are expected to adhere to the requirements of the law and to the standards of the college community.

The purpose of this policy is to provide the Bates College community with a clearly articulated set of behavioral standards, common understandings of definitions and key concepts, and descriptions and examples of prohibited conduct, including sexual harassment, sexual violence, stalking, and domestic and dating violence (or intimate partner violence). The policy applies to all community members, including students, faculty, staff, contractors, and visitors. It is intended to guide students, faculty, and staff who have been affected by sexual harassment or misconduct, whether as a Reporting Party, a Responding Party, or a third party.

In this policy, “Reporting Party” refers to an individual who identifies as being a victim or survivor of sexual harassment, sexual violence, stalking or intimate partner violence. “Responding Party” refers to an individual who has been accused of sexual harassment or misconduct. A “third party” refers to any other participant in the process, including an individual who makes a third party report, participates in an investigation or disciplinary process as a witness, or is affected by any prohibited conduct.

This policy, as set forth, reaffirms Bates’ institutional values, defines community expectations, provides recourse for those individuals whose rights have been violated, and provides for fair and equitable procedures for determining when this policy has been violated. The college is committed to fostering a climate free from sexual harassment, sexual violence, stalking, and intimate partner violence through clear and effective policies; a well-coordinated and integrated education and prevention program; and prompt and equitable procedures for resolution of reports. In all instances, the college, not the Reporting Party, will bear the responsibility for investigating and taking appropriate action, including the decision to seek disciplinary action against a Responding Party.

This policy prohibits all forms of sexual or gender-based harassment, discrimination or misconduct, including sexual violence, sexual assault, stalking, and intimate partner violence. Misconduct of this nature is contrary to Bates’ institutional values and prohibited by state and federal law. The college is dedicated to addressing cases of sexual misconduct promptly, supporting all parties involved. Any individual who is found to have violated this policy may face disciplinary sanctions up to and including expulsion or termination of employment.

Bates strongly encourages the prompt reporting of any incident of sexual or gender-based misconduct to the college and to local law enforcement or civil rights enforcement agencies. Upon receipt of a report, the college will take prompt and effective action by: providing interim remedies and support for individuals who make a report or seek assistance under this policy; conducting a review of the conduct under Title IX of the Education Amendments of 1972; addressing the safety of individuals and the campus community; and as warranted, pursuing resolution through informal measures or formal disciplinary action against a Responding Party. This policy provides specific procedures for investigation and resolution based on the role of the Responding Party (student or employee).
All Bates community members are strongly encouraged to report information regarding any incident of sexual harassment, sexual violence, stalking or intimate partner violence directly to the Title IX Officer or a Deputy Title IX Coordinator. The college is committed to providing programs, activities and an educational and work environment free from all forms of discrimination including discrimination based on sex. The college cannot take appropriate action unless sex or gender-based discrimination, including sexual harassment, sexual violence, stalking or intimate partner violence, is reported to a “responsible employee” of the college (see Section IV for the definition of a “responsible employee”). By educating all campus constituencies about effective strategies to prevent discrimination and harassment, we can achieve our institutional mission, foster a community built on trust and mutual respect, and protect the health, safety, and welfare of all members of the Bates community.

Discrimination based on sex or gender, including sexual harassment, sexual assault, stalking, and intimate partner violence, violates federal and state civil rights laws and may be subject to criminal prosecution in addition to action taken by the college. Because behavior that violates this policy may also be a violation of law, any individual who has been subjected to sexual assault or harassment is also encouraged to consider criminal or civil legal options. An individual may also file a complaint with the U.S. Department of Education’s Office for Civil Rights, the Equal Employment Opportunity Commission and/or the Maine Human Rights Commission.

The college expects all members of our community to participate in the process of creating a safe, welcoming and respectful environment on campus. In particular, the college expects that Bates community members will take reasonable and prudent actions to prevent or stop an act of sexual misconduct or harassment. Taking action may include direct intervention when safe to do so, enlisting the assistance of friends, contacting law enforcement, or seeking assistance from a person in authority. Community members who choose to take these actions will be supported by the college and protected from retaliation.

Retaliation, in any way, shape or form, against any person or group who makes a report, cooperates with an investigation, or participates in a grievance procedure is a violation of college policy. Retaliation should be reported promptly to the Title IX Officer for investigation, which may result in disciplinary action independent of any sanction or interim measures imposed in response to the underlying allegations of sexual misconduct and/or harassment.

The college will review the Sexual Misconduct and Harassment Policy on an annual basis in order to attend to evolving legal requirements and improve the institutional response, including support services and resources, based on a review of each year’s incidents by the Title IX Officer and Title IX Team. Further, this policy may be amended, in writing, by the President or their designee at any time in consultation with the Title IX Officer.

II. Scope of Policy

Bates College denounces harassment of and discrimination against any and all individuals or groups. This policy applies to all Bates community members, including students, employees¹, volunteers, independent contractors, visitors and any individuals regularly or temporarily employed, studying, living, visiting, conducting business or having any official capacity with the

¹ For the purposes of the policy, “employee” refers to all faculty and staff, including members of the administration and instructional staff.
college or on college property. All the aforementioned are responsible for understanding and complying with this policy.

This policy provides community members with the structure and guidance to assist those who have been affected by sexual harassment, sexual violence, stalking or intimate partner violence or other forms of sexual misconduct, whether as a Reporting Party, a Responding Party, or a third party, and to provide fair and equitable procedures for investigation and resolution of reports.

When used in this policy, “Reporting Party” refers to an individual who identifies as being a victim or survivor of sexual harassment, sexual violence, stalking or intimate partner violence or other forms of sexual misconduct. “Responding Party” refers to an individual who has been accused of prohibited conduct under this policy. “Third party” refers to any other participant in the process, including a witness to the incident or an individual who makes a report on behalf of someone else.

All Bates community members are responsible for their actions and behavior, and are required to follow college policies and local, state, and federal law. This policy applies to conduct occurring on Bates College property or at college-sanctioned events or programs that take place off campus, including, but not limited to, study away, internship programs, community-engaged learning, and athletics events. In situations in which both the Reporting Party and Responding Party are members of the Bates College community, this policy will apply regardless of the location of the incident. In particular, off campus conduct that is likely to have a substantial adverse effect on, or poses a threat of danger to, any member of the Bates College community or Bates College is covered under this policy.

A Reporting Party is encouraged to report the misconduct to the college regardless of where the incident occurred, or who committed it. The college has jurisdiction to take disciplinary action against a Responding Party who is a current student or employee. Even if the college does not have jurisdiction over the Responding Party, the college will take prompt action to provide for the safety and well-being of the Reporting Party and the broader campus community using all available resources.

III. Notice of Non-Discrimination

Bates College is committed to providing equal opportunity and an educational and work environment free from any discrimination on the basis of race, color, national or ethnic origin, religion, sex, sexual orientation, gender identity or gender expression, age, disability, genetic information, or veteran status and other legally protected statuses in the recruitment and admission of its students, in the administration of its education policies and programs, or in the recruitment and terms and conditions of employment of its faculty and staff. Bates College shall adhere to all applicable state and federal equal opportunity laws and regulations.
The college is dedicated to ensuring access, fairness and equity for all persons in its educational programs, related activities and employment, including those groups who have faced historical barriers to full and fair integration and participation. Bates College maintains a continuing commitment to identify and eliminate discriminatory practices in every phase of college operations.

This policy addresses all forms of sex discrimination, including sexual harassment, sexual violence, stalking, and intimate partner violence. Bates College does not discriminate on the basis of sex in its educational, extracurricular, athletic, or other programs or in the context of employment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Title IX is enforced by the Office for Civil Rights within the U.S. Department of Education, which has promulgated regulations explaining and implementing Title IX. Sex discrimination and sexual harassment are also prohibited under Title VII of the Civil Rights Act of 1964, and the Maine Human Rights Act, the regulations of both the Equal Employment Opportunity Commission and the Maine Human Rights Commission, and other applicable statutes.

This policy prohibits sexual harassment, sexual violence, stalking, and intimate partner violence against Bates community members of any gender, gender identity, gender expression, or sexual orientation. This policy also prohibits sex- and gender-based harassment that does not involve conduct of a sexual nature.

The college also recognizes that harassment related to an individual’s gender, gender identity or expression, or sexual orientation can occur in conjunction with misconduct related to an individual’s race, color, national or ethnic origin, religion, age, disability or other statuses. Targeting individuals on the basis of these characteristics violates college policy and community principles. Under these circumstances, the college will coordinate the investigation and resolution efforts to address harassment related to the targeted individual’s gender, gender identity or expression, or sexual orientation together with the conduct related to the targeted race, color, national or ethnic origin, religion, age, disability or other statuses.

Bates College, as an educational community, will respond promptly and equitably to reports of sexual harassment, sexual violence, stalking, and intimate partner violence in order to eliminate the harassment, prevent its recurrence, and address its effects on any individual or the community.

**A. Role of Title IX Officer**

The President of Bates College has designated Gwen Lexow to serve as the college’s Title IX Officer. The Title IX Officer oversees the college’s centralized review, investigation, and resolution of reports of sexual harassment, sexual violence, stalking, and intimate partner
violence. The Title IX Officer also coordinates the college’s compliance with Title IX and other applicable statutes.

The Title IX Officer is:

- Responsible for oversight of the investigation and resolution of all reports of sexual harassment, sexual violence, stalking, and intimate partner violence involving students, staff, administrators, faculty, vendors, and visitors;
- Assisted by designated Deputy Title IX Coordinators in athletics, student affairs, human resources, and the faculty. These Deputy Title IX Coordinators have a shared responsibility for supporting the Title IX Officer and are accessible to any member of the community for consultation and guidance;
- Knowledgeable and trained in college policies and procedures and relevant state and federal laws;
- Available to provide information to any individual, including a Reporting Party, a Responding Party or a third party, about the courses of action available at the college, both informally and formally, and in the community;
- Available to provide assistance to any college employee regarding how to respond appropriately to a report of sexual harassment, sexual violence, stalking, or intimate partner violence;
- Responsible for monitoring full compliance with all procedural requirements and time frames outlined in this policy;
- Responsible for overseeing training, prevention and education efforts and periodic reviews of climate and culture; and
- Responsible for compiling annual reports.

The Title IX Officer is supported by the Title IX Team. Members of this interdepartmental team include the Title IX Officer and the Title IX Deputy Coordinators.

Inquiries or complaints concerning the application of Title IX may be referred to the college’s Title IX Officer and/or to the U.S. Department of Education’s Office for Civil Rights or Maine Human Rights Commission:

**Gwen Lexow**  
Director of Title IX and Civil Rights Compliance (Title IX Officer)  
Lane Hall 202-A  
*Phone: 207-786-6445*  
*Email: glexow@bates.edu*  
*Web: [www.bates.edu/sexual-respect](http://www.bates.edu/sexual-respect)*

**Maine Human Rights Commission**  
#51 State House Station  
19 Union Street  
Augusta, ME 04333  
*Phone: 207-624-6290*  
*Fax: 207-624-8729*  
*Web: [www.maine.gov/mhrc/](http://www.maine.gov/mhrc/)*

**Office for Civil Rights**  
U.S. Department of Education  
Boston Office  
5 Post Office Square, 8th Floor  
Boston, MA 02109-3921  
*Phone: 617-289-0111*  
*Fax: 617-289-0150*  
*Email: ocr.boston@ed.gov*  
*Web: [www2.ed.gov/about/offices/list/ocr/](http://www2.ed.gov/about/offices/list/ocr/)*
Inquiries involving employees may be referred to the Title IX Officer, the Maine Human Rights Commission or to:

**United States Equal Employment Opportunity Commission**

Boston Office  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
*Phone:* 800-669-4000  
*Fax:* 617-565-3196  
*Web* [www.eeoc.org](http://www.eeoc.org)

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**IV. Privacy and Confidentiality**

A. Privacy  
B. Confidentiality  
C. Responsible Employees  
D. Request for Confidentiality  
E. Timely Warning

Bates College is committed to protecting the privacy of all individuals involved in a report of sexual misconduct, including sexual harassment, sexual violence, stalking, or intimate partner violence. All college employees who are involved in the college’s Title IX response, including investigators and sanction board members, receive specific instruction about respecting and safeguarding private information. Throughout the process, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the report. Such a review is essential to protecting the safety of the Reporting Party, the Responding Party, and the broader campus community and to maintaining an environment free from sex discrimination and gender-based harassment.

Privacy and confidentiality have distinct meanings under this policy.

**A. Privacy**

Privacy generally means that information related to a report of misconduct will only be shared with a limited group of individuals. The use of this information is limited to those college employees who “need to know” in order to assist in the active review, investigation or resolution of the report. While not bound by confidentiality, these individuals will be discreet, and respect and safeguard the privacy of all individuals involved in the process. Conversations with individuals designated as private resources constitutes a report to the college and will initiate an inquiry into the incident.

**B. Confidentiality**

Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual. These campus and community professionals include mental health providers, ordained clergy, sexual assault advocates and rape crisis counselors. These individuals are
prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others or as otherwise required by law.

On campus, confidential resources available to students include counselors in Bates Counseling and Psychological Services and medical providers in Bates Health Services, ordained clergy in the Multifaith Chaplaincy, and the Sexual Assault Victim Advocate. Employees may access confidential assistance through the Employee Assistance Program as well. Community resources for students and employees include Sexual Assault Prevention and Response Services (SAPARS), Safe Voices, and Tri-County Mental Health Services. Information shared with these resources will remain confidential and will not be shared with the college or anyone else without express permission of the individual seeking services. Conversations with these individuals do not constitute reports to the college and do not initiate any investigative response.

When a report involves suspected abuse of a minor under the age of 18, these confidential resources are required by state law to notify Maine Office of Child and Family Services and/or the District Attorney’s office.

An individual who has experienced sexual misconduct may also seek assistance from a medical provider. In general, the disclosure of private information contained in medical records is protected by the Health Insurance Portability and Accountability Act (HIPAA). The individual has the right to request that a sexual assault advocate be present and to request that law enforcement not pursue a criminal charge. Neither campus nor community medical providers will notify the college of the report.

Anonymous statistical information must be shared with public safety where required by the Clery Act. Annual Clery reporting to the U.S. Department of Education is required by educational institutions. The information contained in the Clery Report only tracks the number of Clery-reportable offenses occurring at campus locations or college-sponsored programs (e.g., study away) and does not include the names or any other identifying information about the person(s) involved in the report.

C. Responsible Employee

College employees responsible for student welfare and all supervisors who are not specifically designated as confidential resources under this policy are required to share reports of sexual misconduct and harassment with the Title IX Officer or a member of the Title IX Team.

Under Title IX, a college is required to take immediate and corrective action if a “responsible employee” knew or, in the exercise of reasonable care, should have known about sexual or gender-based violence or harassment that creates a hostile environment. A “responsible employee” includes any employee who:

a. Has the authority to take action to redress the harassment;

b. Has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees; or

c. A student could reasonably believe has the authority or responsibility to take action.

Under college policy, all employees responsible for student welfare and all supervisors are
considered “responsible employees.” This will include, for example, faculty; coaches; administrators; security officers; junior advisors and residential coordinators; and other staff and student employees with a responsibility for student welfare. All administrators, faculty members, and supervisors are aware of their responsibility to assist students, faculty, and staff employees in reporting alleged incidents of sex discrimination or gender-based harassment to the Title IX Officer.

Before a Reporting Party reveals information that the Reporting Party may wish to keep confidential, a responsible employee should make every effort to ensure that the Reporting Party understands: (i) the responsible employee’s obligation to report the name of the Responding Party involved in the alleged violation, as well as relevant facts regarding the alleged incident (including the date, time, and location), to the Title IX Officer, (ii) the Reporting Party’s option to request that the college maintain confidentiality, which the college will consider, and (iii) the Reporting Party’s ability to share information with confidential resources as described in the section above.

Any responsible employee who becomes aware of sexual harassment or misconduct or other potentially discriminatory behavior must contact the Title IX Officer or a Deputy Title IX Coordinator. This notification should be done promptly and with attention to the maintaining the Reporting Party’s privacy.

Under the guidance of the Title IX Officer, the college will conduct an initial assessment of the conduct; of the Reporting Party’s expressed preferences, if any, as to course of action; and of the necessity for any interim measures to protect the safety of the Reporting Party or the community. The goal is to eliminate any hostile, intimidating, or objectively offensive environment.

Any student or employee who believes they are the victim of sexual harassment or other forms of sexual misconduct should report the incident promptly in the manner most comfortable to them.

D. Request for Confidentiality

The college will pursue a course of action consistent with the Reporting Party’s request where possible. Where a Reporting Party requests that their name or other identifiable information not be shared with the Responding Party or that no formal action be taken, the college will balance this request with its dual obligation to provide a safe and non-discriminatory environment for all Bates community members and to remain true to principles of fundamental fairness that require notice and an opportunity to respond before disciplinary action is taken against a Responding Party. In making this determination, the college may consider, among other factors, the seriousness of the conduct, the respective ages of the parties, whether the Reporting Party is a minor under the age of 18, whether there have been other complaints or reports of harassment or misconduct against the Responding Party, the existence of independent evidence, and the rights of the Responding Party to receive notice and relevant information before disciplinary action is sought. The Title IX Officer in consultation with the Title IX Team will evaluate requests for confidentiality.

The college will take all reasonable steps to investigate and respond to the report consistent with the request for confidentiality or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the Reporting Party. The college will assess any barriers to proceeding, including retaliation, and will inform the Reporting Party that Title IX and college policy prohibit retaliation. The college will take rigorous responsive action to protect the Reporting Party.
Where the college is unable to take action consistent with the request of the Reporting Party, the Title IX Officer will inform the Reporting Party about the college’s chosen course of action, which may include the college seeking disciplinary action against a Responding Party. Alternatively, the course of action may also include steps to limit the effects of the alleged harassment and prevent its recurrence that do not involve formal disciplinary action against a Responding Party or revealing the identity of the Reporting Party.

Anonymous statistical information must be shared with public safety officials where required by the Clery Act. Annual Clery reporting to the U.S. Department of Education is required by educational institutions. The information contained in the Clery Report only tracks the number of Clery-reportable offenses occurring at campus locations or college-sponsored programs (e.g., study away) and does not include the names or any other identifying information about the person(s) involved in the report.

**E. Timely Warning**

If a report of misconduct discloses a serious, immediate or continuing threat to the Bates community, the college may issue a campuswide timely warning or notification (which may take the form of an email, text or other electronic communication to community members) to protect the health or safety of the community and to heighten safety awareness. A timely warning may include a campuswide notification for a report of sexual assault, stalking, and intimate partner violence. The timely warning will not include any identifying information about the Reporting Party. The college reserves the right to send campuswide notifications on any report of sexual misconduct.

At no time will the college release the name of the Reporting Party to the general public without the express consent of the Reporting Party. The release of the Responding Party’s name to the general public is guided by Family Educational Rights and Privacy Act (FERPA) and the Jeanne Clery Act. The college may share non-identifying information about reports received in aggregate form, including data about outcomes and sanctions.

All college proceedings are conducted in compliance with the requirements of FERPA, 2013 Reauthorization of the Violence Against Women Act, the Clery Act, Title IX, state and federal law, and college policy. No information shall be released from such proceedings except as required or permitted by law and college policy.

**V. Prohibited Conduct and Definitions**

A. Sexual Harassment
B. Sexual Assault
C. Non-Consensual Sexual Contact
D. Sexual Exploitation
E. Stalking
F. Indecent Exposure
G. Intimate Partner Violence
H. Physical Assault
I. Prohibited Relationships by Persons in Authority
J. Retaliation
K. Other Campus Code Violations
Bates College prohibits all forms of sexual misconduct and gender-based harassment, including sexual violence, intimate partner violence, and stalking. Each of these terms encompasses a broad range of behavior. In general, sexual violence refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to incapacitation. Intimate partner violence refers to any act of violence or threatened act of violence, sexual or otherwise, against a person who is or has been involved in a sexual, dating, domestic or other intimate relationship with that person. Stalking refers to a course of conduct directed at a specific person that would cause a person to fear for their safety or the safety of others.

Sexual misconduct can occur between individuals who are known to one another or have an intimate or sexual relationship, or may involve individuals who are not known to one another. Sexual misconduct can be committed by people of any sex or gender, and it can occur between people of the same or different sex or gender identities.

The college prohibits the following specific conduct:

**A. Sexual Harassment**

Sexual harassment is any unwelcome sexual advances, requests for sexual favors, and other verbal, written, visual, or physical conduct of a sexual nature when one or more of the following occur:

a. Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment, evaluation of academic work, or participation in any aspect of a college program or activity;

b. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; or

c. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or equal opportunity to participate in or benefit from college employment, programs or activities. That is, the conduct is sufficiently serious, pervasive or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment under both a subjective and an objective standard.

Sexual harassment also includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex/gender or sex/gender stereotyping, even if the acts do not involve conduct of a sexual nature.

A single or isolated incident of sexual harassment alone may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to create a hostile environment, particularly if the harassment is physical. The determination of whether an environment is “hostile” must be based on all the circumstances. These circumstances could include, but are not limited to:

a. The frequency of the speech or conduct;

b. The nature and severity of the speech or conduct;
c. Whether the conduct was physically threatening;
d. Whether the speech or conduct was humiliating;
e. The effect of the speech or conduct on the Reporting Party’s mental and/or emotional state;
f. Whether the speech or conduct was directed at more than one person;
g. Whether the speech or conduct arose in the context of other discriminatory conduct;
h. Whether the speech or conduct unreasonably interfered with the Reporting Party’s educational opportunities or performance (including study abroad), college-controlled living environment, or work opportunities or performance;
i. Whether a statement is a mere utterance of an epithet which engenders offense in an employee or a student or offends by mere discourtesy or rudeness; and/or
j. Whether the speech or conduct deserves the protections of academic freedom.

**Sexual harassment:**

- May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated;
- Does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents;
- May be committed by anyone, regardless of gender, age, position or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational or employment relationships, harassment can occur in any context;
- May be committed by a stranger, an acquaintance, or someone with whom the Reporting Party has an intimate or sexual relationship;
- May be committed by or against an individual or may be a result of the actions of an organization or group;
- May occur by or against an individual of any sex, gender identity, gender expression or sexual orientation;
- May occur in the classroom, in the workplace, in residential settings, or in any other setting;
- May be a one-time event or can be part of a pattern of behavior;
- May be committed in the presence of others or when the parties are alone; and
- May affect the Reporting Party and/or third parties who witness or observe harassment and are affected by it.

Examples of conduct that may constitute sexual harassment as defined above may include a severe, persistent or pervasive pattern of unwelcome conduct that includes one or more of the following:

a. Physical conduct
   - Unwelcome touching, sexual/physical assault, impeding, restraining, or blocking movements;
   - Unwanted sexual advances within the employment or academic context;

b. Verbal conduct
   - Making or using derogatory comments, epithets, slurs or humor;
• Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations;
• Objectively offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes, or anecdotes;
c. Visual or non-verbal conduct
• Leering, making sexual gestures, displaying of suggestive objects or pictures, cartoons or posters in a public space or forum;
• Severe, persistent, or pervasive visual displays of suggestive, erotic, or degrading sexually oriented images that are not pedagogically appropriate; and
d. Written conduct
• Letters, notes or electronic communications containing comments, words, or images described above.

Sexually harassing behaviors differ in type and severity. Key determining factors are that the behavior is unwelcome; is based on sex or gender stereotypes; and is used as the basis to give or withhold academic or employment benefits or is reasonably perceived as severe, pervasive, objectionable or offensive under both a subjective and an objective assessment of the conduct.

Sexual harassment may also include what is commonly referred to as “quid pro quo” conduct, which means unwelcome sexual advances or propositions by a supervisor or person of authority toward a subordinate where the superior:
a. Expressly or impliedly conditions an offer of employment or academic benefit in exchange for sexual favors;
b. Makes submission to sexual advances an actual or implied condition of employment, work status, promotion, grades, or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose; or
c. Makes or threatens reprisals after a negative response to sexual advances.

B. Sexual Assault

Sexual assault is defined as having or attempting to have sexual intercourse with another individual, including:
a. By the use of force or threat of force;
b. Without consent; or
c. Where that individual is incapacitated or physically and/or mentally unable to make informed and reasonable judgments.

Sexual intercourse includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand) or object, or oral penetration involving mouth to genital contact.

This definition conforms to the FBI’s Uniform Crime Report and Clery Act definition of 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.” Under Maine state law, however, the rape definition differs in that it requires proof of an element of force or threat of force.
C. Non-Consensual Sexual Contact

Non-consensual sexual contact is defined as having intentional physical contact of a sexual nature with another individual:

a. By the use of force or threat of force;

b. Without consent; or

c. Where that individual is incapacitated or physically and/or mentally unable to make informed and reasonable judgments.

Non-consensual sexual contact includes: touching the intimate parts of another; touching a person with one's own intimate parts; forcing a person to touch another's intimate parts; forcing a person to touch their own intimate parts; or disrobing or exposure of another without permission. Intimate parts may include the breasts or chest, genitals, buttocks, groin, mouth, or any other part of the body that is touched in a sexual manner, or the clothing covering the same.

D. Sexual Exploitation

Sexual exploitation occurs when an individual takes non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or to benefit or advantage anyone other than the one being exploited.

Examples of sexual exploitation include, but are not limited to:

- Surreptitiously observing another individual's nudity or sexual activity or allowing another individual or group to observe consensual sexual activity without the knowledge and consent of all parties involved;
- Non-consensual sharing or streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
- Distributing sexually intimate or sexual information about another person;
- Prostituting an individual;
- Inducing another to expose their own genitals in non-consensual circumstances;
- Knowingly exposing another individual to a sexually transmitted infection (STI) or virus without their knowledge;
- Sexually-based stalking and/or bullying;
- Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity; and
- Knowingly assisting another person with committing an act of sexual misconduct.

E. Stalking

Stalking occurs when a person engages in a course of conduct or repeatedly commits acts toward another person, under circumstances that would:

a. Place the person in reasonable fear for safety, or of harm or bodily injury to self or others; or

b. Reasonably cause substantial emotional distress to the person.

A course of conduct refers to a pattern of behavior of two or more acts over a period of time that can be reasonably regarded as likely to alarm, harass, or cause fear of harm or injury to that
person or to a third party. The feared harm or injury may be physical, emotional, or psychological, or related to the personal safety, property, education, or employment of that individual. Stalking may involve individuals who are known to one another, including those who have an intimate or sexual relationship, or may involve individuals who are not known to one another.

Stalking includes cyber-stalking, a particular form of stalking in which technological means are used to pursue, harass, or make unwelcome contact with another person in an unsolicited fashion. Such methods include the use of the Internet, emails, social media, or blogs; landlines and cell phones; text messaging; global positioning systems; spyware on a person’s computer or cellphone; or other similar devices or forms of contact.

Examples of stalking include, but are not limited to:

- Non-consensual communication including telephone calls, text messages, email messages, social network site postings, letters, gifts, or any other communications that are unwanted and/or place another person in fear;
- Following, pursuing, waiting or showing up uninvited at a classroom, workplace, residence, or other locations frequented by the person;
- Leaving unwanted written messages, objects or gifts;
- Vandalizing a person’s property;
- Surveillance and other types of observation by physical proximity or electronic means;
- Accessing email and social media accounts;
- Spreading lies or rumors about a person, for example, filing false reports, posting or distributing personal or false information;
- Manipulative or controlling behaviors, such as threats to harm oneself in order to force contact;
- Assaulting or killing the victim’s pet;
- Threatening physical contact against a person or their friends and family; or
- Any combination of these behaviors directed toward an individual person.

Under the Clery Act and the Violence Against Women Act, the college will record and report all relevant incidents of stalking.

**F. Indecent Exposure**

A person commits indecent exposure if that person intentionally shows their genitals in a public place or in another place where there are other persons present under circumstances in which one knows or should know that this conduct is likely to affront or alarm.

**G. Intimate Partner Violence**

Intimate partner violence refers to dating violence, domestic violence or relationship violence. Intimate partner violence includes any act of violence or threatened act of violence against a person who is in, or has been involved in, a sexual, dating, domestic, or other intimate relationship with the Responding Party. Intimate partner violence can encompass a broad range of behavior including, but not limited to, physical violence, sexual violence, emotional abuse, and economic abuse. It may involve one act or an ongoing pattern of behavior. Intimate partner violence may take the form of threats, assault, property damage, violence, or threat of violence to one’s self, one’s sexual or romantic partner or to the family members or friends of the sexual or romantic partner.
Intimate partner violence affects individuals of all genders, gender identities, gender expressions, and sexual orientation and does not discriminate by racial, social, or economic background.

The college will not tolerate intimate partner violence of any form. For the purposes of this policy, the college does not define intimate partner violence as a distinct form of misconduct. Rather, the college recognizes that sexual harassment, sexual assault, sexual exploitation, harm to others, stalking, and retaliation all may be forms of intimate partner violence when committed by a person who is or has been involved in a sexual, dating or other social relationship of a romantic or intimate nature with the Reporting Party.

Examples of intimate partner violence include, but are not limited to:

- Striking, grabbing, punching, choking, or pushing one’s partner, or threatening to do any of the foregoing;
- Throwing, smashing, or breaking objects;
- Restricting one’s partner’s physical movements;
- Constantly texting or calling when not together;
- Threatening to “out” or disclose personal information of one’s partner;
- Insisting on knowing where one’s partner is located;
- Forcing faith practices on one’s partner;
- Mocking or ridiculing one’s religious or spiritual beliefs; or
- Hiding or destroying one’s visa, immigration paperwork, or other important legal documents.

Under the Clery Act and the Violence Against Women Act, the college will record and report all relevant incidents of intimate partner violence.

H. Physical Assault

Physical assault is a purposeful action meant to threaten or endanger the health or safety of any person. Examples include, but are not limited to, fighting, pushing, kicking, punching, hitting with or throwing an object at, or biting. This behavior is typically treated as a violation of the Bates Code of Student Conduct and the Employee Conduct policy. When these acts occur in the context of intimate partner violence or when the behavior is perpetrated on the basis of sex or gender, the misconduct will be resolved under the Sexual Misconduct and Harassment Policy.

I. Prohibited Relationships by Persons in Authority

Sexual, romantic or other intimate relationships in which one party maintains a direct supervisory or evaluative role over the other party are prohibited. In general, this includes all sexual or other intimate relationships between students and their employers, supervisors, professors, coaches, advisors or other college employees. Similarly, college employees (faculty and staff) who supervise or otherwise hold positions of authority over others are prohibited from having a sexual or other intimate relationship with an individual under their direct supervision.

The college does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the college. However, faculty, administrators, and others who educate, supervise, evaluate, employ, counsel, coach, or otherwise guide students should understand the fundamentally asymmetrical nature of the relationship they have with students or subordinates. Intimate or sexual relationships where there is a differential in power or authority produce risks for every member of our community and undermine the
professionalism of employees and supervisors. In either context, the unequal position of the parties presents an inherent element of risk and may raise sexual harassment concerns if one person in the relationship has the actual or apparent authority to supervise, evaluate, counsel, coach or otherwise make decisions or recommendations as to the other person in connection with their employment or education at the college.

Sexual relations between persons occupying asymmetrical positions of power, even when both consent, raise suspicions that the person in authority has violated standards of professional conduct and potentially subject the person in authority to charges of sexual harassment based on changes in the perspective of the individuals as to the consensual nature of the relationship. Similarly, these relationships may impact third parties based on perceived or actual favoritism or special treatment based on the relationship.

Therefore, persons with direct supervisory or evaluative responsibilities who contemplate beginning or are involved in such relationships are required to promptly: 1) discontinue any supervising role or relationship over the other person; and 2) report the circumstances to their own supervisor. Examples of evaluative responsibilities include, but are not limited to, performance evaluations, salary decisions, decisions regarding promotion and tenure, or decisions on continuation of employment for a person with whom they have a consensual relationship. Failure to fully or timely comply with these requirements is a violation of this policy, and the person in authority could be subject to disciplinary action, up to and including dismissal from employment by the college.

All violations, complaints, or concerns regarding this policy should be reported to the Title IX Officer.

J. Retaliation

Retaliation is any act or attempt to retaliate or seek retribution against any individual or group of individuals involved in the report, investigation and/or resolution of an allegation of sexual misconduct or harassment. Forms of retaliation include intimidation, threats, pressuring, harassment, continued abuse or violence, slander and libel, or preventing participation in college activities or proceedings. Retaliation can be committed by any individual or group of individuals, not just a Responding Party or Reporting Party. Retaliatory conduct by community members and third parties is prohibited regardless of whether it occurs on or off campus, in person, or through social media, e-mail, or other forms of communication.

Any form of retaliation should be reported to the Title IX Officer or one of the Deputy Title IX Coordinators immediately. The college cannot stop retaliation until it is reported. Once notified, the college will take immediate and responsive action to any report of retaliation and may pursue disciplinary proceedings independent of the sanction or protective measures imposed in response to the underlying allegations of Sexual Misconduct or Harassment. Disciplinary action may include termination of employment or dismissal from the college.

K. Other Campus Code Violations

When other potential violations of the Bates Code of Student Conduct or the Employee Conduct policy occur in conjunction with incidents of sexual misconduct or when the behavior is perpetrated
on the basis of sex or gender, the college has the discretion to resolve these violations under whichever policy it deems most appropriate.

VI. Consent and Related Definitions

A. Consent

Consent consists of an active, conscious, and voluntary decision by each participant to engage in mutually agreed-upon sexual activity. Consent must exist from the beginning to the end of each sexual activity or each form of sexual contact. An individual who is physically incapacitated by alcohol or other drug consumption (voluntary or involuntary) or is asleep, unconscious, unaware, or otherwise physically helpless is considered unable to give consent.

The following are essential elements of consent:

a. Informed and reciprocal

All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way.

b. Freely and actively given

Consent cannot be gained by force, coercion, deception, threats; by ignoring or acting in spite of the objections of another; or by taking advantage of the incapacitation of another individual.

c. Mutually understandable

Consent consists of mutually understandable words and/or actions that indicate an unambiguous willingness to engage freely in sexual activity. In the absence of clear communication or outward demonstration, there is no consent. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response. Relying solely upon non-verbal communication can lead to a misunderstanding or false conclusion as to whether consent was sought or given.

If at any time during the sexual activity, an individual is hesitant, confused, uncertain, or is no longer an enthusiastic participant, both parties should stop and clarify verbally the other’s willingness to continue before continuing such activity.

d. Not indefinite

Either party may withdraw consent at any time. Withdrawal of consent may be expressed by “no” or outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once consent is withdrawn, sexual activity must cease immediately.
All parties must obtain mutually understandable consent before continuing further sexual activity. Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity.

e. Not unlimited

Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant.

Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of a relationship, consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity each time such activity occurs. The mere fact that there has been prior intimacy or sexual activity does not, by itself, imply consent to future acts.

In the State of Maine, consent cannot be given by minors who are 14 or 15, if the actor is at least 5 years older than the minor. Consent cannot be given by minors under 14 years of age, regardless of the age of the Responding Party. For this reason, any sexual act with an individual under 14 is considered a felony.

B. Force

Force is the use or threat of physical violence, intimidation, or coercion to overcome an individual’s freedom of will to choose whether or not to participate in sexual activity. Such action would cause a person to fear for their physical or psychological well-being. For the use of force to be demonstrated, there is no requirement that a Reporting Party resists the sexual advance or request. However, resistance by the Reporting Party will be viewed as a clear demonstration of non-consent.

C. Coercion

Coercion is the use of pressure that compels another individual to initiate or continue sexual activity against their will. Coercion can include a wide range of behaviors, including intimidation, manipulation, implied threats or blackmail which places a person in fear of immediate harm or physical injury or causes a person to engage in unwelcome sexual activity. A person’s words or conduct are sufficient to constitute coercion if they wrongfully impair another individual’s freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to “out” someone based on sexual orientation, gender identity or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity. Coercing an individual into engaging in sexual activity violates this policy in the same way as physically forcing someone into engaging in sexual activity.

D. Incapacitation

Incapacitation is a state where an individual cannot make an informed and rational decision to engage in sexual activity because they lack conscious knowledge of the nature of the act (e.g., to understand the who, what, when, where, why or how of the sexual interaction). Incapacitation is
defined as the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically unable to make informed, reasonable judgments. An individual is incapacitated, and therefore unable to give consent, if they are asleep, unconscious, or otherwise unaware that sexual activity is occurring.

Incapacitation may result from the use of alcohol and/or drugs. Incapacitation is a state beyond drunkenness or intoxication. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation. The impact of alcohol and drugs varies from person to person; however, warning signs that a person may be approaching incapacitation include slurred speech, vomiting, unsteady gait, odor of alcohol, combative behavior, loss of consciousness, or emotional volatility.

Evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual’s:

- decision-making ability;
- awareness of consequences;
- ability to make informed judgments; or
- capacity to appreciate the nature and the quality of the act.

Evaluating incapacitation also requires an assessment of whether a person should have been aware of the Reporting Party’s incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a reasonable person.

An individual who engages in sexual activity with someone the individual knows or reasonably should know is incapable of making a rational, reasonable decision about whether to engage in sexual activity is in violation of this policy.

E. Alcohol or Other Drugs

In general, sexual contact while under the influence of alcohol or other drugs poses a risk to all parties. Alcohol and drugs impair a person’s decision-making capacity, awareness of the consequences, and ability to make informed judgments. It is especially important, therefore, that anyone engaging in sexual activity be aware of their own and the other person’s level of intoxication. If there is any doubt as to the level or extent of the other individual’s intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual harassment, sexual violence, stalking, intimate partner violence or other sexual misconduct and does not diminish one’s responsibility to obtain informed and freely given consent.

VII. Resources

A. Awareness and Prevention of Sexual Misconduct
B. Emergency Support and Response Services in the Event of Sexual Violence
C. Medical Resources in the Event of Sexual Violence
D. Confidential Support
   a. On Campus Confidential Support
   b. Off Campus Confidential Support
E. Private Resources and Reporting Options
F. Additional Community Resources
Bates is committed to treating all members of the community with dignity, care and respect. Any individual who experiences or is affected by sexual harassment, sexual violence, stalking or intimate partner violence, whether as a Reporting Party, a Responding Party, or a third party, will have equal access to support and counseling services through the college. Interim remedies are also available to all parties.

The college recognizes that deciding whether to make a report, either to the college or law enforcement, and choosing how to proceed can be difficult decisions. The college encourages all individuals affected by sexual misconduct to seek the support of campus and community resources. These professionals can provide guidance in making decisions, information about available resources and procedural options, and assistance to either party in the event that a report and/or resolution under this policy is pursued. Individuals are encouraged to use all available resources on and off campus, regardless of when or where the incident occurred.

Bates is committed to providing a comprehensive and integrated prevention, education, and awareness program that attends to the multifaceted dynamics of sexual harassment, sexual violence, stalking, and intimate partner violence. The college strives to create a non-discriminatory and harassment-free living, learning, and working environment for all members of the Bates community, including students, staff, faculty, and visitors. The Bates Title IX Officer oversees all college education and prevention programs and develops initiatives to respond to campus needs and climate.

A. Awareness and Prevention of Sexual Misconduct

All incoming students and new employees will receive primary prevention and awareness programming as part of their orientation. Returning students and employees will receive ongoing training and education on a periodic basis. Educational programs focused on sexual misconduct include an overview of the college’s policies and procedures, relevant definitions, including prohibited conduct, discussion of the impact of alcohol and illegal drug use, effective consent, safe and positive options for bystander intervention, and information about risk reduction. The Title IX Officer oversees the education and prevention calendar and tailors programming to campus needs and climate. All educational programs include a review of resources and reporting options available for students, faculty and staff.

B. Emergency Support and Response Services in the Event of Sexual Violence

Bates encourages all community members to seek assistance from a medical provider and/or law enforcement as soon as possible after an incident of sexual violence. This is the best option to provide physical safety, emotional support, and medical care to a survivor. It is also the best option to ensure preservation of evidence and to begin a timely investigative and remedial response. The college will escort any Bates community member to a safe place, provide transportation to the hospital, assist in coordination with law enforcement, and provide information about the college’s resources and reporting processes.

Assistance is available from Bates Security and local law enforcement 24 hours a day, year-round, by calling Bates Security and/or the Lewiston Police Department. Any individual can request that a member of Bates Security and/or Lewiston Police Department respond and take a report. An officer from the Lewiston Police Department can meet with a student or employee on campus wherever they are most comfortable. Bates Security will provide transportation upon request to a
medical center or the police department. Health Services also can provide a taxi voucher for free transportation to local medical centers.

Emergency Response Services

911

Bates Campus Safety and Security

207-786-6111 (emergency) or 207-786-6254 (non-emergency)

Lewiston Police Department

207-784-6421

C. Medical Resources in the Event of Sexual Violence

A medical provider can provide emergency and/or follow-up medical services. The medical exam has two goals: first, to diagnose and treat the full extent of any injury or physical effect (including prevention of sexually transmitted illnesses [STI] or possibility of pregnancy) and second, to properly collect and preserve evidence. The exam may include testing and prophylactic treatment for HIV/AIDS, STIs, and pregnancy; a thorough physical examination, which includes the genital and/or anal area; and a blood draw. There is a limited window of time (typically 72-96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any particular course of action. The decision to seek timely medical attention and gather any evidence, however, will preserve the full range of options to seek resolution under this policy or through the pursuit of criminal prosecution.

On campus, Bates Health Services can provide medical care to students during regular business hours; however, Health Services is not equipped for forensic examinations. The Reporting Party has the option -- and is encouraged -- to go to Central Maine Medical Center (CMMC) for care and to have evidence collected. CMMC provides forensic exams and, hence, is the preferred medical center for those seeking sexual assault forensic examinations. Bates Campus Security will provide transportation upon request to CMMC. Taxi vouchers are available at Bates Health Services to provide free transportation to CMMC.

Lewiston Family Planning can also provide routine and on-going medical care. As part of the Maine Family Planning network, this clinic provides specialized care for sexual and reproductive health to individuals of all genders. Lewiston Family Planning employs providers who specialize in transgender health services as well.

The Sexual Assault Victim Advocate (SAVA) or an advocate from Sexual Assault Prevention and Response Services (SAPARS) is also available to accompany individuals to access off-campus resources.

Bates Health Services

31 Campus Avenue | 207-786-6199
9 am-5 pm Monday-Friday during academic year
Treatment of injuries, emergency contraception, and STI testing and treatment.
Central Maine Medical Center (CMMC)

300 Main Street, Lewiston | 207-795-2200
24-hour Emergency Department
Treatment of injuries, emergency contraception, and STI testing and treatment. Sexual Assault Forensic Examiners are available to provide forensic exams and collect physical evidence for future use.

Lewiston Family Planning

179 Lisbon Street, Lewiston | 207-795-4007
Limited hours Monday, Wednesday, Thursday, and Friday
Provide specialized care for sexual and reproductive health to individuals of all genders, including transgender health services.

C. Confidential Support

Bates encourages all community members to make a prompt report of any incident of sexual harassment, sexual violence, stalking or intimate partner violence to local law enforcement and the college. For individuals who are not prepared to make a report, or who may be unsure what happened, but are still seeking information and support, there are several confidential resources on campus and in the local community, including counseling and support services.

Individuals affected by sexual harassment, sexual violence, stalking, and intimate partner violence and other forms of sexual misconduct may want to consult with someone in a confidential manner without making a report to the college or initiating an investigation. The trained professionals listed in this section are designated as confidential and may not share information about a patient/client (including whether or not that individual has received services) without the individual’s expressed consent unless there is imminent danger to the patient/client or others or as otherwise required by law. They may, however, submit non-identifying information about the incident for the purposes of making a statistical report under the Clery Act, as described in Section IV.

a. On Campus Confidential Support

Bates Counseling and Psychological Services

31 Campus Avenue | 207-786-6199

Sexual Assault Victim Advocate (SAVA)
Rebekah Snyder
161 Wood Street, 2nd floor | 207-753-6996 | sava@bates.edu

Multifaith Chaplaincy
Brittany Longsdorf and Raymond Clouthier
163 Wood Street, 2nd Floor | 207-786-8272

Employee Assistant Program (EAP): LifeBalance

www.Lifebalance.net | 877-259-3785
LifeBalance is a confidential resource and referral service available to all Bates employees.
b. Off Campus Confidential Support

Sexual Assault Prevention and Response Services (SAPARS)
24-hour helpline: 877-527-8644 (Note: designated Bates phone number)
A confidential sexual assault helpline staffed by trained, caring and confidential advocates. An advocate can meet with an individual at the Bates Health Services or other campus location, escort or meet an individual at the hospital, assist someone filing a police report, or help navigate the legal system.

Safe Voices (Domestic Violence)
24-hour helpline: 800-559-2927
A confidential domestic violence helpline staffed by trained, caring and confidential advocates. Provides individual support, legal advocacy, support groups, and shelter for survivors of domestic abuse.

Tri-County Mental Health Services Crisis Center
24-hour helpline: 888-568-1112

Rape, Abuse, Incest National Network (RAINN)
24-hour helpline: 800-656-4673

National Domestic Violence Hotline
24-hour helpline: 800-799-7233

D. Private Resources and Reporting Options

In addition to the confidential resources listed above, Bates community members have access to a variety of resources provided by the college. The professionals listed below are trained to support individuals affected by sexual harassment, sexual violence, stalking, intimate partner violence or other forms of sexual misconduct and to coordinate with the Title IX Officer consistent with the college’s commitment to a safe and healthy educational and work environment. The individuals listed below can a) provide information regarding the college’s policies and procedures; b) assist in accessing other support services; and c) help arrange for supportive measures or other remedies.

While not bound by confidentiality, these resources will maintain the privacy of an individual’s information within the limited circle of those involved in the Title IX resolution process.

While members of the Title IX team specialize in certain areas, a community member can meet or file a report with any of the individuals listed below.

Title IX Officer, Gwen Lexow
Lane Hall 202-A | 207-786-6445 | glexow@bates.edu

Security and Campus Safety
Open 24 hours a day, 7 days a week
245 College Street | 207-786-6254
Emergency: 207-786-6111
Deputy Title IX Coordinator for Athletics, Melissa DeRan
   Head Volleyball Coach
   Alumni Gym #11 | 207-786-5954 | mderan@bates.edu

Deputy Title IX Coordinator for Faculty, Kathy Low
   Associate Dean of Faculty and Professor of Psychology
   Lane Hall 120 | 207-786-6186 | klow@bates.edu

Interim Deputy Title IX Coordinator for Staff and Visitors, Ken Emerson
   Senior Director of Human Resources Operations and Benefits
   215 College Street | 207-786-8271 | kemerson@bates.edu

Deputy Title IX Coordinator for Students, Erin Foster Zsiga
   Associate Dean of Students for Residence Life and Health Education
   Lane Hall 110 | 207-786-6215 | efoster@bates.edu

Junior Advisors/Residence Coordinators/Residence Coordinator Team Leaders
   In houses and residence halls

E. Additional Community Resources

Students, faculty and staff members may also access additional resources located in Lewiston/Auburn. These organizations can provide assistance with crisis intervention services, counseling, medical attention and assistance in working with the criminal justice system. Off-campus resources can assist individuals wishing to make a report to the college, but will not notify the college without the Reporting Party’s consent. All individuals are encouraged to use the resources that are best suited to their needs, whether on or off campus.

Androscoggin County Victim-Witness Advocate
   Androscoggin County Courthouse
   2 Turner Street, Auburn, ME 04210
   207-783-7311

   Assistance with navigating the criminal justice system. These individuals are not confidential sexual assault victim advocates.

Androscoggin County District Attorney
   Androscoggin County Courthouse
   2 Turner Street, Auburn, ME 04210
   207-783-7311
   http://www.androscoggincountymaine.gov/DA/DA.htm

Maine Victim’s Compensation Program
   Office of the Attorney General
   6 State House Station
   Augusta, Maine 04333-0006
   207-624-7882 | 800-903-7882
State program offering financial assistance for victims of violent crimes occurring in Maine, including paying cost for sexual assault forensic examination.

NotAlone.gov
Federal website dedicated to providing information and resources regarding sexual assault.

VIII. Reporting

A. Reporting to and Coordination with Law Enforcement
B. Campus Reporting Options
C. Anonymous Reporting
D. Reporting Sexual Harassment
E. Reporting Considerations: Timeliness of Report and Location of Incident
F. Amnesty for Alcohol or Other Drug Use
G. Statement Against Retaliation
H. False Reports
I. Reports involving Minors or Suspected Child Abuse

The college is committed to providing a variety of accessible means of reporting sexual misconduct so that all instances of sexual assault or harassment will be reported. All Bates community members, even those who are not obligated by the college’s Sexual Misconduct and Harassment Policy, are strongly encouraged to report information regarding any incident of sexual misconduct or harassment to the Title IX Officer. The Title IX Officer is specifically charged with coordinating the initial assessment, initiating the investigation, and responding to allegations of sexual misconduct or harassment to stop the conduct, address its effects, and prevent its recurrence.

At the time a report is made, a Reporting Party does not have to decide whether or not to request a formal resolution process. Choosing to make a report and deciding how to proceed after making the report can be a process that occurs over time. To the extent possible, the college will respect an individual’s autonomy in making these decisions and provide support that will assist each individual in making that determination.

Any individual who reports sexual harassment, sexual violence, stalking, or intimate partner violence can be assured that all reports will be investigated and resolved in a fair and impartial manner. All individuals involved can expect to be treated with dignity and respect. In every report under this policy, the college will make an immediate assessment of any risk of harm to the Reporting Party or to the broader campus community and will take steps necessary to address those risks. These steps will include temporary protective measures to provide for the safety of the Reporting Party or others involved and the campus community as necessary. In this process, the college will balance the Reporting Party’s interests with its obligation to provide a safe and non-discriminatory environment for all members of the college community.

A. Reporting to and Coordination with Law Enforcement

The college encourages individuals to pursue criminal action for incidents of sexual harassment, sexual violence, stalking, and intimate partner violence that may also be crimes under Maine criminal statutes. The college will assist a Reporting Party, at the Reporting Party’s request, in contacting local law enforcement and will cooperate with law enforcement agencies if a Reporting
Party decides to pursue the criminal process to the extent permitted by law. Except where the Reporting Party is less than 18 years old, the college will respect a Reporting Party’s choice whether or not to report an incident to local law enforcement, unless the college determines that there is an overriding issue with respect to the safety or welfare of the college community. When a report involves suspected abuse of a minor under the age of 18, the college is required by state law to notify the Maine Office of Child and Family Services and/or the District Attorney’s office.

The college’s policy, definitions, and standard of proof may differ from Maine criminal law. A Reporting Party may seek resolution through the college’s complaint process, may pursue criminal action, may choose one but not the other, or may choose both. Neither law enforcement’s decision whether or not to prosecute a Responding Party nor the outcome of any criminal prosecution are determinative of whether sexual harassment, sexual violence, stalking, or intimate partner violence has occurred under this policy. Proceedings under the college’s Sexual Misconduct and Harassment Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. Individuals are not required to file a criminal complaint.

At the request of local law enforcement, the college may agree to defer for a short time its Title IX fact gathering until after the initial stages of a criminal investigation. The college will nevertheless communicate with the Reporting Party regarding Title IX rights, procedural options, and the implementation of interim measures to assure safety and well-being. The college will promptly resume its Title IX fact gathering as soon as it is informed that law enforcement has completed its initial investigation.

Individuals wishing to file a criminal complaint for incidents of sexual harassment, sexual violence, stalking, and intimate partner violence that occurred on campus may contact the Lewiston Police Department directly. Individuals may also contact the Title IX Officer or Campus Security to assist with filing a criminal complaint. Individuals are not required to file a criminal complaint.

Lewiston Police Department
911 | 207-784-6421 (non-emergency dispatch) | 171 Park Street

B. Campus Reporting Options

The college encourages all individuals to report sexual misconduct and harassment to the Title IX Officer, a Deputy Title IX Coordinator or a member of Campus Safety and Security. These individuals are trained annually on issues related to sexual violence and harassment and receive specific instruction about respecting and safeguarding private information.

All Bates community members, even those who are not obligated to do so by this policy, are strongly encouraged to report information regarding any incident of sexual harassment, sexual violence, stalking, or intimate partner violence directly to the Title IX Officer or a member of the Title IX Team. The college cannot take appropriate action unless an incident is reported to the college.

With the exception of those employees who have legally recognized confidentiality or who are listed as Confidential Support Resources in this policy, all college employees with responsibility for the welfare of students and all supervisors, including faculty, coaches, administrators, and residence life staff, are required to share with the Title IX Officer any report of sexual misconduct or harassment they receive or of which they become aware. Student employees who have
responsibility for the welfare of other students, such as Junior Advisors (JAs), Residence Coordinators (RCs), and RC Team Leaders (RCTLs), are also required to report to the Title IX Office any incident of sexual misconduct or harassment of which they become aware.

These individuals are required to share with the Title IX Officer all information of which they are aware, including the identities of the parties involved, if known. Disclosure of sexual misconduct to any of these individuals will initiate a response from the Title IX officer or her designee.

On Campus Reporting Options:

Title IX Officer, Gwen Lexow
Lane Hall 202-A | 207-786-6445 | glexow@bates.edu

Bates Campus Safety and Security
Open 24 hours a day, 7 days a week
245 College Street | 207-786-6254 | Emergency: 207-786-6111

Deputy Title IX Coordinator for Athletics, Melissa DeRan
Head Volleyball Coach
Alumni Gym #11 | 207-786-5952 | mderan@bates.edu

Deputy Title IX Coordinator for Faculty, Kathy Low
Associate Dean of Faculty and Professor of Psychology
Lane Hall 120 | 207-786-6186 | klow@bates.edu

Interim Deputy Title IX Coordinator for Staff and Visitors, Ken Emerson
Senior Director of Human Resources Operations and Benefits
215 College Street | 207-786-8271 | kemerson@bates.edu

Deputy Title IX Coordinator for Students, Erin Foster Zsiga
Associate Dean of Students for Residence Life and Health Education
Lane Hall 110 | 207-786-6215 | efoster@bates.edu

C. Anonymous Reporting

Any individual may make an anonymous report concerning an act of sexual misconduct. An individual may report the incident without disclosing their name, identifying the Responding Party, or requesting any action. Depending on the extent of information available about the incident or the individuals involved, however, the college’s ability to respond to an anonymous report may be limited.

The college’s anonymous reporting system is hosted by EthicsPoint. This service allows the college to communicate with the person making the report, while maintaining complete confidentiality. EthicsPoint stores all information regarding these reports on their secure servers.

The Title IX Officer will receive the information contained in the anonymous report and will determine any appropriate response or action, including individual or community remedies as appropriate. In consultation with the Director of Campus Safety and Security, the Title IX Officer
will determine if the anonymous report provides sufficient information to submit a Clery crime report.

To report anonymously online: bates.ethicspoint.com

To report anonymously by phone: 844-251-1879

EthicsPoint is NOT a 911 or Emergency Service: If you require immediate or emergency assistance, please contact the Bates Campus Safety and Security at 207-786-6111 or dial 911.

D. Reporting Sexual Harassment

In the event that an individual believes that they may be experiencing behavior that constitutes sexual harassment, they should document the behavior and report it to the Title IX Officer or a member of the Title IX Team.

E. Reporting Considerations: Timeliness of Report and Location of Incident

All community members are encouraged to report sexual harassment, sexual violence, stalking, and intimate partner violence as soon as possible in order to maximize the college’s ability to respond promptly and effectively. The college does not, however, limit the time frame for reporting. If the Responding Party is no longer a student or employee or is not a member of the Bates community, the college may not be able to take disciplinary action against the Responding Party, but will still seek to meet its Title IX obligations by taking steps to end the harassment, prevent its recurrence, and address its effects.

An incident does not have to occur on campus to be reported to the college. All college community members are responsible for their actions and behavior, whether the conduct in question occurs on campus or in another location. Members of the college community have a responsibility to adhere to college policies and local, state, and federal law. As a result, this policy applies both to on-campus and off-campus conduct. In particular, off-campus conduct that is likely to have a substantial adverse effect on any member of the college community or Bates College may be addressed under this policy.

F. Amnesty for Alcohol or Other Drug Use

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

G. Statement Against Retaliation

It is a violation of college policy to retaliate in any way against an individual because they raised allegations of sexual harassment, sexual violence, stalking, or intimate partner violence. The college recognizes that retaliation can take many forms, may be committed by or against an
individual or a group, and that a Reporting Party, Responding Party, or third party may commit or be the subject of retaliation.

The college will take immediate and responsive action to any report of retaliation and will pursue disciplinary action as appropriate. An individual reporting sexual harassment or misconduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is later not proven to be a violation under this policy.

H. False Reports

The college takes the accuracy of information very seriously, as a charge of sexual harassment, sexual violence, stalking, or intimate partner violence may have severe consequences. Knowingly making a false report or complaint under this policy, or knowingly providing false or intentionally misleading information during an investigation, may result in disciplinary action up to and including dismissal from the college or termination of employment. A good faith complaint that results in a determination that the evidence is not sufficient to support a formal charge or to constitute a violation of this policy is not considered to be a false report.

When a Reporting Party or third party witness is found to have fabricated allegations or given false information with malicious intent or in bad faith, that individual may be subject to disciplinary action. Similarly, a Responding Party or witness who is later proven to have intentionally given false information during the course of an investigation may be subject to disciplinary action. It is a violation of the Code of Student Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

I. Reports involving Minors or Suspected Child Abuse

When a report involves suspected abuse of a minor under the age of 18, the college is required by state law to notify the Maine Office of Child and Family Services and/or the District Attorney’s office. This requirement extends to resources designated as confidential by the college, including staff and counselors at Bates Health Services and Bates Counseling and Psychological Services, ordained Multifaith Chaplains, and the Sexual Assault Victim Advocate.

IX. Safety and Remedial Measures

A. Range of Safety and Remedial Measures

B. Interim Suspension or Leave

Upon receipt of a report, the college will impose reasonable and appropriate measures designed to eliminate the hostile environment and protect the parties involved. The college will make reasonable efforts to communicate with the parties to ensure that all safety and emotional and physical well-being concerns are being addressed. Safety and remedial measures may be imposed regardless of whether formal disciplinary action is sought by the Reporting Party or the college.

A Reporting Party or Responding Party may request a No Contact Order or other protective measure, or the college may choose to impose safety or remedial measures at its discretion to
ensure the safety of all parties, the safety of the broader college community, and/or the integrity of the process.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by a safety or remedial measure. The college will take immediate and responsive action to enforce a previously implemented measure. These measures will be kept confidential, to the extent that maintaining the confidentiality would not impair the ability of the college to provide the protective measures.

A. Range of Safety and Remedial Measures
Safety and remedial measures will be implemented at the discretion of the college. Potential remedies, which may be applied to the Reporting Party and/or the Responding Party, include:

- Providing access to counseling services and assistance in setting up an initial appointment, both on and off campus;
- Imposing a No Contact Order between parties;
- Rescheduling of exams and assignments (in conjunction with appropriate faculty);
- Providing alternative course completion options (with the agreement of the appropriate faculty);
- Changing a class schedule, including the ability to take deferral, drop a course without penalty or transfer sections (with the agreement of the appropriate faculty);
- Changing a work schedule or job assignment;
- Changing an on-campus housing assignment;
- Providing assistance from college support staff in completing housing relocation;
- Limiting an individual or organization’s access to certain college facilities or activities pending resolution of the matter;
- Providing a voluntary leave of absence;
- Providing an escort to ensure safe movement between classes and activities;
- Providing medical services;
- Providing academic support services, such as tutoring;
- Assisting with transportation needs;
- Imposing interim suspension or leave; and
- Any other remedy that can be tailored to the involved individuals (students or employees) to achieve the goals of this policy.

B. Interim Suspension or Leave
Where the report of sexual harassment, sexual violence, stalking, or intimate partner violence poses a substantial and immediate threat of harm to the safety or well-being of an individual or
members of the campus community, or to the performance of normal college functions, the college may place a student or student organization on interim suspension or impose a leave for an employee. Pending resolution of the report, the individual or organization may be denied access to campus, campus facilities and/or all other college activities or privileges for which the individual or organization might otherwise be eligible, as the college determines appropriate based upon the outcome of the investigation. When interim suspension or a leave is imposed, the college will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

Students may be placed on interim suspension at the discretion of the Vice President for Student Affairs and Dean of Students or his designee as described in the Code of Student Conduct. Provisions for suspension of faculty members are contained in the Faculty Handbook. Staff may be placed on leave at the discretion of the college.

X. Title IX Review and Resolution

A. Overview of Procedural Options (students, staff, faculty)
B. Role of the Title IX Officer and Team
C. Initial Title IX Review
D. Informal or Remedies-Based Resolution
E. Formal Resolution
F. Investigation

A. Overview of Procedural Options (students, staff, faculty)

Upon receipt of a report, the Title IX Officer, in consultation with members of the Title IX Team as appropriate, will conduct an initial Title IX Review. The goal of this review is to provide an integrated and coordinated response to reports of sexual harassment or misconduct. The review will consider the nature of the report, the safety of the individual and of the campus community, and the Reporting Party’s expressed preference for resolution.

At the conclusion of the assessment, the college may choose to pursue Informal Resolution, a remedies-based approach that does not involve disciplinary action against a Responding Party, or refer the matter for a college-based investigation and the Formal Resolution process. The goal of the investigation is to gather all relevant facts and to determine if there is a preponderance of evidence that a violation of the policy occurred.

The initial steps for resolution of a complaint against a student, an employee or a faculty member will involve the same stages: an initial assessment, followed by remedies and informal or formal resolution as appropriate. There are specific procedures for resolving complaints against a student, faculty or staff Responding Party detailed in the relevant Appendices.

B. Role of the Title IX Officer and Team

The President of Bates College has designated Gwen Lexow to serve as the college’s Title IX Officer. The Title IX Officer oversees the college’s centralized review and resolution of reports of sexual harassment, sexual violence, stalking, intimate partner violence, and other sexual misconduct. The Title IX Officer also coordinates the college’s compliance with Title IX and other applicable statutes.

The Title IX Officer is supported by the Title IX Team. Members of this interdepartmental team include the Title IX Officer and the Title IX Deputy Coordinators. Composition of the team will be...
limited to a small group of individuals who “need to know” in order to implement procedures under this policy.

Although a report may be made to any college employee, the college seeks to ensure that all reports are referred to the Title IX Team to ensure consistent application of the policy to all individuals and allow the college to respond promptly and equitably to eliminate the harassment, prevent its recurrence and address its effects.

The members of this team oversee the resolution of a report under this policy. Resources are available for both students and employees, whether as a Reporting Party or a Responding Party, to provide guidance throughout the investigation and resolution of the complaint. Interim remedies are also available to provide protection and security.

C. Initial Title IX Review

In every report of sexual harassment or misconduct, the college will make an immediate assessment of any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. These steps may include protective measures to provide for the safety of the individual and the campus community.

The initial review will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made. Thereafter, further action may be initiated depending on a variety of factors, such as the Reporting Party’s wish to pursue informal or formal resolution, the risk posed to any individual or the campus community by not proceeding, and the nature of the allegation.

As part of the initial assessment of the facts, the college will:

- Assess the nature and circumstances of the allegation;
- Respond to any need to address immediate physical safety and emotional well-being;
- Notify the Reporting Party of the right to contact law enforcement and seek medical treatment;
- Notify the Reporting Party of the importance of preservation of evidence;
- Enter the report into the college’s daily crime log;
- Assess the reported conduct for the need for a timely warning under the Clery Act;
- Provide the Reporting Party with information about on- and off-campus resources;
- Notify the Reporting Party of the range of available safety and remedial measures;
- Provide the Reporting Party with an explanation of the procedural options, including informal remedies-based resolution and formal resolution;
- Assess for pattern evidence or other similar conduct by Responding Party;
- Discuss the Reporting Party’s expressed preference for manner of resolution and any barriers to proceeding; and
• Explain to the Reporting Party the college’s policy prohibiting retaliation.

D. Informal or Remedies-Based Resolution

Informal resolution is a remedies-based, non-judicial approach designed to eliminate a hostile environment without taking formal disciplinary action against a Responding Party.

Where the Title IX Review concludes that informal resolution may be appropriate, the college will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the Reporting Party’s access to the educational activities at the college and to eliminate a hostile environment. Examples of protective remedies are detailed in the Safety and Remedial Measures section above. Other potential remedies include targeted or broad-based educational programming or training, direct confrontation of the Responding Party and/or indirect action by the Title IX Officer or the college. Depending on the form of informal resolution used, it may be possible to maintain the anonymity of the Reporting Party.

The college will not compel a Reporting Party to engage in mediation or a restorative justice process, to directly confront the Responding Party, or to participate in any particular form of informal resolution. Mediation or restorative practices, even if voluntary, may not be used in cases involving sexual violence or assault. The use of restorative justice in other cases, with the approval of all parties, may be considered. The decision to pursue informal resolution will be made when the college has sufficient information about the nature and scope of the conduct, which may occur at any time. Participation in informal resolution is voluntary, and a Reporting Party can request to end informal resolution at any time.

The Title IX Officer will maintain records of all reports and conduct referred for informal resolution. Informal resolution will typically be completed within thirty (30) business days of the initial report.

E. Formal Resolution

Disciplinary action against a Responding Party may only be taken through Formal Resolution procedures. Because the relationship of students, staff, and faculty to the college differ in nature, the procedures that apply when seeking disciplinary action necessarily differ as well. Each of the procedures, however, is guided by the same principles of fundamental fairness and respect for all parties, which require notice, an equitable opportunity to be heard, and an equitable opportunity to respond to a report under this policy.

The specific procedures for Formal Resolution will vary based upon the role of the Responding Party:

• For a report against a student, disciplinary action may be taken by the Sexual Misconduct Board after the investigator has determined that a violation has occurred.

• For a report against an employee, disciplinary action may be taken at the conclusion of the investigation by the Assistant Vice President for Human Resources and Environmental Health and Safety or their designee.

• For a report against a faculty member, disciplinary action may be taken at the conclusion of the investigation by the Vice President for Academic Affairs and Dean of the Faculty, or their designee, using the procedures outlined in the Faculty Handbook.
F. Investigation

Where the Title IX review concludes that a policy violation may have occurred and disciplinary action may be appropriate, the college may initiate a formal investigation. The college will designate a trained investigator who has specific training and experience investigating allegations of sexual harassment, sexual violence, stalking, and intimate partner violence. The investigator may be an employee of the college or an external investigator engaged to assist the college in its fact gathering and determination of a finding. Any investigator chosen to conduct the investigation must be impartial and free of any conflict of interest.

The investigator will conduct the investigation in a manner appropriate in light of the circumstances of the case, which will typically include interviews with the Reporting Party, the Responding Party and any witnesses. The investigator will also gather any available physical evidence, including documents, communications between the parties, and other electronic records as appropriate. In gathering the facts, the investigator may consider prior allegations of, or findings of responsibility for, similar conduct by the Responding Party to the extent such information is relevant.

As part of the investigation, the college will provide an opportunity for the parties to present witnesses and other evidence. Witnesses must have observed the acts in question or have relevant information and cannot be participating solely to speak about an individual’s character. The investigator will provide periodic updates to the Title IX Officer, particularly regarding any emerging needs for the Reporting Party or Responding Party for additional safety or remedial measures and regarding estimated timelines.

The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial and fair, and all individuals will be treated with appropriate sensitivity and respect. As described in Section IV. Privacy vs. Confidentiality, the investigation will be conducted in a manner that is respectful of individual privacy concerns.

The college will seek to complete the investigation phase within 20 (twenty) calendar days of initiating the investigation, but this time frame may be extended depending on the complexity of the circumstances of each case. At the conclusion of the investigation, the investigative report will be forwarded to the Title IX Officer and will follow the relevant procedures for Formal Resolution depending on whether the Responding Party is a student, faculty member, or staff member.

Information gathered during the review and investigation will be used to evaluate the responsibility of the Responding Party, provide for the safety of the Reporting Party and the college campus community, and impose remedies as necessary to address the effects of the conduct cited in the report. At the conclusion of the investigation, the college will notify all parties that the investigation is complete and provide information about next steps in the process.

Based on the information gathered in the initial Title IX Review and/or full investigation, the college will take appropriate measures designed to end the misconduct, prevent its recurrence and address its effects.

The Title IX Officer will document each report or request for assistance in resolving a case involving charges of sexual misconduct, whether formal or informal, and will review and retain copies of all reports generated as a result of investigations. These records will be kept confidential to the extent permitted by law.
Appendix A: Procedures for Resolving Complaints Against a Student

A. Preliminary Concerns
   a. Timing of Reports
   b. Jurisdiction
   c. Effect of Criminal Proceedings
   d. Effect of Pending Complaint on Responding Party
   e. Amnesty for Alcohol and Other Drug Use
   f. Advisors
   g. Agreements Not Recognized by the College
   h. Time Frames
   i. Communications
   j. Standard of Proof
   k. Records

B. Initiating a Report

C. Information for Reporting Party and Notice of Investigation

D. Title IX Review

E. Safety and Remedial Measures

F. Withdrawal of Complaint

G. Summary of Resolution Options
   a. Informal, Remedies-Based Resolution
   b. Formal Resolution

H. Responding to Report
   a. Information for Responding Party and Intake Meeting
   b. Acceptance of Responsibility

I. Formal Resolution Procedures
   a. Investigation Phase
      i. Investigator
      ii. Investigation Process
      iii. Investigative Report
      iv. Findings of the Investigator
      v. Appeal of the Findings of the Investigator
      vi. Distribution to Parties
   b. Sanction Phase: Sexual Misconduct Board
      i. Composition of Board
      ii. Review of Investigative Report and Findings
      iii. Review of Other Relevant Information and Opportunity to Respond
      iv. Range of Sanctions
      v. Deliberations of Sexual Misconduct Board
      vi. Notice of Outcome
   c. Appeal of Sanction
      i. Eligibility, Timeline, and Filing Procedures
      ii. Appeal of Sanction Procedures
      iii. Appeal Decision and Notification
Bates College has established the Sexual Misconduct and Harassment Policy that articulates the college’s community standards and includes definitions of prohibited conduct and key concepts. This policy also outlines the resources and reporting options available to the college community and methods of addressing cases involving sexual harassment, sexual violence, stalking, or intimate partner violence or other sexual misconduct. This appendix details the specific procedures for resolving a report of sexual misconduct or harassment where a student is identified as the Responding Party.

A. Preliminary Concerns
   a. Timing of Reports

   Individuals are encouraged to report sexual harassment, sexual violence, stalking, and intimate partner violence as soon as possible in order to maximize the college’s ability to respond promptly and effectively. The college does not, however, limit the time frame for reporting. If the Responding Party is no longer a current student, the college may not be able to take disciplinary action against the Responding Party, but will still seek to meet its Title IX obligations by taking steps to end the harassment, prevent its recurrence, and address its effects.

   A current student is defined as someone who has matriculated and has not formally severed recognized student status with the college. A student retains this status throughout the student’s career at the college, including academic terms, scheduled vacations, summer months, and periods of leave or off-campus study.

   b. Jurisdiction

   An incident does not have to occur on campus to be reported to the college. All college community members are responsible for their actions and behavior, whether the conduct in question occurs on campus or in another location. Members of the college community have a responsibility to adhere to college policies and local, state, and federal law. As a result, this policy applies both to on-campus and off-campus conduct. In particular, off-campus conduct that is likely to have a substantial adverse effect on any member of the college community or Bates College may be addressed under this policy.

   c. Effect on Criminal Proceedings

   The college encourages individuals to pursue criminal action for incidents of sexual harassment, sexual violence, stalking, and intimate partner violence that may also be crimes under Maine criminal statutes. The college’s policy, definitions, and standard of proof may differ from Maine criminal law. The college will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation using the procedures outlined here except at the request of local law enforcement during the initial evidence gathering stages of a criminal investigation. Neither law enforcement’s decision whether or not to prosecute a Responding Party nor the outcome of any criminal prosecution are determinative of whether sexual harassment, sexual violence, stalking, or intimate partner violence has occurred under this policy.
d. Effect of Pending Complaint on Responding Party

If a Responding Party elects to withdraw from the college after an investigation has commenced but prior to a final resolution, the transcript of the Responding Party will reflect a withdrawal and shall contain the notation “Voluntary withdrawal with disciplinary charges pending.” A Responding Party electing to withdraw from the college under these conditions shall have no right to apply for readmission. In exceptional circumstances, the Vice President for Student Affairs and Dean of Students may grant permission to apply for readmission to a withdrawing or withdrawn student. If such special permission is granted, readmission will not be automatic and may be subject to such terms and conditions as the Vice President for Student Affairs may deem to be appropriate.

e. Amnesty for Alcohol and Other Drug Use

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

f. Advisors

The Reporting Party and Responding Party have the right to be assisted by an advisor of their choosing. Title IX Officer and the Vice President for Student Affairs and Dean of Students maintain a list of available advisors who receive annual training on the issues related to sexual violence and sexual harassment and on the Bates Sexual Misconduct and Harassment Policy and resolution procedures. The college encourages Reporting Parties and Responding Parties to select an advisor who has received training, but the final decision rests with each individual. Parties may share information related to a complaint with individuals that may support or assist them in navigating the resolution process and presenting their case.

An advisor serves to guide the student through the all phases of the process and may accompany the student to any meeting throughout the process. The role of the advisor is one of support, but not active participation. The advisor should assure that the student clearly understands all questions asked, and that the student clearly communicates their account of events. The advisor may also help the student identify appropriate witnesses or evidence. The advisor’s role during an investigatory interview or subsequent meetings with the investigator(s) is as a silent observer. The advisor may not make arguments, ask questions, or speak for a Reporting Party, Responding Party, or third party. Similarly, the advisor may not interact with the investigator during the course of an investigation. The advisor may request a recess during an investigatory interview or meeting to consult with the student, but not while any question is pending before the student. Any advisor who becomes disruptive in any meeting may be removed from that meeting and/or prohibited from participation in the remainder of the process. The advisor may accompany a student to any meeting with an investigator, with the Title IX Officer or her/his designee, or
with the Sexual Misconduct Board. Any person who serves as an advisor should plan to make themselves available for meetings throughout the process. Scheduling of interviews and meetings will not be significantly delayed due to the lack of availability of the advisor.

Any advisor selected who has not been trained by the college must attend a meeting with the Title IX Officer, or her/his designee, prior to attending any case related meeting in order to understand the college’s processes and the advisor’s role. A Reporting Party, a Responding Party, or any witness for the case at hand may not serve as an advisor to any other party involved in the investigation.

Witnesses called to speak with an investigator as part of this process also have the right to bring an advisor of their choosing to all meetings related to the investigation. This advisor must be a member of the Bates community (current faculty, staff, or student) and serves in a role similar to that described above.

g. Agreements Not Recognized by the College

Other than a judicial order, the college will not recognize agreements between the Reporting Party and Responding Party in which the college did not participate unless reviewed and approved by the Title IX Officer.

h. Time Frames

The College seeks to resolve all reports within 60 days of the initial report. All time frames expressed in this policy are meant to be guidelines rather than rigid requirements. Extenuating circumstances may arise that require the extension of time frames, including extension beyond 60 days. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances.

In general, the Reporting Party and the Responding Party can expect that the process will proceed according to the time frames provided in this policy. In the event that the investigation and resolution time frame needs to be extended for good cause, the College will provide written notice to all parties of the reason(s) for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

Where the Responding Party is a second semester senior, the college may withhold that student’s Bates College degree pending conclusion of the sexual misconduct proceedings. The college reserves the right to restrict a student's participation in college programs while an investigation is pending.

i. Communications

All communications and notices required by these procedures may be made electronically, in hard copy, or in person.
j. Standard of Proof

The investigator will determine the Responding Party’s responsibility by the preponderance of the evidence standard which is whether the information provided supports a finding that it is “more likely than not” that the Responding Party is responsible for the alleged violation.

k. Records

The investigative report, including all documents, information, and other evidence, and the documentation regarding any finding, sanction, and appeal will serve as the formal record of the proceedings and will be maintained by the Title IX Officer as part of the Responding Party’s conduct record.

If a student has been found responsible for a violation of this policy, such records may be used in reviewing any further conduct issues consistent with this policy and the Code of Student Conduct.

All records shall be held and reported according to the College Policy on Reporting Student Disciplinary Matters.

B. Initiating a Report

Any person who has experienced an incident of sexual misconduct or harassment, as defined in the Sexual Misconduct and Harassment Policy, may file a report against a Bates College student responsible for that conduct. Students filing reports may request that the college initiate its formal resolution option, its informal, remedies-based resolution option or request the college take no action.

At the time a report is made, a Reporting Party does not have to decide whether or not to request disciplinary action. Choosing to make a report and deciding how to proceed after making the report can be a process that occurs over time. To the extent possible, the college will respect an individual’s autonomy in making these decisions and provide support that will assist each individual in making that determination.

Where a Reporting Party requests that their name or other identifiable information not be shared with the Responding Party or that no formal action be taken, the college will balance this request with its dual obligation to provide a safe and non-discriminatory environment for all Bates community members and to remain true to principles of fundamental fairness that require notice and an opportunity to respond before disciplinary action is taken against a Responding Party. In making this determination, the college may consider:

- The seriousness of the alleged conduct;
- The respective ages and roles of the Reporting Party and Responding Party;
- Whether there have been other complaints or reports of harassment or misconduct against the Responding Party;
- The rights of the Responding Party to receive notice and relevant information before disciplinary action is sought;
- If circumstances suggest there is an increased risk of the Responding Party committing additional acts of sexual misconduct or other violence;
• Whether the Responding Party has a history of arrests or records from a prior school indicating a history of violence;
• Whether the alleged perpetrator threatened further sexual violence or other violence against the student or others;
• Whether under the circumstances there is a continuing threat to the community;
• Whether the sexual misconduct was committed by multiple perpetrators;
• If the circumstances suggest there is an increased risk of future acts of sexual misconduct under similar circumstances;
• Whether the sexual violence was perpetrated with a weapon; and
• Whether the school possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence).

The Title IX officer retains the authority to make the final decision regarding which method of resolution shall be used. In making this decision, the Title IX officer shall assess the above factors, consult with the Title IX team, and consider the Reporting Party’s preferred means of resolution.

The Title IX Officer in consultation with the Title IX Team will evaluate requests for confidentiality.

C. Information for the Reporting Party and Intake Meeting

After receipt of the report, the Title IX Officer or a member of the Title IX Team will conduct an intake meeting with the Reporting Party. At this meeting, the person conducting the intake will inquire into the nature of the report and allegations of misconduct. The Reporting Party will be informed of all safety and remedial measures and resolution options available under this policy and encouraged to select an advisor who has received training from the college. The Reporting Party will be informed of the prohibition against retaliation and instructed not to destroy any potentially relevant documentation or evidence in any format. The Reporting Party will also be offered support resources on and off campus as described in Section VII of this policy. The Reporting Party will be given a copy of the Sexual Misconduct and Harassment Policy as well as a brochure containing pertinent information regarding the policy, resolution procedures, and resources.

D. Title IX Review

In every report of sexual harassment or misconduct, the college will make an immediate assessment of any risk of harm to individuals or to the campus community and will take steps necessary to address those risks. These steps may include interim protective measures to provide for the safety of the individual and the campus community.

As part of the initial assessment of the facts, the college will:

• Assess the nature and circumstances of the allegation;
• Assess the need to address immediate physical safety and emotional well-being;
• Notify the Reporting Party of the right to contact law enforcement and seek medical treatment;
• Notify the Reporting Party of the importance of preservation of evidence;
• Enter the report into the college’s daily crime log;
• Assess the reported conduct for the need for a timely warning under the Clery Act;
• Provide the Reporting Party with information about on- and off-campus resources;
• Notify the Reporting Party of the range of interim accommodations and remedies;
• Provide the Reporting Party with an explanation of the procedural options, including remedies-based resolution and formal resolution;
• Assess for pattern evidence or other similar conduct by Responding Party;
• Discuss the Reporting Party’s expressed preference for manner of resolution and any barriers to proceeding; and
• Explain the college’s policy prohibiting retaliation.

E. Safety and Remedial Measures

Upon receipt of a report, the Title IX Officer, in consultation with the Title IX Team, will review the allegations and determine the necessity and scope of any interim measures to prevent further acts of harassment, misconduct, or retaliation and to provide a safe educational and work environment. Potential remedies, which may be applied to the Reporting Party and/or the Responding Party, include:

• Providing access to counseling services and assistance in setting up an initial appointment, both on and off campus;
• Imposing a No Contact Order between parties;
• Rescheduling of exams and assignments (in conjunction with appropriate faculty);
• Providing alternative course completion options (with the agreement of the appropriate faculty);
• Changing a class schedule, including the ability to take deferral, drop a course without penalty or transfer sections (with the agreement of the appropriate faculty);
• Changing a work schedule or job assignment;
• Changing an on-campus housing assignment;
• Providing assistance from college support staff in completing housing relocation;
• Limiting an individual’s or organization’s access to certain college facilities or activities pending resolution of the matter;
• Providing a voluntary leave of absence;
• Providing an escort to ensure safe movement between classes and activities;
• Providing medical services;
• Providing academic support services, such as tutoring;
• Providing assistance with transportation needs;
• Imposing interim suspension or leave; and
• Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy.

F. Withdrawal of Complaint

Prior to the completion of the resolution options described in this policy, the Reporting Party may withdraw the sexual misconduct complaint. Withdrawal of the compliant will, in most circumstances, end any investigation or process taking place under this policy. The college reserves the right to move forward with a complaint, even after the Reporting Party withdraws it, in order to protect the interests and safety of the college community.

G. Summary of Resolution Options

a. Informal, Remedies-Based Resolution

Informal resolution is a remedies-based, non-judicial approach designed to eliminate a hostile environment without taking formal disciplinary action against a Responding Party.

Where the Title IX Review concludes that informal resolution may be appropriate, the college will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the Reporting Party’s access to the educational activities at the college and to eliminate a hostile environment. Examples of protective remedies are detailed in the Interim Measures section above. Other potential remedies include targeted or broad-based educational programming or training, direct confrontation of the Responding Party and/or indirect action by the Title IX Officer or the college. Depending on the form of informal resolution used, it may be possible to maintain the Reporting Party’s anonymity.

The college will not compel a Reporting Party to engage in mediation or a restorative justice process, to directly confront the Responding Party, or to participate in any particular form of informal resolution. Mediation or restorative practices, even if voluntary, may not be used in cases involving sexual violence or assault. The decision to pursue informal resolution will be made when the college has sufficient information about the nature and scope of the conduct, which may occur at any time. Participation in informal resolution is voluntary, and a Reporting Party can request to end informal resolution at any time.

The Title IX Officer will maintain records of all reports and conduct referred for informal resolution. Informal resolution will typically be completed within thirty (30) business days of the initial report.

b. Formal Resolution

Disciplinary action against a Responding Party may only be taken through the Formal Resolution process. The Formal Resolution process contains three phases: Investigation, Sanction, and Appeal. This process is outlined in detail below.
H. Responding to Report

a. Information for Responding Party and Notice of Investigation

After receipt of the report, the intake meeting with the Reporting Party, the Title IX Review, and a determination to pursue formal resolution, the Title IX Officer or a member of the Title IX Team shall issue a Notice of Investigation. The Notice of Investigation will outline the nature of the complaint and allegation of misconduct and the procedures for the resolution of the report. The Responding Party will be encouraged to select an advisor who has received training from the college. The Responding Party will be informed of the prohibition against retaliation and instructed not to destroy any potentially relevant documentation or evidence in any format. The Responding Party will be given a copy of the Sexual Misconduct and Harassment Policy. The Responding Party will also be offered support resources on and off campus as described in Section VII of this policy. The Title IX Officer or their designee also may conduct an intake meeting with the Responding Party if deemed appropriate. If the Responding Party fails to meet and cooperate with the Title IX Officer, the investigator, or any other person during this process, the resolution of the complaint will proceed without input from the Responding Party.

b. Acceptance of Responsibility

At any point in the process, the Responding Party may choose to accept responsibility for all or part of the alleged misconduct. If the Responding Party accepts responsibility for the alleged misconduct, the process may, but will not necessarily, proceed to the investigation phase. The Title IX Officer may proceed directly to the sanction phase to determine an appropriate sanction for the Responding Party. If the Responding Party disputes any aspect of the allegations, the matter will proceed to an investigation.

I. Formal Resolution Procedures

a. Investigation Phase

i. Investigator

The Title IX Officer, in consultation with the Title IX Team, will designate an investigator of their choosing, who has specific training and experience investigating allegations of sexual harassment and sexual misconduct, to conduct a thorough, impartial, and fair investigation. The college will designate a trained investigator who may be an employee of the college or an external investigator engaged to assist the college in its fact gathering and determination of a finding. Any investigator chosen to conduct the investigation must be impartial and free of any conflict of interest.

The investigation is designed to provide a fair and reliable gathering of the facts. All individuals in the investigation, including the Reporting Party, the Responding Party and any third-party witnesses, will be treated with appropriate sensitivity and respect. Consistent with the need for a full assessment of the facts, the investigation will safeguard the privacy of the individuals involved.
ii. Investigation Process

The investigator will coordinate the gathering of information from the Reporting Party, Responding Party, and other individuals or entities with relevant information regarding the report using any of the following processes. The investigator will share with the Reporting Party and Responding Party for comment or rebuttal information and documentation considered material to the findings related to the report. The investigator may consider prior allegations of, or findings of responsibility for, similar conduct by the Responding Party. The Reporting Party and Responding Party will have an equal opportunity to be heard, to submit evidence, and to identify witnesses who may have relevant information. The investigation phase will typically be completed within twenty (20) calendar days. Given the availability of witnesses or complexity of the circumstances, this time frame may be extended as necessary to ensure the integrity and completeness of the investigation. The investigator will provide periodic updates to the Title IX Officer, particularly regarding any emerging needs that would require additional protective or supportive measures for the Reporting Party or Responding Party or regarding any adjustments to estimated timelines.

Information gathered during the investigation will be used to evaluate the appropriate course of action, provide for the safety of the individuals and the campus community, and impose remedies as necessary to address the effects of the conduct cited in the report, in addition to being used to determine a finding.

1. Document/Records Review

In addition to reviewing any documents submitted by the Reporting Party and Responding Party, the investigator will try to obtain such other physical or medical evidence relevant to the investigation as the investigator determines, in his or her judgment, to be necessary, including but not limited to documents, police records, electronic or other record of communications between the parties or witnesses, video or audio recordings, records or other relevant information. In obtaining such evidence, the investigator will comply with applicable laws and college policies.

2. Site Visits

The investigator may visit relevant sites or locations and record observations through written or photographic documentation.

3. Reporting Party and Responding Party Interviews

The investigator will interview the Reporting Party and the Responding Party separately and may interview one or both more than once as necessary. The Reporting Party and Responding Party may be accompanied by their respective advisors.
4. Witness Interviews

The investigator will make a good faith effort to contact and interview any witnesses identified by the parties or in the documentation, including those no longer at the college. The investigator may also interview any other individual he or she finds to be potentially relevant to the allegations of the report. The investigator will inform each witness or other individual interviewed that they are prohibited from retaliating against the Reporting Party and Responding Party or other witnesses.

5. Experts

The investigator may contact any expert the investigator determines is necessary to ascertain the facts related to the report. An expert witness may be contacted for an informal consultation or for a professional opinion regarding information learned from the investigation.

6. Prior Sexual History, Bad Acts, or Pattern Evidence

In general, in a case where the Responding Party raises consent as a defense, any prior consensual relationship between the parties may be deemed relevant to assess the manner and nature of communications between the parties, but is not necessarily determinative. As noted in the Sexual Misconduct and Harassment Policy, a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Generally, prior sexual history of the Reporting Party or Responding Party will not be considered relevant to an investigation. However, in limited circumstances, such as pattern evidence, it may be relevant in the determination of responsibility or, in the case of Responding Party, the determination of a sanction. Additionally, a prior finding (post appeal rights) of responsibility for a similar act of sexual misconduct will always be deemed relevant and may be considered in making a determination as to responsibility and/or assigning of a sanction.

If either party wishes to bring forth information concerning the other party’s sexual history, bad acts, or pattern evidence, such requests must be made during the course of the investigation to the investigator, who is responsible for determining its relevance.

iii. Investigative Report

At the conclusion of the investigation, the investigator will prepare a written investigative report summarizing and analyzing the relevant facts determined through the investigation, referencing any supporting documentation or statements. In preparing the report, the investigator will review all facts gathered to determine whether the information is relevant and material to the determination of responsibility given the nature of the allegation. In general, the investigator may redact information that is irrelevant, more prejudicial than probative, or immaterial. The investigator may also redact statements of personal opinion, rather than direct observations or reasonable inferences from the facts. Further, the investigator may redact any statements regarding general reputation or any character trait. The
The investigative report may include summaries of interviews with the Reporting Party, Responding Party, third-party witnesses, experts, and any other individuals with relevant information, photographs of relevant sites or physical evidence, electronic records and forensic evidence. The investigator may provide a summary of impressions including context for the evidence.

Before the report is finalized, the Reporting Party and Responding Party will be given the opportunity to review their own statement(s) and other relevant information collected during the investigation, including the summaries of statements of the other party and any witnesses.

A Reporting Party or Responding Party may submit any additional written comment or evidence to the investigator within five (5) business days of notice of the opportunity to review the relevant portions of the investigative file.

Upon receipt of any additional information by the Reporting Party or Responding Party, or after the five (5) day comment period has lapsed without comment, the investigator will finalize the report and make a finding as to whether a policy violation has occurred.

The report will be submitted to the Title IX Officer. The Title IX Officer will certify that the report is complete, contains findings as to whether a policy violation has occurred and a sufficiently detailed factual summary supporting those findings.

iv. Findings of the Investigator

The investigative report will include a determination by the investigator as to whether the Responding Party is responsible for a violation or violations of the Sexual Misconduct and Harassment Policy using the preponderance of the evidence standard. This determination will be accompanied by a rationale.

v. Distribution to Parties

The Title IX Officer or a member of the Title IX Team will provide the Reporting Party and Responding Party with a final copy of the investigative report and the findings and will inform them of the next steps in the process including the option to appeal, if applicable.

Should the Responding Party be found not responsible for a violation of the Sexual Misconduct and Harassment Policy by the investigator, the Reporting Party retains the option to appeal on limited grounds using the procedures described in the Appeal of Findings of the Investigator section below. If an appeal is not filed, the finding shall be considered final and the Title IX Officer will draft a Notice of Outcome.

Should the Responding Party be found responsible for one or more violations of the Sexual Misconduct and Harassment Policy by the investigator, the case will proceed to the Sanction Phase. Either party may opt to appeal the findings prior to the start
of the Sanction Phase on limited grounds using the procedures described in the Appeal of Findings of the Investigator section below.

vi. Appeal of Findings of the Investigator

1. Eligibility, Timeline, and Filing Procedures

Either the Reporting Party or Responding Party may file an appeal of the findings of the investigator within three (3) calendar days of receipt of the investigative report using the procedures outlined below. Appeals must be filed with the Vice President for Student Affairs/Dean of Students (hereafter “Vice President”), who serves as the appeals officer. If no appeal of the investigator’s findings is filed within a timely fashion, the findings of the investigator shall be considered final and binding on all of the parties and may not be appealed after the sanctioning phase of the procedure.

Dissatisfaction with the findings is not grounds for appeal. Appeals may be based only on one or more of the following grounds:

- a procedural error (failure to follow proscribed policy and/or procedures) that may have had a prejudicial effect upon the outcome of the proceedings;
- an evidentiary error, such as refusal to hear material evidence or reliance upon clearly inappropriate and/or prejudicial evidence, that may have had an effect upon the outcome of the proceedings;
- new evidence that was discovered after the investigation was completed and could not have been discovered previously that may have an effect upon the outcome of the proceedings;
- the investigator’s findings were arbitrary and capricious; or
- evidence of conflict of interest, bias, fraud or misconduct on the part of the investigator.

The appeal shall consist of a concise and complete written statement outlining the facts that support the available grounds for the appeal.

If the appeal is properly filed, the other party will be given the opportunity to review the written appeal and respond to it in writing to the Vice President. Any response by the other party must be submitted to the Vice President within three (3) calendar days from being provided the appeal. If both parties file an appeal, the appeal documents from each party will be considered together in one appeal review process.

The receipt of the appeal and any response to the appeal will be acknowledged in writing (which can include email).

Should the Vice President be unable to serve as the appeals officer, they may designate another trained appeals officer to serve in their stead.
2. Appeal of Findings of Investigator Procedures

The appeal of the investigator's findings will be conducted in an impartial manner by the Vice President. In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination is presumed to have been decided reasonably and appropriately. The appeal is not a *de novo* review of the underlying matter. The decision shall affirm the original findings of the investigator unless the Vice President sustains one of the grounds for appeal, in which case the Vice President will refer the case to the original or new investigator for reconsideration as appropriate.

Appeals are not intended to be full rehearing of the complaint (*de novo*). This is not an opportunity for the Vice President to substitute their judgment for that of the original investigator merely because they disagrees with the findings. Appeals decisions are to be deferential to the original investigator except where one of the stated grounds above has been established.

3. Appeal Decision and Notification

The Vice President will generally make all appeal decisions within three (3) calendar days of receipt of both the appeal and all responses to it, if any.

The appeal decision will include a rationale and shall be presented simultaneously in writing to both the Reporting Party and Responding Party by the Title IX Officer or a member of the Title IX Team.

The decision of the Vice President upon an appeal of the findings of the investigator shall be final.

b. Sanction Phase: Sexual Misconduct Board

After all appeals of the findings have been heard, should the Responding Party be found responsible for a violation of the Sexual Misconduct and Harassment Policy by the investigator, the case will proceed to the Sanction Phase where the Sexual Misconduct Board will review the investigative report to determine and impose an appropriate sanction. The Board's role is to determine the sanction given the findings presented in the investigative report. The Board will not consider challenges to the findings nor will it consider new evidence. Generally, the Board shall meet to determine the appropriate sanction within five (5) business days of the distribution of the investigative report or the ruling on all appeals if an appeal is filed.

i. Composition of Board

The Sexual Misconduct Board shall be composed of a pool of Bates staff members appointed by the President through a selection process determined by the Title IX
Officer in consultation with the Title IX Team. For any given case, three members of the pool will be selected to comprise the Board. These three members shall be voting members of the Board. The Sexual Misconduct Board will be chaired by the Associate Dean of Students for Student Support and Community Standards or their designee; the chair shall not vote. All members of the Sexual Misconduct Board shall be trained annually regarding the dynamics of sexual misconduct, the appropriate manner in which to receive and evaluate sensitive information, the manner of deliberation, the application of the preponderance of the evidence standard, relevant sanctioning precedent (which shall inform but not bind the Board), and the college’s policies and procedures. The training shall also stress the importance of confidentiality and privacy of all parties.

ii. Review of Investigative Report and Findings

The Sexual Misconduct Board shall have access to the investigative report, including the findings, and all related documents to review prior to making a decision on an appropriate sanction. All documents provided to the Board shall have all personally identifiable information for all students involved redacted.

After reviewing the report and finding, if the Board feels that more information is required, they may ask the investigator for further clarification.

iii. Review of Other Relevant Information and Opportunity to Respond

The Sexual Misconduct Board shall have access to other relevant information in the Responding Party’s student file, including prior student conduct history. This information shall have personally identifiable student information redacted and be prepared for review by the Sexual Misconduct Board by the chair. The Responding Party shall have access to this information prior to its presentation to the Board and shall have an opportunity to respond via a written statement to be provided to the Board. Only information related to the information presented from the Responding Party’s student file shall be permitted in this statement.

The Reporting Party and Responding Party shall have the opportunity to present a statement to the Board describing the impact of the case on them. This statement may be presented to the Board in writing or in person. If presented in person, the Board will not ask any questions of the individual present. Any advisor who may be present may not make any statements to the Board. If both the Reporting Party and Responding Party wish to make in-person statements to the Board, they shall not be present in the room together. To the extent either party requires support in preparing such a statement, the college will provide assistance.
iv. Range of Sanctions

The Sexual Misconduct Board may impose any sanction or combination of sanctions defined in the Code of Student Conduct, including probation, suspension, and expulsion. See Appendix D for a complete list of potential sanctions.

Any student found responsible for a sexual assault violation will likely face a recommended sanction of suspension or expulsion.

Any student found responsible for a non-consensual sexual contact violation (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.

Any student found responsible for any other violation under the Sexual Misconduct and Harassment Policy will likely receive a recommended sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.

The Board reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. The Board will not deviate from the range of recommended sanctions unless compelling justification exists to do so.

v. Deliberations of Sexual Misconduct Board

After a thorough review of the investigative report, findings, other related documents and relevant information, and any responses or statements from the Reporting Party and Responding Party, the Sexual Misconduct Board shall deliberate regarding the appropriate sanction(s). The sanction shall be determined by a majority vote of the voting members of the Board. Should there be a tie, the chair shall cast the deciding vote.

The Sexual Misconduct Board will present the sanction decision and the rationale for it to the Title IX Officer.

vi. Notice of Outcome

The final written Notice of Outcome shall be simultaneously provided in writing to both the Reporting Party and the Responding Party by the Title IX Officer or a member of the Title IX Team. The college will also provide written notice, at the same time to both parties, of any change in the outcome upon appeal.

Both parties have the right to be informed of the outcome. The Notice of Outcome will include the findings as to whether there was a policy violation, the rationale for the result, and a brief summary of the evidence on which the decision is based, as appropriate. In addition, the Responding Party will be fully informed of any
sanctions. For reports involving sexual violence, the Reporting Party will be fully informed of any sanctions and remedies that directly relate to Reporting Party, including information about the Responding Party’s presence on campus (or in a shared class or residence hall), that may help a Reporting Party make informed decisions or work with the college to eliminate harassment and prevent its recurrence. For all other reports under this policy, the Reporting Party will be informed of only those sanctions that directly relate to the Reporting Party, consistent with FERPA and other applicable law. The notice shall include information regarding the right to appeal the outcome for both the Reporting Party and the Responding Party.

Sanctions imposed are implemented immediately upon presentation of the Notice of Outcome, subject to reversal or modification upon appeal.

c. Appeal of Sanction

i. Eligibility, Timeline, and Filing Procedures

Either the Reporting Party or the Responding Party may file an appeal of the sanction within seven (7) calendar days of receipt of the Notice of Outcome using the procedures outlined below. Appeals must be filed with the Vice President for Student Affairs and Dean of Students (hereafter “Vice President”), who serves as the appeals officer.

Dissatisfaction with the sanction is not grounds for appeal. Appeals of the sanction may be based only on one or more of the following grounds:

- a procedural error that may have had a prejudicial effect upon the outcome of the Sexual Misconduct Board proceedings;
- new evidence that was discovered after the investigation was complete and could not have been discovered previously that might have had an effect upon the sanction;
- evidence of conflict of interest, bias, misconduct, or fraud on the part of one or more members of the Sexual Misconduct Board; or
- the sanction imposed on the Responding Party is grossly inappropriate.

The appeal shall consist of a concise and complete written statement outlining the facts that support the available grounds for the appeal. The only question before the Vice President during the appeal of the sanction is whether the appropriate sanction was imposed by the Sexual Misconduct Board.

If the appeal is properly filed, the other party will be given the opportunity to review the written appeal and respond to it in writing to the Vice President. Any response by the other party must be submitted to the Vice President within three (3) calendar days from being provided the appeal. If both parties file an appeal, the appeal documents from each party will be considered together in one appeal review process.
The receipt of the appeal and any response to the appeal will be acknowledged in writing (which can include email).

If for any reason the Vice President is unable to serve as the appeals officer, they may designate another trained appeals officer to serve in their stead.

ii. Appeal of Sanction Procedure

The appeal of the sanction will be conducted in an impartial manner by the Vice President. During the appeal of the sanction, the findings of the investigator, as affirmed upon appeal, if any, shall be considered binding and shall not be revisited. In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the sanction of the Sexual Misconduct Board is presumed to have been decided reasonably and appropriately. The appeal is not a de novo review of the Sexual Misconduct Board’s determination. The decision shall affirm the sanction imposed by the Sexual Misconduct Board unless the Vice President sustains one of the grounds for appeal, in which case the Vice President will:

- Refer a case to the original or a new investigator if new evidence is presented or if there were prejudicial procedural errors; or
- Refer a case back to the Sexual Misconduct Board, with the same or different members as necessary, if there was evidence of bias, misconduct, or fraud or if the sanction is considered to be grossly inappropriate.

Appeals are not intended to be full rehearing of the sanctioning phase. This is not an opportunity for the Vice President to substitute their judgment for that of the Sexual Misconduct Board merely because they would have imposed a different sanction. The decision of the Sexual Misconduct Board will be affirmed by the Vice President unless one of the specified grounds for appeal has been established.

iii. Appeal Decision and Notification

The Vice President will generally make a decision on the appeal of the sanction within five (5) calendar days of receipt of both the appeal and all responses to it, if any.

The appeal of the sanction decision will include a rationale and shall be presented simultaneously in writing to both the Reporting Party and Responding Party by the Title IX Officer or a member of the Title IX Team. The decision of the Vice President upon review of the appeal of the sanction shall be final.

In cases where the appeal results in reinstatement to the institution or of privileges, all reasonable attempts will be made to restore the student to their prior status, recognizing that some opportunities lost may be irretrievable in the short term.
Appendix B: Flow Chart of Procedures for Resolving Complaints Against a Student
Appendix C: Summary of Rights

All members of the Bates community have the right to:

- Live, work, and learn at Bates free from gender-based discrimination;
- Be treated with respect, dignity, and fairness;
- Have their privacy protected by all individuals involved in the investigation and resolution of any report of sexual misconduct or harassment;
- File a report and have any report resolved promptly, fairly and thoroughly according to the Bates College Sexual Misconduct and Harassment Policy;
- Receive support throughout the resolution process;
- Be free from retaliation for making a report or participating in an investigation;
- Receive timely notice of meetings and equal access to information used in those meetings;
- Have an advisor or support person present at all meetings;
- Receive timely written notification of the outcome of any investigation, including sanctions, any changes to the outcome due to appeal, and when the outcome becomes final; and
- Appeal the finding and outcome as detailed in the Sexual Misconduct and Harassment Policy.

In addition, a Reporting Party has the right to:

- Choose whether to file a criminal complaint with local law enforcement and to receive assistance should they wish to do so;
- Receive interim support and reasonable protective measures to help them continue to live, work and learn at Bates;
- Choose whether they wish to participate in any formal investigative process; and
- Receive amnesty for minor drug or alcohol violations that occurred at the time of the incident.

Individuals have these rights regardless of your race, color, ethnicity, national origin, age, sex, gender identity or expression, sexual orientation, religion, or any other protected class.
Appendix D: Possible Sanctions for Students Found Responsible for Violations

1. Loss or Restriction of Privileges.
   a. Loss of the privilege of participating in any public function (e.g., literary, dramatic, forensic, radio, television, musical, or athletic) wherein the participant will be thought of as a representative of Bates College;
   b. Loss of on campus housing and/or dining privileges;
   c. Loss of the privilege of participating in social and/or ceremonial events on campus;
   d. Loss of the privilege of maintaining a motor vehicle on campus;
   e. A requirement that a student resign membership in or any offices, elected or appointed, held in campus organizations;
   f. Loss of access to certain campus locations; and
   g. Loss of use of certain campus resources.

2. Required Action.
   a. Required counseling or educational sessions;
   b. Required community service or restitution hours; or
   c. Required restorative action.

3. Disciplinary Probation.
   a. Probation for a specified or indefinite period of time, with or without conditions relating to the termination of probation.

4. Suspension.
   a. Suspension for a specified or indefinite period of time, with or without conditions relating to readmission to the college.

5. Dismissal or Expulsion.

6. Withholding of Degree
Appendix E: List of Resources

IN AN EMERGENCY

Emergency dispatch: 911

Bates Campus Safety and Security
207-786-6111 | 207-786-6254 (non-emergency) | 245 College Street

Lewiston Police Department
207-784-6421 | 171 Park Street, Lewiston

FOR IMMEDIATE and ONGOING MEDICAL NEEDS

Bates Health Services
207-786-6199 | 31 Campus Avenue

Central Maine Medical Center (SAFE kits available)
207-795-2200 | 300 Main Street, Lewiston

Lewiston Family Planning
207-795-4007 | 179 Lisbon Street, Lewiston

FOR CONFIDENTIAL CONVERSATION & SUPPORT

Sexual Assault Victim Advocate (SAVA), Rebekah Snyder
sava@bates.edu | 207-786-6996 | 161 Wood Street, 2nd floor

Bates Counseling and Psychological Services
207-786-6199 | 31 Campus Avenue

Multifaith Chaplain, Brittany Longsdorf
blongsdo@bates.edu | 207-786-8272 | 163 Wood Street, 2nd floor

Sexual Assault Prevention and Response Services (SAPARS)
24-hour helpline: 877-527-8644

Safe Voices (domestic violence)
24-hour helpline: 800-559-2927
FOR PRIVATE REPORTING and RESOLUTION

Title IX Officer, Gwen Lexow
glexow@bates.edu | 207-786-6445 | Lane Hall 202A

Deputy Title IX Coordinator for Students, Erin Foster Zsiga
efoster@bates.edu | 207-786-6215 | Lane Hall 110

Deputy Title IX Coordinator for Faculty, Kathy Low
klow@bates.edu | 207-786-6186 | Lane Hall 120

Interim Deputy Title IX Coordinator For Staff, Ken Emerson
kemerson@bates.edu | 207-786-8271 | 215 College Street

Deputy Title IX Coordinator For Athletics, Melissa DeRan
mderan@bates.edu | 207-786-5954 | Alumni Gym #11

OTHER BATES RESOURCES

Bates Confidential Employee Assistance Program
www.Lifebalance.net | 877-259-3785

Financial Aid Assistance
Wendy Glass | 207-786-6096 | Libbey Forum, Room 8

Visa and Immigration Assistance
Shirley Govindasamy | 207-753-6948 | 215 College Ave., Rm. 222

OTHER OFF CAMPUS RESOURCES

Androscoggin County Victim-Witness Advocate
Androscoggin County Courthouse
2 Turner Street, Auburn | 207-783-7311

Androscoggin County District Attorney
Androscoggin County Courthouse
2 Turner Street, Auburn | 207-783-7311

Maine Human Rights Commission
#51 State House Station, Augusta | 207-624-6290
www.maine.gov/mhrc/

Maine Victim’s Compensation Program
Office of Attorney General
6 State House Station, Augusta | 207-624-7882

Office for Civil Rights, US Department of Justice
5 Post Office Square, 8th floor, Boston | 617-289-0111
www2.ed.gov/about/offices/list/ocr

U.S. Equal Employment Opportunity Commission
475 Government Center, Boston | 800-669-4000
www.eeoc.org

24-HOUR HELPLINES

Tri-County Mental Health Services Crisis Center
888-568-1112

Rape, Abuse, Incest National Network (RAINN)
800-656-4673

National Domestic Violence Hotline
800-799-7233

WEBSITES

bates.edu/sexual-respect
NotAlone.gov
knowyourix.org

Educational Programs Related to Sexual Violence Prevention

Bates College creates a safe campus where social norms are transformed to show that power-based personal violence (stalking, domestic violence, dating violence, and sexual assault) is not tolerated in our community and that everyone plays a part in violence prevention. Individuals on campus take steps every day to show that violence prevention is important to us. In looking out for each other, we create a campus that is safer for everyone.

We offer comprehensive primary prevention programs to diverse populations. These programs address issues such as bystander Intervention, gender inclusion and education, healthy
relationships and healthy sexuality. These programs also share information that increases our community’s knowledge about sexual violence, our policies and procedures designed to address it, and risk reduction strategies. Our programs focus on providing these programs to students, faculty, and staff with attention to cultural relevance in all of its forms including background, religion, race, ethnicity, sexuality, gender, and interests. We work collaboratively with experts in the broader Lewiston-Auburn community and often invite our neighbors to join us for educational programs. We have targeted and intentional programming for all new students and incoming employees that is grounded in and promotes these values that we uphold. Our ongoing programs are open to all members of the community.

Bates offers a Green Dot Bystander Intervention program. This program empowers our community members to be active bystanders and encouraging them to feel a responsibility to intervene in high risk situations. Green Dot also promotes a culture where power based personal violence is not tolerated; all community members play a part in violence prevention to keep our community safe. Through this program, we make our values clear. Participants learn to:

• identify warning signs of high risk or potentially harmful situations;
• identify personal obstacles that keep them from intervening in these situations;
• direct, distract, and/or delegate as ways to safely intervene in high risk situations;
• describe their responsibility of bystanders to step into situations they recognize as harmful in whatever way they are most comfortable
• perform proactive “green dots” to communicate the importance of violence prevention.

Other examples of prevention programs:

Mandatory online education module for incoming students
In-person presentations for new students, new employees
Workshops for students, faculty and staff
   Special topics presented to athletic teams and student organizations
Tabling by Sexual Assault Victim Advocate and student advocacy groups
Lectures on special topics
Brown bag lunches
 Discussions in Residence Halls led by ResLife staff
Distribution of brochures and poster campaigns

Sex Offender Registration

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement 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, volunteers services or is a student.
In the State of Maine, convicted sex offenders must register with the law enforcement agency having jurisdiction in those areas where the offender is domiciled, resides, works or attends school. You can access the State of Maine website at [http://sor.informe.org/cgi-bin/sor/index.pl](http://sor.informe.org/cgi-bin/sor/index.pl).

**Risk Reduction and Warning Signs of Abusive Behavior**

No victim is ever to blame for being assaulted or abused. Unfortunately, a person who is the victim of sexual or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk, to recognize warning signs of abusive behavior and how to avoid potential attacks.

**Warning Signs of Abusive Behavior**

Domestic and dating abuse often escalates from threats and verbal abuse to violence. And, while physical injury may be the most obvious danger, the emotional and psychological consequences of domestic and dating violence are also severe. Warning signs of dating and domestic violence include:

1. Being afraid of your partner.
2. Constantly watching what you say to avoid a “blow up.”
3. Feelings of low self-worth and helplessness about your relationship.
4. Feeling isolated from family or friends because of your relationship.
5. Hiding bruises or other injuries from family or friends.
6. Being prevented from working, studying, going home, and/or using technology (including your cell phone).
7. Being monitored by your partner at home, work or school.
8. Being forced to do things you don’t want to do.

**Help Reduce Your Risk and Avoid Potential Attacks**

If you are being abused or suspect that someone you know is being abused, speak up or intervene.

1. Get help by contacting the Health Services, Counseling and Psychological Services, the Student Affairs Office, the Sexual Assault Victim Advocate, or the Title IX Officer.
2. Learn how to look for “red flags” in relationships so you can learn to avoid some of those characteristics in future partners.
3. Consider making a report with Security and Campus Safety and/or the Title IX Officer.
4. Ask for a “no contact” directive from the college to prevent future contact.
5. Learn more about what behaviors constitute dating and domestic violence. Understand it is not your fault, and talk with friends and family members about ways you can be supported.
6. Trust your instincts—if something doesn’t feel right in a relationship, speak up or end it.
Sexual Assault Prevention In a Social Situation (Adapted from RAINN)

While you can never completely protect yourself from sexual assault, there are some things you can do to help reduce your risk of being assaulted in social situations.

1. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.

2. Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact campus security or local law enforcement immediately.

3. Don’t leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you’ve left your drink alone, just get a new one.

4. Don’t accept drinks from people you don’t know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don’t drink from the punch bowls or other large, common open containers.

5. Watch out for your friends, and vice versa. If a friend seems out of it, is too intoxicated, or is acting out of character, get him or her to a safe place immediately.

6. If you suspect you or a friend has been drugged, contact law enforcement immediately. Be explicit with doctors so they can administer the correct tests.

If Someone is Pressuring You

If you need to get out of an uncomfortable or scary situation here are some things that you can try:

1. Remember that being in this situation is not your fault. You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.

2. Be true to yourself. Don’t feel obligated to do anything you don’t want to do. "I don’t want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.

3. Have a code word with your friends or family so that if you don’t feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.

4. Lie. If you don’t want to hurt the person’s feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

5. Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?

6. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.
Timely Warnings

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the Bates College Security and Campus Safety Department will provide timely warnings upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on campus.

The Director of Security & Campus Safety or a designee will develop timely warning notices for the College Community to notify members of the community about serious crimes against people that occur on campus, where it is determined that the incident may pose an ongoing threat to members of the college community. Timely Warning Notices are usually distributed for the following Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications:

- Arson,
- Criminal homicide
- Robbery
- Aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by Security & Campus Safety.

For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other college community members, therefore; a Timely Warning Notice would not be distributed. Sexual assaults are considered on a case by case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by Security & Campus Safety. Timely Warning Notices may be distributed for other crimes as determined necessary the Director of Campus Safety & Security or his or her designee in his or her absence.

Security and Campus Safety does not issue a timely warning or emergency notification for the above listed crimes a) if the suspect(s) is apprehended and the threat of imminent danger to the campus community has been mitigated by the apprehension; b) if a report was not filed with Security and Campus Safety; or c) if Security and Campus Safety was not notified by campus security authorities in a manner that would allow the department 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 Security and Campus Safety to post a
“timely” warning to the community. This type of situation will be evaluated on a case-by-case basis.

In an effort to provide timely notice to the college community, and in the event of a serious incident which may pose an on-going threat to members of the college community; a Timely Warning Notice is sent to all students and employees on campus by the following methods:

- **Blackboard Connect**: A secure emergency notification service that allows the college to send information and instructions simultaneously to individuals through landline phones, cellular phones, text messaging and e-mail. Students, faculty and staff must submit emergency contact information through Garnet Gateway [www.bates.edu/garnetgateway/](http://www.bates.edu/garnetgateway/).
- **Directed communications by email**: Bates College email system alerting students, faculty, and staff.
- **Security and Campus Safety website**: [www.bates.edu/security/](http://www.bates.edu/security/).
- **Bates College website**: [www.bates.edu](http://www.bates.edu).
- **Bates College Emergency P/A System**: A siren and voice alert system used when there is imminent danger to the community. This system is designed to not only alert the campus community when there is imminent danger but also follows up with voice instruction.
- **WRBC**: College radio station 91.5 FM.
- **Face to face communication**

A copy of the timely warning or emergency notification will be filed in the corresponding case file.

The Bates College Security and Campus Safety Department also maintains a daily crime and fire log that contains all crimes and fires reported to the department. These can be viewed on the Security and Campus Safety website at [www.bates.edu/security/](http://www.bates.edu/security/).

The decision to issue a timely warning or emergency notification shall be decided on a case-by-case basis in compliance with the Clery Act. The decision is made by the Director of Security and Campus Safety, or designee, considering all available facts, whether the crime is considered a serious or continuing threat to students or employees and the possible risk of compromising law enforcement efforts.

**Campus Emergency Response & Evacuation Procedures**

**Emergency Preparedness**

The College’s Emergency Operations Plan includes information about Crises Communications Management Plans. College Departments are responsible for developing contingency plans and continuity of operations plans for their staff and areas of responsibility. The College conducts numerous exercises each year, including table top exercises, field exercises and tests.
of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the college.

The Security and Campus Safety officers and supervisors have received training in Incident Command and Responding to Critical Incidents on Campus. When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually the Bates College Security & Campus Safety Department, the Lewiston Police Department and the Lewiston Fire Department. They typically respond and work together to manage the incident. Depending on the nature of the incident, other Bates College departments and other city, federal and private agencies could also be involved in responding to the incident.

All members of the Bates College community are notified on an annual basis that they are required to notify the Bates College Security and Campus Safety of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus. Bates College Security and Campus Safety have the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, Bates College Security and Campus Safety has a responsibility to respond to such incidents to determine if the situation does in fact pose a threat to the community. If that is the case, Federal Law requires that the institution immediately notify the campus community or the appropriate segments of the community that may be affected by the situation.

In the event of a confirmed serious incident which poses an immediate threat to members of the Bates College community, Bates College Security and Campus Safety will immediately notify Senior Emergency Response Group (SERG) and Office of Communications. If Security and Campus Safety confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the Bates College Community, SERG will determine the content of the message and will use some or all of the systems described below to communicate the threat to the Bates College community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. SERG will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: Bates College Security and Campus Safety, the Lewiston Police Department, the Lewiston Fire Department and Emergency Medical Services) compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

General information about the emergency response and evacuation procedures for Bates College are publicized each year as part of the institution’s Clery Act compliance efforts and that information is available on the Security and Campus Safety website

Emergency Notifications System

The Bates College Emergency Notification System (Blackboard Connect) currently uses a secure, web-based service to selectively store electronic contact information provided by students, faculty, and staff, through which the college would be able to communicate information and instructions in the event of an emergency. Emergency messages are sent simultaneously via voice mail, email, and/or text messaging to all of the numbers and addresses on file for each person. The benefits to the Blackboard Connect service are its immediacy and direct access to members of the college community through multiple points of contact.

This service complements other mechanisms the college has in place to respond to emergencies and relay critical information using the most appropriate channels. These include email, the Bates College Emergency P/A System; a siren and voice alert system used when there is imminent danger to the community, the Bates website, personal notification by building, and posters in campus buildings.

Emergency Response and Evacuation Testing Procedures

Bates College conducts an annual exercise of the Campus Emergency Operations Plan. This exercise – tabletop, functional, or live – includes the membership of the Senior Emergency Response Group (SERG) and representatives of local response agencies, as appropriate to the scenario. On December 11, 2014, a timed tabletop exercise was conducted to assess the College’s emergency response to the report of an active shooter on campus. An After Action Report was written outlining the results of the response to the scenario.

An evacuation (fire) drill is coordinated by the Environmental Health & Safety Office three times each semester for all residential facilities. Students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term evacuation. Residents are not advised in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, Security and Campus Safety and Housing staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.
Emergency Procedures

A Senior Emergency Response Group (SERG) is established to determine the existence and nature of an emergency (including weather emergencies) affecting the College, and to initiate appropriate action and communication regarding such emergencies. The Group will continue to serve during the emergency, to coordinate the College’s efforts, and to advise the President on decisions regarding the emergency.

SERG Operating Procedures

- Following consultation with the Director of Security, the President will determine whether to convene SERG. In the President’s absence, the Director of Security will activate the SERG committee. The Director or his designee will inform the Office of Communications of the incident. In the event of imminent danger to individuals or groups of individuals, public safety procedures will take precedence over immediately activating SERG.
- Bates Security and Campus Safety may contact the SERG and other necessary personnel.
- If SERG is convened, they will meet in the Bates Security and Campus Safety Office during the emergency or crisis.
- Immediate objectives of SERG, once convened:
  - Identify the nature and scope of the emergency.
  - Establish priorities and coordinate crisis response efforts.
  - Activate the emergency telephone system in the event of a power failure. If this system fails, activate the campus phone tree or courier system.
  - Interact with outside agencies including, but not limited to, the American Red Cross, law enforcement, fire department, and the Emergency Management Agency.
  - Determine the times and means to report efforts and progress to the campus community.

Depending on the nature of the emergency, additional members of SERG may be added, including, but not limited to the head of Bates Emergency Medical Service (EMS) and the Director of Health Services.

Weather Emergencies

At the announcement of a weather emergency, the President, Vice President for Finance and Administration and Treasurer, and the Director of Security will determine whether or not College services are to be open or closed. The announcement will be made on the college’s web page and through the college emergency notification service. If
College offices are closed, only those personnel already defined in advance by the director of the department as "essential" should report for work; no other personnel should report. "Essential" personnel will be needed only to preserve safety, health, and maintenance functions. If College offices are declared open, all personnel should assume that they report to work.

Special events and programs (including non-resident summer programs) programs will be canceled if the college closes its services; while an effort to provide appropriate notice will be made when canceling a specific event, the assumption shall be that if college offices are closed, then the special event will be canceled.

**Evacuation Procedures**

In an event that it becomes necessary to evacuate specific buildings to alleviate a life-threatening emergency, Security and Campus Safety will coordinate the efforts with emergency responder as follows.

**Shelter in Place Procedures**

If an incident occurs and the buildings or areas around where you are located become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances in the air, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to “shelter in place” means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

**Basic “Shelter in Place” Guidance**

If an incident occurs and the building you are in is “not” damaged, stay inside seeking an interior room until you are told it is safe to come out. If your building is damaged, take your personal belongings and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest college building quickly. If Security and Campus Safety, the police or fire department personnel are on the scene, follow their directions.
How You Will Know to “Shelter in Place”

A shelter in place notification can come from several sources, including Security and Campus Safety, Residence Life staff members, other college employees and the Lewiston Fire and Police Department. Notification of a need to shelter in place also may come over the radio and television. In addition, the college can announce the need to shelter in place on campus through any of the communications methods already mentioned.

How to “Shelter in Place”

No matter where you are, the basic steps to shelter in place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel.

• If you are inside, stay where you are. Collect any emergency shelter in place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel are on the scene.
• Locate a room to shelter inside. It should be:
  o An interior room;
  o Above ground level; and
  o Without windows or with the least number of windows.
• Shut and lock all windows (tightly seal) and close exterior doors.
• Turn off air conditioners, heaters, and fans.
• Close vents to ventilation systems as you are able.
• Turn on a radio or TV and listen for further instructions.

Missing Student Notification Policy for Students Who Reside in On-Campus Housing

If a member of the Bates community has reason to believe that a student who resides in on-campus housing is missing, they should immediately notify Security and Campus Safety at 207-786-6111. Security and Campus Safety will generate a missing person report and initiate an investigation.

After investigating the missing person report, should Security and Campus Safety determine that the student is missing and has been missing for more than 24 hours, Security and Campus Safety will notify the Lewiston Police Department and the student’s emergency contact no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, Bates College will notify the student’s parent or legal guardian immediately after Security and Campus Safety has determined that the student has been missing for more than 24 hours.

In addition to registering an emergency contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by Bates College in the event
the student is determined to be missing for more than 24 hours. If a student has identified such an individual, Bates College will notify that individual no later than 24 hours after the student is determined to be missing. Students who wish to identify a confidential contact can do so through the Bates College Student Affairs Office.

The College Alcohol and Drug Policy

Violating the college’s alcohol policy

Bates College observes all laws governing the use of alcoholic beverages within the State of Maine and does not condone violation of these laws by any student at any time. Students are held personally responsible for complying with all aspects of Maine laws and Bates alcohol policy. The prohibitions of the Bates Student Conduct Code and Maine law include, but are not limited to, the following:

1. The sale of alcoholic beverages by any person who does not have a license to sell such beverages in full force and effect at the time of the sale;
2. The sale of alcoholic beverages by any person to a person who has not attained the age of 21 years;
3. Consumption or purchase of alcoholic beverages by any person who has not attained the age of 21 years;
4. The furnishing of, procurement of or delivery of alcoholic beverages to a person who has not attained the age of 21 years;
5. The furnishing of, procurement of, or delivery of alcoholic beverages to a person who is intoxicated;
6. The presentation of any written or oral evidence of age which is false, fraudulent, or not a person’s own for the purpose of ordering, purchasing, or attempting to purchase or otherwise procuring or attempting to procure intoxicating liquor by a person who has not attained the age of 21 years;
7. Transportation by automobile within the state of Maine of alcoholic beverages by any person who has not attained the age of 21 years; and
8. Possession or consumption of hard alcohol or any beverage containing hard alcohol by any student on the premises of the college, at any college-sponsored event, or while the student is engaged in a college-related activity.

Violations of Maine law at reserved (“blue-slipped”) college facilities or at scheduled events occur at the risk of the individuals involved and are not the responsibility of the college. A brochure, Drugs and Alcohol, Your Accountability and Responsibility at Bates, is distributed to each student. It describes specific routines to use when “blue-slipping,” as well as reminding students of policies and guidelines for responsible behavior.

Violators of these policies may be subject to disciplinary action, including the revocation of the privilege of using college facilities for such events and/or referral to the Deans of Students or
Student Conduct Committee. The college reserves the right to involve law enforcement authorities and/or undertake legal proceedings against a student for the violation of this policy. The college will also utilize its counseling resources to help students involved with drugs and alcohol.

**Illegally possessing, using, or distributing any scheduled drugs**

Possession, distribution, or the use of illegal drugs and narcotics, including amphetamines, marijuana, cocaine, heroin, and LSD, renders a student liable to disciplinary action, including confiscation of materials, disciplinary action up to and including dismissal, and/or referral to local police authorities.

Student violations of these policies governing drugs and alcohol are subject to disciplinary action, which may include referral to counseling, revocation of the privilege of using College facilities for such events if student groups or organizations are involved and/or referral of individuals to the Committee on Student Conduct.

Sanctions that may be imposed by the Committee include but are not limited to:

- verbal warning,
- letter of censure,
- exclusion from various College social and/pre-ceremonial activities,
- disciplinary probation,
- mandatory referral to a counseling program,
- suspension for a designated period of time,
- suspension with readmission contingent on proof of counseling or successful completion of a rehabilitation program, and/or
- dismissal from College.

Employee violations of these policies will be reported to Human Resources. Employees are subject to appropriate sanctions that may include referral to standing procedure for termination of employment.

Unlawful possession, use or distribution of illicit drugs or alcohol may involve the above sanctions, according to the severity of the infraction and the kind of involvement of the employee. Employees involved may be required to undergo professional assessment by a substance abuse professional designated by the college to determine whether they are involved in substance abuse or addiction. In case of dependency, the college may treat the case as a disability.
If fire occurs in a Bates College building, community members should immediately notify Security and Campus Safety at 786-6111. Security and Campus Safety will initiate a response by contacting the Lewiston-Auburn 911 Communication Center. If a member of the Bates College community finds evidence of a fire that has been extinguished, and the person is not sure whether Security and Campus Safety has already responded, the community member should immediately notify Security and Campus Safety to investigate and document the incident.

The fire alarms alert community members of a potential hazard, and community members are required to heed their warning and evacuate the building immediately upon hearing a fire alarm in a facility. Avoid using an elevator and use the nearest stairwell and/or exit to leave the building immediately. Community members should familiarize themselves with the exits in each building.

Security and Campus Safety publishes this fire safety report in accordance with the Clery Act, which contains information with respect to the fire safety practices and standards for Bates College. This report includes statistics concerning:

- number of fires;
- cause of each fire;
- number of injuries and death related to a fire; and
value of the property damage caused by a fire.

The compliance document is available for review 24 hours a day on the Security and Campus Safety’s website at www.bates.edu/security/.

Fire Protection Equipment/Systems

A majority of college buildings are equipped with automatic fire detection and alarm systems which are constantly monitored at the Lewiston-Auburn 911 Community Center. Refer to page 79 to review the Fire Safety Amenities in Bates College Residential Facilities Chart for information about fire detection, notification, and suppression systems in each residential facility.

Fire Evacuation Plan

- All faculty, staff, and students are required to evacuate the building when the alarm has sounded, and proceed slowly to the nearest exit and go directly to the prearranged evacuation site.
- The last individual exiting a room should close door and proceed to the closest exit. If smoke hampers your means of egress, find an alternative route.
- Never use an elevator to evacuate the building, as smoke will rise into the elevator shaft, placing everyone inside at serious risk. Handicapped individuals should go to the nearest staircase and wait for assistance.
- Do not re-enter the building until the fire alarm has been silenced and Security and Campus Safety or the Lewiston Fire Department has indicated that it is safe to reoccupy. Inform Security and Campus Safety if anyone has been injured or isn’t accounted for.

Fire Reporting Procedures

The following procedures should be followed if you discover a fire:

- Proceed to the nearest pull box and call either Security and Campus Safety or Emergency Dispatch at 911.
- Provide the dispatch officer the following information: your name, the building name, the fire location, and if there are any injuries.
- If the fire is small use a fire extinguisher but only if you have been properly trained by Bates’ Environmental Health & Safety Department.

Emergency Evacuation Procedures for Individuals with Disabilities

- If the occupant, resident, or visitor is located above or below the ground floor, do not use the elevator. Stay in your office or room, or see specific examples below.
- If the occupant, resident, or visitor is located on the ground floor of the building, exit through the closest appropriate means of egress.
- Call Security and Campus Safety and give the Communication Officer your name, exact location, room number, and telephone number. Remain by the phone until firefighters can assist persons who are unable to evacuate.

**Health and Safety Inspections**

The Office of Environmental, Health and Safety perform Residence Hall Health and Safety inspections twice a year, once in the fall and once in the spring. The inspections are primarily designed to find and eliminate safety violations. The inspection includes, but is not limited to: a visual examination of electrical cords, sprinklers heads, smoke detectors, and other life safety systems.

In addition, each room will be examined for the presence of prohibited items (e.g., sources of open flames, such candles; non-surge protected extension cords; halogen lamps; portable cooking appliances in non-cooking areas; etc.) or prohibited activity (e.g. smoking in the room, tampering with life safety equipment; possession of pets; etc.).

**Housing Policies**

**Cooking**

Cooking is among the most frequent causes of residential fires. Cooking is not permitted in student rooms. Cooking may only be done in designated kitchen areas and must not be left unattended. Appliances with exposed burners (e.g. hot plates) are not permitted. Items with enclosed heating elements may be used in kitchen areas. This includes, but is not limited to: use of appliances such as microwaves, toasters, toaster ovens, frying pans, deep fat fryers, grilling machines, waffle irons, and slow cookers. Alarms set off by cooking in rooms are subject to fines.

**Flammable Materials**

Candles, incense, or any source of open flame or ignition are prohibited in student residences. Flammable materials such as gasoline, camp stove fuel, paint solvents, propane, butane, charcoal lighter fluid or other highly flammable material may not be stored or used in student residences and will be removed if found.

**Electrical Appliances**

Electric line load limitations prohibit the use of heavy-demand appliances in student rooms. One small refrigerator per resident is permitted in student rooms or in common areas. In no case may a refrigerator exceed 3.0 cu. ft. or operate at more than 350 kWh. Larger-sized refrigerators, keg refrigerators, coolers, air conditioners, and space heaters are prohibited and will be removed if found.
Light-demand electrical items, such as radios, stereos, alarm clocks and televisions may be used within the limitations of safe operating conditions. If in doubt about multiple appliance usage, please contact the Facilities Services electrical staff for guidance. All electrical items should be unplugged if the student room will not be occupied for an extended period of time such as break periods.

**Electrical Safety**

Any electrical device which is modified after purchase is prohibited and will be removed. Students may not add wiring, remove or alter existing wiring, or use unsafe wiring devices. Outlet expanders are prohibited and will be confiscated. Thin wire extension cords used for any purpose other than extending a single, low wattage item will be removed. Overloading thin wire extension cords can lead to overheating and fire. Do not plug power strips into thin wire extension cords. In no instance should power strips be plugged into other power strips.

In no instance may current-carrying wire be run under carpets or be taped across walking paths, door thresholds, or through doorways where pinching or other damage can result. Fines may be issued for unsafe wiring practices.

**Fire Protection and Combustible Materials**

A fire in a college residence is a disaster that can be avoided by the mutual effort of residents and staff. The misuse of fire safety equipment (e.g. fire escapes, fire extinguishers, smoke detectors, sprinkler systems, and fire alarms) is not permitted and is a violation of public safety laws in the State of Maine. Smoke detectors, sprinkler heads and fire alarms may not be covered with tapestries or other materials. Nothing may be attached to or hung from sprinkler pipes or sprinkler heads. A $75 fine will be assessed along with the repair/replacement cost of any life safety items tampered with. All students should become familiar with policies regarding fire and life safety, administered by the Office of Environmental, Health and Safety.

**Smoking**

Smoking or the burning of any type of pipe, cigar, cigarette or similar product is prohibited in all campus buildings including residence halls and houses and their stairwells, porches or garages. Smoking is also prohibited within 50 feet (approximately 20 paces) of all campus buildings, including residences.

The presence of ash-filled ashtrays and/or hookahs and water pipes will be considered proof of smoking in rooms and will be reported to Security and Campus Safety and the Student Affairs Office. Water pipes and hookahs may be confiscated.

- First violation will result in a warning.
- Second violation will result in a fine of $75.
Third violation will result in being moved to a different building on campus and mandatory meeting with the Alcohol, Tobacco, and Other Drug Counselor.

**Fire Safety Tips**

**Fire Drills/Evacuation**
- Never assume it's a false alarm.
- Know the safest and quickest route out of your building.
- Always move as quickly and safely as you can.
- Showers are not a safe place during a fire.
- Know where to gather to get a head count.

**Fire Safety Equipment**
- Never hang items on or cover sprinkler piping or heads.
- Know locations of the nearest alarm pull station.
- Never tamper with or cover smoke detectors.

**Prevention**
- Maintain a clear path through your room to door.
- Never cook in rooms.
- Never use candles.
- Avoid placing extension cords under carpeting.
- Always plug personal items into power strips.
- Avoid using thin wire extension cords.
- Outlet adapters are prohibited.
- Flammable materials and combustion source devices are prohibited in residence halls.
- Always keep hallways free of personal items and trash.

A daily fire log is available for review 24 hours a day on the Security Campus Safety website at www.bates.edu/security/ or at Security and Campus Safety, 245 College Street from 8:00 a.m. to 4:00 p.m. Monday through Friday. The information in the fire log typically includes the nature, date, time, and general location of fire-related incidents.
## Bates College Student Housing Fire Safety System

**January 1, 2015 – December 31, 2015**

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<th>Full Sprinkler System</th>
<th>Smoke or Heat Detection</th>
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## Bates College Student Housing Fire Log

**January 1, 2015 – December 31, 2015**

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<th>Time</th>
<th>General Location</th>
<th>Cause</th>
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** This report was amended on November 17, 2016 to reflect changes in current policies and procedures and to correct the names and titles of individuals named in the report. The new report was posted on November 18, 2016 and a notice was sent to members of the Bates community.