

Bates College

Annual Campus Safety & Fire Report 2023

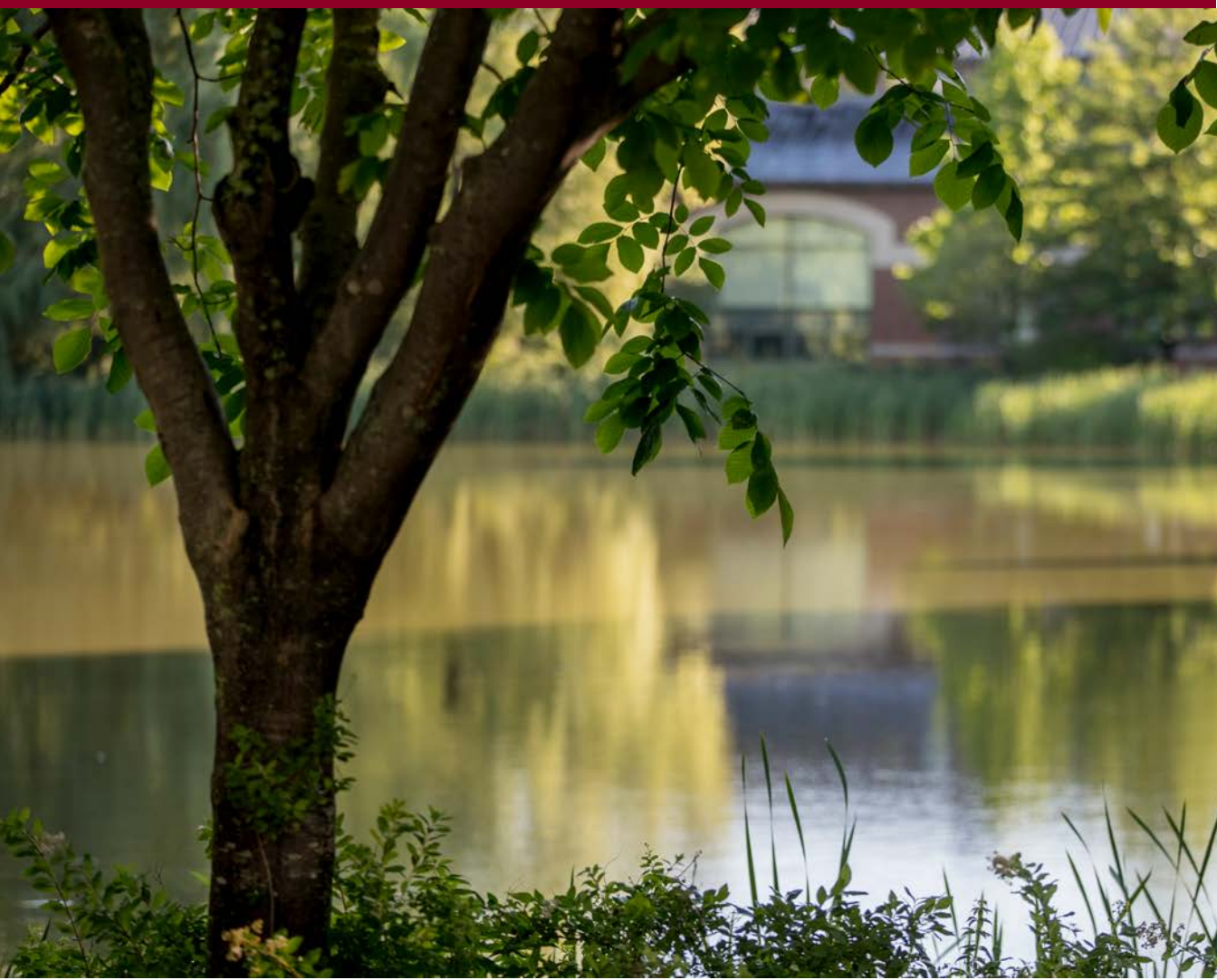


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The Jeanne Clery Disclosure of Campus Security Policy & Campus Crime Statistics Act

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 2023 – 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 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 Admission to inform prospective students and employees.

You can link directly to the site at [*bates.edu/campus-safety*](https://bates.edu/campus-safety).

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 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.

Campus Safety Department

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 Campus Safety staff includes the Director of Campus Safety, four patrol supervisors, one electronic access system manager, nine full-time patrol officers, one full-time communication officer, transportation coordinator/operations manager, and shuttle drivers. The department provides protection and services 24 hours a day, 365 days a year.

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. Officers also attend workshops and training seminars that are relevant to campus security and safety. Campus Safety officers patrol the campus 24 hours a day using motor vehicles, bicycles, and on foot. During the academic year, Campus Safety provides a student security shuttle service during evening hours.

The Campus Safety Communication Office is staffed by trained dispatchers/officers 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. Campus Safety Officers respond to and investigate reported incidents and policy violations.

Cooperative Law Enforcement Functions

Campus Safety Officers do not have powers of arrest, but cooperate with local law enforcement agencies. 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.

Lewiston Police Department

171 Park Street
Lewiston, ME 04240
207-513-3001

Androscoggin County Sheriff's Office

2 Turner Street
Auburn, ME 04210
207-753-2500

Maine State Police

42 State House Station
45 Commerce Drive
Augusta, Maine 04333
207-624-7200

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. 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 24 hours with the exception of public facing buildings. Entry after scheduled hours is only available to faculty, staff, and authorized students as determined by the appropriate academic or administrative office.

Buildings are currently secured by key-locks and/or electronic access control and are patrolled by officers from 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/campus safety officers located at Campus Safety. Campus Safety officers make immediate response to the alarm location.

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.

Resident Life Coordinators 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 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. 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 Campus Safety. Campus Safety 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 Campus Safety:

Community Engagement Program

One of the major objectives of community engagement efforts is to establish an active partnership between Campus Safety and the community that can analyze problems and help implement solutions and services that are truly community based. This requires Campus Safety to make a conscious effort to create an atmosphere in which community partners actively and willingly cooperate 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 be registered with Campus Safety. There is no charge to register your bicycle.

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

Campus Safety works with event organizers to ensure that events being held are 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 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, Campus Safety prepares and distributes security alerts via e-mail and the Bates College website.



Blue Light Emergency Phones

There are over 180 security phones located throughout the campus. Security and Campus Safety promotes and encourages the use of these phones. These phones are connected directly to 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 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 safety 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

Department	Location(s)	Phone Number	Persons included
Athletics	Alumni Gym (130 Central Ave.) Merrill Gym (141 Russel St.)	207-786-6341	Director, Assistant Directors, Coaches, and student monitors
Campus Life	Chase Hall (56 Campus Ave.)	207-786-6305	Associate Dean, Assistant Dean, and Assistant Director
Campus Safety	245 College St.	207-786-6254	Director, Associate Director, Campus Safety Officers, and Communication Officers
Center for Global Education	Roger Williams Hall (9 Andrews Rd.)	207-786-6223	Associate Dean and Assistant Director
Conferences, & Campus Events	Commons (136 Central Ave.)	207-786-6400	AVP, Assistant Directors and Managers

Dean of the Faculty's Office	Lane Hall (2 Andrews Rd.)	207-786-6066	Dean, Associate Dean and Assistant Dean
Environmental Health & Safety	220 College St.	207-786-6413	Director and Health and Safety Specialist
Harvard Center	161 Wood St.	207-786-6202	Directors and Assistant Directors
Health Services	31 Campus Ave.	207-786-6199	Director
Human Resources	215 College St.	207-786-6140	AVP, Senior Director, and Directors
Office of Intercultural Education	Chase Hall (56 Campus Ave.)	207-786-8303	Assistant Deans and Assistant Director
Office of Equity & Inclusion	Lane Hall (2 Andrews Rd.)	207-786-6031	Vice President and Program Manager
Residence Life and Health Education	Chase Hall (56 Campus Ave.)	207-786-6215	Associate Dean, Associate Director, Assistant Director, RCTLs, RCs, and JAs
Student Affairs	Chase Hall (56 Campus Ave.)	207-786-6219	Dean, Associate Deans, Assistant Deans, Directors, Assistant Directors, and Coordinators
Student Supervisors	Various individuals and locations		
Title IX Office	Lane Hall (2 Andrews Rd.)	207-786-6445	Director of Title IX and Civil Rights Compliance

Reporting Criminal Activities or Emergencies

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

Emergency calls should be made to 911 or 207-786-6111 (The Campus Safety emergency number connects directly to Campus Safety Communications Officer). When calling 911, the call is made through the Lewiston-Auburn Emergency Communication Center and the 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 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 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 Campus Safety. Phones are also available in each residential room.

Persons desiring more confidentiality may also come to the Campus Safety office at any time of the day or night to report a crime, or they can 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 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 Campus Safety immediately.

When a crime is reported to Campus Safety or other appropriate officials of the college, it will normally be investigated by 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, 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 filed in this manner are counted and disclosed in the annual crimes statistics for the college.

Members of the campus community can also report an incident by going to the Incident Reporting Form at bates.edu/campus-safety/incident-reporting-form. An officer from Campus Safety will investigate the complaint.

Individuals may also report with complete anonymity using the secure Anonymous Reporting Form hosted by EthicsPoint. 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; safe cracking; 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 Non-negligent Manslaughter: The willful (non negligent) 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 cohabiting 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., Asian, Black or African American, white.

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.

Crime Statistics Report

The statistical reports for calendar years 2020, 2021, and 2022 are shown at bates.edu/campus-safety. The following is a list of geographic definitions provided for better understanding of how statistics are counted and categorized:

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.

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.



Crime Statistics Report

Offense Reported by Hierarchy	Year	On-Campus	Non-Campus	Public Property	Total	Residential Facilities*	Unfounded Crimes
Murder/Non-negligent Manslaughter	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Rape	2022	7	0	0	7	7	0
	2021	9	0	0	9	9	0
	2020	2	0	0	2	6	0
Forcible Fondling	2022	2	0	0	2	1	0
	2021	2	0	0	2	1	0
	2020	1	0	0	1	1	0
Incest	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Statutory Rape	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Robbery	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0

* Note: Residential Facility Crime Statistics are a subset of the On-Campus Category, i.e. they are counted in both categories.

Offense by Hierarchy	Year	On-Campus	Non-Campus	Public Property	Total	Residential Facilities*	Unfounded Crimes
Aggravated Assault	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Burglary	2022	23	0	0	23	23	0
	2021	9	0	0	9	8	0
	2020	6	0	0	6	6	0
Motor Vehicle Theft	2022	0	0	0	0	0	0
	2021	1	0	0	1	0	0
	2020	1	0	0	1	0	0
Liquor Law Arrests	2022	0	0	13	13	0	0
	2021	0	0	7	7	0	0
	2020	2	0	5	7	0	0
Drug Law Arrests	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Weapons Law Arrests	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2022	60	0	1	70	43	0
	2021	130	0	40	170	103	0
	2020	59	0	3	62	49	0

* Note: Residential Facility Crime Statistics are a subset of the On-Campus Category, i.e. they are counted in both categories.

Offense Reported Not by Hierarchy	Year	On-Campus	Non-Campus	Public Property	Total	Residential Facilities*	Unfounded Crimes
Drug Law Violations Referred for Disciplinary Actions	2022	20	0	0	20	19	0
	2021	14	0	0	14	14	0
	2020	47	0	0	47	47	0
Weapons Law Violations Referred for Disciplinary Actions	2022	0	0	0	0	0	0
	2021	0	0	1	1	0	0
	2020	0	0	0	0	0	0
Arson	2022		0	0		0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Dating Violence	2022	1	0	0	1	0	0
	2021	1	0	0	1	1	0
	2020	1	0	0	1	0	0
Domestic Violence	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Stalking	2022	1	0	0	1	1	0
	2021	0	0	0	0	0	0
	2020	0	0	1	1	0	0

* 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), gender (G), gender identification (GI), religion (RE), sexual orientation (SO), ethnicity (E), national origin (NO), or disability (D).

On-Campus Hate Crimes	2020								2021								2022							
Types of Bias	R	G	GI	RE	SO	E	NO	D	R	G	GI	RE	SO	E	NO	D	R	G	GI	RE	SO	E	NO	D
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Sex Offense	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Murder and non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Vandalism	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Residence Halls Hate Crimes	2020								2021								2022							
Types of Bias	R	G	G I	R E	S O	E	N O	D	R	G	G I	R E	S O	E	N O	D	R	G	G I	R E	S O	E	N O	D
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Sex Offense	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Murder and non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Vandalism	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Non-Campus Hate Crimes	2020								2021								2022							
Types of Bias	R	G	G I	R E	S O	E	N O	D	R	G	G I	R E	S O	E	N O	D	R	G	G I	R E	S O	E	N O	D
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Sex Offense	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Murder and non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Vandalism	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Public Property Hate Crimes	2020								2021								2022							
Types of Bias	R	G	G I	R E	S O	E	N O	D	R	G	G I	R E	S O	E	N O	D	R	G	G I	R E	S O	E	N O	D
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Sex Offense	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Murder and non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Vandalism	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

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 17–18.

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 Statutes. 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 Statutes. 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 or 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 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 rest room, 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 Andrea Bucciarelli, Bates Associate Director of Residence Life for Health Education and Deputy Title IX Coordinator (207-753-6996) or with Sexual Assault Prevention and Response Services (1-800-871-7741).

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 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, e-mail,

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 their designee;
- For matters pertaining to the Sexual Misconduct and Harassment Policy: the Title IX Officer, or their designee; and
- For emergency situations involving personal safety: the Director of 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.

Bates College Sexual Misconduct and Harassment Policy

Notice of Non-Discrimination

Bates College is committed to the principle of equal opportunity to providing an educational and work environment free from any discrimination against, harassment of, or retaliation against any member of the college community on the basis of actual or perceived race, color, ancestry, national or ethnic origin, religion, sex, sexual orientation, gender identity, gender expression, primary or native language, marital status, parental status, age, physical or mental disability, genetic information, veteran status, citizenship status, HIV 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.

Bates 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. When brought to the attention of the college, Bates will take corrective action necessary to stop, prevent, and remedy discriminatory, harassing, and retaliatory behavior following the processes and procedures described in this policy. In addition, the college maintains a continuing commitment to identify and eliminate discriminatory practices in every phase of college operations.

Policy on Accommodation of Disabilities

Bates is committed to ensuring full access to its educational programs and activities for students and employees with disabilities. In compliance with the Americans With Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and the Maine Human Rights Act (MHRA), as well as other federal and state laws and regulations pertaining to individuals with disabilities, the college will work collaboratively to make reasonable accommodations for individuals with documented disabilities. All accommodations are made on an individual basis.

Students seeking accommodations should contact the Office of Accessible Education and Student Support, which coordinates services and support for students, to initiate the process. Employees who wish to request accommodations should contact either the Human Resources Office or the Office of Equity and Inclusion.

The college is committed to providing reasonable accommodations and support to qualified individuals to ensure equal access to the reporting and resolution process. Any person needing accommodations to assist them in reporting alleged violations, seeking support, or to ensure full access to the resolution process should notify the Title IX Coordinator, Director of Accessible Education, or Human Resources Office.

Role of the Director of Title IX & Civil Rights Compliance/Title IX Coordinator

The President of Bates College has designated Gwen Lexow, Director of Title IX & Civil Rights Compliance, to serve as the college's Title IX Coordinator (hereafter, "Title IX Coordinator"). The Title IX Coordinator oversees the college's compliance with all civil rights laws and the implementation of its policies on equal opportunity, non-discrimination, and anti-harassment. As the leader of the Title IX Team, the Title IX Coordinator has the primary responsibility for the college's centralized review, investigation, and resolution of reports of bias, discrimination, harassment, sexual harassment, retaliation, and other civil rights violations.

Trained in college policies and procedures and relevant state and federal laws, the Title IX Coordinator is available to meet with any community member who wishes to report a potential violation of this policy or desires more information about this policy, support resources, possible resolution options, or other courses of action at the college and in the community.

The Title IX Coordinator acts with independence and authority free from bias and conflicts of interest.

Roles of the Title IX Team and Civil Rights Resolution Team

The Title IX Coordinator is assisted by Deputy Title IX Coordinators in athletics, student affairs, human resources, and the faculty. These Deputy Title IX Coordinators have a shared responsibility to support the Title IX Coordinator and are accessible to any member of the community for consultation and guidance.

The Civil Rights Resolution Team works in conjunction with the Title IX Team and includes individuals involved in the resolution of reports, such as advisors, investigators, hearing officers, and appellate officers. Any individual involved in the resolution of

complaints under this policy receives specific training designed to assist them with the execution of their role in the resolution process.

All members of the Title IX Team and Civil Rights Resolution Team are vetted and trained to ensure that they are not biased for or against any party in a specific case, or for or against Complainants or Respondents generally. Any concerns regarding bias or potential conflict of interest of a Title IX team or Civil Rights Resolution team member should be brought to the attention of the Title IX Coordinator. Any concerns regarding the Title IX Coordinator should be brought to the attention of the President (president@bates.edu or 207-786-6100).

Contact Information

Reports of potential policy violations or inquiries or complaints concerning the application of the above policy may be referred to the Title IX Coordinator or any Deputy Title IX Coordinator.

Director of Title IX and Civil Rights Compliance/Title IX Coordinator

Gwen Lexow

Lane Hall 202-A | 207-786-6445 | glexow@bates.edu or titleix@bates.edu

www.bates.edu/here-to-help

Deputy Title IX Coordinator for Athletics

Celine Cunningham, Senior Associate Athletic Director

Alumni Gym | 207-786-6342 | cunning@bates.edu

Deputy Title IX Coordinator for Faculty

Don Dearborn, Associate Dean of Faculty and Professor of Politics

Lane Hall 120 | 207-786-6472 | ddearbor@bates.edu

Deputy Title IX Coordinator for Staff and Visitors

Hope Burnell, Associate Vice President for Human Resources
& Environmental Health & Safety

215 College Street | 207-786-8388 | hburnell@bates.edu

Deputy Title IX Coordinator for Students

Andee Bucciarelli, Associate Director of Residence Life for Health Education

Chase Hall, Room 001E | 207-755-5947 | abucciar@bates.edu

Inquiries may also be directed to the following government agencies:

Office for Civil Rights, U.S. Department of Education

400 Maryland Avenue, SW, Washington, DC 20202-1100

800-421-3481 | TTY: 800-877-8339 | OCR@ed.gov | ed.gov/ocr

Office for Civil Rights, U.S. Department of Education — Boston Office

5 Post Office Square, 8th Floor, Boston, MA 02109-3921

617-289-0111 | ocr.boston@ed.gov

Maine Human Rights Commission

#51 State House Station, 19 Union Street, Augusta, ME 04333

207-624-6290 | TTY: Maine Relay 711 | Request@mhrc.maine.gov | maine.gov/mhrc

Employees may also contact:

United States Equal Employment Opportunity Commission

131 M Street, NE, Washington, DC 20507

800-669-4000 | TTY: 800-669-6820 | ASL Video: 844-234-5122 |

info@eeoc.gov | eeoc.org

United States Equal Employment Opportunity Commission — Boston Office

JFK Federal Building, 15 New Sudbury Street, Room 475, Boston, MA 02203-0506

800-669-4000 | TTY: 800-669-6820 | ASL Video: 844-234-5122



Privacy and Confidentiality

Bates College is committed to protecting the privacy of all individuals involved in any report under this policy. All college employees who are involved in the college's response, including investigators and hearing officers, 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 Complainant, the Respondent, and the broader campus community and to maintaining an environment free from discrimination and harassment.

The privacy of student educational records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA), as outlined on the Bates Registrar's webpage.

The use of employee records is governed by Human Resources policies outlined in the Employee Handbook, as well as federal and state law. The disclosure of private information contained in medical records is protected by the Health Insurance Portability and Accountability Act (HIPAA).

Privacy and confidentiality have distinct meanings under the Sexual Misconduct and Harassment Policy.

Privacy means that information related to a report made under this policy will only be shared with a limited group of individuals who "need to know" in order to assist in the active review, investigation, or resolution of the report; and the information shared will be limited to the bare minimum necessary. While not bound by confidentiality, these individuals will be discreet, and respect and safeguard the privacy of all individuals involved in the process.

The college reserves the right to contact parents/guardians of students to inform them of situations in which there is a significant and articulable health and/or safety risk. Typically, the college will consult with the student prior to doing so.

Individuals participating in the resolution of a complaint, including the Complainant, the Respondent, all Advisors, and all Witnesses are expected to maintain the privacy of the resolution process. While there is an expectation of privacy around what the Title IX Coordinator, Title IX Team, other college officials involved in the resolution process, and Advisors may share with third parties, the Complainant and Respondent have discretion to share their own knowledge with others if they so choose. The college encourages the

parties to discuss the potential impact of these disclosures with their Advisors, prior to doing so.

Confidentiality exists in the context of certain protected relationships, particularly among those who provide services such as medical care, mental health counseling and care, legal advice, and pastoral care. Information shared by an individual with designated on-campus confidential employees cannot be revealed to any third party without the express permission of the individual. 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.

Reporting Responsibilities of Employees

College employees responsible for student welfare and all supervisors who are not specifically designated as confidential resources under this policy are required to share with the Title IX Coordinator all knowledge of discrimination and harassment witnessed or shared with them in the course of their employment. This includes: faculty; coaches; administrators; security officers; junior advisors and residential coordinators; and other employees with a responsibility for student welfare.

This notification should be done promptly. While individuals must share all known details with the Title IX Coordinator, care should be taken to maintain the Complainant's privacy as much as possible. Upon receipt of this information, the Title IX Coordinator will reach out to the Complainant to offer information regarding supportive measures and formal and informal resolution options.

Generally, disclosures made in climate surveys, academic assignments, IRB-approved human research projects, and speak-outs and rallies (e.g. Take Back the Night or Black Lives Matter events) do not provide notice that must be reported to the Title IX Coordinator by employees, unless the individual clearly indicates that they desire a report to be made or seek a response from the college.

Whenever possible, employees should alert students and co-workers of their obligation to report disclosures, which includes sharing the names of individuals involved and relevant facts regarding the alleged incident (including the date, time, and location), to the Title IX Coordinator prior to the disclosure of any personal information. We suggest faculty include this information on their syllabi.

Failure to report a known incident of harassment or discrimination by a non-confidential employee is a violation of college policy and could be subject to discipline.

Reporting Responsibilities Regarding Minors

All Bates employees and volunteers who know, suspect, or receive information indicating that a minor has been abused or neglected, or who has other concerns about the safety of a minor, must immediately notify the Title IX Coordinator. Under Maine law, abuse or neglect is a threat to the child's health and welfare by physical, mental or emotional

injury or impairment, sexual abuse or exploitation, deprivation of essential needs or lack of protection from these, by a person responsible for the child. In the State of Maine, all educators and administrators are designated as Mandated Reporters and must report any abuse or neglect of a child to the Department of Health and Human Services (DHHS) Office of Children and Family Services (OCFS) or Maine District Attorney's Office. The Title IX Coordinator will assist with this notification. Failure to take action may result in disciplinary action up to and including termination.

Request for Confidentiality

The college will pursue a course of action consistent with the Complainant's request for confidentiality where possible. Where a Complainant requests that their name or other identifiable information not be shared with the Respondent 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 Respondent.

In making this determination, the college may consider, among other factors, the seriousness of the conduct, the respective ages of the parties, whether the Complainant is a minor under the age of 18, whether there have been other complaints or reports of harassment or misconduct against the Respondent, the existence of independent evidence, and the rights of the Respondent to receive notice and relevant information



before disciplinary action is sought. The Title IX Coordinator in consultation with the Title IX Team will evaluate all requests for confidentiality.

Where the college is unable to take action consistent with the request of the Complainant, the Title IX Coordinator will inform the Complainant about the college's chosen course of action, which may include the college seeking disciplinary action against a Respondent. Alternatively, the course of action may include steps to limit the effects of the alleged harassment and prevent its recurrence that do not involve formal disciplinary action against a Respondent or revealing the identity of the Complainant.

Timely Warning

If a report discloses a serious, immediate, or continuing threat to the Bates community, the college may issue a campus wide 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 be issued for a report of any act of violence, but is particularly likely when the college receives reports of assault, sexual assault, domestic violence, dating violence, and/or stalking that pose a continuing threat of bodily harm or danger to members of the community. Timely warnings will not include any identifying information about the Complainant.

Release of Information

All college proceedings are conducted in compliance with the requirements of FERPA, the 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.

At no time will the college release the name of a Complainant to the general public without express consent from them. The release of the Respondent's name to the general public is guided by FERPA and the Clery Act. The college may share non-identifying information about reports received in aggregate form, including data about outcomes and sanctions.

When the resolution of a complaint results in disciplinary sanctions, the release of information regarding these disciplinary actions will be governed by the [Policy on Reporting Student Disciplinary Matters](#) or as outlined in the Bates College Employee Handbook as applicable. In all circumstances, any release of information will be in compliance with all applicable state and federal laws.

Anonymous statistical information regarding reports must be shared with Bates Campus Safety and Security where required by the Clery Act. Annual Clery reporting to the U.S. Department of Education is required by all 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.

Student-Athletes and NCAA Information-Sharing Requirements

As part of its commitment to fostering an athletic culture that supports student safety, the NCAA requires all student-athletes to self-disclose any personal conduct that resulted in an investigation or discipline through a Title IX proceeding or in a criminal conviction for sexual, interpersonal, or other acts of violence. Failure to accurately and fully disclose this information could result in penalties, including loss of eligibility to participate in athletics.

In addition, institutions are charged with **(a)** confirming the accuracy of these self-disclosures, **(b)** sharing student-athlete disciplinary information related to these issues with other NCAA institutions in the event a student-athlete wishes to enroll in a different institution, and **(c)** disclosing to the Athletic Department when the institution begins any formal investigation or imposes any disciplinary action related to sexual, interpersonal, or other violence involving a Respondent who is a student-athlete. In all instances, the information shared will be strictly limited to that information necessary to meet these compliance requirements and will not include any information regarding the Complainant.

Student-athletes will receive notice of these requirements through the Athletic Department as part of their annual athletic compliance certification. Students who have questions about this policy may contact the Title IX Coordinator or the Deputy Title IX Coordinator for Athletics. Further information can also be found on the Bates College Athletic Department website.

Recording of Resolution Proceedings

Bates College policy prohibits unauthorized audio or video recording of any kind. If a Complainant, Respondent, Witness, Advisor, or third-party wishes to record any meeting or interview, they must notify the Title IX Coordinator of that request and receive expressed permission from every individual present.

The college reserves the right to record all meetings, interviews, and hearings, as necessary, to ensure a compliant and reliable process. All participants will be made aware of audio and/or video recording and how that recording will be used prior to the start of the meeting, interview, or hearing. All recordings will be retained and made available to the parties upon request

Maintenance of Records

The Title IX Coordinator will be responsible for documenting all reports under this policy and the actions taken to resolve them. These records will be maintained consistent with college records policies and as required by state or federal law.

In compliance with the federal 2020 Title IX Regulations, the college will maintain for a period of at least seven years the following records related to Title IX reports/complaints:

- 1) Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
 - a) the basis for all conclusions that the response was not deliberately indifferent;
 - b) any measures designed to restore or preserve equal access to the college's education program or activity; and
 - c) if no supportive measures were provided to the Complainant, the reasons why such a response was not clearly unreasonable in light of the known circumstances;
- 2) Any records related to the Formal Resolution of each sexual harassment allegation, including the investigation report, any determination(s) regarding responsibility, and any audio or audiovisual recording or transcript required under federal regulation;
- 3) any disciplinary sanctions imposed on the Respondent;
- 4) any remedies provided to the Complainant designed to restore or preserve equal access to the college's education program or activity;
- 5) any appeal and the result therefrom;
- 6) any Informal Resolution and the result therefrom; and
- 7) all materials used to train Title IX Coordinator and Deputy Coordinators, Investigators, Hearing Officers, Appellate Officers, and any person who facilitates an Informal Resolution.

Prohibited Conduct and Definitions

All members of the Bates community are entitled to an educational and employment

environment free from discrimination, harassment, and bias. The sections below describe prohibited conduct; engaging in such conduct could result in disciplinary action (up to and including expulsion from the college or termination of employment) through the appropriate grievance process described in this policy.

The college reserves the right to address offensive conduct that does not rise to the level of creating a hostile environment or that is not based on a protected status. Addressing such conduct will not result in the imposition of discipline under this policy, but may include respectful conversation, education and training, remedial and supportive actions, effective Alternate Resolution, and/or other Informal Resolution mechanisms.

The prohibited behaviors described below are interpreted broadly to include online or cyber manifestations of the behavior, when those behaviors occur within or have an effect on the college's education program or activities or use the Bates networks, technology, or equipment.

While Bates may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to the college, it will engage in a variety of means to address and mitigate its effects.

Members of the community are encouraged to be good digital citizens and not engage in online misconduct, or otherwise use the ease of transmission and/or anonymity of electronic communication to harm other students or employees.

A. Harassment

a) **Discriminatory Harassment:** Discriminatory harassment refers to verbal, written, visual, or physical conduct based on or motivated by an individual's actual or perceived protected characteristic or activity as described in Section III of this policy. Harassment is unwelcome conduct or behavior which is personally and objectively offensive or threatening behavior and which has the effect of unreasonably interfering with, limiting, or effectively denying an individual's educational or employment access, benefits, or opportunities. This conduct may be severe or pervasive and has the effect of impairing morale, interfering with academic or work performance, or creating an intimidating, hostile, or offensive environment. Examples of harassment include but are not limited to:

- Conduct or comments that threaten physical violence;
- Unsolicited offensive remarks;

- Unwelcome gestures or physical contact;
- Display or circulation of written materials, visual items, or pictures degrading to any person's protected characteristic or activity;
- Verbal abuse or insults about or directed at any student, employee, or other individual, or groups of students, employees, or other individuals;
- Repeated use of slurs or taunts in the guise of jokes, or disparaging references to others; and
- Negative references to customs or cultural practices.

The foregoing definition complies with federal and state anti-discrimination laws designed to protect employees (Title VII and the Maine Human Rights Act).

Discriminatory harassment could apply to harassing conduct on the basis of sex or gender that does not meet the "severe and pervasive" definition under Title IX, but may meet the hostile environment threshold included in this definition.

The college recognizes that a robust learning environment often challenges community members to engage in conversations about difficult, sensitive, and sometimes controversial subjects. This policy shall not be construed to inhibit or prohibit educational content or discussions inside or outside of the classroom that are protected by academic freedom and/or the First Amendment. The college does, however, reserve the right to address the impact of such speech, including community and individual training and education and providing supportive measures to those who may feel they are negatively affected by such speech.

b) **Sexual Harassment:** The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Maine regard sexual harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.

Bates has adopted the following definition of Sexual Harassment to address the unique needs of the academic community. This definition uses plain language to assist individuals in understanding the definitions used in the federal Title IX regulations that all colleges must adopt. All definitions include actual and attempted offenses.

Sexual Harassment, as an umbrella category defined by the federal Title IX

regulations, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking. Acts of Sexual Harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment is defined as conduct on the basis of sex/gender or that is sexual in nature that satisfies one or more of the following:

- i) **Quid Pro Quo:** A Bates employee conditions the provision of aid, benefit, or service of the college on an individual's participation in unwelcome sexual conduct;[1]
- ii) **Sexual Harassment:** Unwelcome conduct of a sexual nature determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a Bates education program or activity;[2]
- iii) **Sexual Assault**, defined as:
 - (1) **Any Forcible Sex Offense:** Any sexual act directed against another person, without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent. This includes:
 - (a) 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; and
 - (b) other intentional physical contact of a sexual nature with another individual for the purposes of sexual gratification.
 - (2) **Any Non-forcible Sex Offense:**
 - (a) **Incest:** Non-forcible sexual intercourse between people who are related to each other within the degrees wherein marriage is prohibited. In the State of Maine, a person may not marry that person's parent, grandparent, child, grandchild, sibling, nephew, niece, aunt, or uncle; and
 - (b) **Statutory Rape:** Non-forcible sexual intercourse with a person under the statutory age of consent. 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 Respondent. Any sexual act with an individual under 14 years of age is considered a felony.

- iv) **Dating Violence:** Violence, on the basis of sex, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. 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 violence.
- v) **Domestic Violence:** Violence, on the basis of sex, committed by any of the following:
 - (1) a current or former spouse or intimate partner of the Complainant;
 - (2) a person with whom the Complainant shares a child in common;
 - (3) a person who is cohabitating with, or has cohabitated with the Complainant as a spouse or intimate partner;
 - (4) a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the State of Maine; or
 - (5) any other person considered a household member under the domestic or family violence laws of the State of Maine.

To categorize an incident as Domestic Violence, the relationship between the Complainant and the Respondent must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

- vi) **Stalking:** A course of conduct, on the basis of sex, directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.

For the purposes of this definition, "course of conduct" means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. These acts can occur by any action, method, device, or means. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other

professional treatment or counseling.

Stalking includes cyberstalking — stalking that occurs through the use of technology or any electronic communication.

**For all sexual harassment definitions, “reasonable person” means a reasonable person under similar circumstances and with similar identities to the Complainant.*

[1] This definition is understood to encompass the quid pro quo sexual harassment definition included in the Maine Human Rights Commission employment regulations. Under these regulations, Quid Pro Quo is defined as having occurred when **(a)** submission to unwelcome sexual conduct is made either explicitly or implicitly a term or condition of an individual's employment; or **(b)** submission to or rejection of unwelcome sexual conduct is used as the basis for employment decisions affecting the individual. Employment Regulations of the Maine Human Rights Commission, Sections 10(1)A and 10(1)B.

[2] The college reserves the right to address unwelcome conduct of a sexual nature that is not severe and pervasive as potential Discriminatory Harassment based on sex or gender. In most instances, employee on employee harassment would be addressed using this Title VI compliant definition.

B. Other Civil Rights Violations

Bates also prohibits the following behavior as forms of discrimination. In addition to the forms of sexual harassment described above, which are covered by Title IX of the Education Amendments of 1972, these behaviors may or may not fall within the scope of Title IX.

a) Discrimination

Discrimination is any action that deprives, limits, or denies other members of the Bates community educational or employment access, benefits, or opportunities based upon an individual's actual or perceived legally-protected characteristic or activity.

b) 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 person being exploited and that does not otherwise constitute sexual harassment under this policy.

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;
- 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 taking 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 or engaging in sex trafficking;
- 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;
- Misappropriating another person's identity on apps, websites, or other venues designed for dating or sexual connections;
- Inducing or attempting to induce incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity;
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or images that depicts a person's nudity or sexual activity;
- Knowingly soliciting a minor for sexual activity;
- Creating, possessing, or disseminating child pornography; and
- Knowingly assisting another person with committing an act of sexual misconduct.

c) **Physical Assault and Threats of Violence**

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. Threats of violence may include extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of another

person. This behavior is typically treated as a violation of the Bates Code of Student Conduct and the Employee Conduct policy. When these acts are perpetrated on the basis of actual or perceived membership in a protected class, the report will be resolved using the procedures outlined in this policy.

d) **Hazing** Any action or activity taken, created, or supervised which intentionally or unintentionally, either:

- recklessly subjects any person to the risk of bodily harm, mental or physical discomfort, embarrassment, harassment, ridicule, or social ostracism; or
- causes or encourages any person to commit an act that would be a violation of law or college regulations
- for the purpose of initiating, promoting, fostering, or confirming any form of affiliation with a student group or organization, regardless of the person's willingness to participate and/or whether the activity has been designated as optional or non-compulsory.

e) **Bullying**

Bullying is repeated or severe aggressive behavior likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally. It can be written or oral expression, physical acts or gestures, or a combination of the two. It includes, but is not limited to, conduct that:

- physically harms another person;
- damages another person's property;
- creates an intimidating educational or work environment; or
- interferes with the individual's academic or work performance or ability to participate in or benefit from the services, activities, or privileges provided by the college.
- Bullying includes cyberbullying — bullying that occurs through the use of technology or any electronic communication.

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) **Hate Crime**

Hate Crime refers to the violence of intolerance and prejudice, intended to hurt and intimidate, committed against a person, property, or society that is motivated by an offender's bias against a specific characteristic of an individual or group because of their race, ethnicity, national origin, religion, sex, sexual orientation, gender identity, gender expression, age, physical or mental disability. Hate crimes are criminal offenses that include acts such as physical assault, stalking, cyberstalking, criminal threatening, intimidation, terrorizing, criminal use of explosives, arson, vandalism or other damage to property, reckless conduct, harassment, verbal abuse or insults, or hate mail. Several Maine statutes provide civil and/or criminal remedies for hate crimes. All suspected hate crimes will be referred to the State of Maine Office of the Attorney General. Bates will pursue college disciplinary action under this policy.

h) **Bias Incident**

Bias Incident refers to any event of intolerance or prejudice, not involving violence or other criminal conduct intended to hurt and intimidate, committed against a person, property, or society that is motivated by an offender's bias against a specific characteristic of an individual or group because of their race, ethnicity, national origin, religion, sex, sexual orientation, gender identity, gender expression, age, physical or mental disability.

Examples of bias incidents include hate speech, gay bashing, racist epithets, religious slurs, sexist jokes or cartoons, hate mail, offensive graffiti, or disparaging remarks on social media sites. Such incidents create a socially divisive atmosphere for members of the Bates community targeted and negatively affect the campus climate.

Since "bias incident" is an umbrella term, incidents will be resolved based upon the actual category of prohibited behavior listed above (harassment, bullying, etc.). Bates reserves the right to address bias incidents that do not rise to the level of a policy violation. Addressing such conduct will not result in the imposition of discipline under this policy, but may include respectful conversation, education and training, remedial and supportive actions, effective Alternate Resolution, and/or other Informal Resolution mechanisms.

C. Retaliation

Retaliation is any act or attempt to retaliate or seek retribution against any individual or group of individuals involved in the filing of a report, investigation, and/or resolution of an allegation of discrimination 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 Respondent. 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, email, or other forms of communication.

An individual reporting harassment or discrimination is entitled to protection from any form of retaliation following a report that is made in good faith, even if the underlying allegations are later not proven to be a violation of this policy. Individuals acting in good faith to oppose or disrupt conduct that constitutes a violation of this policy are likewise protected from retaliation. Individuals accused of discrimination and harassment are warned that any

form of retaliation taken against a person submitting a complaint or participating in an investigation of a complaint will be grounds for disciplinary action, up to and including dismissal from the college.

Any form of retaliation should be reported to the Director of Title IX & Civil Rights Compliance/Title IX Coordinator (hereafter, Title IX Coordinator) or one of the Deputy Title IX Coordinators immediately. Upon notification, the Title IX Coordinator will investigate this report and take all appropriate and available steps to protect individuals who may be subject to retaliation.

Any attempt to interfere with or circumvent any right or privilege afforded by this policy may be considered retaliatory. Therefore, as directed by the federal regulations, the Title IX Coordinator vets all complaints carefully to ensure that complaints are tracked to the appropriate grievance process and that all appropriate rights and privileges are maintained.

The exercise of rights protected under the First Amendment does not constitute retaliation.^[1]

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a resolution proceeding under this policy and procedures does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.^[2]

^[1] Per 2020 Title IX Regulations, 34 CFR Part 106.71(b)(1).

^[2] Per 2020 Title IX Regulations, 34 CFR Part 106.71(b)(2).

D. 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 professors, coaches, advisors, employers, supervisors, 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 or other employees 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: grading, 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 Coordinator.

E. 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 harassment or discrimination or when the behavior is perpetrated on the basis of bias against a protected class, the college has the discretion to resolve those violations under this policy.

Consent and Related Definitions

When evaluating whether there has been a violation of Sexual Misconduct and Harassment Policy, a determination of whether consent has been given is often necessary. Proof of consent or non-consent is not a burden placed on any party involved in an incident. Instead, the burden remains on the college to determine

whether consent has been given based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evinced.

Consent in relationships must also be considered in context. When parties agree to bondage, discipline/dominance, submission/sadism, masochism, and/or other forms of kink, non-consent may be shown by the use of a safe word which might not be ordinarily understood as a signal of non-consent. Similarly, resistance, force, violence, and even saying “no” may be part of the agreed-upon kink and thus consensual. So, the evaluation of communication in kink situations will be guided by reasonableness, rather than strict adherence to understandings that might assume non-kink relationships as a default. When evaluating the presence of consent, the following definitions and understandings apply.

1) **Consent**

Consent [1] 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. 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 Respondent. For this reason, any sexual act with an individual under 14 is considered a felony.

[1] The definition of consent used in criminal proceedings in the State of Maine differs from that used by the college to address policy violations.

- 2) **Force:** 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

Complainant resists the sexual advance or request. However, resistance by the Complainant will be viewed as a clear demonstration of non-consent.

- 3) **Coercion:** the use of unreasonable 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, and 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, but are not limited to:

- a) threatening to "out" someone based on sexual orientation, gender identity or gender expression;
- b) persistent attempts to pressure an individual who has clearly stated their desire to stop activity or their unwillingness to engage in a certain sexual act; and
- c) 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.

- 4) **Incapacitation:** 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 determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. 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, combativeness, loss of consciousness, or emotional volatility.

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

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

Evaluating incapacitation also requires an assessment of whether the Respondent should have been aware of the Complainant'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.

5) 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 any prohibited behavior under this policy and does not diminish one's responsibility for obtaining informed and freely given consent or adhering to the behavioral standards outlined in this policy.

Resources

Bates is committed to treating all members of the community with dignity, care, and respect. Any individual who experiences or is affected by bias, discrimination, harassment, including racism, homophobia, transphobia, sexual harassment, sexual violence, stalking or intimate partner violence, whether as a Complainant, a Respondent, or a third party, will have equal access to support and counseling services through the college. [1] Supportive measures as described below are available to all parties. A formal complaint is not required to access this support.

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 any form of harassment or discrimination 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 any party in the event that a complaint 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 bias, discrimination, and harassment. 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 Vice President for Equity and Inclusion (VPEI) oversees all college equity and inclusion education and prevention programs and develops initiatives to respond to campus needs and climate. The Director of Title IX & Civil Rights Compliance/Title IX Coordinator collaborates with the VPEI, particularly in regard to education, prevention programming, and other initiatives related to sexual harassment and other discrimination based on gender.

[1] Hereafter in this section the umbrella terms “discrimination” and “harassment” will be used to capture all of these categories.

A. Awareness and Prevention of Bias, Discrimination, and Harassment

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, developmental, and responsive programs that address bias, racism,

homophobia and other areas of discrimination based on identity are facilitated by the Office of Equity and Inclusion. The VPEI oversees the assessment of community and individual needs generally and works with the Office of Title IX & Civil Rights Compliance to identify appropriate action and response.

Educational programs focused on sexual harassment include an overview of the college's policies and procedures, relevant definitions of 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 Coordinator 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

Bates encourages all community members to seek assistance from a medical provider and/or law enforcement as soon as possible after an incident of violence, including sexual violence. This often is the best option to provide immediate physical safety, emotional support, and medical care. It also may help 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 Campus Safety and local law enforcement 24 hours a day, year-round, by calling Bates Campus Safety and/or the Lewiston Police Department. Any individual can request that a member of Bates Campus Safety 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 at whatever location they are most comfortable. Bates Campus Safety will provide transportation upon request to a medical center or the police department.

More detailed information about filing a criminal complaint can be found on the [Bates Here to Help webpage](#).

Contact Information for Emergency Response Services

911

Bates Campus Safety

207-786-6111 (emergency) or

207-786-6254 (non-emergency)

Lewiston Police Department

207-784-6421

C. Medical Resources

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 and second, to properly collect and preserve evidence.

In cases of sexual violence, the forensic 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. Filing a report with local law enforcement is not required to get a forensic exam. More detailed information regarding Sexual Assault Forensic Exams can be found on the [Bates Here to Help webpage](#).

- a. On campus, [Bates Health Services \(BHS\)](#) can provide medical care to students during regular business hours. While a nurse is available to talk with anyone who has questions about forensic examinations, BHS is not equipped to perform forensic examinations. The Complainant 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 Safety will provide transportation upon request to CMMC.

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

Conversations with health care professionals are confidential and governed by [Health Insurance Portability and Accountability Act \(HIPAA\)](#).

Contact Information for Medical Services

[Bates Health Services](#)

31 Campus Avenue | 207-786-6199

9 a.m.–5 p.m. 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.

D. Confidential Support

While Bates encourages all community members to make a prompt report of any incident of bias, harassment, or discrimination, including racism, homophobia, transphobia, and sexual harassment or violence, to the college or local law enforcement, the college understands that deciding whether or not to file a report can be difficult. 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 any type of discrimination or harassment may want to consult with someone in a confidential manner without making a report to the college or filing an official complaint. 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 other community members, 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

Provides comprehensive mental health care, including both crisis and therapeutic counseling for students.

Bates Ombuds Program

Provides assistance to staff and faculty seeking appropriate paths to resolving workplace concerns, including a review of options for informal resolutions.

Multifaith Chaplaincy

Brittany Longsdorf and Raymond Clouthier

163 Wood Street, 2nd Floor | 207-786-6125

blongsdo@bates.edu and rclouthier@bates.edu

Provides individualized emotional and spiritual support through pastoral care and conversation.

Office of Intercultural Education

Tonya Bailey-Curry, Office of Intercultural Education

142 Chase Hall | 207-755-5934 | tbaileyc@bates.edu

Provides individualized support and assistance to students who have experienced discrimination and/or harassment and are seeking information regarding resources and resolution options.

Sexual Assault Victim Advocate (SAVA)

Lindy Magness

Chase Hall 223 | 207-753-6996 | sava@bates.edu

Provides information, advocacy, and support to anyone affected by sexual harassment, sexual violence, dating or domestic violence, or stalking. Can assist with navigating local medical and legal systems and with safety planning.

b. Off Campus Confidential Support (State and Local Services)

Employee Assistance Program (EAP) — Aetna Resources for Living resourcesforliving.com | 888-238-6232 | User ID: 4bates; ID = bwell

Provides free, confidential counseling services to Bates employees to help address a variety of personal issues. Staffed 24/7 by qualified mental health professionals available to listen to concerns and make referrals to a local provider for in person counseling or to resources in your community.

Immigrant Resource Center of Maine

265 Lisbon Street, Suite 2, Lewiston | 207-753-0061 | ircoofmaine.org

Provides culturally and linguistically sensitive services to the refugee and New Mainer communities, including interpreter services; domestic violence, sexual assault, and trafficking support and advocacy, and system advocacy.

Maine Coalition Against Sexual Assault

24-hour hotline: 800-871-7741 | mecasa.org

Statewide coalition of sexual assault victim service providers. Access to advocates via hotline or online chat or text.

Maine Coalition to End Domestic Violence

24-hour hotline: 866-834-HELP | mcedv.org

A confidential statewide hotline for survivors of domestic abuse and violence staffed by trained professionals and volunteers.

Safe Voices (Domestic Violence)

24-hour helpline: 800-559-2927 | safevoices.org

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.

Sexual Assault Prevention and Response Services (SAPARS)

24-hour helpline: 800-871-7741 | sapars.org

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.

Tri-County Mental Health Services

24-hour crisis line: 888-568-1112 | 888-344-4673 | tcmhs.org

Local, confidential mental health care from licensed professionals. Providing trauma-informed, integrated services that promote whole health and wellness.

Wabanaki Women's Coalition

wabanakiwomenscoalition.org

Provides contact and services information for domestic violence, sexual assault and sex trafficking advocacy organizations for all five Wabanaki tribes.

c. Off Campus Confidential Support (National Helplines)

1in6

1in6.org/men/get-help

A free and anonymous 24-hour online helpline for male-identified people who've experienced sexual abuse or assault and for those who care about them.

FORGE

forge-forward.org

Online resources for transgender and gender non-conforming survivors of violence and their allies, including assistance with referrals to local therapists who specialize in working with transgender individuals.

National Domestic Violence Hotline

24-hour helpline: 800-799-7233 | thehotline.org

A confidential domestic violence hotline staffed by highly-trained advocates available to talk confidentially with anyone experiencing domestic violence, seeking resources or information, or questioning unhealthy aspects of their relationship.

Rape, Abuse, Incest National Network (RAINN)

24-hour helpline: 800-656-4673 | rainn.org

The nation's largest anti-sexual violence organization. Free, confidential support via its national sexual assault hotline. Advocates are available via hotline or the chat function on their website.

The Stalking Prevention, Awareness, and Resource Center (SPARC)

www.stalkingawareness.org

Provides online resources to victims of stalking, including information about how to connect to victim services and safety planning.

E. Private Resources and Reporting Options

In addition to the confidential resources listed above, Bates community members have access to a variety of private resources provided by the college. 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 who need to know to assist with providing support services or resolving a report.

The professionals listed below are trained to support individuals affected by bias, discrimination and harassment based on any measure of identity, including racism, homophobia, sexual harassment, and sexual violence, and to coordinate with the Title IX Coordinator consistent with the college's commitment to a safe and healthy educational and work environment. Title IX Team members have additional robust training in supporting those individuals reporting sexual harassment, including sexual assault, stalking, and domestic and dating violence; Bias Response Team Members are particularly attuned to issues of racism, homophobia, and bias based upon other protected classes.

a. Title IX Team

Associate Vice President for Title IX & Civil Rights Compliance / Title IX Coordinator, Gwen Lexow

Lane Hall 202-A | 207-786-6445 | glexow@bates.edu

Deputy Title IX Coordinator for Athletics, Celine Cunningham

Deputy Director of Athletics & Senior Woman Administrator

Alumni Gym | 207-786-6342 | cunning@bates.edu

Deputy Title IX Coordinator for Faculty, Don Dearborn

Associate Dean of Faculty and Professor of Biology
Lane Hall 120 | 207-786-6107 | ddearbor@bates.edu

Deputy Title IX Coordinator for Staff and Visitors, Hope Burnell

Associate Vice President for Human Resources
& Environmental Health & Safety
215 College Street | 207-786-8388 | hburnell@bates.edu

Deputy Title IX Coordinator for Students, Andee Bucciarelli

Associate Director of Residence Life for Health Education
Chase Hall | 207-755-5947 | abucciar@bates.edu

b. Bias Response Team

Associate Vice President for Title IX & Civil Rights Compliance / Title IX Coordinator, Gwen Lexow

Lane Hall 202-A | 207-786-6445 | glexow@bates.edu

Vice President for Equity and Inclusion, Leana Amaez

Lane Hall 201 | 207-786-6031 | lamaez@bates.edu

**Associate Vice President for Human Resources
& Environmental Health & Safety, Hope Burnell**

215 College Street | 207-753-6935 | hburnell@bates.edu

Dean of Students, Erin Foster Zsiga

Chase Hall 007A | efoster@bates.edu

c. Additional On-Campus Reporting Options

Bates Campus Safety

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

**Junior Advisors/Residence Coordinators/
Residence Coordinator Team Leaders**

In houses and residence halls

d. Off Campus Reporting Options

Reports concerning the application of this policy may also be directed to the following government agencies:

Maine Human Rights Commission

#51 State House Station, 19 Union Street, Augusta, ME 04333
207-624-6290 | TTY: Maine Relay 711 | Request@mhrc.maine.gov
maine.gov/mhrc/

Office for Civil Rights, U.S. Department of Education

400 Maryland Avenue, SW, Washington, DC 20202-1100
800-421-3481 | TTY: 800-877-8339 | OCR@ed.gov
ed.gov/ocr

Office for Civil Rights, U.S. Department of Education, Boston

5 Post Office Square, 8th Floor, Boston, MA 02109-3921
617-289-0111 | ocr.boston@ed.gov

Employees may also contact:

United States Equal Employment Opportunity Commission

131 M Street, NE, Washington, DC 20507
800-669-4000 | TTY: 800-669-6820 | ASL Video: 844-234-5122
info@eeoc.gov | www.eeoc.org

United States Equal Employment Opportunity Commission, Boston

JFK Federal Building, 15 New Sudbury Street
Room 475, Boston, MA 02203-0506
800-669-4000 | TTY: 800-669-6820 | ASL Video: 844-234-5122

e. Additional Off Campus Resources

Students, faculty, and staff members may also access additional off campus resources for assistance in working with the civil or criminal justice system. Off-campus resources will not notify the college of their report without the Complainant's consent.

American Civil Liberties Union — Maine

207-774-5444 | aclumaine.org

Maine affiliate of the national civil liberties organization. Provides information, advocacy, and legal representation for those seeking to understand or secure their civil rights. Priority issues include criminal justice reform, reproductive freedom, racial justice, immigrants' rights, LGBTQ rights, women's rights, voting rights, freedom of expression, freedom of speech and religion, and privacy.

Androscoggin County District Attorney

Androscoggin County Courthouse, 2 Turner Street, Auburn
207-783-7311 | androscoggincountymaine.gov/DA/DA.htm

Responsible for the prosecution of criminal complaints in Androscoggin County.

Maine Crime Victims' Compensation Program

Office of the Attorney General, 6 State House Station, Augusta
207-624-7882 | 800-903-7882 |

maine.gov/ag/crime/victims_compensation

State program offering financial assistance for victims of violent crimes occurring in Maine, including paying cost for sexual assault forensic examination.

Reporting

The college is committed to providing a variety of accessible means of reporting any form of bias, discrimination, or harassment, including racism, homophobia, transphobia, sexual harassment, or sexual violence and other sexual misconduct.^[1] Our goals are to reduce barriers to reporting and to simplify the reporting process as much as possible.

By providing a variety of reporting options, individuals wishing to report an incident can use whatever reporting mechanism is most comfortable and convenient for them. All Bates community members, even those who are not obligated by the college's policy, are strongly encouraged to report information regarding any incident of bias, discrimination, or harassment to the Director of Title IX and Civil Rights Compliance/Title IX Coordinator (hereafter "Title IX Coordinator"), who is specifically charged with coordinating the initial assessment, investigation, and response to such allegations.

At the time a report is made, a Complainant 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 fullest 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.

Whenever possible the Title IX Coordinator will defer to the wishes of the Complainant. In rare situations where the college must act to provide for the safety of the community and/or take action to fulfill its obligation to foster a harassment-free working

and learning environment, the Title IX Coordinator will communicate this decision with the Complainant.

Any individual who reports discrimination or harassment 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 Complainant or to the broader campus community and will take steps necessary to address those risks. These steps may include temporary protective measures to provide for the safety of the Complainant or others involved and the campus community as necessary. In this process, the college will balance the Complainant's interests with its obligation to provide a safe and non-discriminatory environment for all members of the college community.

A. Supportive and Safety Measures

Upon receipt of any notice of alleged bias, harassment, discrimination, or retaliation, including racism, transphobia, homophobia, and sexual violence, the college will provide reasonable and appropriate supportive and safety measures designed to mitigate the effects of the alleged behavior and protect the parties involved.^[1] These non-disciplinary and non-punitive measures will be determined on a case-by-case basis and will be offered without charge upon notice to the college.

The goal of these measures is to: **(a)** restore or preserve the party's access to the college's education program or activity; **(b)** protect the safety of all parties or the Bates community; and **(c)** deter any further harassment, discrimination, or retaliation. The college will make every effort to communicate with the Complainant to ensure that all safety and emotional and physical well-being concerns are being addressed and that their wishes are taken into account with respect to which measures are implemented. Supportive and safety measures are available regardless of whether a formal complaint is filed or Formal Resolution under this policy is sought by the Complainant.

The Title IX Coordinator, who oversees the implementation of supportive measures, will maintain the privacy of parties to the fullest extent possible and will limit the sharing of information regarding these measures only to those who "need to know" and to only the limited information needed to provide these measures. In implementing supportive and safety measures, the college will work to minimize the academic impact on the parties while still attending to student

needs. In all cases, the Title IX Coordinator will implement these measures in ways that do not unreasonably burden any party.

The college may choose to impose safety measures, such as a No Contact Order, at its discretion to ensure the safety of all parties, the safety of the broader college community, and/or the integrity of the resolution process. All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by a safety measure. The college will take immediate and responsive action to enforce a previously implemented measure.

[1] Throughout the remainder of this section, the terms “harassment” and “discrimination” are used as umbrella terms to capture all forms of bias, harassment, and discrimination, including those specifically named here.

a. Range of Supportive and Safety Measures

Supportive and safety measures may be applied to any party and include, but are not limited to:

- Assistance with medical or therapeutic care;
- Providing access to counseling, medical, or healthcare services;
- Assistance in setting up an initial appointment;
- Assistance to accessing confidential services;
- Providing a referral to the Employee Assistance Program;
- Providing a referral and assistance setting up an appointment with on campus confidential resources;
- Assistance with access to off campus resources (Save Voices, Immigrant Resource Center, Sexual Assault Prevention and Response Services, etc.);
- Assistance with academic needs (in conjunction with faculty, as necessary);
- Rescheduling of exams and assignments;
- Providing alternative course completion options;
- Changing a class schedule, including the ability to take deferral, drop a course without penalty, or transfer sections;
- Providing academic support services, such as tutoring;

- Assistance with personal safety;
- Imposing a No Contact Order between parties;
- Issuing No Trespass Orders;
- Providing an escort to ensure safe movement between classes and activities;
- Assisting with transportation needs;
- Increased security or monitoring of certain areas of campus;
- Safety planning assistance;
- Assistance with housing and dining:
- Changing an on-campus housing assignment;
- Providing assistance from college support staff in completing housing relocation;
- Individualized assistance with accessing dining services;
- Changing a work schedule or job assignment;
- Delivering training or education to the community, organization, group, or individual;
- Facilitating a voluntary leave of absence;
- Financial Aid counseling;
- Visa or immigration status assistance; and
- Any other remedy that can be tailored to the involved individuals (students or employees) to achieve the goals of this policy.

b. Emergency Removal and Administrative Leave

Where the report under this policy 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 remove a Respondent from the college on a temporary, emergency basis. Pending resolution of the report, the individual may be denied access to campus, campus facilities, and/or all other college activities or privileges for which the individual might otherwise be eligible.

Due to the potentially significant impact of this action, the decision to remove a Respondent is not taken lightly. Emergency removal of students will occur only after an individualized safety and risk analysis has determined that an immediate threat to the physical health and safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the [Bates Behavior Intervention Team \(BIT\)](#) using its standard objective violence risk assessment procedures.

If this analysis suggests it is appropriate to remove an individual, the Title IX Coordinator will forward a recommendation for removal to either the Vice President for Campus Life who will make the final determination for all students or the Assistant Vice President of Human Resources who will make the final determination for all employees.

In all cases in which an emergency removal is imposed, the student or employee will be given notice of the action, including a summary of the basis for the emergency removal, and the option to request to meet with the Title IX Coordinator and VP for Campus Life/AVP for HR prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be considered waived and the removal will be imposed. A student Respondent may be accompanied by an Advisor of their choice when attending this show cause meeting. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so. There is no appeal process for emergency removal decisions.

The Title IX Coordinator in coordination with the VP for Campus Life or AVP for HR has discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

The college will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. These actions could include, but are not limited to:

- removing a student from a residence hall;
- temporarily re-assigning an employee;
- restricting a student's or employee's access to or use of facilities or equipment;
- allowing a student to withdraw or take grades of incomplete without financial penalty;
- authorizing an administrative leave; and
- suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate athletics.

Whenever possible, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the party. Nothing in this policy limits the college from placing an employee on paid Administrative Leave.

Overview of Resolution Options

Upon receipt of a report of bias, harassment, discrimination, or retaliation, including sexual violence, racism, homophobia, and transphobia, the Title IX Coordinator will reach out to the Complainant to offer supportive measures and to inform them of how to file a formal complaint.[\[1\]](#) The initial steps for resolution of any report of harassment will involve the same stages: initial assessment, implementation of supportive measures, followed by an administrative response, an informal resolution option, or a formal investigation and resolution process as appropriate.

The Title IX Coordinator, in consultation with members of the Title IX Team or Bias Response Team as appropriate, will conduct an initial review of the report. The goal of this review is to provide an integrated and coordinated response to reports of harassment. The review will consider the nature of the report, the safety of the individuals involved and of the campus community, and the Complainant's expressed preference for resolution. Upon completion of the initial review, the Title IX Coordinator will determine the next steps in the resolution of the report. In most circumstances, the college will defer to the wishes of the Complainant on how to proceed.[\[2\]](#)

If an informal, non-disciplinary resolution is desired, the Title IX Coordinator will work with the Complainant to determine and implement an administrative response to **(a)** support the Complainant and restore their access to the college's education program and activities; **(b)** stop any harassment or discrimination that may be occurring; and **(c)** prevent the reoccurrence of the alleged behavior wherever possible. When informal, administrative action is taken, there is no determination of whether a policy violation has occurred.

If a formal disciplinary resolution process is desired and appropriate, an investigation will be initiated. The goal of the investigation is to gather all relevant facts. Upon completion of the investigation, a hearing will be held to determine if there is a preponderance of evidence that a violation of the policy occurred. If the Respondent is found responsible for a policy violation, disciplinary sanctions will be implemented.

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 the values that we uphold. Our ongoing programs are open to all members of the community.

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, to 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 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:

- Being afraid of you partner;
- Constantly watching what you say to avoid a “blow up”;
- Feelings of low self-worth and helplessness about your relationship;
- Feeling isolated from family or friends because of your relationship;
- Hiding bruises or other injuries from family or friends;
- Being prevented from working, studying, going home, and/or using technology (including your cell phone);
- Being monitored by your partner at home, work or school; and

- 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.

- 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;
- Learn how to look for “red flags” in relationships so you can learn to avoid some of those characteristics in future partners;
- Consider making a report with Campus Safety and/or the Title IX Officer;
- Ask for a “no contact” directive from the college to prevent future contact;
- 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; and
- 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:

- 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.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact campus safety or local law enforcement immediately.
- Don't leave your drink unattended while talking, dancing, using the rest room, or making a phone call. If you've left your drink alone, just get a new one.
- 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.

- 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.
- 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:

- 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.
- 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.
- 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.
- 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.
- 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?
- 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 Clery Act, the Bates College 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 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 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 Campus Safety. Timely Warning Notices may be distributed for other crimes as determined necessary the Director of Campus Safety or their designee in their absence.

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 Campus Safety; or **(c)** if 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 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 one or more of the following methods:

- Blackboard Connect: A secure emergency notification service that allows the college to send information and instructions simultaneously to individuals through land line phones, cellular phones, text messaging and e-mail. Students, faculty and staff must submit emergency contact information through Garnet Gateway bates.edu/garnet-gateway.
- Directed communications by e-mail: Bates College e-mail system alerting students, faculty, and staff.
- Campus Safety website: bates.edu/campus-safety.
- Bates College website: 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 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 bates.edu/campus-safety.

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 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 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 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 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. Campus Safety has 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, 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 Campus Safety will immediately notify the Senior Emergency Response Group (SERG) and Office of Communications and Marketing.

If 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: 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 Campus Safety website bates.edu/campus-safety.

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, e-mail, 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 e-mail, 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 January 10, 2020 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, 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 Campus Safety, the President will determine whether to convene SERG. In the President's absence, the Director of

Camus Safety 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 Campus Safety may contact the SERG and other necessary personnel.
- If SERG is convened, they will meet in an appropriate location, virtually, or through conference calls 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 Vice President for Finance and Administration and Treasurer, and the Director of Campus Safety 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) 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, 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. 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 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 Campus Safety, Residence Life staff members, other college employees and the Lewiston Fire and/or Police Departments. 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 on the scene.

- Locate a room to shelter inside. It should be:
 - An interior room;
 - Above ground level; and
 - 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 Campus Safety at 207-786-6111. Campus Safety will generate a missing person report and initiate an investigation.

After investigating the missing person report, should Campus Safety determine that the student is missing and has been missing for more than 24 hours, 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 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:

- 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;
- The sale of alcoholic beverages by any person to a person who has not attained the age of 21 years;
- Consumption or purchase of alcoholic beverages by any person who has not attained the age of 21 years;
- The furnishing of, procurement of, or delivery of alcoholic beverages to a person who has not attained the age of 21 years;
- The furnishing of, procurement of, or delivery of alcoholic beverages to a person who is intoxicated;
- 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;
- Transportation by automobile within the state of Maine of alcoholic beverages by any person who has not attained the age of 21 years; and
- 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.

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 Dean 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 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, cocaine, heroin, and LSD, renders a student liable to disciplinary action, including confiscation of materials, up to and including dismissal, and/or referral to local police authorities.

Student violations of 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 the 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.

2023 Annual Fire Safety Report

If fire occurs in a Bates College building, community members should immediately notify Campus Safety at 786-6111. 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 Campus Safety has already responded, the community member should immediately notify 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.

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.

Fire Protection Equipment/Systems

A majority of college buildings are equipped with automatic fire detection and alarm systems that are constantly monitored at the Lewiston-Auburn 911 Community Center. Refer to page 93 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. 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. Disabled 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 Campus Safety or the Lewiston Fire Department has indicated that it is safe to reoccupy. Inform 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 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 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 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 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 Campus Safety website at bates.edu/campus-safety or at Campus Safety, 245 College Street from 8am to 4pm Monday through Friday. The information in the fire log typically includes the nature, date, time, and general location of fire-related incidents.

Student Housing Fire Safety System

January 1, 2022 – December 31, 2022

Student Housing	Fire Alarm Monitored by	Full Sprinkler System	Smoke or Heat Detection	Fire Extinguisher Devices	Evacuation Plans Placards	# of Fire Drills each Academic Year
84 Bardwell St	BCS		Both	X	X	0
101 Bardwell St	BCS		Both	X	X	0
96 Campus	LFD	X	Both	X	X	0
80 Central Ave	BCS		Both	X	X	0

205 College St	BCS		Both	X	X	0
207 College St	BCS		Both	X	X	0
280 College St	LFD	X	Both	X	X	0
350 College St	BCS		Both	X	X	0
356 College St	BCS		Both	X	X	0
85 Franklin St	BCS		Both	X	X	0
10 Frye St	LFD	X	Both	X	X	0
15 Lincoln St	LFD	X	Both	X	X	0
100 Nichols St	BCS		Both	X	X	0
108 Nichols St	BCS		Both	X	X	0
121 Nichols St	BCS		Both	X	X	0
144 Nichols St	BCS		Both	X	X	0
74 Russell St	BCS		Both	X	X	0
80 Russell St	BCS		Both	X	X	0
94 Russell St	BCS		Both	X	X	0
125.5 Wood St	BCS		Both	X	X	0
126 Wood St	BCS		Both	X	X	0
128 Wood St	BCS		Both	X	X	0
Chase	LFD	X	Both	X	X	0
Cheney	LFD	X	Both	X	X	0
Chu Hall	LFD	X	Both	X	X	0
Clason	LFD	X	Both	X	X	0
Dunn Guest	LFD	X	Both	X	X	0
Frye	LFD	X	Both	X	X	0
Frye St. Union	LFD	X	Both	X	X	0
Hacker	LFD	X	Both	X	X	0
Hayes	LFD	X	Both	X	X	0
Herrick	LFD	X	Both	X	X	0
Hopkins	LFD	X	Both	X	X	0
John Bertram	LFD	X	Both	X	X	0
Kalperis	LFD	X	Both	X	X	0

Student Housing	Fire Alarm Monitored by	Full Sprinkler System	Smoke or Heat Detection	Fire Extinguisher Devices	Evacuation Plans / Placards	# of Fire Drills each Academic Year
Milliken	LFD	X	Both	X	X	0
Mitchell	LFD	X	Both	X	X	0
Moody	LFD	X	Both	X	X	0
Moulton	LFD	X	Both	X	X	0
Nash	LFD	X	Both	X	X	0
Page	LFD	X	Both	X	X	0
Parker	LFD	X	Both	X	X	0
Parsons	LFD	X	Both	X	X	0
Pierce	LFD	X	Both	X	X	0
Rand	LFD	X	Both	X	X	0
Rzasa	LFD	X	Both	X	X	0
Small	LFD	X	Both	X	X	0
Smith Middle	LFD	X	Both	X	X	0
Smith North	LFD	X	Both	X	X	0
Smith South	LFD	X	Both	X	X	0
Stillman	LFD	X	Both	X	X	0
Turner	LFD	X	Both	X	X	0
Webb	LFD	X	Both	X	X	0
Wentworth Adams	LFD	X	Both	X	X	0
Whittier	LFD	X	Both	X	X	0
Wilson	LFD	X	Both	X	X	0

Wood St. House	LFD	X	Both	X	X	0
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Student Housing Fire Log

January 1, 2022 – December 31, 2022

Student Housing	# of Fires	Date	Time	General Location	Cause	Injuries	Deaths	Property Damage	Cost of Damage
Chase	1	8/28	2000		Individual	0	0	0	0
Moody	1	3/14	1507	Student Room	Lit Cigarette	0	0	Waste Basket	\$100.00
108 Nichols	1	7/14	0757	Kitchen	Burn Food	0	0	Stove	\$598.00