CAMPUS CRIME, FIRE, ALCOHOL, AND ILLEGAL DRUGS

For Students, Faculty, and Staff of Colby College and Prospective Students and Employees

COLBY COLLEGE DEPARTMENT OF SECURITY
128 Roberts Building
5530 Mayflower Hill
Waterville, Maine 04901

207-859-5530
colby.edu/securitydept/
security@colby.edu
**IMPORTANT NUMBERS**

Colby Security (Emergency)............................................. 207-859-9111  
Colby Security (Non-Emergency) .................................... 207-859-5530  
Waterville Police Department (Emergency) .......................... 911  
Waterville Police Department (Non-Emergency) ................... 207-680-4700  
Waterville Fire and Rescue (Emergency)............................... 911  
Waterville Fire and Rescue (Non-Emergency) ....................... 207-873-3347  
Maine State Police.......................................................... 207-624-7076  
Kennebec County Sheriff’s Department ............................. 207-623-3614  
Maine Medical Center/Thayer Hospital ................................ 207-872-1000  
Delta Ambulance............................................................... 207-872-4000  
Inland Hospital..................................................................... 207-861-3000  
Colby Counseling Services .................................................. 207-859-4490  
Family Crisis Services....................................................... 1-800-537-6066  
Alcoholics Anonymous......................................................... 1-800-737-6237  
Planned Parenthood............................................................... 207-725-8264  
Sexual Assault Support Center ............................................. 1-800-822-5999  
Substance Abuse Resource Center ........................................ 1-800-499-0027  
Adult and Child Abuse.......................................................... 1-800-452-1999  
National Abortion Hotline .................................................... 1-800-772-9100  
Maine Department of Human Services ................................. 1-800-482-7520

**TELETEYPewriter (TTY) LOCATION**

A teletypewriter (TTY) is a special device that lets people who are deaf, hard of hearing, or speech impaired use the telephone to communicate, by allowing them to type messages back and forth to one another instead of talking and listening. A TTY is required at both ends of the conversation in order to communicate. TTY Phone is Located in the Security Office #128 Roberts Union
FREQUENTLY USED NUMBERS

SECURITY................................................................. 5530
DEAN OF STUDENTS.............................................. 4250
CAMPUS LIFE......................................................... 4280
HEALTH CENTER/NURSES STATION.................... 4460
ATHLETIC CENTER.................................................. 4999
FACILTY SERVICES............................................... 5000
SPA ............................................................................. 5496
PULVER INFORMATION DESK.............................. 4289

OFF CAMPUS NUMBERS

FOOD
PIZZA HUT ............................................................... 207-873-5000
WATERVILLE HOUSE OF PIZZA............................. 207-873-4300
CAPPZA’S PIZZA ..................................................... 207-873-7770
BIG G’S ................................................................. 207-873-7808
CANCUN MEXICAN RESTAURANT....................... 207-872-7600
JORGENSEN’S ......................................................... 207-872-8711
PAD THAI ............................................................... 207-861-8895
SILVER STREET TAVERN ....................................... 207-680-2163
PORTLAND PIE COMPANY................................. 207-812-5570

TRAVEL
CONCORD TRAILWAYS ........................................... 1-800-639-3317
GREYHOUND BUS STATION ................................. 07-680-2540
EXCALIBUR LIMOUSINE SERVICE....................... 1-800-317-8256
NORTHEAST CHARTER & TOUR ......................... 1-888-593-6328
ENTERPRISE CAR RENTAL .................................... 207-877-6601
PORTLAND JETPORT ............................................. 207-774-7301
ELITE TAXI ........................................................... 207-872-2221
PINE TREE TAXI .......................................................... 207-465-2304

ENTERTAINMENT
FLAGSHIP CINEMA ..................................................... 207-873-0033
REGAL CINEMA CENTER (AUGUSTA) ....................... 207-623-8183
RAILROAD SQUARE CINEMA ..................................... 207-873-6526

HEALTH AND BEAUTY
RITE AID ...................................................................... 207-877-8975
CVS .............................................................................. 207-873-7163
HANNAFORD KMD/MMAIN STREET ...... 207-873-0788/207-877-0788
APOLLO DAY SPA ....................................................... 207-872-2242
SUPER CUTS ............................................................... 207-873-5908
TABLE OF CONTENTS

WELCOME ................................................................................................................. 13

ABOUT THE DEPARTMENT OF SECURITY .......................................................... 14

- Mission Educators and Protectors ................................................................. 14
- Campus Enforcement Authority ..................................................................... 17
- Campus Security Authority ............................................................................ 17
- Security Officer Training ................................................................................. 18
- Department of Security Statistics ................................................................... 19

CLERY CAMPUS CRIME ACT .............................................................................. 21

- The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ................................................................. 21
- Annual Security Report — Campus Crime, Fire, Alcohol, and Illegal Drugs ......................................................................................... 22
- Clery Definitions of Crimes — The Clery Act ............................................... 22
- Violence Against Women Act Offenses (VAWA) ........................................... 25
- Definitions of Terms in the State of Maine .................................................. 26
- Hate Crimes Definition .................................................................................. 27
- Clery Geographic Definitions ....................................................................... 28

COLBY COLLEGE CLERY CRIME STATISTICS 2016-2018 ..................... 30

- Violence Against Women Act Clery Crime Statistics .................................. 33
- Hate Crime Statistics ...................................................................................... 34

ACCURATE AND PROMPT REPORTING OF EMERGENCIES,
CRIMES AND POLICY VIOLATIONS ............................................................... 40

- Anonymous Reporting Procedures .............................................................. 40
- On-Campus Reporting .................................................................................. 41
- Off-Campus Reporting .................................................................................. 41

DEPARTMENT OF SECURITY SERVICES ......................................................... 42

- Colby Card ..................................................................................................... 42
- Escorts ............................................................................................................. 42
- Jitney ............................................................................................................... 42
- Colby Shuttle ................................................................................................. 42
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction and Process Rights</td>
<td>54</td>
</tr>
<tr>
<td>Definitions</td>
<td>55</td>
</tr>
<tr>
<td>Faculty and Staff Sexual Relationships with Students</td>
<td>63</td>
</tr>
<tr>
<td>Accommodations and Support Services</td>
<td>63</td>
</tr>
<tr>
<td>Interim Measures and No Contact Directives</td>
<td>65</td>
</tr>
<tr>
<td>Effect of Interim Measures</td>
<td>65</td>
</tr>
<tr>
<td>Contact</td>
<td>65</td>
</tr>
<tr>
<td>Confidential Support Services</td>
<td>66</td>
</tr>
<tr>
<td>Confidential Campus Support</td>
<td>66</td>
</tr>
<tr>
<td>Non-Confidential Campus Support Employees (Responsible Employees)</td>
<td>66</td>
</tr>
<tr>
<td>Responsible Employees and Disclosures to Responsible Employees</td>
<td>67</td>
</tr>
<tr>
<td>Students with Learning Differences, Disabilities, and Chronic Illness</td>
<td>67</td>
</tr>
<tr>
<td>Options for Reporting to the College</td>
<td>67</td>
</tr>
<tr>
<td>Relevance of Sexual Orientation, Gender Identity, and Sexual History</td>
<td>68</td>
</tr>
<tr>
<td>Information Supplied</td>
<td>68</td>
</tr>
<tr>
<td>Resolution Options for Reports Regarding a Student</td>
<td>68</td>
</tr>
<tr>
<td>Other Provisions Regarding Options</td>
<td>69</td>
</tr>
<tr>
<td>Evaluating Requests for Non-Action after Reporting</td>
<td>71</td>
</tr>
<tr>
<td>Investigation Process</td>
<td>74</td>
</tr>
<tr>
<td>Medical Care and Evidence Preservation</td>
<td>80</td>
</tr>
<tr>
<td>Amnesty</td>
<td>81</td>
</tr>
<tr>
<td>Bystander Intervention</td>
<td>82</td>
</tr>
<tr>
<td>STUDENT AND NEW EMPLOYEE SEXUAL MISCONDUCT, INTIMATE PARTNER VIOLENCE, AND HARASSMENT</td>
<td>86</td>
</tr>
<tr>
<td>Harassment and Sexual Harassment Policy and Complaint Procedures</td>
<td>86</td>
</tr>
<tr>
<td>SEX OFFENDER REGISTRY</td>
<td>88</td>
</tr>
</tbody>
</table>
DIRECTOR OF SECURITY WELCOME

Welcome to Colby College. Whatever your relationship to the College, the Department of Security is eager to assist you in any way possible, whether by helping you find your way on campus or working together to make the Colby community safer for all.

Colby and Central Maine offer a quality of life that is widely appreciated. While our location is safer than many others, it is tempting for members of our community to be complacent or careless about their safety and to assume that crime does not occur here.

Though statistically safer than most places, Colby does experience crime, and that can be a rude awakening. A comment we’ve heard from more than one victim is, “I didn’t think things like this happened here!”

The Department of Security works 24/7 to make Colby and its campus as safe as possible, but responsibility for crime prevention is shared by all members of the College community, including you. Your awareness is the most important factor, and our shared success preventing crime depends on a substantial degree on your following sound security practices and recognizing and immediately reporting suspicious or criminal activity.

The mission of Colby’s Department of Security is to provide a safe and secure environment for the Colby community. We offer a wide variety of services to assist students, faculty, staff members, and visitors. Please use this website to familiarize yourself with those services and with safe practices you can adopt. If you have any questions, feel free to call the department and let us know how we can help.

Robert Williams
Director of Security
ABOUT THE DEPARTMENT OF SECURITY

The department consists of eleven full-time security officers, six reserve officers, one full-time administrative assistant, three full-time dispatchers, three part-time dispatchers, a pool of student workers, the Associate Director, the Assistant Director, and the Director. Security officers are hired to protect the lives of people at Colby College and College property. The traditional role of patrolling the campus 24 hours a day is the primary function of the department.

Security Officers work a schedule that provides maximum coverage during the busiest time periods. The most coverage is provided Thursday night through Sunday morning for social and special events such as parties, concerts, dances, sports games, etc. Security officers secure buildings, address safety and security concerns, transport students, respond to alarms, cover special events, and much more.

Although charged with reporting misconduct and violations of the College’s policies, the Department of Security maintains a close rapport with the College community. The Department of Security has earned a reputation for fairness and helpfulness. The College community has come to know that, in time of need, the department can be depended upon for assistance.

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MISSION: EDUCATORS AND PROTECTORS

The mission of the Colby College Department of Security is to provide a safe and secure environment for the Colby community. The Department of Security offers a wide variety of services to assist students, faculty, and staff members in their day-to-day living. The services are widely publicized. We ask that you familiarize yourself with this booklet and all the services offered by the Department of Security. The first step in a successful safety and security program is public awareness.

The Department of Security is dedicated to providing the highest quality of safety and security services to the college community in support of the College’s academic mission.

Every encounter between a Colby community member and a Colby Security Officer is an educational opportunity. We strive to make all encounters positive, but confrontations are possible. By explaining the nature of campus policies and referring infractions to the Dean of Students Office for follow-up discussions, Campus Security Officers attempt to limit confrontations.
Campus Security Officers derive their authority from the Colby Administration. Our personnel are officials of the College with specific responsibilities for safety, security and traffic enforcement. Colby College Security Officers have the authority to ask persons for identification to determine whether individuals have lawful business at Colby College. Security officers have the authority to issue parking tickets which are billed to financial accounts of students, faculty and staff. Colby Security officers do not have arrest powers. Criminal incidents are referred to the Waterville Police who have jurisdiction on campus. All crime victims and witnesses are strongly encouraged to immediately report any crime to Colby Security and the Waterville Police. Prompt reporting will assure timely warning notices on campus and timely disclosure of crime statistics. To report a crime call Colby Security at 207-859-5530, if an emergency call 207-859-5911 or 911.

The Department takes pride in its strong working relationship with the City of Waterville Police Department, as well as state and federal law enforcement agencies. We communicate directly with each other and cooperate in many investigations.

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<tr>
<th>COLBY SECURITY EMERGENCY: (207) 859-5911</th>
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| NON-EMERGENCY: (207) 859-5530

The Department of Security is located in Roberts Union on the north end of Campus and is open 24 hours a day, 7 days a week, 365 days a year.

**A Weekly Security Report is published in the Colby Echo.**

If you need additional information about the Department of Security or have any questions or suggestions on security matters, please feel free to call 207-859-5530 or visit the Department of Security in Room 128, Roberts Building, which is located on the parking lot side of Roberts Union.
CAMPUS ENFORCEMENT AUTHORITY

The Department of Security is composed entirely of non-sworn campus security officers. The security officer’s enforcement authority is granted to any private citizen under Maine law, Title 17-A, MRSA, Section 16 and the Colby Administration. Security officers do not have arrest powers. Security officers have the authority to ask persons for identification and to determine whether individuals have lawful business at Colby College. Officers conduct investigations of all incidents and submit reports. Security officers have the authority to issue parking tickets, which are billed through the Business Office.

CAMPUS SECURITY AUTHORITY

Under the federal Clery Act, a Campus Security Authority is any individual (or individuals) who have responsibility for campus security, but who do not constitute a campus police department or campus security department. This includes officials of the College who have significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. Colby has designated the following as Campus Security Authorities because of their role and they are required to report Clery Act crimes to be included in the College’s campus crime statistics.

- Dean of Students Office
- Dean of the College Office
- Dean of Studies Office
- Campus Life Office
- Community Advisors
- Advisors to Students and Student Organizations
- Athletic Department administrators, Team Coaches and Trainers
- Students that monitor access to buildings
- Office of Campus Study
- Office of Diversity, Equity and Inclusion
- Office of the Provost
- Certain Human Resources Personnel
- Title IX Coordinator
- Civic Engagement Program
- Senior Staff
- DavisConnects
- Department of Security

If such an official is a pastoral or professional counselor, the official is not considered a Campus Security Authority when acting in that capacity. These persons are encouraged if and when they deem it appropriate, to inform the students they are counseling of any procedures to report crimes, on a confidential basis for inclusion in the annual crime statistics.
SECURITY OFFICER TRAINING
Throughout the year the Department of Security conducts training for all officers and dispatchers. The training is extensive and does not include all of the training some of the officers and dispatchers do on their own.

Officers are trained in the most current topics applicable to campus safety to ensure the entire community is safe.

On Campus Training Requirements:

- Diversity
- First Aid, CPR and AED Certification
- State Laws
- State Liquor Laws
- College Policies and Regulations
- Civil Rights and Civil Rights Officer Certification
- Alcohol and Drug Awareness and Effects
- Clery and Title IX
- Hazardous Materials and Blood Borne Pathogens

In addition to the above training requirements, all of the officers in the Department of Security have had considerable training in the security, law enforcement, and medical fields.

Colby College is a member of the International Association of Campus Law Enforcement Administrators (IACLEA), and the Maine College and University Security Directors Association (MCUSDA) for operational coordination, support, and training.
COLLEGE AND DEPARTMENT OF SECURITY STATISTICS COLBY

CAMPUS POPULATION 2017 FALL SEMESTER

Students .................................................................................... 1917
College Staff and Faculty ............................................................. 807
Total Campus Population ............................................................ 2724

STUDENT POPULATION

On Campus ................................................................................. 1817
Off Campus .................................................................................. 100
Study Away .................................................................................. 182
Total Students ............................................................................. 2099

DEPARTMENT OF SECURITY EMPLOYEES

Director ............................................................................................. 1
Asst. Director ................................................................................... 1
Assoc. Director ................................................................................ 1
Secretary .......................................................................................... 1
Sworn Officers .................................................................................. 0
Security Officers ................................................................................ 7
Museum Security .............................................................................. 4
Reserve Officers ............................................................................... 6
Student ............................................................................................. 2
Student Security .............................................................................. 15
Jitney Drivers .................................................................................. 20
Dispatcher ......................................................................................... 3
Reserve ............................................................................................ 3
TOTAL ............................................................................................ 64
CLERY CAMPUS CRIME ACT

THE JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT

The federal 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 faculty, staff, and students, and notice of its availability to prospective 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 or property owned or controlled by Colby College, and on public property within or immediately adjacent to and accessible from the campus. This report includes all crimes reported to the Department of Security or to a Campus Security Authority, regardless of the ultimate disposition of the reported crime. 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, and fires in campus residential buildings.

In accordance with the Clery Act, each institution of higher education is required to annually prepare a Uniform Campus Crime Report (UCCR) consistent with the FBI’s Uniform Crime Reporting (UCR) system. The report is to include four general categories of crime statistics that occur on the property(ies) of the institution for the preceding calendar year.

**Criminal Offenses**
- Criminal Homicide, including Murder and Non-negligent Manslaughter, and Manslaughter by Negligence;
- Sexual Assault, including Rape, Fondling, Incest and Statutory Rape;
- Robbery;
- Aggravated Assault;
- Burglary;
- Motor Vehicle Theft;
- Arson.

**Hate Crimes**
- Any of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that were motivated by bias;

**VAWA (Violence Against Women Act) Offenses**
- Any incidents of Domestic Violence, Dating Violence and Stalking. (Note that Sexual Assault is also a VAWA Offense but is included in the Criminal Offenses category for Clery Act reporting purposes); and

**Arrests and Referrals for Disciplinary Action**
- For Weapons Law Violations, Drug Abuse Violations and Liquor Law Violations.

**Developing Information:**
The annual preparation of crime statistics involves coordination among statistics collection by the Department of Security, the Dean of Students Office Affairs, Campus Security Authorities, the Waterville Police Department and other law enforcement agencies. This coordination also occurs in the gathering of statistical data from those with “significant responsibility for students and campus activities.” The Department of Security updates all campus safety and security information for submission to the Student Handbook and the campus crime report. The Office of Security contacts appropriate law enforcement agencies with jurisdiction over campus and non-campus properties to collect annual statistics and prepare a daily crime log describing reported incidents.
Colby Security maintains a daily crime log and a fire log that is available to the public. Both logs are maintained at the Security Office and are available during normal business hours. The Crime Log lists crimes on campus, dates and times, locations, dispositions, and notes. The Fire Log list the nature, date, time, and location of fires are residential housing facilities.

ANNUAL SECURITY REPORT — CAMPUS CRIME, FIRE, ALCOHOL, AND ILLEGAL DRUGS

This Annual Security Report 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 the Department of Security. The Clery Act aims to ensure transparency around campus crime policy, statistics and foster campus safety.

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

The Director of Security is responsible for gathering crime statistics throughout the year and ensuring the Annual Security Report is compiled and updated as necessary. To help ensure there are no voids in reporting, more than one member of the Security Department has received formal training in Clery. You may obtain a paper copy of this report by contacting the Security Office, Roberts Union, (207-859-5530). The Director of Security is responsible for gathering crime statistics throughout the year and ensuring the Annual Security Report is compiled and updated as necessary. You may obtain a paper copy of this report by contacting the Security Office, Roberts Union, (207-859-5530).

DEFINITIONS OF CRIMES — THE CLERY ACT

The following definitions are 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 classification encompasses weapons offenses that are regulatory in nature.

** 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 (VAWA)


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.

DEFINITIONS OF TERMS IN THE STATE OF MAINE
Definitions of Terms in the State of Maine are sometimes different than the definitions of terms that Clery uses.

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 Statutes 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 of former spouses or domestic partners; individuals presently or formerly living together as spouses; biological parents of the same child; adult household members related by blood or marriage; minor children of a household member when the defendant is an adult household member; individuals presently or formerly living together; individuals who are or were sexual partners).

Under Maine’s criminal statute, “consent” is not explicitly defined in reference to sexual activity. Under Maine criminal law, however, “consent” may be used as a defense when “a defendant engages in conduct which would otherwise constitute a crime against the person . . . and an element of the crime is negated as a result of the consent.” Furthermore, “consent is not a defense if . . . it is given by a person who, by reason of intoxication, physical illness, mental illness or mental defect . . . [or] . . . [I]t is induced by force, duress or deception or undue influence.” For further information, please see Title 17-A, sections 109, 253, 255-a.
HATE CRIME DEFINITIONS
Colby College is required to report statistics for hate (bias) related crimes by the type of bias using the definitions below.

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

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

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

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

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

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

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

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

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

For purposes of reporting under the Clery Act, a hate crime is defined as including the offenses of criminal homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, criminal mischief/vandalism, and any other crime involving bodily injury.
**Simple Assault**
An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bone, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

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

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

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

**CLERY GEOGRAPHIC DEFINITIONS**
Under the Clery Act, Colby uses the following geographic definitions to compile and categorize crime reports:

**On-Campus**
1. Any building or property owned or controlled by an institution of higher education within the same reasonable contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

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

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

**A Non-Campus Building or Property**
1. Any building or property owned or controlled by a student organization that is officially recognized by the institution; and

2. Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
PUBLIC PROPERTY
All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Colby’s geographic area includes;
Mayflower Hill Campus, which also includes:

- Millett House
- Lunder House — 75 Mayflower Hill Drive
- 38 Mount Merici Avenue
- Solar Way Annex, Oakland, Maine

Downtown Waterville Campus includes:

- 150 Main Street, Bill and Joan Alfond Commons
- 173 Main Street
- 13-15 Appleton Street Parking Lot

Non-campus buildings/properties include:

- Hume Center, Sidney, Maine
- Outing Club Cabin, Oakland, Maine
- Allen Island, off Port Clyde, Maine

Foreign Locations include:

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

## COLBY COLLEGE CLERY CRIME STATISTICS 2016-2018

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### HATE CRIME STATISTICS

2017: One on campus, academic building, intimidation incident characterized by religious bias.

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ACCURATE AND PROMPT REPORTING OF EMERGENCIES, CRIMES AND POLICY VIOLATIONS

If you observe a crime or suspicious situation, or see a safety problem, immediately notify the Department of Security. Your awareness is essential to campus crime prevention. For non-emergency or business calls, dial 207-859-5530 or 207-859-4000. For security emergencies, dial 207-859-5911.

Despite Colby Security’s best efforts, crimes and College policy violations do occur on Campus. Colby is required by the Clery Act to report campus crime statistics. The Clery crime statistics report does not disclose the names or other identifying information of the victim or the accused. Colby takes its obligations under the Clery Act seriously, and encourages all community members to promptly report all crimes, emergencies, policy violations, and any suspicious behavior that they witness. In addition to compiling Clery Act crime statistics, Campus Security will investigate all reported incidents and activate the appropriate College Judicial procedures. A dispatcher is always on duty to answer calls from concerned members of the Colby community. Security is ready to respond to all situations on campus and will coordinate with local agencies to ensure that the proper resources are available. Security incident reports are forwarded to the Dean of Students Office for review and potential disciplinary action. Additional information obtained through investigation is also forwarded to the Dean of Students. If assistance is required from the local police department or the local fire department, Security will contact the appropriate authority. In the event sexual misconduct is reported, staff on the scene, including Security will offer the victim a wide variety of services as provided in the Colby Sexual Misconduct Policy, including contacting the Title IX Coordinator. All emergencies should be reported to the Department of Security. Persons who dial 5911 on a campus phone will be connected to the Department of Security.

ANONYMOUS REPORTING PROCEDURES

If you are the victim of a crime, or a witness to a crime, and do not want to pursue action within the Colby College system or the criminal justice system, you may still want to consider making an anonymous report. With your permission, the Dean’s Office, Department of Security and/or a law enforcement agency can file a report on the details of the incident without revealing your identity. The purpose of an anonymous report is to comply with your wish to keep the matter private, while taking steps to ensure the future safety of the community. With such information, the College can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for Colby College. To file an anonymous report, call the Department of Security at 207-859-4000 or visit the Colby College Department of Security website. You may also file a report in person by visiting the Security Office in Roberts Union, or by contacting any Campus Security Authority.

All members of the campus community are strongly encouraged to promptly and accurately report any suspicious behavior or activity, crime, acts of violence against themselves or another or any circumstances that require attention.
To report a crime call the Department of Security at 207-859-5530, if an emergency call 207-859-5911 or 911.

You may also report crimes and policy violations to:

- Dean of Students Office (207-859-4250)
- Campus Life Office (207-859-4280)

In addition to compiling crime statistics, Colby will issue timely warning notices, as required by the Clery Act, if there is a serious or continuing threat to the health or safety of Colby students and/or employees. Members of the Colby community should report crimes to any member of the Department of Security, any Dean within the Dean of Students Office, or any Campus Security Authority (CSA).

The Colby Department of Security is responsible for the reporting and follow-up of any criminal incident that occurs on the Colby College campus, in coordination with the Waterville Police Department, as necessary. Crimes committed in other jurisdictions should be reported to the police agency where the offenses occurred. To ensure that timely warnings are issued, and that accurate statistics are included in this annual disclosure, please immediately report any criminal offenses or policy violation to a member of the Department of Security, or to your respective dean, director, or department head.

Colby will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by Colby against a student who is the alleged perpetrator. If the alleged victim is deceased as a result of such a crime or offense, the next of kin shall be treated as the alleged victim for these purposes. Questions regarding this may be directed to the Director of Security.

**ON-CAMPUS REPORTING**

When members of the Colby community receive a report of criminal activity on campus, they should immediately contact the Department of Security. They may also contact a designated Campus Security Authority who will then consult with the Department of Security.

**OFF-CAMPUS REPORTING**

If criminal activity takes place in an off-campus location, Colby College community members should contact the local, county, or state police department with jurisdiction.

When a Colby student is involved in an off-campus offense, security officers may assist in the investigation, in cooperation with local, state, or federal law enforcement authorities. Law enforcement authorities routinely work with and communicate with the Department of Security on any incidents occurring on campus or in the immediate neighborhoods and business areas surrounding campus. Security officers may respond to student-related incidents that occur in proximity to campus. Security officers have direct communications with the Waterville police, fire and rescue services to facilitate rapid response to any emergency situation.
DEPARTMENT OF SECURITY SERVICES

The Department of Security offers a wide variety of services to members of the College Community to ensure one’s safety and well-being.

COLBY CARD

The Colby Card is a one-card system designed to provide a convenient way for students to gain access to residence halls and dining halls and to use services such as the library and laundry, copy, and snack machines. The card incorporates proximity technology for access control, a magnetic stripe for dining services, laundry, vending, copying, and bar code technology for library services. The Colby Card office is located in the Student Financial Services Office in the Garrison Foster Health Services Building and is staffed Monday - Friday from 8:30 a.m. to 4:30 p.m.

ESCORTS

Campus Security will escort any student from one campus location to another if they contact the office and report feeling unsafe between the hours of dusk and dawn. These escorts may be given in a Colby Security vehicle or on foot, by security officers or student employees. Security will provide vehicular escorts between campus locations to temporarily, physically disabled students who need assistance in moving about the campus. Medical escorts are given at all times of day and night.

JITNEY SERVICE

The Jitney Service provides safe and convenient transportation for students within the Waterville area. The Jitney operates within Waterville. Hours of operation are generally 2 p.m. to midnight or 2 a.m. 7 days a week. The Jitney provides service, when the College is in session, seven days-a-week. The College employs student drivers. Please call the Department of Security to confirm the Jitney is running.

COLBY SHUTTLE

The Colby Shuttle provides safe and convenient transportation to downtown Waterville. There are predetermined stops and it runs on a continual schedule. The Shuttle driver is a Colby Security Officer. The shuttle runs seven days a week and the hours of operation vary depending on passenger volume. The most current schedule information can be found on ColbyNow under the Shuttle tab. For real time shuttle stop arrival times, download the Colby Shuttle App. The App is available on the ColbyNow page.

COURTESY RIDES

Security officers provide rides on campus when an individual cannot drive himself or herself. Reasons might include sickness, injury, or intoxication.

LOCKMarkup error in lock outs.

Students are strongly encouraged to lock their rooms at all times. If a student is accidentally locked out of their room during business hours a spare key can be picked up at Campus Life in Cotter Union. After hours Campus Security personnel will grant them admittance after checking their official room assignment and photo identification. Students who lose their room keys
should report the loss to the Office of Campus Life (207-859-4280) so that their locks can be changed.

**JUMP STARTS**
If your vehicle will not start, a Security Officer can attempt to jump start it if your vehicle is on campus.

**LOST AND FOUND**
The Department of Security helps to centralize and record all items found or reported missing on campus.

Lost: Property should be reported to Security and the Pulver Information Desk in Cotter. The report will be cross-checked with property being held at the Information Desk. If it is not being held, a general description of the property will be placed in the Lost and Found logbook. If the property shows up at a later date you will be notified by Security or the Help Desk. It is important that Security be notified if the property is found by someone outside of the department.

Found: Property should be turned in to the Pulver Information Desk in Cotter Union, where a report will be filed and cross-checked with other reports to determine the proper owner. Property turned in as found will be held a minimum of 90 days. After that time the item becomes the property of Colby College and will be disposed of as necessary.

**DELIVERIES**
Off-campus delivery services are not permitted to enter any College buildings. All deliveries must be received at the Student Mailroom in Cotter Union, the Eustis Mailroom, or at hours at Colby Security.

**BICYCLE REGISTRATION**
To help deter theft and assist us in returning lost and stolen bicycles, all bicycles used by students, faculty and staff on campus should be registered with the Office of Safety and Security. There is no charge for registering your bicycle and bicycles only need to be registered once.
SAFETY AND SECURITY RESOURCES

Many Colby offices and local agencies are available to assist members of the community in emergency and crisis situations.

Dean on Call (dispatched through Security ext. 5530, EMERGENCY ext. 5911)
A designated staff member from the Dean of Students Office will be informed of all serious situations that occur on campus and will respond, when necessary, to emergency situations.

Colby Emergency Response (CER) Dispatched through Security (ext. 5530, EMERGENCY ext. 5911)
A squad of certified student Emergency Medical Technicians respond to all on-campus medical emergencies. This service is overseen by Health Services and maintains a strong working relationship with area EMS agencies such as Waterville Fire and Rescue and Delta Ambulance.

Counselor on Call (dispatched through Security (ext. 5530, EMERGENCY ext. 5911)
A professional counselor from Colby’s Department of Counseling Services is always available for emergency consultations. Non-emergency counseling is available to all students by contacting Counseling Services (207–859-4460) during business hours. Conversations with Colby’s counselors are free of charge and confidential. During non-business hours a counselor can be contacted confidentially by calling the Department of Security or the Counseling number and by pressing “0” the call will be transferred to the counselor on call.

Law Enforcement Agencies
Informational questions about local laws or reports of crimes can be directed to the City of Waterville Police Department (WPD) by telephone. WPD will not respond to a campus call without informing the Department of Security. The Colby College Department of Security maintains a close working relationship with the Waterville Police Department, the Maine State Police, and the Kennebec County Sheriff’s Office. Meetings are held between the leaders of these agencies on both a formal and informal basis. Colby College Security works closely with these agencies when incidents arise that require joint investigative efforts, resources, crime related reports and exchanges of information. There is a written memorandum of understanding between Colby College and the Waterville Police and Fire Departments.

Facility Services:
The Security Department and Facility Services work together daily to ensure the campus is safe and well maintained. Community members use a self-initiated work order process to report maintenance issues directly to Facilities Services. After hour emergencies should be reported to Security and the Facility Services Supervisor will be notified. Security regularly patrols the campus and reports malfunctioning lights and other unsafe physical conditions to Facilities Services. Security and Facility Services collaborate regularly on health and safety checks, security improvements, and residence hall maintenance.
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<th>EMERGENCY COMMUNICATIONS ON-CAMPUS CONTACT INFORMATION</th>
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<td>Student Health Services</td>
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<td>Facility Services/Maintenance Emergencies</td>
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Access to campus administrative and academic buildings and grounds is available during normal business hours to students, faculty members, staff members, and guests. With the exception of the residence halls, which are locked at all times, most campus facilities are normally open when classes are in session, or by special request coordinated with the Department of Security. When class is not in session and when the campus is officially closed, all buildings are secured and only faculty, staff and students with proper authorization are allowed access by use of their Colby Card. The general public may attend cultural and recreational events on Campus, however, access is limited to the facility in which the event is being held. Officers conduct routine security patrols of residence halls, academic and administrative buildings to monitor activity.

Authorization for use of the campus grounds for assembly purposes must be obtained in advance from the Scheduling Office and/or the Office of Campus Life or the Office of Summer Programs/Conference Services.

Residence Halls are locked at all times and access is restricted to building residents and their authorized guests. Community Advisors routinely monitor safety and security concerns inside residence halls and if necessary, report security concerns to Campus Security.

Blue Light Emergency Phones
Blue light emergency phones are located throughout the Colby campus. To contact the Department of Security with one of these phones, simply press the large red button on the phone. When an emergency phone is activated, a dispatcher will be alerted and an officer will be sent to the location of the phone. No dialing or conversation is required. If possible, try to describe the nature of the emergency to the dispatcher.

Campus Lighting
Light fixtures on campus are monitored for malfunctions. Work orders are submitted to affect repairs and these work orders are given priority. Areas where lighting could be enhanced to improve safety are reported to Facility Services for evaluation. Always walk on lit walkways after dark.

Parking and Traffic Enforcement
The Department of Security is responsible for regulating all vehicular traffic and parking on campus. Detailed information about the Department’s current policies is available from the Security office or electronically on the website. All vehicles, including those belonging to temporary visitors, must be registered with the Department of Security.

Speaking Engagements
Members of security regularly visit student residences to present information regarding personal safety, alcohol and drug education, and crime prevention. To request a safety meeting for your room or residence hall, contact the Security Office at 207-859-4000.
PERSONAL SAFETY TIPS (For On, or Off, Campus)

Crime prevention and safety tips and emergency and fire safety tips can be found on the Security webpage.

Crime Reduction and Prevention

- Trust your instincts when something doesn’t feel right.
- If you have a cellular phone, have it turned on and easily accessible.
- Do not leave valuable items visible in your vehicle.
- Walk with others whenever possible.
- Check the back seat of your vehicle before entering.
- Report all suspicious behavior to Campus Security or Law Enforcement Authorities.
- When you go out, do so with people that you trust to look out for your safety. Be a good friend — keep an eye on your friends to make sure they are safe.
- When you are at a party, make sure that someone knows where you are at all times.
- Check on your friends to make sure they are safe, too.
- Get your own drinks. Only accept beverages from people you trust and never drink out of a cup that has been left unattended.
- Never walk home alone from bars or parties. Have a friend walk with you, call Security an escort, or let the Events Staff know that you need an escort.
- Be aware of your surroundings.
- Walk with confidence. The more confident you look, the stronger you appear.
- Be assertive — don’t let anyone violate your space.
- Don’t prop open self-locking doors.
- Always lock your residence hall door and windows, even if you leave for just a few minutes.
- If you do not feel well and need to lie down make sure that a friend stays with you to check on you.
- Watch your keys. Don’t lend them. Don’t leave them. Don’t lose them. And don’t put your name and address on the key ring.
- Watch out for unwanted visitors. Know who’s on the other side of the door before you open it.
- Be wary of isolated spots like underground garages, offices after business hours, and laundry rooms.
- Avoid walking or jogging alone especially at night. Vary your route. Stay in well-traveled, well-lit areas.
- Have your key ready to use before you reach the door — home, car, or work.
- Never hitchhike or pick up a hitchhiker.
- Know your sexual desires and limits. You have a right to say ‘no’ to any unwanted sexual contact.
- Communicate your limits as clearly as possible. If someone starts to offend you, tell him
or her early and firmly. Being polite is fine, as long as you are firm and assertive. Say "no" when you mean "no" and be prepared to repeat it.

- Since alcohol and drugs interfere with clear thinking and effective communication, avoid excessive use of these substances. It may not be safe to be intimate with someone if you or they have been drinking or using other substances.
- If you want to be intimate with someone, remember that you can change your mind.

PREVENT SYSTEM

- Prevention is the most effective means of fighting crime.
- Record the description of suspicious persons and vehicles, do not confront them yourself.
- Escape is the primary objective if you are in a dangerous situation.
- Value your safety and the safety of others.
- Employ common sense and awareness in your day-to-day activities.
- Notify Colby Security if you are the victim of a crime or a witness to one.
- Telephone ext. 5911 or 207-859-5911 for any on-campus emergency.

In the Event of Fire

- Remain calm.
- Dress appropriately, get your keys, and evacuate the building promptly.
- Activate the building fire alarm or notify Colby Security immediately.
- Proceed to your buildings Initial Assembly Area.
- If a door is warm DO NOT open it.
- If you are trapped in a room, seal the door and signal from a window.
BIAS INCIDENTS AND CRIMES

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

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

Examples of bias incidents include harassment, intimidating or threatening comments or messages, vandalism of personal or college property, and defacing posters or signs. Bias incidents affect not only the individual victim or target of a specific action, but often make an entire group or community feel vulnerable and unwelcome. This is unacceptable at Colby College and will be treated as a serious offense that could include separation from the College.

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

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

Examples of specific crimes identifiable as hate crimes include murder, manslaughter, robbery, aggravated assault, burglary, motor vehicle theft, arson, forcible and non-forcible sex offenses, intimidation, destruction, damage or vandalism of property in which the victim is intentionally selected because of the actual or perceived protected category.
What are the penalties for committing hate crimes?
For most crimes, when a person is convicted of a hate crime, the crime is deemed to be one category higher than the specified offense the defendant committed, and the person is sentenced accordingly.

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

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

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

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

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

To report a bias incident or hate crime, please complete the Bias Incident Report Form. A Bias Incident Report may be filed via an on line form bias@colby.edu which upon submission, is automatically directed to the Department of Security, the Dean of Students Office, and members of the Bias Incident Prevention and Response Team.

Upon receipt of a report, the Director of Security (or designee) will contact the victim and the Dean of Students or appropriate college officer, depending upon whether the complainant is a student or college employee, and the Bias Incident Prevention and Response Team will be convened.

The Bias Incident Prevention and Response Team will respond in the following ways.

Review the report and ensure that an investigation is initiated in a timely manner.

A member of the team will be designated to ensure that the complainant is provided with appropriate support and referrals to resources on and off-campus and relevant updates concerning the investigation and resolution.

Coordinate with college administrators to determine how best to mitigate campus tensions arising from a complaint, whether or not that incident rises to the level of a policy violation.
Collect and disseminate to the campus community information about reported bias incidents.

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

**Off-Campus Resources:**
- Waterville Police 911 or 207-680-4700 for general information
- State Police 800-452-4664
- Kennebec County Sherriff 207-623-3614
- Maine General Emergency Department 207-872-1300
- Inland Hospital Emergency Department 207-861-3200
- Maine Attorney General’s Office 207-626-8800

Please note: the reporting system does not create a new category of prohibited behavior or a new process for members of the Colby community to be disciplined or sanctioned. The BIPR Team has no authority to discipline any student or member of the faculty or staff. Reported conduct that may be a violation of college policy will be referred for action through existing disciplinary or judicial procedures. Reported conduct that may be a violation of law may also be referred to local law enforcement agencies.

Please note: the reporting system does not create a new category of prohibited behavior or a new process for members of the Colby community to be disciplined or sanctioned. The BIPR Team has no authority to discipline any student or member of the faculty or staff. Reported conduct that may be a violation of college policy will be referred for action through existing disciplinary or judicial procedures. Reported conduct that may be a violation of law may also be referred to local law enforcement agencies.
COLBY COLLEGE SEXUAL MISCONDUCT, INTIMATE PARTNER VIOLENCE, AND HARASSMENT POLICY

EMERGENCY ASSISTANCE

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

Students may seek emergency medical treatment at:

MaineGeneral Medical Center    Inland Hospital
1-207-872-1000     1-207-861-3000
149 North Street    200 Kennedy Memorial Drive
Waterville, ME 04901    Waterville, ME 04901

CONFIDENTIAL CAMPUS SUPPORT RESOURCES

Please see section IX for additional information on the role of confidential employees.

Confidential Title IX Advocate    Office of Religious and Spiritual Life
Emily Schusterbauer     Kate Smanik, Dean
1-(207)-859-4093     1-(207)-859-4272
emily.schusterbauer@colby.edu              kate.smanik@colby.edu

Counseling Services    Health Services
Counselor Providers    Medical Providers
1-(207)-859-4490     1-(207)-859-4460

REPORTING RESOURCES

Title IX Coordinator
1-(207)-859-4256
titleix@colby.edu

OFF-CAMPUS SUPPORT RESOURCES

Maine Sexual Assault Crisis and Support    RAINN National Sexual Assault
1-800-871-7741 (24/7)     1-800-656-4673 (24/7)

The Family Violence Project    National Suicide Prevention Lifeline
1-877-890-7788 (24/7)     1-800-273-8255 (24/7)
COLBY STUDENT SEXUAL MISCONDUCT POLICY AND PROCESSES

The pages that follow include Colby’s Sexual Misconduct Policy and Processes, which contain important information required under the Clery Act regarding Colby’s resources, policy statements, procedures, and other important information to address sexual assault, dating violence, domestic violence, and stalking.

INTRODUCTION

Colby College is committed to providing a community and workplace environment that is safe and secure for all students, staff, faculty and others who participate in Colby’s academic, co-curricular, and employment programs. Colby does not discriminate on the basis of sex, sexual orientation, gender, gender-identity, or gender-expression in any of its education or employment programs and activities.

Colby prohibits all Sexual Misconduct including Sexual Assault, non-consensual sexual touching (Fondling), Intimate Partner Violence (domestic and dating violence), stalking, sexual based harassment, and related Retaliation, all of which are defined as “Prohibited Conduct” under this policy (henceforth referred to as the "Sexual Misconduct" policy). This Prohibited Conduct undermines the values and the mission of Colby and contradicts the Colby Affirmation. It is the responsibility of every member of the Colby community to foster an environment free of Sexual Misconduct. All members of the community are encouraged to take reasonable and prudent action to prevent, stop and report acts of Sexual Misconduct.

Colby adopts this policy with a commitment to: (1) whenever possible, preventing and eliminating Prohibited Conduct; (2) addressing the effects of Prohibited Conduct; (3) fostering a campus climate where Prohibited Conduct is not tolerated and individuals are supported in reporting Prohibited Conduct; (4) providing a fair and impartial process for all parties; and (5) having a process to review and improve the policy as necessary. Colby will take reasonable, prompt and appropriate action to respond to reports of Sexual Misconduct where such conduct impacts or has the potential to impact Colby’s educational, residential, or employment environment of any member of the Colby community.

This policy is reviewed and updated from time to time, as needed. During the 2018-19 academic year, it is expected that revisions will be made to this policy when the Office of Civil Rights (OCR) announces new Title IX guidelines. Thus, the policy in Colby’s Web-based Student Handbook will always be Colby’s most current policy, and should be examined for the latest updates. When an incident under investigation occurred while a previous version of the policy was in effect, the definitions of Prohibited Conduct at the time of the incident in question will be applied under investigation. However, the procedures in the policy in effect at the time the investigation is initiated will govern all other aspects of the investigation and resolution process, unless otherwise required by law.

Jurisdiction and Process Rights

Except as otherwise specified herein, this policy applies to students from the time a student first arrives at Colby (whether in Waterville or through the Global Entry program) until graduation or date of last attendance at Colby. The Sexual Misconduct Policy applies to incident(s) that occurred while one of the students is enrolled at Colby and one student continues to be enrolled at Colby throughout the processes outlined in this policy. At its sole discretion Colby may apply this policy to conduct that occurred during a student’s attendance at Colby and where both
students have graduated or withdrawn from the College. It applies to Prohibited Conduct committed by a student against a student, employee, or third party member (e.g. guests, contractors, vendors, volunteers). Prohibited Conduct committed by faculty or staff upon a student will be resolved under the faculty and staff sexual misconduct/sexual harassment policies.

All of Colby’s reporting and support resources are available to students regardless of the location of a Colby-sponsored or approved educational, research or internship programs. The procedures for addressing a report(s) of Sexual Misconduct and related Retaliation are set forth below starting at Section XI. However, where applicable law mandates different procedures or policies with respect to Colby programs outside of Maine, those procedures or policies will apply.

Colby’s process to resolve cases of alleged Sexual Misconduct and related Retaliation is designed to:

Consider the Reporting party's rights, the Responding party's rights, the community's safety, and applicable laws and Colby policies;

Provide a timely, fair, impartial, and equitable investigation and resolution process with thoroughness and respect for all involved parties;

Protect all parties' privacy to the extent practical, while balancing the need to comply with applicable law, maintain campus safety and provide a safe and nondiscriminatory environment for all students, faculty, staff and covered third parties;

Hold all individuals found to have violated Colby’s policies accountable for their actions and provide appropriate remedies to address the effects of Sexual Misconduct and/or related retaliation on the Reporting party and others; and

Take steps to remedy the effects and prevent the reoccurrence of any harassment or discrimination that is discovered.

Since Colby lacks judicial authority, such as the power to subpoena or place witnesses under oath, an individual’s rights are not equal or identical to the rights afforded in a civil or criminal legal proceeding. Colby’s process is not a criminal or civil process. The procedures outlined below are intended to assure fundamental fairness and protect individuals from arbitrary disciplinary action. All Investigators, adjudicators, and Colby officials shall conduct their proceedings in the spirit of these principles. If exceptional circumstances dictate variation from these procedures, the variation will not invalidate a decision unless it substantially violates principles of fundamental fairness.

**Definitions:**

**Affirmative Consent**

Affirmative Consent is: knowing, clear, voluntary (freely given), and active. Active means that, through the demonstration of clear words or actions, a person has indicated permission to engage in mutually agreed-upon sexual activity at the same time, in the same way. Affirmative Consent is not valid when a physical or mental condition prevents a person from knowingly or
voluntarily giving consent; or when a person is under the age at which sexual encounters are prohibited.⁠¹

A person who wants to engage in a specific sexual activity is responsible for obtaining Affirmative Consent for that activity. Affirmative Consent may be withdrawn by any party at any time and is not unlimited. A party withdrawing consent should clearly communicate the withdrawal by words or actions. Once Affirmative Consent is withdrawn, the sexual activity must cease immediately. Affirmative Consent to one form of sexual activity does not constitute Affirmative Consent to other or all forms of sexual activity. Each person in a sexual encounter must affirmatively consent to each form of sexual activity with each participant. Having a previous relationship or sexual encounters does not imply consent for future sexual activity. However, in cases of prior relationships, the manner and nature of prior communications between the parties and the context of the relationship may have a bearing on whether there was Affirmative Consent to current sexual acts.

Affirmative Consent cannot be obtained by Force. These types of conduct also constitute Prohibited Conduct under this policy. Force includes: the use of physical violence, threats, intimidation, and/or coercion.

Physical Violence: Physical Violence is threatening or causing physical harm or engaging in other conduct that threatens or endangers the health or safety of any person including coercive physical acts during sexual contact (e.g. strangling, bondage, discipline, dominance and submission (BDSM)) without the party’s consent. Sexual or Gender-Based Harassment, Intimate Partner Violence, or conduct under the Stalking definition can also involve Physical Violence.

Threats: Threats are words or actions that would compel a reasonable person to submit to unwanted sexual activity against that person’s will. Examples include but are not limited to threats to harm the person physically; to end a relationship unless they submit to sexual activity at that time; to reveal private information to harm a person’s reputation; to cause a person academic or economic harm; or threats to harm oneself or others.

Intimidation: Intimidation is an implied threat that a reasonable person knows or should know menaces or causes fear in another person. A person’s size alone does not constitute intimidation; however, a person’s size may be used in a way that constitutes intimidation (e.g. blocking access to an exit or phone).

Coercion: Coercion is the use of unreasonable pressure to gain sexual access. Coercion is more than a momentary effort to persuade, entice, or attract another person to engage in sexual activity. When a person makes clear a decision not to engage in sexual activity, or makes a decision to stop sexual activity, or a decision not to go beyond a certain sexual activity, continued pressure to engage can be coercive. In evaluating whether coercion was used, Colby will consider: the frequency of the application of pressure; the intensity of the pressure; the degree of isolation of the person being pressured; the duration of the pressure; and any other similar or related conduct.

⁠¹ In Maine, sexual relationships are generally prohibited with persons under the age of 16. However, a person who is 14 or 15 years of age may have a consensual sexual relationship with someone who is less than five years older.
Incapacitation:

Means that a person lacks the ability to make rational, reasonable judgments about whether or not to engage in sexual activity and give Affirmative Consent. Affirmative Consent cannot be gained by taking advantage of the incapacitation of another person, where the person initiating sexual activity actually knew or reasonably should have known the person was incapacitated; or

- Means a person who is incapacitated is unable, temporarily or permanently, to give Affirmative Consent because of mental or physical helplessness, sleep, unconsciousness, blackout, or lack of awareness that sexual activity is taking place. A person may be incapacitated as a result of the consumption of alcohol or drugs, or due to a temporary or permanent physical or mental health condition; or

- Is in a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking or using drugs. The impact of alcohol and other drugs varies from person to person.

Use of Alcohol, Substance, or Illegal Substances: One should be cautious before engaging in sexual activity or sexual intercourse when either party has been drinking alcohol or using other drugs. The introduction of alcohol or other drugs often creates ambiguity for either party as to whether Affirmative Consent has been sought or given. If one has doubt about either party’s level of intoxication, the safe and sensible thing to do is to forego all sexual activity at that time. The use of alcohol or drugs does not minimize or excuse a person’s responsibility for committing Prohibited Conduct, or that person’s responsibility for determining whether another is capable of giving consent, as described above.

In evaluating Affirmative Consent in cases of alleged incapacitation, Colby evaluates two questions: Did the person initiating sexual activity actually know that the other person was incapacitated? If not, should a sober, reasonable person in the same situation have known that the other party was incapacitated? If the answer to either of these questions is “yes,” Affirmative Consent is absent. One is not expected to be a medical expert in assessing incapacitation. One must look for the common and obvious warning signs that show a person may be incapacitated or approaching incapacitation. Although every individual may manifest signs of incapacitation differently, common signs include slurred or incomprehensible speech; in and out of consciousness, unsteady walking (gait); combative behavior; emotional volatility; vomiting and/or incontinence. A person who is incapacitated may not be able to understand or answer some of the following questions in a clear manner: “Do you know where you are?”; “Do you know how you got here?”; “Do you know what is happening?”; “Do you know who you are with?”; Do you know ________ (common knowledge about current events); and “Do you know why you are here?”

PROHIBITED CONDUCT: DEFINITIONS

In its primary prevention and awareness programs for incoming students and its ongoing prevention and awareness programs for students, Colby provides the following definitions for students to understand Prohibited Conduct. Sexual Misconduct is an umbrella term used to encompass the full range of conduct of a sexual nature unacceptable to our community. It includes any Prohibited Conduct as listed below or other acts of misconduct of a sexual nature.
**Sexual Assault** is having or attempting to have sexual intercourse with another individual, including: (1) by use of force or threat; (2) without Affirmative Consent; or (3) where the individual is incapacitated or physically or mentally unable to make informed or reasonable judgments and where the Responding party (the party against whom a Sexual Misconduct report is filed) knew or should have known the person to be incapacitated. For purposes of this definition, sexual intercourse includes vaginal, anal or oral penetration, no matter how slight, with any body part or object, or oral penetration involving any form of mouth to genital contact. For purposes of these regulations, Sexual Assault includes rape, fondling or statutory rape as those crimes are defined by the FBI Uniform Crime Reporting Program. [https://www.ucrdatatool.gov/offenses.cfm](https://www.ucrdatatool.gov/offenses.cfm). This definition conforms to the FBI’s Uniform Crime Report and Clery Act definition and also conforms to the definition of rape under Maine law. Sexual Assault can be committed by any person against any other person, regardless of gender, gender identity, sexual orientation, or past or current relationship status. Sexual Assault may occur with or without physical resistance or violence.

**Sexual Exploitation** occurs when a person takes sexual advantage of another person as noted below without the Affirmative Consent of the person (see above for the definition of Affirmative Consent). Examples of behavior that could constitute sexual exploitation include but are not limited to the following:

- Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of or with the result of compromising that person’s ability to give Affirmative Consent to sexual activity;
- Allowing third parties to observe private sexual activity from a hidden location (e.g. closet or window) or through electronic means (e.g. Skype or live-streaming of images);
- Engaging in voyeurism (e.g., watching private sexual activity without the consent of the participants) or viewing another person’s intimate parts (including genitalia, groin, breasts or buttocks) without Affirmative Consent;
- Recording or capturing through any means images (e.g., video, photograph) or audio of another person’s sexual activity, intimate body parts (including genitalia, anus, groin, breasts or buttocks), or nudity without that person’s Affirmative Consent;
- Distributing images (e.g., video, photograph) or audio of another person’s sexual activity, intimate body parts (including genitalia, anus, groin, breasts or buttocks), or nudity, if the individual distributing the images or audio knows or should have known that the person(s) depicted in the images or audio did not provide Affirmative Consent to such disclosure;
- Disseminating or posting of images or recordings of private sexual activity and/or a person’s intimate parts (including genitalia, groin, breasts or buttocks) without Affirmative Consent;
- Prostituting another person;
- Knowingly exposing another person to a sexually transmitted infection or virus without the other’s knowledge;
- Exposing one’s genitals or inducing a person to expose their genitals without Affirmative Consent;
• Viewing another person’s sexual activity, intimate body parts, or nudity in a place where that person would have a reasonable expectation of privacy without that person’s Affirmative Consent; and/or

• Viewing the other person’s or persons’ sexual activity, intimate body parts, or nudity in such a place where a reasonable person would know or should have known that the person(s) being viewed would object.

**Note:** Colby’s prohibition of Sexual Exploitation is not intended to prohibit the use of legal sexually explicit materials that are reasonably related to Colby’s academic mission. Specifically, this section is not intended to proscribe or inhibit the use of sexually explicit materials, in or out of the classroom, when in the judgment of a reasonable Colby faculty member they arise appropriately to promote genuine discourse, free inquiry, and learning.

**Intentional Non-Consensual Contact** is contact, intended by a person without the other person’s Affirmative Consent, with the intimate body parts (genitalia, breasts, anus, groin, buttocks) of the other person that does not meet the definition of behaviors prohibited under the definition of "Sexual Assault," (see above for the definition of Sexual Assault). Examples include making someone else touch your intimate body parts; or you touching another person’s intimate body parts.

**Intimate Partner Violence** includes dating violence and domestic violence. Intimate Partner Violence includes use of physical, emotional or sexual abuse and/or intimidation to impose sustainable emotional distress, arouse fear, and/or prevent a partner from doing what they wish or force them to behave in ways that they do not want. The above occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic or other intimate relationship. Colby will evaluate the existence of an intimate relationship based on the Reporting party’s statement and taking into consideration the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Intimate Partner Violence may include any form of Prohibited Conduct under this policy, including Sexual Assault, stalking, and physical violence.

**Stalking** occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person, under the same circumstances, to fear bodily injury or to experience substantial emotional distress. **Course of conduct is defined as multiple acts,** including but not limited to acts in which a person: directly, indirectly, or through third parties, by any action, method, device, or means, and/or follows, monitors, observes, surveils, threatens, or communicates to or about another person and/or takes, damages or withholds another person’s property.

Stalking includes “cyber-stalking,” a particular form of stalking in which a person uses electronic media such as the Internet, social networks or media, blogs, electronic devices, texts, or other similar devices or forms of contact. It also includes, but is not limited to, sending unsolicited communications about a person, or their friends, family or co-workers, or sending/posting unwelcome and unsolicited messages with another username. Colby considers the totality of the circumstances in evaluating whether stalking has occurred. Examples of stalking behaviors or activities include, but are not limited to the following, if they occur in the context of stalking as defined above:
Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, text messages, written letters, gifts, or any other communications that are unwelcome.

- Use of online, electronic or digital technologies in connection with such communication, including but not limited to:
- Posting of pictures or text in chat rooms or on websites;
- Sending unwanted/unsolicited e-mail or talk requests;
- Posting private or public messages on Internet sites, social networks, and/or school bulletin boards;
- Installing spyware on a person’s computer; and/or
- Using Global Positioning Systems (GPS) or similar technology to monitor a person.
- Pursuing, following, waiting for, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the person, to an extent or in a manner that might reasonably cause distress;
- Surveillance or other types of observation including prolonged staring or “voyeurism”;
- Trespassing;
- Vandalism;
- Direct verbal or physical threats;
- Gathering information about an individual from friends, family, or co-workers, to an extent or in a manner that might reasonably cause distress;
- Accessing private information through unauthorized means;
- Threats to harm self or others;
- Defamation and/or lying to others about the person, or
- Using a third party or parties to accomplish any of the above.

**Sexual Harassment** is any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical or otherwise, when the conditions outlined below, are present.

Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person’s employment, academic standing, or participation in any Colby programs and/or activities, or is used as the basis for Colby decisions affecting the individual (often referred to as “quid pro quo” harassment); or

Such conduct creates a hostile environment. A hostile environment exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the College’s educational or employment programs and/or activities. Conduct, which can include expression— that is, verbal statements rising to the level of sexual harassment—must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective. In evaluating whether a hostile environment exists, Colby will consider the totality of the known circumstances, including but not necessarily limited to:
• The frequency, nature and severity of the conduct;
• Whether the conduct was physically threatening;
• The effect of the conduct on the Reporting party’s mental or emotional state;
• Whether the conduct was directed at more than one person;
• Whether the conduct arose in the context of other discriminatory conduct;
• Whether the conduct unreasonably interfered with the Reporting party’s educational or work performance and/or College programs or activities;
• Whether the conduct unreasonably interfered with the Reporting party’s educational opportunities or performance (including study abroad), university-controlled living environment, work opportunities or performance;
• Whether the conduct was humiliating; and
• Whether the conduct implicates concerns related to academic freedom or protected expression.

Determining what constitutes Sexual Harassment depends on the specific facts and context in which the conduct occurs. For example, Sexual Harassment:

• May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated;
• Does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents;
• May occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation;
• May be committed by anyone, regardless of gender, age, position, or authority, including between peers or between individuals in a hierarchical relationship;
• May be aimed at coercing an individual to participate in an unwanted sexual relationship, or may have the effect of causing an individual to change behavior or performance;
• May occur in the classroom, in the workplace, in residential settings, over electronic media (including the internet, telephone, and text), or in any other setting;
• May be committed in the presence of others or when the parties are alone;
• May consist of repeated actions, or may arise from a single incident if sufficiently egregious; or
• May affect the Reporting party and/or third parties who witness or observe harassment.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if it is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of Sexual Assault, for example, may be sufficiently severe to create a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.
Retaliation is action directly or indirectly against a person who has in good faith made a report or is responding to the good faith report under this policy or has participated in an investigation is prohibited. Retaliation includes but is not limited to ostracizing the person, pressuring the person to drop an investigation, or to provide false or misleading information, engaging in conduct that may reasonably be perceived to affect adversely that person's educational, living, or work environment, threatening, intimidating or coercing the person, or otherwise discriminating against any person for exercising their rights or responsibilities under this policy. Depending on the circumstances, Retaliation may also be unlawful. Retaliation under this policy may be found whether or not the underlying report is ultimately found to have merit. Reports of Retaliation should be reported to the Title IX Coordinator, immediately. Reports of Retaliation will be resolved through the Code of Conduct disciplinary process.

Complicity is any action taken by a person with the purpose of aiding, facilitating, promoting or encouraging the commission of Prohibited Conduct under this Sexual Misconduct policy by another person.

Other Definitions

Reporting Party is typically an individual who has experienced and reports alleged Sexual Misconduct, and/or pursues an informal/alternative resolution and/or files a formal report of a violation of Colby policies. In cases where a person involved in an incident of alleged Sexual Misconduct does not wish to participate in the process, but Colby determines that the alleged misconduct needs to be investigated, Colby may pursue an investigation and resolution under this policy without a designated Reporting party. In that case, Colby becomes the Reporting party. In these cases Colby may extend some or all of the accommodations, interim measures, and support services, as described in the policy, to the affected parties as deemed appropriate by the Title IX Coordinator. For ease of reference, the term "Reporting party" is also used throughout this policy to refer generally to an individual who was allegedly subjected to Prohibited Conduct as defined in this policy.

Responding party is an individual whose alleged conduct is being investigated to determine if it is in violation of Colby's policies. For ease of reference, the term "Responding party" is also used throughout this policy to refer generally to an individual who allegedly engaged in Prohibited Conduct as defined in this policy.

Witness is an individual who has direct or indirect knowledge of the alleged conduct that is being investigated. The term does not include character witnesses; and character witnesses are not involved in any process under this policy.

Party/Parties refers to the Reporting party and the Responding party involved in this Sexual Misconduct process.

Title IX Coordinator is a trained administrator responsible for coordinating Colby's efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator's responsibilities include overseeing the processes for handling and responding to all reports of possible sex discrimination and identifying and addressing any patterns or systemic problems that arise during the review of such reports. Colby's Title IX Coordinator also participates in Colby's handling and responding to reports of Sexual Misconduct as defined in this policy. The Title IX Coordinator is responsible for facilitating the investigation and resolution of all reports...
under this policy including the assignment of an Investigator. Contact information for the Title IX Coordinator: (207) 859-4256 or titleix@colby.edu. Title IX Coordinators may include deputy Title IX Liaison(s), who are responsible for providing guidance to staff and faculty regarding reporting and processes.

**Investigator** is a trained Colby administrator or outside professional designated to investigate the alleged conduct to determine whether, based on a preponderance of the evidence, the conduct that occurred and whether such conduct constitutes a violation of this policy – resulting in a finding of responsible or not responsible. The Title IX Coordinator, in consultation with other Colby administrators, determines and assigns the trained Investigator for each case based on a number of factors including but not limited to the level of threat to the community, the number of individuals, and the potential resources needed to complete the investigation.

**Investigation** is the term used to describe the process to make a determination of a policy violation.

**Covered Third Parties** under Title IX and/or Colby’s policy are third parties who participate in Colby’s programs or activities, but are not necessarily enrolled at the College, and are protected from Sexual Misconduct arising out of those programs or activities. Such individuals will be referred to in this policy as “covered third parties.” Thus, any covered third party who participates in any Colby program or activity may submit a report of Sexual Misconduct under this policy, as applicable. Colby will take appropriate action, to the extent practicable given Colby’s limited authority, in response to a report or report of Sexual Misconduct by a student against a third party.

**Days:** As used in this policy, the term “day” means “business day”, that is, Monday-Friday and does not include days when the College is officially closed. Please check the College schedule because the College is not closed on all federal or state holidays.

**Faculty and Staff Sexual Relationships with Students**

It is a violation of College policy for a faculty member, academic administrator (e.g. library director, athletic director), Dean of the College staff, or academic staff member (e.g., teaching assistants and associates, librarians, coaches, administrative assistants, language assistants) to engage in an amorous, dating, or sexual relationships with a student. Likewise, staff members who have direct management authority over a student may not engage in such relationships. If you have questions about whether a relationship with a staff member is prohibited, please consult the Title IX Coordinator or one of Colby’s confidential resources, identified on the first page of this policy.

**Accommodations and Support Services**

The College provides accommodations and support for Reporting parties impacted by Sexual Misconduct. Reporting parties are provided with written notification of the resources available to help them determine the best course of action for their situation. It is not necessary to file a report with Colby, participate in a resolution process, or file a report in order to request support services. Reporting parties seeking accommodations may contact Emily Schusterbauer, Colby’s Confidential Advocate, if they wish to remain anonymous. Accommodation arrangements include:
• Short-term academic accommodations such as an extension of a deadline on a paper or project.
• Changing transportation or working arrangements or providing other employment accommodations, as appropriate;
• Assisting the individual in accessing support services, including, as available, victim advocacy, academic support, counseling, disability, health or mental health services, visa and immigration assistance, student financial aid services, and legal assistance both on and off campus, as applicable;
• Temporary housing options;
• Informing the individual of the right to report a crime to local law enforcement and/or seek orders of protection, restraining orders, or relief from abuse orders from United States courts or courts outside of the United States as applicable, and providing assistance if the individual wishes to do so. Colby will also work with Reporting party and others to respect and implement the requirements of such orders on premises that it owns, manages or controls, as necessary and appropriate.

Certain accommodations do require a report to the Title IX Coordinator. A Reporting party must provide information, in writing, as to why the accommodation(s) is necessary under Title IX. The Title IX Coordinator in consultation with others the Coordinator deems necessary will determine whether the request for accommodations is appropriate. Accommodations may include, but not limited to:

• Longer term academic accommodations including but not limited to incompletes, course changes or late drops, or other arrangements as appropriate; accommodations cannot change a course curriculum;
• Residential accommodations, including but not limited to arranging for new housing.

Factors to be considered in determining reasonable services or accommodations may include the following:

• The specific need expressed by the Reporting party;
• The severity and/or pervasiveness of the allegations;
• Any continuing effects on the Reporting party;
• Whether the Reporting party and the Responding party share the same residence hall, dining hall, class, extracurricular activities, transportation or job location; and
• Whether other corrective (including court-ordered) measures have been put in place to protect the Reporting party.

Students can contact the Confidential Title IX Advocate or the Title IX Coordinator, as set forth at the outset of this policy. If you need assistance after normal business hours (Monday through Friday 8:00 a.m.-5:00 p.m. or when Colby is closed), please contact Campus Security at 1-(207)-859-5911 and ask for the Confidential IX Advocate or the Title IX Coordinator and leave your number. Campus Security will contact either the Confidential Title IX Advocate or Title IX Coordinator.

At the request of the Reporting party, Colby will strive to maintain as confidential any services, accommodations or protective measures provided to Reporting party(s), to the extent that maintaining such confidentiality will not impair the ability of Colby to provide the services,
accommodations or protective measures. As such, Colby may need to disclose some information to other employees to provide the necessary accommodations or protective measures in a timely manner. The Title IX Coordinator is typically responsible for determining what and to whom such information should be disclosed.

**Interim Measures and No Contact Directives**

The College may provide interim measures for student(s) impacted by Sexual Misconduct. Interim measures pending the outcome of an investigation may be requested by the Reporting party and may be implemented by the College. Interim measures are not a determination of responsibility and should not be viewed as such. In order to request interim measures a student must file a report with the Title IX Coordinator. A Reporting party must provide information as to why the interim measures are necessary and understand that the Responding party will be notified. Interim measures may include:

- No Contact Directives restricting encounters and communications between the parties (see below);
- No Trespass Orders prohibiting the presence of an individual on Colby property, and/or other properties on which Colby programs are occurring (see below);

**No Contact Directives:** When Sexual Misconduct or related Retaliation has been reported, or when otherwise deemed appropriate under the circumstances, the Title IX Coordinator or designee may issue a No Contact Directive to the persons involved, whether or not disciplinary action is taken. A No Contact Directive is used to restrict encounters and communications between individuals.

**No Trespass Order:** When Sexual Misconduct or related Retaliation has been reported, or when otherwise deemed appropriate under the circumstances, the Title IX Coordinator or designee may issue a No Trespass Order through Campus Security. A No Trespass Order prohibits the presence of an individual on Colby property, or other properties which Colby owns, manages or occupies. Violating a No Trespass Order is considered a violation of Colby policy. Violation of a No Trespass Order may lead to arrest and prosecution.

**Effect of Interim Measures:** While interim No Trespass Orders and No Contact Directives, by themselves, do not constitute discipline and will not appear in a student’s disciplinary record, refusal to adhere to these measures after written or verbal notification of its terms is prohibited and may result in disciplinary action. Unless there is continued harm or threat or a report results in an informal resolution or investigation and formal action under the Sexual Misconduct Policy and/or other Colby policies, such interim measures shall be discontinued within an appropriate period of time depending on the facts of the particular case and as determined by the Title IX Coordinator.

**Contact:** Students can contact the Title IX Coordinator at (207) 859-4256. If you need assistance after normal business hours (Monday through Friday 8:00 a.m.-5:00 p.m. or when Colby is closed), please contact Campus Security at 1-(207)-859-5911 and ask for the Confidential IX Advocate or the Title IX Coordinator and leave your number. Campus Security will contact either the Confidential Title IX Advocate or Title IX Coordinator.
Confidential Support Services:

Colby encourages individuals to report incidents of Sexual Misconduct and related Retaliation so that they can get the necessary support and so that Colby can respond appropriately. Certain Colby employees may honor a request for confidentiality, but most cannot. Although strict confidentiality may therefore not be guaranteed, in all cases Colby will handle information in a sensitive manner and will endeavor to protect the privacy of individuals to the extent it can do so consistent with its obligations to respond to reports of Sexual Misconduct and related Retaliation. This section is intended to inform students, faculty, staff and covered third parties of the various reporting and confidential disclosure options available to them, so that they can make informed choices about where to go for help. Individuals are encouraged to seek support from internal and external resources such as confidential advocate, counseling services, health services, advocacy services, and/or religious and spiritual leaders.

In general, the law recognizes and protects the confidentiality of communications between a person seeking care and a medical or mental health professional, religious advisor or trained Sexual Assault advocate. The medical, mental health, and religious professionals are confidential at Colby, and their off-campus counterparts respect and protect confidential communications from students, faculty, and staff to the extent they are legally able to do so. These professionals may have to disclose a confidence, however, when they perceive a serious risk of danger or threat to any person or property. In addition, medical and mental health professionals may be required by law to report certain crimes (e.g., any allegation of sexual and/or physical abuse of a person under 18). These exceptions to confidentiality are governed by Maine laws.

Confidential Campus Support are individuals who are legally or ethically bound to keep confidential all information shared with them in the course of providing counsel and support, except under the circumstances noted below. The identities of those individuals who are permitted to honor a confidentiality request appear on the first page of this policy. Colby respects that the decision to come forward may be difficult and that individuals may wish to seek assistance from someone who can confidentially offer information and support, and who can provide assurances that the disclosed information will not be acted on except in the circumstances outlined below. If an individual insists on maintaining confidentiality, it may be difficult for Colby to conduct an investigation into the particular incident or pursue disciplinary action against a party who has allegedly committed Sexual Misconduct. However, confidential resources may assist the individual in receiving other forms of protection and support, such as victim advocacy; academic accommodations; disability, health or mental health services; and changes to living, working, or transportation arrangements. An individual who initially requests confidentiality may later decide to file a report with Colby or report the incident to local law enforcement, and thus have the incident fully investigated. These confidential resources will help to direct the individual to the appropriate resources in the event that the individual wishes to file an internal report with Colby or report to the police. They are identified at the outset of this policy.

Non-Confidential Campus Support Employees (Responsible Employees) are all faculty or staff members, including Campus Life staff (e.g. - community advisors (CAs), area residential directors (ARDs)), and Campus Security Authorities who are not confidential campus support resources and therefore not permitted to honor requests for confidentiality. Non-confidential faculty or staff who learn of an incident of alleged Sexual Misconduct or related Retaliation
involving a student are required to report that information to the Title IX Coordinator, 1-(207)-859-4256 or titleix@colby.edu and they are responsible employees to this extent noted in Section C, below. The Title IX Coordinator and any Deputy Title IX Liaison(s) are responsible employees for the purposes of redressing reports of Sexual Misconduct and related Retaliation in accordance with this policy.

**Responsible Employees and Disclosures to Responsible Employees and Request for Confidentiality:** Other than those staff identified above as confidential resources, faculty and staff are required to report alleged incidents and disclosure from students if the faculty or staff member becomes aware of the alleged Sexual Misconduct. General inquiries to Colby officials about policies or procedures, and conversations in which the Responding party is not identified by name or by implication from the circumstances, may remain private. Otherwise, students who seek to maintain confidentiality should seek a confidential resource as listed in Section A, above. If a responsible employee receives a report before hearing it fully, that employee should be clear with the Reporting party that (i) they are not a confidential resource, if they are not so designated, and (ii) they are obligated to report an incident to the Title IX Coordinator.

**Students with Learning Differences, Disabilities, and Chronic Illness:**

Students registered with the Dean of Studies Office can request reasonable accommodations to ensure their full and equal participation in any process related to the Sexual Misconduct Policy. Accommodation requests may be made directly to the Title IX Coordinator. Accommodations are determined on an individual basis in consultation with the Dean of Studies Office.

**Options for Reporting to the College**

Any allegation of Prohibited Conduct should be reported to the Title IX Coordinator at, 1-(207)-859-4256 or titleix@colby.edu. Students impacted by Sexual Misconduct have three options for notifying the College. In addition to the reporting requirements of responsible employees, above, any Colby student or Covered Third Party who has reasonable cause to believe that Sexual Misconduct and/or related Retaliation has occurred or is occurring may report this information to the immediate attention of the Title IX Coordinator. A report may be made verbally (in person, by phone, or videoconferencing) or in writing (via mail, email, or on-line form) and will ultimately need to be recorded in written form by the Reporting party or a member of the staff involved with the investigation.

When a student is reporting alleged Sexual Misconduct by an employee or third party, the Title IX Coordinator will coordinate with appropriate administrators to process the report in accordance with the applicable policies, including faculty and staff policies. The Title IX Coordinator is responsible for ensuring that all policies and procedures are followed.

Reports made after business hours (8:00 a.m.-5:00 p.m.) Monday through Friday or on weekends and holidays can be made to Campus Security at (207) 859-5530 or you can ask to speak with the Title IX Coordinator and provide your number to Campus Security for a return phone call.

Sexual Misconduct can be reported to the Department of Security, 207-859-5530, anytime and the proper resources will be notified.
Relevance of Sexual Orientation, Gender Identity, and Sexual History: The sexual orientation, gender identity, and/or gender expression of individuals engaging in sexual activity is not relevant to allegations under Colby’s policy. An individual’s sexual history with anyone other than with those involved in a report is not relevant or admissible in any process under this policy. Past consent between two parties does not imply that there was Affirmative Consent at the time of the conduct that resulted in a report.

Information Supplied: When the Title IX Coordinator receives a report of Sexual Misconduct, the Title IX Coordinator will provide written notice about resources and supports available, and discuss available options for resolving the report. Colby is obligated to take prompt action to eliminate Sexual Misconduct, prevent its recurrence, and address its effects even if the Reporting party prefers that Colby take no action, wishes to remain anonymous, or chooses not to move forward with an investigation. Please see information in Section XII A and B regarding confidentiality.

Resolution Options for Reports Regarding a Student: Colby offers three options for resolving Sexual Misconduct and/or Retaliation, which the Title IX Coordinator will review with the Reporting party. After reviewing the options, a Reporting party will have up to five days to choose among the three options. During the five days, Colby encourages the Reporting party to seek advice from a trusted mentor or confidential support person (as identified on the first page of this policy). If additional time is needed, the Reporting party must request in writing an extension of time from the Title IX Coordinator. If the Reporting party does not select an option within the time provided for a choice, the Reporting party shall be deemed to have selected the first option, below.

The three options are:

Report the Sexual Misconduct and request that Colby take no additional action. In this case, the Title IX Coordinator will assess the request for no additional action based on Section XII, below, and within the broader context of Colby’s obligation to maintain a safe campus community. This option is not available when the Reporting party is a student and the alleged incident involves an employee.

Report and choose to pursue an informal resolution process to resolve the Sexual Misconduct. This process is voluntary between the Reporting party and Responding party and may only be used if the parties agree and if Colby’s Title IX Coordinator determines a particular report of Sexual Misconduct is appropriate for such a process based on the Section XII A and B. The Title IX Coordinator may consult with other Colby employees to make a determination. If the informal resolution process proceeds, the Title IX Coordinator will provide the Parties with a detailed letter noting the names of those involved in the alleged incident (including the names of the Parties); the date and location of the alleged Sexual Misconduct; the conduct constituting the potential violation of this policy; the details regarding the alleged misconduct; and where to locate information about the applicable resolution options. The Title IX Coordinator will meet with the Responding party to review the process, in detail. Written notice of options and resources available with be provided. Prior to the Responding party’s meeting with the Title IX Coordinator, the Responding party will have at least five days to review the letter and prepare for the initial meeting. The Responding Party may wish to consult with an advisor (as that term is described below) prior to meeting with the Title IX Coordinator. Statements and information from the informal resolution process cannot be used if the process is unsuccessful and a formal
investigation ensues; and cannot be used against a student in any academic or Colby student employment unless the information disclosed creates a concern that there is a risk to the community. Likewise, if the Parties fail to reach an informal resolution, information including disclosures, offers, negotiations, and proposals will not be admitted or considered by the Investigator or Sexual Misconduct Panel. This is to protect the integrity of the informal resolution process. Either Party may end the informal resolution process at any time.

Examples of informal/alternative resolution include:

- Restorative justice$^2$;
- Voluntary mediation
- Communication with the Parties about the effects of the incident in question through the Title IX Coordinator or designated Colby employee;
- Agreements regarding enrollment in academic, educational, and/or co-curricular programs and activities;
- Measures such as voluntary No Contact Directives and/or No Trespass Orders;
- Counseling or educational sessions to address the incident and reduce future incidents;
- Voluntary withdrawal or suspension from Colby activities; and
- Other voluntary and appropriate measures agreed to by the Parties which Colby views as appropriate for the Sexual Misconduct policy violation.
- Report the Sexual Misconduct and request that Colby pursue an investigation and any potential disciplinary action with the Responding party. The Title IX Coordinator in collaboration with Colby personnel will assess the report, determine whether or not to refer the report to investigation and select the Investigator. The investigation process is described more fully in Section XIV, below. Should the Title IX Coordinator determine the report will not be referred to an Investigator, the Title IX Coordinator will provide written rationale to the Reporting party.

Other Provisions Regarding Options.

**No Dispute about Facts or Violation:** When there is no dispute between the Parties as to the facts or the alleged policy violation, the Title IX Coordinator has the discretion to address the matter through the resolution processes under the non-Title IX/sexual misconduct provisions in the Student Handbook.

**Applicability of Interim Measures:** During the process of resolving the report of Sexual Misconduct, the Title IX Coordinator may impose interim measures (see Section VIII, above) as deemed appropriate. When the totality of the circumstances suggest additional measures are appropriate, temporary removal of a student from campus may be necessary. Any other interim measures deemed necessary for the protection of the parties or Covered Third Parties may be initiated by Colby at any time.

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$^2$ Broadly defined, “restorative justice”, as it applies to colleges, is an approach to justice in which the response to a crime/misconduct is to organize a mediation between the victim and the offender, and sometimes with representatives of a wider campus community. The goal is to negotiate a resolution to the satisfaction of all participants.
**Advisors:** Both Parties may be accompanied by an advisor of their choice throughout any resolution process. The advisor may not be a witness involved in the investigation and must agree to keep all information confidential. In all cases a party may select an attorney as their advisor at that party's expense. The role of the advisor is to advise their respective party. The advisor is permitted to speak with their respective party, but may not speak on behalf of their respective party at any time during the interviews with the Title IX Coordinator or the Investigator, except as permitted by the Title IX Coordinator or Investigator. The advisor may not make statements or objections or interview or question any Party or witnesses at any point during these processes, including any investigation, hearing panel or alternative dispute resolution proceeding.

**Reporting Party and Cooperation:** The Reporting party plays an active role in determining the objectives of the process; however, even if the Reporting party does not want to participate in or cooperate with the process, Colby may be obligated to conduct an investigation to the fullest extent possible to prevent possible recurrence of Sexual Misconduct, to ensure a safe campus community, and to remedy its effects on the Reporting party and others. Likewise, a Reporting party may request that the identity of the Reporting party or others involved in an incident be kept confidential. The Title IX Coordinator will weigh the request against its impact on any investigation which the College deems necessary.

**Additional Time:** If additional time is needed to prepare for any intake, interview, report review or response, or Sexual Misconduct Panel procedure, a Party must notify the Title IX Coordinator in writing. Any request for additional time must set forth good cause for the request. If the request for more time is appropriate, each party will be granted the same amount of additional time, as deemed reasonable by the Title IX Coordinator.

**Legal Consultation:** For parties in need of consultation with an independent attorney, Colby maintains a list of attorneys available for an initial consultation who are familiar with Title IX. Both parties may avail themselves of a fund to pay up to $500.00 for an initial consultation and Colby will arrange for transportation to that attorney’s office if a party does not have access to a vehicle. Arrangements for the use of that fund must be made through the Title IX Coordinator at, 1-(207)-859-4256 or titleix@colby.edu. The fund is available for an initial consultation only, and if a party elects to retain that or another attorney thereafter, the party must do so at its own cost.

**Time Frame for Reporting:** All Colby students, faculty members, staff members and covered third parties have the right to pursue Sexual Misconduct reports beyond Colby, and are encouraged to use local, state, or federal enforcement agencies, including local police, as applicable, regardless of whether they choose to file a report with Colby. Reporting parties and third-party witnesses are encouraged to report alleged Sexual Misconduct violations as soon as possible to maximize Colby’s ability to respond promptly and effectively. Colby does not, however, limit the time frame for reporting. If the Responding party is not a member of the Colby community, Colby will still seek to meet its Title IX obligations by taking steps to end the misconduct, prevent its recurrence, and address its effects, but its ability to take disciplinary action may be limited.

**Impact of Criminal Proceedings:** Colby will not necessarily wait for the conclusion of a criminal investigation or proceeding to begin its own investigation and resolution of reports under this policy. Colby will, however, comply with valid law enforcement requests in a criminal
investigation. As such, Colby may temporarily delay its investigation or resolution process while law enforcement is in the process of an investigation or proceeding. During this period, Colby may also impose interim measures to promote the safety and well-being of all Parties and the College community.

**Anonymous On-Campus Reporting:** Students may anonymously report Sexual Misconduct by going to colby.edu/sexual misconduct and clicking on report.

**Evaluating Requests for Non-Action after Reporting**

**Evaluating Requests for Non-Action in Sexual Misconduct Cases:** If an individual discloses an incident of Sexual Misconduct but requests that no investigation into a particular incident be conducted or disciplinary action taken, Colby will make every effort to respect this request and will evaluate it against its responsibility to provide a safe, non-discriminatory environment for all students, faculty and staff, including the individual who reported the Sexual Misconduct. Although rare, there are times when Colby may not be able to honor the individual’s request. Further, if Colby honors the request for non-action, Colby’s ability to appropriately investigate the incident and pursue disciplinary action against the Responding party, if warranted, may be limited. Colby has designated its Title IX Coordinator as responsible for evaluating requests for non-action. In considering an individual’s request for non-action, the Title IX Coordinator may consult with other Colby personnel, or law enforcement authorities which the Coordinator deems appropriate. Factors to be considered in determining whether non-action should be honored may include but are not limited to whether:

- There is an increased risk that the Responding party will commit additional acts of Sexual Misconduct or other violence;
- There have been other Sexual Misconduct reports about the same Responding party;
- The Responding party has a history of arrests or records from a prior institution indicating a history of violence or illegal Sexual Misconduct;
- The Responding party has threatened further Sexual Misconduct or other violence against the individual or others;
- The alleged Sexual Misconduct was committed by multiple Responding parties;
- The alleged Sexual Misconduct was perpetrated with a weapon;
- The Reporting party is at an age where sexual relationships are prohibited under Maine law (see Section III, above);
- There is an employee alleged to have committed a violation of this policy; and/or
- Colby possesses other means to obtain relevant evidence (e.g., witnesses, security cameras, information known to Colby personnel, or physical evidence).

The presence of one or more of these or other factors may prompt an investigation and resolution under Colby’s policies and, if appropriate, result in disciplinary action.

**If Non-Action is Requested but Cannot be Honored:** If Colby determines that it cannot honor an individual’s request for non-action, Colby will inform the individual prior to conducting an investigation (unless extenuating circumstances are present) and will, to the extent possible, only share information with those individuals who are responsible for Colby’s response to the incident. Colby may encourage, but will not require the individual to participate in any
investigation or disciplinary proceeding, nor will it require the individual to personally report any information to law enforcement authorities.

If, when responding to reports of Sexual Misconduct or related Retaliation, Colby determines it is obligated to take any action that would involve disclosing a reporting individual's identity to the Responding party, or an action in which the reporting individual's identity may be easily determined by the Responding party, the individual will be informed before the action is taken (unless extenuating circumstances are present). If the reporting individual requests that the Responding party be informed that the reporting individual requested that there be no investigation or disciplinary action, Colby will inform the Responding party that it made the decision to investigate despite the request.

Colby will take supportive measures when requested and reasonably available that are designed to prevent and address Retaliation against individuals whose requests for confidentiality have not been honored and to respond to their needs for support, services and accommodations.

**When a Request for Non-Action Can be Honored:** If Colby determines that it can honor the individual's request that a report of Sexual Misconduct or related Retaliation not be investigated/resolved, Colby will take action to assist the individual, including the measures identified in Section VII, above, where such measures are requested and reasonably available. As noted in Section VII, if Colby honors a request for non-action, this may limit Colby’s ability to fully respond to the incident, including the imposition of interim measures or disciplinary sanctions against the Responding party.

**Exceptions to the Non-Action Request: Disclosure During Investigations and Resolution:** Colby will handle information related to alleged violations of this policy with sensitivity and discretion. However, Colby may be required to disclose information relating to an incident (including the identity or parties, witnesses or others). Such exceptions include:

**Disclosure Required by Law:** In certain circumstances, Colby may need to report an incident to law enforcement authorities. Such circumstances include but are not limited to incidents that warrant the undertaking of safety and security measures for the protection of individuals and/or the campus community from criminal or illegal conduct, or situations in which there is clear and imminent danger to one or more individuals and/or a weapon may be involved. A Reporting party may choose to notify authorities personally and directly with or without Colby’s assistance, or may choose not to notify such authorities personally; for more information, see Section XI, below.

**Campus-Wide Timely Warning:** If a report of Sexual Misconduct indicates that there is a serious or continuing threat to the Colby community, the College may issue a campus-wide timely warning (which may take any form that is appropriate) to protect health and safety.

**False Reports**

The College will not tolerate intentional false reporting of Sexual Misconduct. Colby takes the accuracy of information very seriously, as a charge of Sexual Misconduct may have severe consequences for a Responding party or others involved. A good faith report that results in a finding of not responsible is not considered a false or fabricated accusation of Sexual Misconduct. However, individuals who are found to have fabricated allegations or intentionally
given false information in a report or investigation may be subject to disciplinary action. It is a violation of Colby’s Code of Conduct to make an intentional false report of any policy violation.

**Investigation Process and Sanctioning:**

If an investigation (option 3) is pursued, that process involves up to three phases: (1) intake, (2) investigation, and (3) sanctioning, if required.

**Formal Investigation Process - Rights:** Once it is determined that Colby will pursue an investigation under this policy, the rights set forth below will apply.

**Impartial, Equitable Investigation; Bias and Conflicts:** If either Party is concerned that an official involved in the investigation may have a conflict of interest, the Party should share their concerns immediately. Concerns of this nature should be shared with the Title IX Coordinator and concerns about the Title IX Coordinator should be shared with the Dean of Students. The official with whom the concern is shared will consider the concern and the Parties will be informed as to whether any action is appropriate.

**Rights of the Reporting and Responding parties:** An individual (“they” as listed below in this section) whose report(s) of Sexual Misconduct or related Retaliation is being investigated and resolved by Colby can anticipate that:

- They will be provided with a copy of Colby’s Policy Against Sexual Misconduct.
- They will be treated with sensitivity, dignity, respect and in an unbiased manner by all involved administrators, Investigators and members of the Sexual Misconduct Panel (as that panel is described below).
- They will be afforded the rights outlined in this policy throughout the investigation and Sexual Misconduct Panel process.
- They will be given periodic status updates throughout the investigation and Sexual Misconduct Panel process.
- They may access Colby’s and/or external resources for medical and counseling services at any time.
- They may be accompanied by an advisor as noted above.
- They may meet with the Title IX Coordinator prior to the determination of a finding.
- They have the right to an appeal as outlined in this policy.

Subject to restrictions governing disclosure under federal law, they will be informed in writing, of:

- The result;
- The outcome of the Sexual Misconduct Panel and sanctions.
- If you have questions about these restrictions, please contact the Title IX Coordinator.
- They may retain legal counsel at their expense at any time as their advisor.

An attorney who wishes to communicate with Colby about a case may contact Colby’s designated legal counsel directly. Attorneys who serve as advisors during this process are subject to the same restrictions applicable to all advisors.
Investigation Process

The Title IX Coordinator will provide the Parties with a detailed letter noting the names of those involved in the alleged incident (including the names of the Parties); the date and location of the alleged Sexual Misconduct; the conduct constituting the potential violation of this policy; the details regarding the alleged misconduct; and where to locate information about the applicable resolution options, and if a formal investigation option is chosen, the range of possible sanctions which may be imposed. The Title IX Coordinator will meet with the Responding party to review the applicable process, in detail. Prior to the Responding party’s meeting with the Title IX Coordinator, the Responding party will have at least five days to review the letter and prepare for the initial meeting. The Responding Party may wish to consult with an advisor (as that term is described below) prior to meeting with the Title IX Coordinator.

Should a Responding party who has been notified of an investigation fail to cooperate with the Investigator, the investigation may proceed, a finding may be reached, and a sanction may be imposed based on the information available. Failure to cooperate fully with the Investigator or other Colby officials (including but not limited to providing false information, as described above) may subject the student to the full range of disciplinary actions in accordance with Colby’s existing policies up to and including suspension or expulsion.

Investigations handled by a trained Investigator may include, but are not limited to the following steps:

- Interviews with the parties;
- Interviews with witnesses with direct knowledge, including any named by the Parties, as determined to be appropriate;
- Review of relevant information from Campus Security and/or other departments or College staff;
- Review of physical evidence;
- Site visit(s);
- Relevant documentation such as emails, text messages, social media posts, etc.

The Investigator may interview the Parties or any witness on multiple occasions based upon information obtained during the investigation. The Parties may suggest questions to ask of one another or witnesses through the Investigator. Final decisions about whom to interview and what questions to ask will be made by the Investigator.

Parties identified in connection with an investigation are expected to cooperate fully by providing complete, accurate, and truthful information. Witnesses may be asked to sign statements or other documents memorializing the information provided in the course of the investigation and may be asked to keep the substance of their interview confidential.

After the Investigator determines that all available relevant information has been collected, the Investigator will provide the Title IX Coordinator with the statements of the Parties and witnesses for review, which will then be shared with the Parties by the Title IX Coordinator. The Parties have five days to review their statements and reply with factual errors in their statements.
or to provide the Title IX Coordinator with written questions for the Investigator to consider for witnesses or the other Party. Changes made to a Party’s statement may be considered by an Investigator in determining a Party’s credibility. If there is additional information they wish to have the Investigator consider, they should submit a separate request with their reply. The Title IX Coordinator will return the Parties’ statements and requests to the Investigator for any updates or revisions, including additional evidence gathering that the Investigator deems appropriate.

The Investigator will then prepare a draft fact finding report. In that report, the Investigator will present all materials and make factual findings, based on all relevant evidence. The Title IX Coordinator may review the draft report and provide questions or feedback to the Investigator. After the Investigator has considered such feedback, the Investigator will submit an updated report, which will be shared with the Parties by the Title IX Coordinator. Each Party shall have ten days to review the report; and submit a reply statement to the Title IX Coordinator for the Investigator to consider. The reply statement is an opportunity for a party to address factual issues, additional sources of information, or any other claimed errors or omissions in the report or the investigation. The Title IX Coordinator will forward the reply statements for the Investigator, who will review the statements and promptly make any changes, if needed, in the Investigator’s sole discretion.

Thereafter, the Investigator will submit a final report to the Title IX Coordinator that includes a final determination of the facts, as well as a determination, based on a preponderance of the evidence standard about whether the Responding party committed one or more acts of Prohibited Conduct and/or other violations of Colby policy. This standard is not the clear and convincing\(^3\) evidence standard. The final report will be provided to the Parties for review by the Title IX Coordinator and each Party will have seven days to submit a response/personal statement raising any other information or materials for the Panel to review.

Except as provided below, the Parties are prohibited from duplicating, disclosing, or distributing the report to anyone. The report remains the property of Colby. The report’s contents will not be shared with any persons except the Sexual Misconduct Panel, the Title IX Coordinator, and with the written permission of the student, with their parent/legal guardian, advisor or attorney. Dissemination of the report or information contained within the reports by either Party to any person, including witnesses, other than their parent/legal guardian, advisor or attorney, or any publication of the report or its contents, including publication through social media, is expressly prohibited. The Parties are responsible for ensuring that their parents, legal guardians, advisors and attorneys adhere to this prohibition. Any such dissemination or publication constitutes a violation which may result in suspension or expulsion from Colby.

In cases where a Party is not a current Colby student and was not enrolled at Colby at the time of the incident giving rise to a report, they will have a right to review reports/statements, provide feedback and submit statements, and to the extent permissible under federal law, will be

\(^3\) The clear and convincing standard requires a finding that a fact or set of facts is substantially more likely than not to be true and is a higher threshold than the preponderance of the evidence standard.
informed of the Sexual Misconduct Panel's decision (and the sanctions if the case involved Sexual Assault or Violence).

Investigation Process—Sexual Misconduct Panel

Membership: The Sexual Misconduct Panel (herein referred to as “Panel”) is comprised of five trained voting members—two faculty members and three staff members – selected from a pool of trained staff and faculty members. The chair of the Sexual Misconduct Panel is appointed by the Dean of the College from one of the five selected voting members. The staff members on the Panel are appointed by the Dean of the College; the faculty members are appointed by the Provost/Dean of the Faculty. The Title IX Coordinator serves as a non-voting member and is responsible for providing the report and all supporting materials to the Panel; for scheduling the Panel meeting; for advising the Panel on sanctions as they relate to similar cases; and informing the Parties in writing of outcomes.

Impartial, Equitable Panel: The Parties will be notified of the Sexual Misconduct Panel members assigned to the case. The Parties will have three days to notify the Title IX Coordinator in writing if either Party believes that a Sexual Misconduct Panel member may have a conflict of interest or is biased, and the basis for that belief. The official with whom the concern is shared will, together with other members of the Panel, consider the concern and inform the Parties of any response to the claim.

Options: The Panel acts by majority vote. In its consideration of a case, it may: (1) Accept the Investigator’s finding that the Responding party is responsible and determine appropriate sanctions and/or other corrective action based on the circumstances of the case; and/or (2) Request that the Investigator to pursue additional factual information and/or (3) Request that the Investigator to reconsider the determination of responsibility. Any request to the Investigator must be accompanied by the grounds for the request. If the request results in changes to the report, the Parties will be provided an opportunity to reply to the revised report within three days of receipt of the report.

Panel Session: The Panel hears and considers the case in closed session. Except for the Investigator, the Title IX Coordinator and any other staff to make a record of the Panel’s proceedings, and if requested, counsel for the College, no other persons are admitted to the session. The Panel will be provided with all evidence reviewed by the Investigator, including all of the Parties’ statements.

Decisions: Decisions by the Panel must be in writing, and must fully inform the Parties of the grounds for each decision. A copy of the decision will be provided to the Parties by the Title IX Coordinator, generally within five days of the Panel meeting. In all cases of VAWA (Violence Against Women Act) violations, the Reporting party will be fully informed of any sanctions. For all other reports under the Policy, the Reporting party will be informed only of those sanctions and outcomes that directly relate to the Reporting party, and only as permitted under the disclosure restrictions in federal and any other applicable law. If you have questions about these restrictions, please contact the Title IX Coordinator.
Investigation Process—Sanctions:

The Sexual Misconduct Panel has a full range of sanctions available as well as any other corrective actions the Panel deems will prevent recurrence of Sexual Misconduct and correct its discriminatory effects on the Reporting party and/or others in the community. In imposing sanctions, the Panel may consider factors such as:

- The Responding party’s prior disciplinary history;
- The nature and violence of the conduct at issue;
- The impact of the conduct on the Reporting party;
- The impact of the conduct on the Colby community, its members and its property;
- Whether the Responding party has accepted responsibility for their actions;
- Whether the Responding party is reasonably likely to engage in the conduct in the future;
- Whether the conduct was motivated by bias, malice or ill will at any protected class under federal or state law;
- The need to deter similar conduct by others; and
- Any other mitigating or aggravating circumstances.

The following are examples of sanctions that may be imposed on students, either singly or in combination:

**Verbal documented warning:** A meeting with the student to discuss violation and issuance of a warning, which is documented in the student’s file.

**Formal warning:** A formal statement that the student’s behavior was unacceptable and a warning that future violations of College policies and rules will result in more severe action.

**Probation:** A formal statement that any future violations of College policies and rules will result in possible suspension or expulsion. Terms of the probation will be specified and may include denial of social privileges; exclusion from activities; housing restrictions/loss; referral to counseling or other supports; and/or other measures deemed appropriate.

**Suspension:** Termination of student status for a definite period or for an indefinite period with the right to re-apply after a specific length of time. Suspension may include specific conditions for the student’s return. A student returning from suspension remains on disciplinary probation for the remainder of the student’s Colby career. Other restrictions may be imposed as deemed appropriate.

**Expulsion:** Permanent separation from the College.

**Withholding Diploma:** The College may withhold a student’s diploma for a specified period of time and/or prohibit participation in commencement activities if the student has disciplinary charges pending, or as a sanction if the student is found responsible for an alleged violation.

**Revocation of Degree:** The College reserves the right to revoke a degree awarded by the College for fraud, misrepresentation, or serious violations of College policies and rules in obtaining the degree, for other serious violations committed by a student prior to graduation. The College also reserves the right to revoke an undergraduate degree for serious criminal or
unethical conduct committed after award of the degree, after notice and an opportunity to be heard.

**Other Actions:** Such other action as the Conduct Officer or Panel may reasonably deem appropriate.

In addition to or in place of the above sanctions, the Conduct Officer or Panel may assign any other sanctions deemed appropriate in a particular case, including but not limited to the following examples:

**Mandated counseling or substance abuse counseling** so the student has the opportunity to gain more insight into their behavior.

**No contact order:** A prohibition against having contact with a person or persons under specified terms and with a specified duration, based on the particular circumstances.

**Apology:** Requiring the student to write a letter of apology to affected parties or the Colby community.

**Facilitated meeting** with affected parties (by agreement of all parties) and/or use of other restorative justice practices.

**Campus or community service:** Requiring unpaid service to the College or the Waterville community with specified hours, time frame, and type of service.

**Restitution:** Reimbursement for damage to or misappropriation of property, or for personal injury, and other related costs.

**Housing related sanctions,** including but not limited to loss, revocation or restriction of privilege to live in College or off-campus housing (e.g. exclusion from specified locations or types of residence halls; alteration of status in housing lottery).

**Loss of opportunity** for leadership positions, awards, campus employment, extracurricular activities, and/or off-campus study.

**Appeals:**

Either party has seven days to submit an appeal to the Title IX Coordinator. The appeal must consist of a written statement providing the grounds for the appeal and the reasoning supporting the appeal. The appeal must be based on one of the reasons, below.

- A significant procedural error resulting in a denial of rights under this policy or impacting the fairness of the investigation/proceedings.
- The existence of new evidence, not known during the investigation process to the appealing party, which would have significant bearing on the decision.
- Aggravating or mitigating circumstances which would affect the severity of the sanction, but not presented to the Panel.

The Title IX Coordinator will forward the appeal and the full record of the case to the Dean of Students.
The Dean of Students will generally have fifteen (15) days in which to make a determination; may consult with others; and may:

- Uphold the Panel decision;
- Send the decision back through the Panel to the Investigator to consider factual questions or a determination of responsibility; or
- Send the case back to the Panel for reconsideration of sanctions; or
- In extraordinary circumstances such as bias or prejudice of the Investigator or Panel, require a new investigation by a different Investigator or a new hearing by a Panel made up of different members.

Appeal decisions shall be in writing and shall set forth the grounds for the decision. If the matter is sent back for further investigation, the Parties shall again be afforded the opportunity to submit a reply statement to the Panel, consistent with the process described above. During the appeal process, sanctions will be enforced except as determined by the Dean of Students.

**Records of the Sexual Misconduct Process:** The Title IX Coordinator is responsible for maintaining appropriate records of all Sexual Misconduct cases. Informal resolutions are not considered part of a student’s academic or disciplinary records. Students should be aware that Colby maintains records of formal disciplinary actions (including academic dishonesty and Sexual Misconduct) for a period of six years after graduation or date of last attendance. Final disciplinary actions by Colby are not noted on student transcripts, but are contained in records maintained by the Dean of the College Office. Students should be aware that certain off-campus programs, graduate schools, employers and other institutions may require the disclosure of disciplinary actions. For students with disciplinary violations, Colby will only disclose disciplinary information if the request for that information is accompanied by a written consent signed by the student. If the student does not provide consent, the College will respond that the student did not provide consent for release of records, if any. For purposes of this policy, a consent form that does not specifically address the release of disciplinary information does not constitute consent.

**Withdrawal Pending Conduct:** A Responding party will not be permitted to graduate from Colby or otherwise be deemed to have officially completed a program in which they are enrolled while a disciplinary matter is pending. The Responding party’s graduation or certification will be held in abeyance until the matter is resolved. If a Responding party withdraws with a disciplinary matter pending, the withdrawal will be considered a withdrawal from enrollment at Colby and the student will have given up the opportunity to return to Colby unless accepted again pursuant to Colby’s admissions policies and procedures. The College may continue to pursue investigation, resolution, and sanctioning under this policy even if the Responding party withdraws. The Responding party’s official status at Colby will reflect the point in the process at which they withdrew. Examples include but are not limited to "Withdrawal with a Disciplinary Matter Pending," "Withdrawal with a Disciplinary Sanction Pending," and "Withdrawal with a Disciplinary Appeal Pending." If the Responding party is readmitted to Colby, the disciplinary matter must be resolved either before or immediately upon the Responding party's return (as determined by Colby).
Faculty and Staff Advisors: Colby faculty or staff members who agree to serve as an advisor to a party are not agents or employees of Colby when acting in that capacity and do not speak or act on Colby’s behalf. The relationship between a party and any faculty or staff advisors is not confidential (or privileged), and the faculty or staff member’s duties to Colby—including all reporting obligations—remain intact. Before agreeing to serve as an advisor, faculty and staff members should evaluate whether any conflict or potential conflict of interest may warrant their declining the invitation to serve as an advisor. In addition, only attorneys can provide legal advice. As such, parties seeking legal advice should consult an attorney.

Pursuing a Criminal Report, Involvement of Law Enforcement, and Obtaining a No Contact Directive, No Trespass Orders, or Order of Protection:

In addition to (or instead of) utilizing Colby’s processes and resources, any student who wishes to file a report of criminal Sexual Misconduct—such as Sexual Assault, domestic or dating violence, or stalking—may also pursue charges with local, state, or federal law enforcement agencies. Students who wish to pursue a criminal report should contact:

Waterville Police Department
(207) 680-4700
10 Colby Street
Waterville, ME 04901

Individuals have the option to notify such agencies with or without assistance from or notice to Colby. Upon request, Colby will provide assistance to students seeking to contact law enforcement agencies. These options are available regardless of whether an individual chooses to file a report with Colby.

Colby does not have the authority to issue Protection from Abuse or Protection from Harassment Orders or Restraining Orders, as these can only be granted by the courts. Individuals who are being or who may have been subjected to Sexual Assault, domestic or dating violence, stalking and/or related Retaliation may wish to pursue such Orders from United States courts or courts outside of the United States as applicable. Colby will assist individuals about the rules and processes pertaining to these orders if they request help to seek such orders. Colby will comply with and respect such orders to the extent applicable.

Requests for any assistance described above may be made in person, or via email, phone or teleconference to the Title IX Coordinator or Campus Security staff member.

Medical Care and Evidence Preservation

Any individual who may be experiencing or has experienced Sexual Misconduct or related Retaliation is encouraged to immediately seek medical care even if the individual is uncertain about filing a report or criminal charges, or seeking court Orders. It is important for individuals to preserve all possible evidence in case they decide at some point to do so. This evidence may assist in proving whether the alleged criminal conduct (or policy violation) occurred and/or it may be helpful in obtaining a protective order. Therefore, if at all possible, individuals should refrain from changing clothes, showering or otherwise changing their physical state after an incident, until consulting with medical personnel about how to best preserve evidence. They should also preserve any available physical evidence, documents, or electronic evidence (such as, for example, text messages, photographs, social media posts, etc.).
Amnesty
Colby encourages individuals to report incidents and allegations of Sexual Misconduct. So as not to discourage reports, individuals who report Sexual Misconduct in good faith will not be subject to disciplinary action by Colby for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health and safety of any other person at risk. While not condoning infractions of any kind, Colby considers reporting incidents of Sexual Misconduct and related Retaliation to be of paramount importance. Therefore, to encourage reporting, Colby may, where appropriate, offer leniency with respect to other policy violations that may be revealed as a result of a report, particularly those involving underage drinking or drug use. The nature and scope of the leniency will depend on the particular circumstances involved. The Title IX Coordinator and/or other supervisory authority, as appropriate (in the case of faculty or staff), will have sole discretion in determining the scope of any amnesty. Colby may, however, require individuals who are granted amnesty to engage in counseling or educational supports to address the substance use issues.

Emergency Withdrawal, Suspension, or Expulsion
Colby reserves the right, notwithstanding and apart from the procedures described above, on an emergency basis, to suspend, expel or require the withdrawal of any student whose presence is determined by the Title IX Coordinator to pose a danger to the Colby community or its members or to be unduly disruptive of College operations, or who appears to be unwilling or incapable of effectively and/or safely participating in Colby’s academic or other programs and/or residential life. In such cases, the conditions and procedures for readmission will be determined and communicated in writing to the student once the circumstances surrounding the student’s departure have been clarified. Such emergency sanctions may be appealed pursuant to the Appeal Process described above.

Parent/Legal Guardian Notification
The College may notify parents/legal guardians about sexual misconduct matters, including the institution of or pending complaints, as well as:

Upon the imposition of sanctions upon a student by the College, as these actions may jeopardize a student’s current or future standing at the College; or

In any situation when knowledge of the information is necessary to protect the health, wellness or safety of the student or any other individual.

Except in emergencies, the College will endeavor to notify and consult with the student prior to notifying that student’s parents/legal guardians. Because of the consequences that may arise from such situations, students are deemed to have consented to these notifications. Additionally, students are strongly encouraged to discuss disciplinary issues and/or other problems they are having with their parents/legal guardians on their own.
Policy Access

This policy is available online at colby.edu/sexualmisconduct. Printed copies and alternative formats of the Sexual Misconduct Policy are also available upon request at several Colby offices, including the Title IX Coordinator, Title IX Liaisons, Office of Campus Life, Office of the Dean of Students, Office of the Dean of Studies, Office of the Gender and Sexual Diversity Program, Counseling Center, Health Center, Office of Religious and Spiritual Life, Admissions, and Athletics. **This policy may be amended from time to time. The policy published on Colby’s Web site should be consulted for any updates and supersedes any prior versions of the policy.**

Under the Clery Act, Colby also provides the following information to educate the community about prevention efforts against sexual assault, dating violence, domestic violence, stalking, and other crimes.

Bystander Intervention

At Colby, we believe that ending sexual violence is a collective responsibility shared by all members of our community—students, faculty, and staff, alike. Although Colby has many professional staff members available to help those who have experienced sexual violence, stopping sexual violence requires everyone’s active participation. Whether you are first-year student or a tenured professor, you can commit to fighting sexual violence as an active bystander.

**What does it mean to be an active bystander?**

An active bystander is someone who steps in, speaks up, or reaches out in situations that are, or could be, harmful to a specific person or a group of people. To be an active bystander against sexual violence means to combat sexual violence through words and actions. Active bystanders are able to respond to situations in which sexual violence is being enacted, perpetuated, condoned, or made light of. They see themselves as responsible for the safety and well-being of those around them and have the skills to act when necessary. Although being an active bystander may seem daunting, it can include a wide range of actions and incorporate a wide range of personal skills and preferences. Being an active bystander doesn’t look the same for everyone, but everyone can do something to end sexual violence.

**What can I do?**

The first step to becoming an active bystander is recognizing situations in which intervention is necessary. Often, this means taking note of situations that others condone, overlook, or actively ignore. These situations include:

**High-risk situations:** Factors that may increase the risk of sexual violence include: high alcohol consumption, isolation from friends and peers, and cultural pressure to hook-up. It is important to note that none of these factors causes or excuses sexual violence, but each can increase the likelihood of sexual violence happening.

**Situations in which sexual violence is happening:** Examples of sexual violence that you might directly witness include: cat-calling, name-calling, and other forms of verbal harassment; unwanted touching, like grabbing or fondling; sexual contact being initiated with someone who is too drunk to consent; and stalking or cyber-stalking.
You might also be able to deduce that sexual violence is occurring through auditory cues, like screaming or other commotion.

**Situations in which sexual violence has already happened:** Some signs that a friend has experienced sexual violence and may need help include change in attitude, appetite, weight, and/or class attendance or participation. If Intimate Partner Violence is occurring, you might notice physical signs—like bruises or scrapes—or emotional signs—like lowered self-esteem and guardedness. Or, a friend may openly disclose an incident of sexual violence to you and directly request your assistance.

**Situations in which attitudes supporting sexual violence are being expressed:** Sexual violence is supported and perpetuated by attitudes and actions that excuse it, rationalize it, deny it, make light of it, or normalize it. When people tell rape jokes, say that a rape victim “asked for it,” argue that rape is fabricated by people who want attention, or use a “boys will be boys” logic to excuse perpetrators of sexual violence, they are fostering a climate in which sexual violence is more likely to occur.

The second step is determining the level of involvement with which you are comfortable. Once you have decided that a situation calls for intervention, you may want to ask yourself the following questions:

- **Is it safe to intervene?** Does the situation pose a significant physical threat to you or others involved? If so, you should immediately call the police (911) or Campus Security (207-859-5911).

- **Can I handle this on my own?** Even if a situation does not pose significant physical threat, you may still want help. If you don’t think you can handle a situation on your own, you can look around for other bystanders who might help you intervene, or you can contact any of our campus or community resources for help in addressing the issue. Turning to campus and community resources can be particularly helpful when you are trying to intervene in an ongoing problem (like intimate partner violence).

The third step is deciding on an appropriate intervention and carrying it out. Interventions can range significantly in their intensity and directness. Here, again, you will want to assess your personal comfort level.

As already noted, delegating responsibility and utilizing campus and community resources will sometimes be the best solution, particularly if you feel like you aren’t equipped to address the issue.

If you hear violent arguing in the dorm room next to you, you should notify your CA or call Campus Security (207-859-5911).

If you witness sexual harassment taking place in the classroom, you may want to alert the professor.

If your friend’s boyfriend, whom you barely know, is encouraging excessive drinking at a party, you could ask your friend to pull him aside and address the situation.
If a friend has experienced sexual violence, you can be a positive support person by listening and affirming, but you will also want to direct your friend to the professional services available on campus. Having a thorough knowledge of available resources and campus procedures is integral to being an active bystander against sexual violence.

Some interventions can involve redirecting attention or creating a distraction. This kind of an intervention may feel comfortable to people who recognize a risky situation but don’t want to attract a lot of attention or aren’t used to being confrontational.

If you notice a friend of yours is flirting too aggressively with someone (or initiating sexual contact with someone who is too intoxicated to consent), you can distract your friend by inviting them to go somewhere else with you.

If you notice that a friend looks uncomfortable while talking to someone on campus or at a party, you can join the conversation and/or help your friend exit the situation.

If you think that a friend has had too much to drink at a party, you can say that you are heading home and offer to walk them home.

If you are with a group of students making jokes about a known or suspected incident of sexual assault, you can change the subject.

Other interventions will be more direct. These kinds of actions can go a long way toward addressing the culture that supports sexual violence.

If you hear someone cat-calling students as they walk by, you can tell that person that what they are doing constitutes sexual harassment and is against school policy.

If you notice a friend is leaving a party with someone who looks too drunk to consent to sexual activity, you can pull your friend aside and share your concern with them. You can remind them that they are dealing with someone who is too drunk to be a fully informed and willing sexual partner.

If you notice a friend talking in a disrespectful way to their significant other, you can pull your friend aside and have a direct conversation about their behavior.

If you overhear a classmate making a rape joke, you can say that you don’t find it funny and explain why.

*The most important part about being an active bystander is making the commitment to notice and respond to sexual violence. Whether you decide to intervene in ways that are subtle or direct, your actions are sending the message that you have taken a stand against sexual violence, and this is essential to ending sexual violence.*
Central to Colby's effort to create a respectful and knowledgeable campus is our mandatory sexual misconduct prevention programming for first-year and second-year students. This programming engages students with this important topic as they adjust to their new community. During the fall semester, the mandatory sexual misconduct prevention programming for first-year students consists of a presentation during orientation week and a two-session interactive sexual misconduct prevention training.

Using a national model entitled Speak About It, the students are introduced to issues including sexual communication, sexual consent, sexual violence, risk reduction, and dating violence. This is a mandatory part of the orientation programming.

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

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

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

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

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

Harassment and Sexual Harassment Policy and Complaint Procedures

The right of free speech and the open exchange of ideas and views are essential, especially in a learning environment, and Colby College upholds these freedoms vigorously. The College is committed to assuring dignity for all and desires to be welcoming to every member of the campus community. In furtherance of that aim, Colby has developed this policy, which prohibits harassment. Harassment directed against some categories of individuals expressly protected by the Maine Civil Rights Act and the Maine Human Rights Act, including sexual harassment, may also qualify as unlawful discrimination.

Harassment:

Harassment is defined as unwelcome hostile or intimidating remarks, spoken or written (including, for example, e-mail, text messages, postings on electronic message boards,
voicemail messages), or physical gestures directed at a specific person based on that person’s race, color, sex, sexual orientation, gender identity, pregnancy, religion, age, ancestry or national origin, disability, military status, or genetic information.

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

**Sexual Harassment:**

Sexual harassment is unwelcome conduct of a sexual nature. It can include sexual advances, requests for sexual favors, sexual violence, and other verbal or physical conduct of a sexual nature when this conduct is unwelcome. When sexual harassment is sufficiently severe or pervasive that it denies, limits, or adversely affects a student’s ability to participate in or benefit from the Colby educational experience, a student’s employment at Colby, or the employment of faculty or staff, then the sexual harassment creates a hostile environment. A single instance of sexual harassment can constitute a hostile environment. The College will investigate incidents of sexual harassment promptly and will take corrective action to prevent its recurrence and correct its discriminatory effects.

**Harassment in the Classroom:**

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

**Procedures for Harassment Complaints Against a Student or Involving a Student**

Harassment by a student of another student, a faculty member, a staff member, or a third party (in circumstances directly affecting the College community) is a violation of Colby’s Code of Student Conduct. In accordance with Title IX, instances of sexual harassment should be reported to the Accountability/Title IX Coordinator at 1-(207)-859-4256 or titleix@colby.edu, Eustis 210-D. The Student Disciplinary Procedures set forth in the Colby Student Handbook will apply to the report. The Student Handbook can be found online on the Dean of Students webpage http://www.colby.edu/studentlife/. Possible sanctions for a student found responsible for harassment include, but are not limited to, disciplinary probation, community service, suspension, or expulsion. In addition, the Office of the Dean of Dean of the College – Assistant Dean of Conduct and Accountability/Title IX Coordinator will consider, and if appropriate impose, interim measures to protect a student who claims they have been a victim of harassment, including sexual harassment. Harassment of a student by a faculty or staff member
or third party should be reported to the Accountability/Title IX Coordinator at, 1-(207)-859-4256 or titleix@colby.edu, Eustis 210-D. When a student is reporting alleged sexual misconduct by an Employee or Third Party, the Title IX Coordinator will work with appropriate administrators to process the complaint in accordance with the applicable faculty, staff, and/or College policies.

**Procedures for Harassment Complaints Against a Faculty or Staff Member:**

A complaint of harassment against a member of the faculty or staff by a faculty member, staff member, or third party (in circumstances directly related to the faculty or staff member’s position within the College) should be made to the College’s Director of Recruitment and Employment, Cora Clukey (ext. 5511; cclukey@colby.edu). The Director of Recruitment and Employment will investigate the complaint promptly, either directly or through a designee. The investigator will issue a report of the investigation. If the investigator concludes that harassment has occurred, he or she will include in the report the remedial action to be taken, including sanctions against the accused faculty or staff member where appropriate. Except in cases involving sanctions of suspension or dismissal of the accused faculty or staff member, the decision of the investigator is final.

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

For complaints against a staff member, if the remedial action includes a suspension or dismissal of the accused staff member, the staff member has the right to appeal the decision to the Staff Appeals Board. The appeal will proceed as provided in the Staff Handbook.

Members of the Colby community are encouraged to use the complaint procedures outlined above. Complaints may also be filed with the Maine Human Rights Commission (207) 624-6290, State House Station, Augusta, ME 04333.

**SEX OFFENDER REGISTRY AND ACCESS TO RELATED INFORMATION**

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

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

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

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

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

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

CLERY FIRE SAFETY REPORT

Please Note: The information in this publication was accurate at the time of publication. However, Colby College reserves the right to make changes at any time without prior notice to any of the information, including but not limited to course offerings, degree requirements, regulations, policies, procedures and charges. The College provides the information herein solely for the convenience of the reader and to the extent permissible by law, expressly disclaims any liability which may otherwise be incurred.

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

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

Fire Related Definitions

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

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

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

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

Fire Safety System: Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing system, fire detection devices, stand-alone smoke alarms, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.

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

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

Students and employees should report all fires to the Security Office at 859-5530. For more information, please contact: Wade Behnke - Director of Safety 859-5504 or Robert Williams — Director of Security 859-5530
### ANNUAL FIRE STATISTICS FOR 2018

<table>
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<tr>
<th>Resident Hall</th>
<th>Total Fires</th>
<th>Date/Time Of Fire</th>
<th>Cause Of Fire</th>
<th>Category of Fire</th>
<th>Fire Related Injuries</th>
<th>Fire Related Deaths</th>
<th>Value of Property Damage</th>
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*Opened September 2018*
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<th>Evacuation Plans &amp; Placards</th>
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<th>R B</th>
<th>N G</th>
<th>C O</th>
<th>S P R</th>
<th>H A Z</th>
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<td>R B</td>
<td>N G</td>
<td>C O</td>
<td>S P R</td>
<td>H A Z</td>
<td>Fire Extinguisher Devices</td>
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**Notes:**
- **SA** = Stand-alone smoke detectors present (in combination with a report-back system unless otherwise noted)
- **RB** = Report-back detectors present, automatic alarm
- **NG** = Natural gas detectors present
- **CO** = Carbon monoxide detectors present
- **SPR** = Sprinklers present
- **HAZ** = High-hazard suppression systems present (Commercial Kitchens, Chemical Storage, Electronics)

*Opened September 2018*
RESIDENCE HALLS
INITIAL ASSEMBLY AREAS FOR BUILDING FIRES AND FIRE ALARMS

<table>
<thead>
<tr>
<th>Building</th>
<th>Initial Assembly Area</th>
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<tbody>
<tr>
<td>Alfond Apartments</td>
<td>West Lawn between building and Water Tower</td>
</tr>
<tr>
<td>Alfond Commons</td>
<td>First Floor Lounge</td>
</tr>
<tr>
<td>AMS Hall</td>
<td>East lawn between AMS and West Quad</td>
</tr>
<tr>
<td>Averill Hall</td>
<td>East Lawn between Averill and Miller Library</td>
</tr>
<tr>
<td>Dana Hall</td>
<td>East Lawn in front of Dana, beside Runnals Union</td>
</tr>
<tr>
<td>Drummond Hall</td>
<td>East Lawn on Roberts Row</td>
</tr>
<tr>
<td>East Quad</td>
<td>North Lawn between East Quad Johnson Pond</td>
</tr>
<tr>
<td>Foss/Woodman Hall</td>
<td>Northeast Lawn by Hall and Mayflower Hill Drive</td>
</tr>
<tr>
<td>Goddard/Hodgkins Hall</td>
<td>East Lawn on Roberts Row</td>
</tr>
<tr>
<td>The Heights</td>
<td>Northwest Lawn away from the road</td>
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<tr>
<td>Hillside Complex</td>
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</tr>
<tr>
<td>Leonard Hall</td>
<td>North Lawn across the access road</td>
</tr>
<tr>
<td>Marriner Hall</td>
<td>North Lawn across the access road</td>
</tr>
<tr>
<td>Sturtevant Hall</td>
<td>North Lawn across the access road</td>
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<td>Taylor Hall</td>
<td>North Lawn by AMS Hall</td>
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<tr>
<td>Williams Hall</td>
<td>North Lawn across the access road by AMS Hall</td>
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<tr>
<td>Johnson Hall</td>
<td>East Lawn on Roberts Row by Miller Library</td>
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<tr>
<td>Mary Low/Coburn Hall</td>
<td>Southeast Lawn by Hall and Mayflower Hill Drive</td>
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<tr>
<td>Perkins/Wilson Hall</td>
<td>West Lawn on Roberts Row</td>
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<tr>
<td>Pierce Hall</td>
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<td>Piper Hall</td>
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<td>Treworgy Hall</td>
<td>West Lawn on Roberts Row</td>
</tr>
<tr>
<td>West Quad</td>
<td>West Lawn between West and AMS</td>
</tr>
</tbody>
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**Person(s) In Charge of Evacuation** — CA initial evacuation, Security, Fire department

All students should gather at the initial assembly area and wait for further instructions. Most alarms last only a few minutes then students are allowed back into the building. For actual fires students will be directed to an alternate location to wait for further instructions and information.
**ACADEMIC AND ADMINISTRATIVE BUILDINGS**

**INITIAL ASSEMBLY AREAS FOR BUILDING FIRES AND FIRE ALARMS**

<table>
<thead>
<tr>
<th>Building</th>
<th>Initial Assembly Areas</th>
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<tbody>
<tr>
<td>Arey Science</td>
<td>South Lawn on Academic Quad</td>
</tr>
<tr>
<td>Alfond Athletic Center</td>
<td>South Lawn across Campus Drive</td>
</tr>
<tr>
<td>Bixler Art and Music Center</td>
<td>North Lawn and Roberts Parking Lot</td>
</tr>
<tr>
<td>Collins Observatory</td>
<td>Southeast Lawn</td>
</tr>
<tr>
<td>Cotter Union</td>
<td>South Lawn between Dana Hall and Cotter Union</td>
</tr>
<tr>
<td>Davis Science</td>
<td>South Lawn on Colby Green</td>
</tr>
<tr>
<td>Diamond</td>
<td>North Lawn on Colby Green</td>
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<tr>
<td>Eustis</td>
<td>North Lawn on Academic Quad</td>
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<tr>
<td>Garrison Foster</td>
<td>East Lawn between Dana Hall and Cotter Union</td>
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<tr>
<td>Keyes Science</td>
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<tr>
<td>Lorimer Chapel</td>
<td>North Lawn Between Miller Library and Chapel</td>
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<tr>
<td>Lovejoy</td>
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<tr>
<td>Lunder House</td>
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<td>East Lawn on Academic Quad</td>
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<tr>
<td>Mudd Science</td>
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</tr>
<tr>
<td>Roberts Union</td>
<td>South Lawn on Roberts Row</td>
</tr>
<tr>
<td>Runnals Hall</td>
<td>North lawn in front of Dana Hall</td>
</tr>
</tbody>
</table>

**Person(s) In Charge of Evacuation** — Colby Security, Waterville Fire Department

All employees and students should gather at the initial assembly area and wait for further instructions. Most alarms last only a few minutes then employees and students are allowed back into the building. For actual fires employees and students will be directed to an alternate location to wait for further instructions and information.
COLBY FIRE SAFETY POLICY AND PROCEDURES

Fire Safety is not just some service provided by an on-campus office or the local Fire Department, nor is it something that is purely tied to a building’s design (i.e. smoke/heat detectors, sprinklers, fire extinguishers, etc.), rather it is a combination of these AND each employee’s and student’s behaviors with regard to controlling/minimizing fire hazards in the first place. In other words, policies can be written, appropriate engineering and design practices can be implemented, and drills can be performed, but this is all irrelevant if the Colby College community fails to act in a responsible manner with regard to fire safety issues. This “layman’s guide” is not designed to be a formal policy document that outlines all of the fire safety compliance obligations on behalf of the College and its many constituents. Rather, it is a communication tool that hopes to bridge the gap between those compliance obligations and our collective behaviors as an institution, so as to minimize our susceptibility to fire safety hazards, and improve our performance during the mandated campus-wide fire safety inspections held each year.

DETECTION/SUPPRESSION/PROTECTION EQUIPMENT

Individual buildings on campus and their occupants are protected from fires through two general strategies. The first is the equipment designed to detect and suppress fires including smoke, heat, and carbon monoxide detectors, as well as sprinkler systems and fire extinguishers. Beyond the incredible amount of effort that goes into maintaining the thousands of detectors and hundreds of sprinkler/extinguisher systems on campus, there is much that the community can also do to keep these systems maximally operable.

Smoke/Heat Detectors
These devices must be free to monitor ambient air conditions without obstruction.

They should never be touched or tampered with in a fashion that impairs their monitoring capabilities. Be careful when generating dusts or mists since detectors may interpret fine aerosols as smoke.

Sprinkler Systems/Heads
These devices — heads and associated piping — must not be obstructed in any fashion.

Nothing should be stored within 18” of a sprinkler head. Further, nothing should be hung or attached to the sprinkler head or pipe.

Fire Extinguishers
These devices must not be obstructed in any fashion.

These devices should only be used by properly trained personnel and are only intended to respond to “incipient” fires, not full scale firefighting.

Equipment to Notify/Direct/Control
The second type of fire protection equipment maintained by college buildings includes those devices which serve to 1) notify occupants that a potential fire/fire condition exists, 2) direct occupants to their evacuation routes, and 3) control the spread of the fire/fire conditions. These include fire alarm pull stations, audible/visual alarms, exit/egress signage, and fire/smoke doors.
Audible/Visual Fire Alarms
These devices must not be obstructed in any fashion. Evacuate whenever the alarm system is initiated.

Fire Alarm Pull Stations/ Panels
These devices must not be obstructed in any fashion.

Use the pull station if you see or suspect that there is a fire or fire condition, or in any other circumstance where emergency responders are needed and other means of communication are unavailable.

Exit/Egress Signage
It is critically important (especially to those not familiar with a building) for exit/egress signage to be visible, unobstructed, and not tampered with as they direct evacuating persons to a means of egress.

Fire Doors
Fire doors are normally on self-closing devices and they may or may not have magnetic hold opening devices that keep the doors open during non-emergency conditions.

You can also tell if your door is a fire door by a small metal template on the inside door jamb. Never prop or obstruct a fire door thereby impairing its ability to close during a fire.

Smoke Doors
Unlike fire doors, smoke doors exist merely to minimize the spread of smoke during a fire.

Smoke doors are usually signified by the presence of a self-closing device, and sometimes a magnetic hold open, as well.

Similar to fire doors, smoke doors may not be propped or otherwise obstructed from closing.

Combustible/Other Storage Practices
Anything that can burn from clothing to books, to boxes on a shelf, is considered a combustible. While no one expects every dorm room, office space and storage area to be neat and completely devoid of “clutter” at all times, a number of practices routinely result in fire safety violations as follows.

Office Practices
Offices which store combustible material (like paperwork, books, boxes, etc.) beyond the capacity of existing shelving space risk citable fire safety violations if such practices either:

• Constitute an excessive fire load to the space or
• Impede an occupant’s ability to evacuate in the event of a fire/alarm signal.
• Minimize combustible storage on office floors or find more suitable storage locations outside of your office.

Dorm Room Practices
Decorative wall or ceiling hangings (like tapestries, tie-dye fabrics, flags, cloth articles, beer banners, etc.) that are combustible in nature are forbidden from being hung in a student’s living quarters or common spaces. The only acceptable decorative wall/ceiling hangings include simple paper posters, or any of the articles from above which are either non-combustible by
design (with a stamp/label to prove it) or those that are made non-combustible by shielding within a glass picture case.

**Other Storage Practices**
Miscellaneous materials whether they are combustible or not, may never be stored in such a way as they obstruct or block an emergency exit or egress. Further, combustible materials may never be stored in mechanical spaces such as boiler rooms, electrical panel closets, and attics with air handling equipment/ductwork.

**Electrical Equipment/Devices/Appliances**
While saying that all electrical equipment/devices/appliances must be UL listed and otherwise in good working condition is generally sufficient in many commercial/industrial settings, the unique nature of the academic world obligates the college to restrict a number of items for either code compliance or policy reasons. Although the examples/lists that follow are not exhaustive, they do address the most routine fire safety considerations relative to equipment/devices/appliances that arise at Colby.

**Electrical Power/Connection Equipment — Extension Cords**
To the greatest extent possible, electrical power should be drawn directly from existing AC power outlets. Where this is not possible or is otherwise not feasible consider the following.

**Light Duty Extension Cords**
Light duty extension cords (typically yellow, white or brown) that are either single plug varieties or multi-plug adapters are forbidden on campus in any venue or location. It does not matter how long they are in use or whether they are personally owned or owned by the college. If they run a radio in an office or student residence, they are a fire safety violation.

**Heavy Duty Extension Cords**
Heavy duty extension cords (typically orange) are permissible ONLY if they are for temporary purposes. Examples of approved uses of this type of cord are to run power tools or a fan to clean up a spill. It is not appropriate to use this type of cord for a computer workstation, desk lamp, TV or stereo equipment. These items are intended to be stationary and the use of heavy duty cords in this manner will result in a fire violation.

**Protected Outlet Strips**
Protected outlet strips (with “trip” breakers) are the only approved device to provide electrical connection power on a less than temporary basis. These devices should never be “piggy-backed” one to another, and care should be taken to ensure they are not overloaded. Only 1 outlet strip is permitted per duplex outlet.

**Electrical Devices**
The following devices are restricted from use in living and working spaces as specified:

- Small air conditioning units (unless specifically approved/installed by Facility Services).
- Space heaters (again, unless specifically approved by Facility Services for a heat related problem associated with the facility/building).
- Electric blankets. Multi-plug adapters/gang boxes.
- Specialty lighting, including halogen lights, lava lamps, and sun/heat lamps.
Multi-Colored Lamps
These lamp types may only be used with bulbs at approved/UL listed wattages. Electrical Appliances (Related to Food Cooking/Cooling/Preparation).

All students and employees are encouraged to eat and/or prepare food in established dining halls or other building/dormitory kitchenettes specifically designed for food preparation. The types of approved/unapproved devices in this category are dependent upon location as follows.

Student Suites and Administrative Buildings with Kitchenettes
Since these locations are “designed” for food cooking activities, the only additional electrical appliances that are approved for use (beyond those that are provided for and maintained by the college) include blenders, coffeemakers, griddles, popcorn poppers, toaster ovens, and toasters. These approved devices MUST be used and stored in the kitchenettes themselves AT ALL TIMES.

Student Living Quarters and All Other Building/Facility Locations
The only other approved electrical appliances for locations without kitchenettes include small combination micro-fridges/microwaves and coffeemakers/coffee pots with automatic shutoff. These devices are approved since they are food “warming/cooling” appliances, as opposed to food cooking appliances.

Other Generally Approved Electrical Appliances (If UL Listed)
The following appliances/devices are generally approved if UL listed and used safely
Radios, stereos, electric razors, small portable televisions, game boxes, personal computer, clocks, portable hair dryers, VCR/DVD players, fax machines, small fans and desk lamps. Electric hair curlers and hot combs should be used with caution (only one should be plugged in at a time).

Restricted Electrical Appliances Regardless of Location
The following appliances are restricted from use in any College residence hall or academic/administrative facility:
Broilers, crock pots, electric frying pans, griddles, heating coils, hot plates, large microwave ovens (over 1000 watts), large refrigerators, deep fryers, and George Foreman grills.

Hazardous and Restricted Articles/Materials
The following hazardous articles are restricted from use/storage in all living and working spaces on campus:
- Candles or incense (whether lit or for decorative purposes only).
- Real Christmas trees.
- Holiday lights (the kinds that can be plugged in).
- Excessive combustible material (as listed above).

Restricted hazardous materials generally include those materials which are flammable and/or explosive by their very nature or are otherwise regulated by the Federal and Local Fire Codes.
The specific types of hazardous materials that are restricted from use/storage in all living and working spaces on campus include the following:

- Fireworks
- Firearm ammunition
- Flammable/combustible liquids associated with cooking, painting, fuels, such as gasoline,
  - kerosene, propane, aerosol paint cans, paint thinner, varnish, sterno, and camping fuels
- Any of these chemicals must be used/stored in designated areas such as academic labs/studios or cooking areas. Exception — Personal care products with flammable propellants (hair spray) are permissible.

**Propane/Charcoal Grills**

*Regarding propane powered grills with attached propane tanks*

- Such devices are forbidden from being used or stored within any living/working space, or upon covered porches/balconies/patios. They should be both used and stored at least 10 feet away from any building structure, or upon uncovered decks external to a building.

*Regarding charcoal fired grills*

- Small portable charcoal grills (with legs less than 12 inches in length and a cooking surface no larger than 250 square inches) may be used external to buildings upon covered porches/balconies/patios so long as there is a non-combustible surface underneath (like a brick or stone catchment).
- For charcoal grills larger than the above, they are forbidden from use upon covered porches/balconies/patios, and should observe the same 10 foot building clearance that applies to propane powered grills during use. The use and possession of lighter fluid is prohibited. Only EZ-light type charcoal is permitted with a maximum of one bag allow to be stored by residents. Charcoal must always be kept dry to prevent spontaneous combustion, and should only be stored indoors or in a dry, enclosed area.
- All spent coals/embers must be thoroughly extinguished prior to disposal.
- Charcoal grills that are free of charcoal, coals, and ashes, may be stored indoors, upon covered porches/balconies/patios, or uncovered decks.
- All grills must be approved and registered with the Department of Security.

**Fire Places in Residence Halls**
The students residing in rooms with fireplaces can attend fire safety training. After completing the training you will be allowed to use the fire place in your room. The contact for Fire Safety Training is the Safety Office Wade Behnke 207-859-5504.
Open Flame
Sources such as incense and candles are not permitted in residence hall rooms at any time.

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

Responses to Fire Alarms (In General)
Although the college spends considerable time and resources to maintain and upgrade its fire detection and suppression equipment on campus, errant alarms will occur. They may be false alarms (where a detector or pull station is accidentally or purposefully activated), or they may be true alarms for errant reasons (where a smoke detector activates following exposure to steam). Further, the college is required to perform up to 2 fire drills every year depending upon the building design and its occupancy type. While the Department of Security and Facility Services work very hard to minimize the number of false and errant alarms, it is very important for all students and employees to react to each and every fire alarm as if it’s the “real thing”. For fire alarms where the cause is not known, adhere to the guidance contained in this section. If the fire alarm is for a true fire or smoke condition, follow the guidance in the next section.

Community Advisors and Students
Community Advisors must communicate to the students they are advising as to where their respective “initial assembly areas” are (building specific) so that a common muster point is identified for accountability purposes.

Students/Employees Occupying Spaces Other Than Where They Principally Live/Work
Faculty teaching classes of students, and faculty/administrators/staff supervising students or other employees, frequently perform such activities in buildings/facilities other than where all involved parties are principally accounted for as per the above. It is incumbent upon the employees in charge of the academic or administrative function to know the building’s “initial assembly area” and communicate the location accordingly to those students/employees in their care/supervision.

Procedures for Students and Employees in Case of a Fire

- Immediately report the fire to Colby Security — ext. 5911 by on-campus phone, 207-859-5911 by cell phone — or activate a nearby fire alarm pull station if one is accessible.
- Remain calm, turn lights on, and dress appropriately.
- First close any open windows in your room. If your door is cool to the touch then open door slowly. Evacuate the building via designated emergency egress routes. Do not use elevators!
- If there is smoke or heat, crawl on your hands and knees.
- Proceed to the INITIAL ASSEMBLY AREA to await further instructions. If door is warm DO NOT OPEN IT!
- Seal the space under the door with a towel.
- Open window, hang a sheet or towel out of the window, and close it.
• Open window at regular intervals to announce your location and then close it.

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

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

Responsibility for Fire Safety and Conclusion
Remember, fire safety at Colby College is the responsibility of every student and employee. Adherence to no one single fire safety strategy is capable of eliminating every fire hazard. Only by a combination of design/engineering controls, safe working/learning/living practices, and appropriate student/employee behaviors, may the Colby College community minimize its collective risks to fire hazards in the first place. Employees and students receive information pertaining to fire safety education awareness on an annual basis during new student and new employee orientation.

Failure to follow the guidance contained in this document puts your lives and the lives of your fellow students and co-workers at risk. Additionally, non-conformance with the Federal, State and Local Fire Codes may result in formal violations/citations against the college. While the purpose of this document again as noted, is to be educational and informative regarding fire safety considerations, every employee and student should realize that the college is legally and morally obligated to promote and manage fire safety accordingly. While “engineering and education” is the preferred methodology for achieving this goal, the college must take appropriate action against those who purposefully or willfully disregard fire safety including but not limited to the following:

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

Report a Fire
Report a fire by dialing 207-859-5911. If a member of the Colby community finds evidence of a fire that has been extinguished and the person is not certain if Colby Security has already responded, the community member should immediately notify Colby Security to insure proper documentation and investigation of the incident.
EMERGENCY NOTIFICATION SYSTEM

In the event of a serious incident which poses an immediate threat to members of the Colby College community, the College has various systems in place for communicating information quickly to those individuals. The campus emergency alert system is composed of a siren-based warning system in conjunction with a reverse 911-type system, Blackboard Connect. The sirens issue a warning to provide notice to the community of a pending emergency. Upon confirmation by the Department of Security or a member of Colby Emergency Response Team (CERT), of a significant emergency or dangerous situation involving an immediate threat to the health or safety of the students or employees occurring on campus an immediate notification will be sent using some or all of these methods of communication. These methods of communications may include activating Blackboard Connect, an emergency notification system utilizing email, text messaging and telephone voice messaging. Phone numbers and email addresses of parents or other persons identified by students or employees in official College registrar or employee records as emergency contact persons will be included in the Blackboard Connect system and they may receive emergency messages as well. Members of the larger community, such as campus neighbors, may tune into local media or check the Colby College website for updates and information about emergencies on campus.

Serious threats of this nature may involve weather, health, or personal safety situations. Based on the nature of the emergency, the responsibility for assessing the severity of the threat begins with CERT. Upon a determination by the Colby Emergency Response Team, that a significant threat exists, a member(s) of CERT will promptly make a decision regarding emergency notification and determine the appropriate segment(s) to receive the message if the emergency is isolated to a particular section of campus. Staff from the Office of Communications will generally have the responsibility for preparing and disseminating emergency messages and updates.

In the event of confirmation of a threat involving imminent risk to personal safety any member of CERT may develop a message and activate Blackboard Connect immediately, prior to notifying the entire Colby Emergency Response Team.

Many factors are considered when assessing a situation to determine whether to activate one or more of the emergency communications systems and if so, the content of the message and whether to send the emergency message to all or some of the campus community. Among the factors to be considered is the nature and anticipated duration of the emergency situation and whether the emergency applies to a particular building or segment of the population or to the entire campus. The Colby Emergency Response Team will make a decision without delay, 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 professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. CERT will provide regular updates to the Colby community as they become available through the Blackboard Connect system. The Colby Emergency Response Team plans, publicizes and conducts a test of the emergency response and notification system at least annually and maintains a record documenting each test, including a description of the exercise, the date, time and whether it was announced or unannounced.

The Colby Emergency Notification System (Blackboard Connect) uses a secure, web-based service to selectively store electronic contact information provided by students, faculty,
and staff, through which the College is, able to communicate information and instructions in the event of an emergency. Emergency messages are sent simultaneously via voice mail, email, and/or text messaging to all of the numbers and addresses on file for each person.

A link to Blackboard Connect can be found on the MyColby page, look for “Emergency Contact Information (Blackboard Connect Emergency System)” or by clicking on this link:

https://my.colby.edu/ICS/Campus_Life/Emergency_Contact_Information.jnz

In the event of a campus emergency, the College will, without delay, alert the Colby community to the nature of the emergency and provide safety instructions, unless the notification would, in the professional judgment of Campus Security Authorities, compromise the efforts of emergency responders.

Subsequent messages would be sent as necessary with further instructions and situational updates. Emergency messages would be sent simultaneously via voice mail, email, and/or text messaging to all of the numbers and addresses on file for each person.

In an urgent but non-life threatening situation, College administrators have the option to deliver a more selective emergency message directly to those listed on-campus telephone numbers and email addresses, as well as to a primary telephone number designated by the individual, to specific campus populations and/or the community as a whole.

As the effectiveness of this system is dependent on the accuracy of the information maintained on file, all members of the campus community are urged to regularly update their electronic contact numbers and addresses.

**Security Alerts**

In the event that criminal or hazardous activity requires timely public notice to alert community members of potentially dangerous situations, the Department of Security prepares and distributes security alerts via, phone, text, and/or e-mail.

**Lockdown/Shelter-in-Place Procedure**

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

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

Stay inside the building you are in if it is safe to do so, even if you do not normally work or reside in that building.

If you are at an outdoor location, proceed to the nearest building or other source of shelter.

Close and lock exterior and interior doors to the greatest extent possible to maximize security. Also, close windows, blinds and drapes, and stay away from any objects that could fall or otherwise become projectiles.
Terminate any on-going teaching activities (instruction, lab experiments, studio work, etc.), and turn off all local ventilation, fans, fume hoods, window air conditioners, etc.

Be prepared to go to more secure locations, as directed by College officials, and do not leave the building or secured area until and unless told to do so. The general procedure during a life-threatening emergency is to remain inside the building you are in and seek a place of safety. Remain in a locked interior room and stay away from windows. Leaving a building may expose you to danger.

- If you are inside, stay where you are. Collect any readily available supplies and keep a telephone at hand.
- If you are outdoors, go to the nearest campus building and seek shelter.
- Locate an interior room, above ground level, and with no windows, if possible.
- Close and lock all doors and windows and stay away from them.
- Turn off air conditioners, heaters, and fans. Close vents to ventilation systems.
- Await further instructions from emergency services personnel.

If the building is unsafe to remain in, evacuate and seek shelter in the nearest campus building.

**Evacuation Procedures**

In the event that it becomes necessary to evacuate specific buildings to mitigate a life-threatening emergency, campus security will coordinate their efforts with emergency responders as follows.

- At the direction of campus security authorities or the responding On-Scene Commander (OSC), the building’s fire alarm will be activated (if it has not been already) and you will be evacuated according to established plans.
- Do not burden yourself with unnecessary items, or use the building’s elevators. Follow all instructions given by security or response personnel.
- You will be directed away from the building to a designated safe zone, where you will be processed by emergency response services to address any injuries or other concerns.
- If the evacuation will be prolonged, College Administrators will arrange for the temporary relocation of the building’s occupants as necessary.
- No one will be allowed to reenter the building without the express permission of the College.
- Supervisors shall work with any employees with a disability to develop evacuation procedures that accommodate the impacted employee’s disability. The Dean of Students and the Office and Campus Life shall work with any students with a disability to develop evacuation procedures that accommodate the impacted student’s disability.
EMERGENCY PROCEDURES

Active Shooter

Call Campus Security, ext. 5911 or 911

Remain calm and answer the dispatcher’s questions. The dispatcher is trained to obtain the necessary information for the emergency responders.

If safe to do so try to obtain the following information: Height, weight, gender, race, clothing, and approximate age, direction of travel, and name if known. If the suspect enters a vehicle, note the license plate number and state, make, model, color, and any outstanding characteristics.

Note: An individual must use his/her own discretion during an active shooter incident as to whether to run to safety or remain in place. Best practices for an active shooter incident are listed below.
HOW TO RESPOND
WHEN AN ACTIVE SHOOTER IS IN YOUR VICINITY

QUICKLY DETERMINE THE MOST REASONABLE WAY TO PROTECT YOUR OWN LIFE. CUSTOMERS AND CLIENTS ARE LIKELY TO FOLLOW THE LEAD OF EMPLOYEES AND MANAGERS DURING AN ACTIVE SHOOTER SITUATION

1. EVACUATE
* Have an escape route and plan in mind
* Leave your belongings behind
* Keep your hands visible

2. HIDE OUT
* Hide in an area out of the active shooter's view
* Block entry to your hiding place and lock the doors

3. TAKE ACTION
* As a last resort and ONLY when your life is in imminent danger:
  * Attempt to incapacitate the active shooter
  * Act with physical aggression and throw items at the active shooter

HOW TO RESPOND
WHEN LAW ENFORCEMENT ARRIVES ON THE SCENE

1. HOW YOU SHOULD REACT WHEN LAW ENFORCEMENT ARRIVES:
* Remain calm and follow officers' instructions
* Immediately raise hands and spread fingers
* Keep hands visible at all times
* Avoid making quick movements toward officers such as attempting to hold on to them for safety
* Avoid pointing, screaming and/or yelling
* Do not stop to ask officers for help or direction when evacuating. Just proceed in the direction FROM WHICH officers are entering the premises

2. INFORMATION YOU SHOULD PROVIDE TO LAW ENFORCEMENT OR 911 OPERATOR:
* Location of the active shooter
* Number of shooters, if more than one
* Physical description of the shooter/s
* Number and type of weapons held by the shooter/s
* Number of potential victims at the location

RECOGNIZING SIGNS
OF POTENTIAL WORKPLACE VIOLENCE

AN ACTIVE SHOOTER MAY BE A CURRENT OR FORMER EMPLOYEE. ALERT YOUR HUMAN RESOURCES DEPARTMENT IF YOU BELIEVE AN EMPLOYEE EXHIBITS POTENTIALLY VIOLENT BEHAVIOR. INDICATORS OF POTENTIALLY VIOLENT BEHAVIOR MAY INCLUDE ONE OR MORE OF THE FOLLOWING:
* Increased use of alcohol and/or illegal drugs
* Unexplained increase in absenteeism, and/or vague physical complaints
* Depression/Withdrawal
* Increased severe mood swings, and noticeably unstable emotional responses
* Increasingly talks of problems at home
* Increase in unsolicited comments about violence, firearms, and other dangerous weapons and violent crimes
EMERGENCY PLANNING AND PREPAREDNESS

Colby College routinely operates in a manner which avoids emergencies. However, the College is not immune to critical incidents, and strives to plan and prepare for them through written plans and protocols, training, effective communication strategies, and regular meetings of the Colby Emergency Response Team (CERT). In addition to the regular members of CERT, content experts are used in the planning process. The CERT members are:

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

Timely Warnings
In the event of an incident which poses a serious or ongoing threat to members of the Colby College community, the College has various systems in place for communicating information quickly to those individuals. In compliance with the Clery Act, the Department of Security will post timely warnings for the college community to notify members of the community about serious crimes that occur on campus. Having knowledge of such crimes will assist community members in making informed decisions about their personal safety and help prevent similar crimes from occurring. These warnings will be posted if a serious crime on campus constitutes an ongoing or continuing threat to the community. These crimes may be reported to the Office of Security, a Campus Security Authority, or to the Waterville Police Department. The decision to issue a timely warning shall be decided on a case-by-case basis in compliance with the Clery
Act. The decision is made by the Director, or his designee, considering all available facts, including whether the crime is considered a serious or continuing threat to students or employees, and the possible risk of compromising law enforcement efforts. When issuing timely warnings Colby must withhold as confidential the name(s) and other identifying information of the victim(s). The Office of Security issues timely warnings for the following incidents:

- Criminal Homicide
- Aggravated Assault
- Sex Offenses
- Robbery
- Motor Vehicle Theft
- Major incidents of Arson
- Other crimes as determined necessary by Director of Safety and Security, or designee

The Department of Security does not issue timely warnings for the above listed crimes if:
The suspect(s) is apprehended and the threat of imminent danger to the Colby College community has been mitigated by the apprehension.

A report was not filed with the Department of Security, or if security was not notified by campus security authorities in a manner that would allow the office to post a “timely” warning to the community. Unless there are extenuating circumstances, a report that is filed more than five days after the date of the alleged incident may not allow the Office of Safety and Security to post a timely warning to the community. This type of situation will be evaluated on a case-by-case basis.

Emergency Notification System: A mass notification system that automatically sends brief voice, email and text alerts to the community regarding an emergency situation on the Colby campus.

A timely warning and updates may be distributed to the campus through any one or more of the following means: siren, text, call, and/or email. Timely warnings will be sent using the Emergency Notification System described above.

A copy of the timely warnings will be filed in the corresponding case file. Security may also issue “security alerts,” when necessary, to apprise the Colby community of safety issues and concerns. These alerts will include information and recommendations so that members of the Colby community may make informed decisions about personal safety.

Who can answer my questions about the College’s Emergency planning?

<table>
<thead>
<tr>
<th>Security Director:</th>
<th>Robert Williams</th>
<th>207-859-4000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety Director:</td>
<td>Wade Behnke</td>
<td>207-859-5504</td>
</tr>
</tbody>
</table>
WEAPONS POLICY

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

Firearms, ammunition, or other weapons are strictly forbidden in any college-owned or operated building or space.

GUIDELINES FOR AUTHORIZED SECURE WEAPONS STORAGE

- All firearms and ammunition on campus must be stored at the Security Department.
- A firearm storage request form must be completed and signed upon the initial request to store a firearm or ammunition.
- A Colby Card must be presented to store or retrieve a firearm.
- Any student may submit a firearm for immediate storage at the Security Department. In order for the firearm to be returned to the student by the Security Department, the requirements of this policy must be met and the student must provide proof of a firearm safety course or a valid State of Maine hunting license.
- Names of students storing firearms will be shared with the Dean of Students Office.
- Access to the firearms storage locker will be controlled by the Security Department.
- Students wishing to access their firearm must contact the Security Department in advance to make an appointment to retrieve their firearm.
- Firearms must have actions cleared, and chambers and magazines empty with a gun lock in place.
- Ammunition to be stored at the Security Department must be in a durable container, clearly marked with the owner’s name and housing assignment number. Ammunition will be limited to 50 rounds for rifles and 25 rounds for shotguns.
- Magazines that hold more than the standard number of rounds are prohibited.
- Firearms must be transported to and from the Security Department in a protective case.
- The Security Department reserves the right to refuse to release any firearm to an individual for any reason.
- The Security Department reserves the right to require that firearms be shipped off campus at the owner’s expense.
- The Security Department is not responsible for items damaged or lost.
- Except for law enforcement, concealed weapons and handguns of any type are prohibited on campus.
• This policy shall not apply to Law enforcement officials, supervised educational programs approved in advance by the President of the College or their designee, and persons or programs otherwise approved by the President of the College or their designee.

• This policy shall apply to any campus properties, off-campus properties, buildings, parking lots and any other grounds owned, operated or under the control of Colby College.

The Director of Security may seize or deny permission to possess any weapon on campus property which he deems to present a danger to the campus community. Please direct any questions regarding this policy to the Director of the Office of Security (207) 859-5530.
ALCOHOL AND ILLEGAL DRUGS

STATE LAWS — ALCOHOL

Colby College students must comply with Maine state laws regarding the consumption, sale, purchase, and delivery of alcohol. A summary of applicable Maine law is provided below:

Individuals must be twenty-one (21) years of age or older to purchase, possess, consume or transport alcoholic beverages in Maine.

It is illegal for minors (20 years of age or younger) to purchase, possess, consume or transport liquor.

It is illegal to falsify official Maine state identification cards or any identification material for the purpose of procuring alcoholic beverages. Moreover, no person may misrepresent age verbally or in writing or practice deceit in the procurement of an identification card, possess a false identification card, or sell, furnish, or give an identification card to another for the purpose of procuring liquor.

Only licensed liquor dealers may sell alcoholic beverages in Maine. Charging admission to parties where alcoholic beverages are available for “free” or possessing liquor with the intent to sell is illegal, as are any similar arrangements having similar effects.

No person may knowingly furnish, procure, deliver or sell liquor or imitation liquor to a minor or allow any minor under his/her control to possess or consume liquor or imitation liquor.

It is illegal to knowingly procure in any way and/or assist in procuring, furnishing, giving, delivering, or selling liquor to or for an intoxicated person. It is illegal to serve liquor to an intoxicated person if the server knows that such person is visibly intoxicated.

Consumption of alcoholic beverages in a public place is illegal without a special license or permit issued by authorized Maine state officials.

No person may drink liquor while operating a motor vehicle on any public way. A driver of a vehicle is also in violation of Maine law if the driver or a passenger of the vehicle possesses an open alcoholic beverage container in a vehicle on a public way. In addition, operating a motor vehicle with a blood-alcohol level of 0.08% or higher is illegal and will automatically result in a suspension of your driver’s license or permit and/or a fine of at least $400. If you are under age twenty-one, the state considers you intoxicated if you have consumed any amount of alcohol and your license will be automatically suspended.

COLBY ALCOHOL POLICY

Hard Liquor:
No student, regardless of age, may possess hard liquor in College residences. Hard liquor with an alcohol content of more than 10 percent alcohol by volume that is found in campus residences by Security will be confiscated. Generally, this excludes malt beverages and hard liquor mixes. Wine and champagne may be approved at the discretion of the Director of Campus Life.

Drinking Games
Drinking games, encouraging the rapid ingestion of alcohol, are not permitted. Such games include, but are not limited to: Quarters, Beer Pong, Beirut, Power Hour, and Flip Cup.
Paraphernalia identified as having been used in a drinking game, including tables, may be confiscated by Security and will become property of the College.

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

**Forfeiture of Personal Property and Real Estate 21 U.S.C. 853**
Any person convicted of a federal drug offense punishable by more than 1 year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued and property is seized at the time an individual is arrested on charges that may result in forfeiture.

**Federal Drug Trafficking Penalties 21 U.S.C. 841**
Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The list below is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions are twice as severe. If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces a mandatory life sentence and fines ranging up to $8 million. Persons convicted on federal charges of drug trafficking within 1,000 feet of a university (21 U.S.C. 845a) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least 1 year.

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

**MARIJUANA LEGALIZATION IN MAINE**
Recreational adult-use marijuana became legal in Maine on January 30, 2017, but it is not legal for marijuana to be sold. However, the use or possession of marijuana is not permitted on Colby College property.

The law allows an individual (over the age of 21) to possess as much as 2.5 ounces of marijuana. One ounce of marijuana is the equivalent of about 60 marijuana cigarettes, or joints. You can also give a person up to 2.5 ounces as long as you don’t take anything in return.

The law prohibits using marijuana in public, whether you smoke it or eat it. You could be fined up to $100 for using marijuana in public.

**Personal Responsibility**
Students influenced by alcohol are fully responsible for their actions and any damages they may cause. Individuals are also accountable for verbal or physical abuse toward other individuals or personal property. In addition, conduct violations may result in formal disciplinary action, including financial restitution for any and all damages incurred.
Alcohol and Drug Abuse Education Programs
Colby has developed programs to prevent the abuse of drugs and alcohol by students and employees. The program provides services related to drug and alcohol use and abuse, including dissemination of information materials, educational programs, counseling services, referrals and college disciplinary actions. Colby’s sources for drug and alcohol abuse education programs are as follows:

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

Colby College employees may access up to eight counseling sessions for alcohol/drug issues through the College’s Employment Assistance Program (EAP). Employees interested in this benefit should contact the confidential EAP at 1-800-554-6931. More information is also available on HR's EAP webpage.
MISSING STUDENT POLICY AND NOTIFICATION PROCEDURES

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

Students may identify a contact person(s) whom Colby shall notify within 24 hours of a determination by the Department of Security or a law enforcement agency that the student is missing. The contact will be kept confidential.

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

If the student has designated a missing person contact, notifying that contact person within 24 hours.

If the student is under 18 years of age and is not emancipated, notifying the student’s custodial parent or guardian and any other designated contact person within 24 hours.

Regardless of whether the student has identified a contact person, is above the age of 18, or is emancipated minor, informing the local law enforcement agency that has jurisdiction in the area that the student is missing within 24 hours.

Security personnel will interview any members of the Colby community who might have information about the missing student’s whereabouts.

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

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

All missing student reports must be relayed promptly to both the Director of Security and the Dean-On-Call. Periodic updates should be given to both the Director and the Dean. The Director will determine which other College officials need to be notified. The local police authorities will be regularly updated on the progress of the investigation and will become involved at their discretion. If it is determined by the local police or the Director of Security that the entire College community is at risk, the Department of Security will be responsible for communicating that danger to the campus via any medium that the Director shall deem appropriate.

After the situation is resolved, the Director will prepare a detailed briefing and report to be provided to both the municipal authorities and the Dean of Students.