



***YORK COUNTY COMMUNITY COLLEGE***

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Annual  
Security Report  
2021

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## **Introduction**

In compliance with The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, York County Community College distributes 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 and public property within or immediately adjacent to and accessible from the campus. The statistics include crimes reported directly to campus safety, local law enforcement agencies, and "campus security authorities." "Campus security authorities" are defined by the Clery Act as college officials who have "significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings." Professional mental health and religious counselors are exempt from reporting requirements. The report also includes institutional procedures concerning campus Campus Safety, alcohol, and drug use, crime prevention, the reporting of crimes, sexual assault, and others. These processes are reviewed annually to assess their effectiveness and compliance with applicable statutes.

You can obtain a hard copy of this report by contacting Campus Safety at 207-216-3343 or by accessing the security report online at <http://ope.ed.gov/security/Index.aspx> or by scrolling to the bottom of the page.

## **Campus Alerts and Timely Warnings**

York County Community College (YCCC) is committed to promoting a safe and secure environment for all College community members. In compliance with the Clery Act of 1998, the College will provide a timely warning (Campus Alert) to the College community of any serious and continuing threat to the health or safety of students or employees occurring on campus.

YCCC will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the Rave Emergency 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 an emergency.

The following positions are responsible for evaluating situations and initiating notifications:

- President
- Senior Leadership
- Director of Campus Safety

- Critical Incident Management Team
- Campus Safety

Campus Alerts will be promptly disseminated to the College community and other entities deemed relevant through the College's website, electronic mail, posters and flyers, Rave Emergency Notification System, and/or any other means that are available and appropriate by either the President, the Dean of Students, or the Director of Campus Safety. Students or employees can sign up for Rave Alert Emergency Notifications and the Rave Guardian App® on the YCCC website located on the portal.

The Rave Alert Emergency Notification System is tested every semester with announced public tests of the emergency alert system and unannounced *Lockdown Drills* meant to offer the community an opportunity to refresh, rehearse and practice emergency procedures found in the Rave Guardian App® under "**Emergency Info.**" These include lockdown procedures, evacuation procedures and maps, and the *Run Hide Fight* video. Documentation of various tests can be found at the Campus Safety Desk.

YCCC displays Campus Alert information on digital signage throughout the Wells and Sanford campuses.

## **Reporting Crimes**

Victims or witnesses of a crime should contact YCCC Campus Safety and/or the respective police department having jurisdiction as soon as they are aware that a crime has been or is being committed on or near campus. At the student's request, officers or administrators will assist in the notification of local law enforcement.

A crime may be reported for the Wells Campus:

- in person at the YCCC Campus Safety Desk located in the lobby of the main building.
- by calling the YCCC Campus Safety Desk at 207-216-3343
- by calling Wells Police Department at 911 for emergencies or at 207-646-9354 for non-emergencies.

A crime may be reported for the Sanford Campus:

- by calling the YCCC Campus Safety Desk at 207-216-3343
- by calling the Sanford Police Department at 911 for emergencies or at 207-324-9170 for non-emergencies.

## **Daily Crime Log**

The purpose of the daily crime log is to record all incidents, and alleged criminal incidents reported to Campus Safety. The daily crime log identifies when a crime was reported, the date and time a crime occurred, the nature and general location of the crime, and the disposition of the complaint. It is available at the Campus Safety Desk for anyone requesting a copy.

## **Reporting Suspicious Activity**

Students and employees are urged to contact YCCC Campus Safety and/or the respective police department having jurisdiction by phone if they notice unusual, suspicious or criminal activity. Suspicious individuals should be reported to Campus Safety, especially if they are seen:

- entering an office or lab without apparent purpose;
- trying to force entry into a car, window, or door;
- attempting to solicit funds;
- acting in a loud, disruptive, or threatening manner

## **Voluntary, Safe and Confidential Crime Reporting**

YCCC encourages accurate and prompt reporting of all crimes to Campus Safety or the respective law enforcement agency with jurisdiction when the victim of a crime elects to or is able to make such a report. If you are the victim of a crime and do not want to pursue action within York County Community College or the Criminal Justice system, you may still consider making a confidential report. With your permission, any staff member in the Campus Safety, or Student Services can file an accurate, timely report on the details of the incident without revealing your identity or the identity of others. The purpose of a confidential report is to allow the College to take steps to ensure the future safety of yourself and others. With this information, the College can keep accurate records of the number of crimes involving students on campus, determine if there is a pattern of crime, and alert the Campus Community to potential danger. Reports of crimes filed in this manner are counted and disclosed with the College's annual crime statistics report.

If you are a witness or bystander to sexual assault or sexual misconduct of any kind in the YCCC community, there are many safe and direct options available to you that can prevent sexual assault or relationship abuse from occurring. Incidents can be reported safely and anonymously using the Rave Guardian App on your phone. If you allow it, location information will be provided to aid Campus Safety or police to a suspected location, or you can call Campus Safety and ask to remain anonymous. Other options include addressing the perpetrator directly, telling them to stop and offering victim assistance, calling Campus Safety or police directly, or asking for help and drawing attention to the situation.

## **Unfounded Crimes**

Only crimes deemed "unfounded" by law enforcement officials may be removed or withheld from Clery Act crime statistic reports. The College must report each year to the Department of Education the number of "unfounded" crimes and disclose that number in its annual Security Report.

A Campus "Professional Counselor," when acting as such, is not considered to be a campus security authority and is not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being

counseled of the procedures to report crimes voluntarily for inclusion into the annual crime statistics.

## **Building Security and Access**

Due to the Covid-19 pandemic, all buildings were restricted to employees and students. Usually, most campus buildings and facilities are accessible to the campus community, guests, and visitors during business hours, Monday through Friday, 8am to 5pm. Buildings are also opened on weekends and holidays on an as-needed basis. Exterior doors on campus buildings are locked and secured after normal operating hours. Safety officers routinely check campus buildings.

YCCC is committed to maintaining a safe environment for students, faculty, and staff that extends to maintenance issues such as campus landscaping, lighting, and door locks. Both Campus Safety and facilities maintenance staff routinely check the campuses for maintenance, safety, and security issues. All campus community members are encouraged to report any issues to the Campus Safety Department any time by calling 207-216-3343.

## **Campus Safety**

York County Community College's Campus Safety staff have the authority to ask persons for identification and determine whether individuals have lawful business at YCCC. Campus Safety has the authority to issue parking tickets which are billed to the financial accounts of students. Campus Safety is not authorized to arrest. Criminal incidents are referred to the respective police departments who have jurisdiction at each YCCC location and to the Office of the Dean of Students for possible disciplinary action. YCCC has a Memorandum of Understanding (MOU) with Wells and Sanford Police Departments, maintaining a highly professional working relationship between campus safety and area police departments. All crime victims and witnesses are strongly encouraged to immediately report any crime to Campus Safety and/or their respective police departments. Prompt reporting will assure Campus Crime Alerts for the campus community and the accurate disclosure of Clery Act crime statistics.

YCCC Campus Safety can and does respond to student-related incidents that occur in close proximity to campus. When a York County Community College student is involved in an off-campus offense, Campus Safety may assist with the investigation in cooperation with local police departments. Wells and Sanford Police Departments routinely work and communicate with YCCC Campus Safety on incidents occurring on-campus, in the immediate neighborhood and business areas surrounding our campus.

## **Emergency Response**

Emergencies at YCCC campuses are responded to as follows:

- Wells Campus by the Wells Police Department and/or the Wells Fire Department
- Sanford Campus by the Sanford Police Department and/or Sanford Fire

## Department

Depending upon the situation, other emergency services may be provided by the community in which the campus is located as well as county, state, and federal emergency response services. Emergency procedures and notification methods are reviewed and tested annually through scheduled fire drills, monthly Safety training, and testing of the Rave Alert Emergency Notification System® at least twice a year.

In addition to numerous dispatch tests, a campus-wide notification drill was conducted on: due to COVID, this did not happen.

### Emergency Lockdown Procedures

When directed in an emergency, please follow the below procedures:

- Remain calm. Encourage others to remain calm.
- Lock or barricade all doors if possible. Use furniture or desks as cover.
- Cover any windows or openings that have a direct line of sight into a hallway.
- Shut the blinds, or pull the shades down. Turn off the lights and give the impression that the room is empty.
- Stay low, away from windows and doors.
- Sit on the floor, or crouch under or behind desks and bookshelves to be as invisible as possible.
- Put all cell phones into vibrate or silent mode.
- Call Safety only if new or specific information becomes available regarding the location or conduct of the intruder or if the status of the emergency changes.
- Be as quiet as possible.
- **DO NOT** respond to anyone at the door until an "all clear" text message, e-mail, phone message, or school-owned computer screen signals "all clear."
- If police enter your secured area and direct you to leave, assist others in moving as quietly and quickly as possible.
- Do not sound the fire alarm in the building unless there is a fire. People may be placed in harm's way when attempting to evacuate the building. If a fire alarm does go off during a lockdown, **do not evacuate** unless you smell smoke or see a fire in your area.
- If you are outside a building when a lockdown is announced, if it is safe to do so, run into the nearest building and follow the above lockdown instructions. If it is not safe to run into a building, hide behind a large, heavy object (i.e., vehicle, tree). Notify Safety of your location when it is safe to do so.
- Be aware of alternate exits in case it becomes necessary to flee.
- Individuals should not attempt to leave a building until told to do so by police or the College issues an "all clear" emergency alert

### Evacuation Procedures



The decision to immediately evacuate buildings or the campus will be made by the senior leadership staff, usually the President, in coordination with the Director of Campus Safety upon confirmation. However, in the case of a fire, building evacuation **will begin immediately** upon sounding the alarm without waiting for the order from campus staff. YCCC has various systems for communicating information quickly that may include audible and visual alarms in each building, telephones, e-mail, the YCCC website, and/or verbal directives that will be used for notification to evacuate. On all campuses, this may include the use of the Rave Alert® emergency notification system.

Evacuation of the College will generally fall into two categories:

- Limited evacuation of a building or designated area.
- General evacuation of an entire campus.

In general, you should plan for possible evacuations. Know primary and secondary evacuation routes from your office or classroom and the campus.

### **Building Evacuation**

If the fire alarm is activated:

- Leave the building immediately. Do not assume it is a false alarm.
- Assist people with disabilities and special needs in exiting the building!
- Do not return for personal items, except for identification if safe to do so.
- Do not go into the restrooms.
- Do not use the elevators.
- Direct visitors or anyone needing assistance to stairwells and exits.
- When you are outside, check in with your supervisor, department personnel, or instructor so everyone can be accounted for.
- If faculty, assure that all students in attendance in class that day have evacuated.
- If a department head, ensure that all staff present that day are accounted for and visiting students have been evacuated.

### **Campus Evacuation**

If the campus is evacuated:

- All persons (students and staff) must vacate the campus area in question immediately and relocate to another part of the campus grounds or off-campus as directed.
- Students and staff will be informed by Rave Alert® Emergency Notification System, e-mail, campus administrator, Safety staff, or other forms of communication required by the College.

### **Evacuation of Persons with Special Needs**

All persons at York County Community College, including those with special needs, must prepare for emergencies ahead of time. YCCC recommends that each person with disabilities or other special needs ask a co-worker, friend, or fellow student to assist if an emergency develops. This "evacuation assistant" should be informed about what disabilities you have and how they can best help you.

**If you are unable to leave the building due to a physical disability:**

- Go to the nearest area where there are no hazards.
- Contact Campus Safety by telephone (ext. 3343 or 207-216-3343) or call 911.
- Be sure to give them the building and room number so they can send help to you.
- If possible, signal out the window to on-site emergency responders.
- Try to establish a "buddy" system to have someone ready to assist you.

**To assist visually impaired persons:**

- Announce the type of emergency.
- Offer your arm for guidance.
- Tell the person where you are going, obstacles you encounter.
- When you reach safety, ask if further help is needed.

**To alert people with hearing limitations:**

- Turn lights on/off to gain the person's attention, or
- Indicate directions with gestures, or
- Write a note with evacuation directions.

**To evacuate people using crutches, canes, or walkers:**

- Assist and accompany to evacuation site if possible, or
- Use a sturdy chair (or one with wheels) to move the person, or
- Help carry individual.

**To evacuate people using wheelchairs:**

- Non-ambulatory persons' needs and preferences vary.
- Individuals at ground floor locations may exit without help.
- Others have minimal ability to move—lifting may be dangerous.
- Some non-ambulatory persons have respiratory complications.
- Remove them from smoke and vapors immediately.
- Wheelchair users with electrical respirators get priority assistance.
- Most wheelchairs are too heavy to take downstairs.
- If needed, contact Campus Safety at ext. 3343 or 207-216-3343, or dial 911. Give building and room number.
- Consult with the person to determine the best carry options only as a last resort. Otherwise, wheelchair users should shelter in place and await professional assistance.
- Reunite the person with the chair as soon as it is safe to do so.

**Questions**

Questions about emergency procedures should be referred to Campus Safety at ext. 3343 (207-216-3343).

**Crime Prevention and Safety Programs**

Crime prevention at York County Community College is based on minimizing or eliminating criminal opportunities and encouraging students and employees to

be responsible for their own safety/security and the safety/security of others. The Campus Safety Department conducts crime prevention programs upon request to educate the YCCC community on measures the community can take to reduce the chances of becoming a victim of crime.

Ongoing educational programs addressed sexual assault, domestic violence, dating violence, and stalking with the help of presenters from outside agencies.

The YCCC Campus Safety Department (207-216-3343) offers student, faculty, and staff escort services to and from class upon request at the Wells campus and provides assistance through regular ongoing patrols.

## **Drugs and Alcohol**

The Maine Community College System Student Code of Conduct prohibits the use, possession, sale, or distribution of alcoholic beverages or illegal drugs on College property or at College-related events, as well as being under the influence or knowingly in the presence of drugs or alcohol while on College property or at College-related events. All State of Maine and federal laws are enforced at YCCC and can result in referral to law enforcement and/or charges under the Student Code of Conduct.

For more information on the Maine Community College System policy on alcohol and other drugs and the College's drug and alcohol abuse prevention program, you may consult the Consumer Information page on the College's website: [Microsoft Word - 2019 Alcohol Drugs Brochure print 2019.docx](#) In addition to the "Alcohol and Drugs" brochure located on the Consumer Information page on the College's web site, the YCCC Student Services office offers brochures in the waiting room and gives them to students when needed. The brochures are put out by the Maine Community College System, the NIMH (National Institute of Mental Health), and the NIAAA (National Institute on Alcohol Abuse and Alcoholism). The College disseminates community information and provides referrals to support intervention and recovery for drugs and alcohol.

York County Community College does not offer formal substance/alcohol abuse counseling. Students who have alcohol or other substance abuse issues are strongly encouraged to contact their medical provider, a certified substance abuse counselor, or, if in crisis, the Maine Statewide Crisis Hotline at 1-888-568-1112.

York County Community College offers an alcohol and drug abuse education program that focuses on risk reduction. A variety of programming opportunities are made available to students annually based on incident trends and the needs of current students. YCCC hosted an Alcohol and Drug Awareness week in the fall and spring semesters and offered the following programs to students over the Spring of 2020- Fall 2020 semester (Note all programming March of 2020 to December 2020 was done via Zoom, Facebook, Instagram, and Discord for COVID safety):

### **Showing of Recovery in Maine**

Recovery in Maine: Washington County is a story of relentless hope, resilience, and recovery -- the kind of recovery that is only possible when a community sets stigma aside and shows up to meet people where they are.

### **Tipsy Trivia (alcohol and drug trivia)**

Students on teams compete for prizes answering drug and alcohol trivia questions.

### **Standard Drink Demo**

Interactive Zoom session to educate students on what constitutes a standard drink of various types of alcohol and how the body handles alcohol.

### **Know your limits**

YCCC requires alcohol and drug education for students involved in alcohol or drug violations of the Student Code of Conduct. The course requires a test and provides a certificate of completion.

### **Violence Against Women Reauthorization Act (VAWA) and York County Community College's Procedure on Domestic Violence, Dating Violence, and, Sexual Assault and Stalking**

Under VAWA's Campus SaVE Act provisions, YCCC must report domestic violence, dating violence, and stalking beyond the crime categories the Clery Act already mandates.

Any behavior that constitutes domestic violence, dating violence, sexual assault, or stalking under this policy is prohibited and will subject the offender to disciplinary action, including possible dismissal, whether or not criminal charges are filed and without regard to whether the conduct occurred on or off campus. In addition, domestic violence, stalking, sexual assault, rape, and other sexual offenses are illegal under Maine criminal statutes and may be separately prosecuted in a court of law.

### **Terms**

**Domestic violence** means a *felony or misdemeanor crime of violence* by a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic or family laws of the jurisdiction in which the crime of violence occurred, or any other person against an adult or youth victim who is protected under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Dating violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse, and the existence of a social relationship of a romantic or intimate nature with the victim is determined based on:

1. The reporting party's statement;

2. The length of the relationship;
3. The type of relationship; and
4. The frequency of interaction between the persons involved in the relationship.
5. The term dating violence *excludes* acts covered under the definition of domestic violence.

**Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

## **Victims and Witnesses**

The College can refer Victims of the above mentioned offenses to counseling support and police assistance if desired. Care and consideration of the victim's wishes will be taken into account throughout the intervention process.

Individuals who feel that they are victims or witnesses and bystanders of any sexual offense, domestic violence, dating violence, or stalking are urged to file a complaint with the respective police departments and/or the College's Campus Safety Department or the Office of the Dean of Students. Reports made to the Campus Safety Department are shared with the Office of the Dean of Students for disciplinary review or action.

The College strongly recommends that all victims seek immediate medical assistance. A victim may have internal or external injuries and may need treatment for disease or infection. Additionally, the College strongly recommends that all victims seek counseling and emotional assistance. A full range of support services can be initiated through Sexual Assault Response Services of Southern Maine by calling 1-800-871-7741 or domestic violence resources by calling 1-866-834-4357.

## **Standards of Conduct and Disciplinary Process**

YCCC's standards of conduct and the student disciplinary process are outlined in the Student Code of Conduct, available in the student handbook, the YCCC Compass. The College's procedures for disciplinary action in cases that involve sexual offenses, domestic violence, dating violence, and stalking comply with the Higher Education Amendment (HEA) of 1992. In those cases required by the HEA: the accuser and the accused are entitled to the same opportunity, if any, to have others present during the investigative interview and/or during a Stage Two hearing and attendant proceedings. For further information about the disciplinary system, contact the Dean of Students at 207-216-4399.

## **Student Sexual Misconduct and Assault**

### **A. Introduction**

Certain sexual activities can produce emotional and physical distress and constitute violations of criminal law. Other sexual activities can produce significant regrets or misunderstandings. The purposes of this procedure are to notify students of their responsibilities when engaging in sexual activities and to protect students from those who do not meet these responsibilities. This procedure supplements the MCCS Student Code of Conduct ("Code") by defining the nonconsensual sexual activities that constitute violations of the Code; explaining the procedures that will apply to the handling of such alleged violations; the standard of evidence used; and providing important additional information to all students. The intention is to inform students in detail of their responsibilities under the Code, and to assist the Colleges in investigating and resolving cases alleging such violations.

For new employees, YCCC requires the following training via Safe College's online platform:

***Workplace Violence: Awareness & Prevention Employee***

Provide employees and supervisors with basic information about awareness and prevention of violence in the workplace. The course will review the levels and causes of workplace violence, the early warning signs of violence, and techniques for defusing hostile situations.

***Sexual Harassment Staff-to-Staff***

The course is designed to provide employees with a basic understanding of sexual harassment and strategies to maintain a harassment-free environment.

***Dating Violence: Identification & Prevention***

Employees learn how to recognize signs of abuse, take steps to prevent abuse, and learn the correct procedures to safeguard students.

***Campus SaVE Act for Employees - Sexual Violence Awareness***

Informs employees about the requirements of the Campus SaVE Act. This includes the identification of and response to incidents of sexual violence against students. This course will cover sexual violence awareness, risk reduction and bystander intervention, action to take after sexual violence has occurred, and student disciplinary proceedings, victim protections, and sanctions.

***Diversity Awareness Staff-to-Staff***

Provide staff with an awareness of how a diverse workforce strengthens an organization. The course examines unintentional and intentional behaviors that can discriminate or contribute to a hostile work environment. It also discusses ways to respond or even intervene in discriminatory acts that are in concert with your organization's policies and showcase positive reinforcing behaviors that show respect and appreciation for staff who are different than you.

***B. Personal Responsibilities***

In addition to the responsibilities students have under the Code of Conduct and this procedure, students are strongly advised to heed numerous other personal responsibilities. To avoid the problems identified above, as well as problems related to unwanted pregnancies, sexually transmitted diseases, and other personal difficulties, all students are advised to:

1. Pursue or permit sexual activities of any kind only with a person with whom there is an established relationship;
2. Pursue or permit sexual activities of any kind only while not under the influence of drugs or alcohol; and
3. Communicate expressly, at the time of possible sexual activities, their respective desire, comfort, and clear agreement to engage in any sexual activities at such time, and communicate the specific activities to which they consent.

### C. Definitions

For purposes of this procedure, the following terms have the following meanings:

1. "**Reliable Consent**" means a person's:
  - a. Voluntary agreement;
  - b. Communicated by words;
  - c. At the time of the sexual activity;
  - d. To engage in each of the sexual activities at issue in a given case.

Such agreement must be expressly requested and, if given, expressly stated.

Current agreement must not be assumed or inferred from previous instances when reliable consent was given by the Complainant. Agreement from a person who is visibly intoxicated or otherwise impaired shall not be regarded as reliable consent.

Agreement to engage in one sexual activity (such as touching) is not an agreement to engage in a different sexual activity (such as an act). Agreement can be withdrawn at any time, and if so withdrawn, the sexual activity shall stop.

2. "**Acquiescence**" means a person's submission to engaging in one or more sexual activities without communicating either an express verbal agreement or an express physical or verbal objection.
3. "**Sexual misconduct**" means the following where there is no reliable consent:
  - a. "**Sexual touching**," which means any intentional touching of the breasts, buttocks, groin or inner thigh, directly or through clothing, and for the purpose of arousing or gratifying sexual desire; or
  - b. "**Sexual contact**," which means any intentional touching of the genitals or anus, directly or through clothing, other than as would constitute a sexual act, for the purpose of arousing or gratifying sexual desire or for the purpose of causing bodily injury or offensive physical contact; or
  - c. "**Sexual act**," which means any intentional act done for the purpose of arousing or gratifying sexual desire when that act involves direct physical contact between the:
    - 1) Genitals of one and the mouth or anus of another; or

- 2) Genitals of one and the genitals of another; or
  - 3) Genitals or anus of one and an instrument or device manipulated by another person.
4. **"Sexual assault"** means any sexual misconduct as defined above where, at the time of the sexual activity, the Complainant:
- a. Expressly communicated by words or physical act(s) a timely objection; or
  - b. Was visibly intoxicated or otherwise visibly impaired; or
  - c. Was unconscious, incapacitated, or otherwise unaware that sexual activity was occurring or about to occur; or
  - d. Was placed in reasonable fear of physical injury or other harm because of the Respondent's use or threatened use of physical force or other harm.
5. **"Complainant"** means a person who believes he or she experienced sexual misconduct or assault by student.
6. **"Respondent"** means a student accused of sexual misconduct or assault.
7. **"Retaliation"** means pressuring a person to drop or support a complaint or to provide false or misleading information; pressuring a person to participate or refrain from participating as a witness in a proceeding; or engaging in conduct that may reasonably be perceived to affect adversely that person's educational, living, or work environment for making a good-faith report or participating in good faith in an investigation.
8. **"Preponderance of the Evidence"** describes the standard of evidence used during any institutional disciplinary proceeding arising from an allegation.

#### **D. Prohibited Conduct**

It is a violation of the Student Code of Conduct for a student to intentionally engage in sexual misconduct or sexual assault, or to retaliate against a person who in good faith reports or participates in an investigation under this procedure. A student may be found responsible for retaliation even if not found responsible for the underlying alleged sexual misconduct or assault.

#### **E. Reports to a College**

1. **When to Report.** Students are advised to report allegations of sexual misconduct or sexual assault immediately or as soon as possible.
2. **Where to Report.** To ensure the most prompt response, reports should be given to the Dean of Students. Any other employee who receives such a report shall immediately share the report with the Dean of Students.
3. **What to Report.** A complaint may be made orally or in writing, and should be as specific as possible. A report should disclose the identity



of the person(s) alleged to have engaged in the sexual misconduct or sexual assault, and the location(s), date(s) and description of the alleged acts. A College cannot take complaints "off the record." Once a College receives such information, it has a duty to investigate and possibly take action even if, at the time of the complaint, the Complainant does not want the College to do either. Unless the Complainant signs a written statement specifying withdrawal of the complaint, the Complainant may not be deemed to have withdrawn her or his complaint.

4. **False Reports.** It is a violation of the Code for any student to intentionally file a report of any kind with a College official when the student knows that such report, by fabrication or material embellishment, is false.

#### **F. Information Provided to a Complainant at the Time of a Report**

At the time of a report to the Dean of Students, the College shall provide to the Complainant a copy, or hypertext links to copies, of the Code, this Procedure and the Appendices to this Procedure. Students are hereby advised of the following:

1. **Preserving Evidence.** It is important to preserve physical evidence in order to help prove a criminal sexual assault, stalking, domestic violence, other acts of violence occurring within a dating relationship, or to help obtain a protective order;
2. **Confidentiality.** The College uses best efforts to protect the confidentiality of the identity and allegations involved in a report, including keeping all records confidential to the extent permissible by law. Information regarding sexual misconduct or assault reports, and any investigation or review of those reports, including sanctioning determinations, will be shared among College officials with a legitimate educational interest or with external individuals or entities only on a need-to-know basis and only as permitted by College policy and applicable law. A College will be required to disclose the Complainant's name, statements and allegations to the Respondent. A College may choose to comment publicly, in writing or otherwise, to the extent permitted by law, regarding the decision reached if, in the judgment of the College, the best interests of the community would be served by such a disclosure. If possible and appropriate, the anonymity of the student(s) involved will be protected;
3. **Counseling, Health and Mental Health Services.** Counseling, health and mental health support services are available either on campus or in the area. A list of such services is attached in the *Appendix* to this procedure;
4. **Law Enforcement.** The complainant has the right to contact, and file a criminal complaint with, the police. A list of such authorities is attached in the *Appendix*. The police can advise and assist with the Complainant's option to request from a court that a temporary or

permanent restraining order, or other protection or no contact order be issued against an alleged offender; and

5. **Victim Advocacy and Legal Assistance Services.** Victim advocacy and legal assistance services are also available. A list of such services is attached in the *Appendix*.

### **G. Investigations**

The College shall use the Code of Conduct in conducting an investigation of reports or allegations of sexual misconduct or sexual assault.

### **H. Interim Steps While an Investigation is Conducted**

The College shall consider what interim steps, if any, should be taken until the investigation and findings are complete. Such steps include, for example, changing the affected student(s) academic, living, transportation, and working situations if requested and reasonably available.

### **I. Participation during Proceedings**

Consistent with the Code, both the Complainant and the Respondent shall have the same opportunity to have others present during internal disciplinary proceedings, including the opportunity to be accompanied to related meetings by an advisor of their choice.

**J. Outcomes** At the time that the College makes its final findings, the College shall in writing notify simultaneously the Complainant and Respondent of: 1. Whether the Respondent was found to violate the Code and, if so, the provisions violated and discipline imposed; and 2. The Respondent's and Complainant's rights under the Code to appeal the findings and any discipline.

### **K. Discipline**

A violation of this procedure shall result in discipline under the Code. Because of the wide range that can exist between cases of violent misconduct and cases of poor communication, the following guidelines shall assist Colleges in determining the appropriate discipline for each case.

- a. **Sexual Assault vs. Sexual Misconduct.** Findings of sexual assault shall be regarded as more severe than findings of sexual misconduct.
- b. **Types of Sexual Misconduct.** Findings of a sexual act shall be regarded as a more severe form of sexual misconduct than findings of sexual contact, and findings of sexual contact shall be regarded as a more severe form of sexual misconduct than findings of sexual touching.
- c. **Cases of Acquiescence.** Findings that a student did not obtain express verbal agreement and instead relied upon mere acquiescence shall be regarded as important but less severe than cases involving sexual assault.
- d. **Repeat Violators.** Findings that a student was previously found responsible for sexual misconduct or sexual assault shall be regarded as more severe than a first offender.

### **L. Retaliation**

The College will take appropriate steps to ensure that a person who in good faith reports or participates in an investigation under this procedure will not be subjected to retaliation by the Respondent or others. Anyone who has experienced retaliation is strongly encouraged to report that concern using the procedures in *Section C* above.

### **M. Protective Orders**

Complainants have the right to request from a court that a temporary or permanent restraining order, or other protection or no-contact order be issued against an alleged offender. Only the police, and not College Safety, have the authority to enforce such an order by arresting a person who violates the order. The Complainant should, therefore, promptly inform the Dean of Students and/or Enrollment Services if such an order is obtained so that the College may be better prepared to more promptly contact the police if necessary.

### **N. Primary Authority and Annual Training**

The Dean of Students and/or Enrollment Services at each College shall have primary responsibility for overseeing the application of this procedure. The Dean shall ensure that Disciplinary Officers, Disciplinary Committee Members and other pertinent employees are annually informed about this procedure. The Dean shall further consult with the MCCS General or Assistant Counsel on questions arising under, or recommendations to improve, this procedure.

### **O. Other**

Nothing in this procedure shall be construed to confer a private right of action upon any person to enforce the provisions of this procedure.

### **Important phone numbers for victims of sexual assault:**

Sexual Assault Response Services of Southern Maine: 1-800-871-7741  
Wells Police Department: Emergency – 911; Non-emergency – 207-646-9354  
Sanford Police Department: Emergency – 911; Non-emergency – 207-324-9170  
YCCC Campus Safety Department: 207-216-3343

### **The College strongly recommends that victims of sexual assault:**

1. Seek immediate medical assistance. A victim may have internal or external injuries and may need treatment for disease or infection.
2. Report such acts to the College's Campus Safety Department, and/or the respective police department having jurisdiction. Filing a report with the police provides the opportunity for collection of evidence helpful in prosecution that cannot be obtained later. Ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical exam and sexual crimes investigation kit administered by trained hospital personnel.
3. At the victim's request, Safety officers or college administrators will assist in the notification of local law enforcement. The College's disciplinary system may proceed against any alleged violator of YCCC policy, whether or not state or federal criminal proceedings exist or are pending.
4. Seek counseling and/or emotional assistance and support. Speaking with

a trained counselor can be critical to the emotional or mental well-being of the victim following a trauma.

### **Victim Accommodations**

The College will consider requests for changes in academic accommodations and work with victims to reach a reasonable solution. The College will consider requests for changes in on-campus living accommodations on a space-available basis. Compliance with these provisions does not constitute a violation of section 444 of the General Education Provisions Act (20 USC 1232g) commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

### **Registered Sex Offenders**

In compliance with the Campus Sex Crimes Prevention Act of 2000, members of the York County Community College may contact the Maine Sex Offender Registry at their website <http://sor.informe.org/sor/> for information concerning registered sex offenders.

### **Missing Person Procedure**

The purpose of this procedure is to establish protocols for York County Community College's (YCCC) response to reports of missing students, as required by the Higher Education Opportunity Act of 2008. This procedure applies to students who reside in YCCC campus residence halls. For purposes of this procedure, a student may be considered to be a "missing person" if the person's absence is contrary to his/her usual pattern of behavior and unusual circumstances may have caused the absence. Such circumstances may include, but not be limited to, a report or suspicion that the missing person may be the victim of foul play, has expressed suicidal thoughts, is drug dependent, is

in a life-threatening situation, or has been with persons who may endanger the student's welfare.

### **Procedures for designation of emergency contact information**

Students age 18 and above and emancipated minors:

Students will be given the opportunity during each semester registration process to designate an individual or individuals to be contacted by the College no more than 24 hours after the time that the student is determined to be missing in accordance with the procedures set forth below. A designation will remain in effect until changed or revoked by the student.

Students under the age of 18:

In the event a student who is not emancipated is determined to be missing pursuant to the procedures set forth below, the College is required to notify a custodial parent or guardian no more than 24 hours after the student is determined to be missing in accordance with the procedures set forth below.

Anyone can access York County Community College's official submission of Clery Crime Act criminal statistics to the Department of Education at <https://ope.ed.gov/campussafety/#/> . Tables of the previous three years criminal statistics for both campuses are available below.

# Wells Campus Crime Stats

Wells Campus	2018						2019						2020					
	Non-Campus (1)	Campus (2)	Public (3)	Total (4)	Resid. (5)	Unfounded (6)	Non-Campus (1)	Campus (2)	Public (3)	Total (4)	Resid. (5)	Unfounded (6)	Non-Campus (1)	Campus (2)	Public (3)	Total (4)	Resid. (5)	Unfounded (6)
<b>CRIMINAL OFFENSES</b>																		
Murder	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>BIAS CRIMES</b>																		
Race	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Orientation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Gender	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ethnicity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>ARRESTS</b>																		
Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>DISCIPLINARY ACTIONS</b>																		
Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

- (1) Campus: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institutions educational purposes, including residence halls.
- (2) Non-Campus: Any building or property owned or controlled by a student organization that is officially recognized by the institution; or Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institutions educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
- (3) Public: All public property, including throughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.
- (4) Total: Campus crime + non-campus+public crime
- (5) Residence: A subset of campus crime. Crimes are counted in both categories.
- (6) Unfounded - after an investigation by a law enforcement agency any report of a crime that is found to be false or baseless the crime is considered "unfounded".



# Sanford Campus Crime Stats

Sanford Campus	2018						2019						2020					
	Non-Campus (1)	Non-Campus (2)	Public (3)	Total (4)	Resid. (5)	Unfounded (6)	Non-Campus (1)	Non-Campus (2)	Public (3)	Total (4)	Resid. (5)	Unfounded (6)	Non-Campus (1)	Non-Campus (2)	Public (3)	Total (4)	Resid. (5)	Unfounded (6)
<b>CRIMINAL OFFENSES</b>																		
Murder	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>BIAS CRIMES</b>																		
Race	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Orientation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Gender	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ethnicity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>ARRESTS</b>																		
Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>DISCIPLINARY ACTIONS</b>																		
Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

(1) Campus: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institutions educational purposes, including residence halls.

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

(3) Public: All public property, including throughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

(4) Total: Campus crime + non-campus+public crime

(5) Residence: A subset of campus crime. Crimes are counted in both categories.

(6) Unfounded - after an investigation by a law enforcement agency any report of a crime that is found to be false or baseless the crime is considered "unfounded".