

**MAINE**  
UNIVERSITY OF MAINE SCHOOL OF LAW  
**LAW**

**Student Handbook:**  
*Academic Requirements, Policies,  
and Procedures for the  
Degree of Juris Doctor*

2020-2021

**MISSION STATEMENT**  
*University of Maine School of Law*

The University of Maine School of Law is the state's public and only law school, a vital resource serving our Community. Maine Law is an institutional public servant committed to providing an accessible and affordable student-focused program of legal education and achieving the highest standards of ethical behavior. Our rigorous doctrinal and experiential curriculum, influential scholarship, and innovative programming prepare students to practice law, promote respect for the rule of law, and advance justice for all members of society.

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## **I. Introduction.**

The Student Handbook: Academic Requirements, Policies, and Procedures (Student Handbook or Handbook) contains information about the University of Maine School of Law's general academic requirements, rules, and policies, as well as the Student Code of Conduct. Students at the University of Maine School of Law (Law School or Maine Law) must satisfy certain academic requirements in order to maintain good academic standing and in order to be eligible to graduate. Students should note that individual state bar requirements may not be the same as those outlined here.

Many of the rules contained herein are in accordance with the American Bar Association's Standards and Rules of Procedure for Approval of Law Schools (ABA Rules).

All entering students are required to sign an "Acknowledgment" indicating that they have received a copy of or electronic access to the Handbook and the University of Maine System Student Code of Conduct. The policies and procedures outlined in the Student Handbook are updated on a regular basis. Notice of changes will be sent to students via email, the official communication method for the University of Maine System. The most recent version of the Student Handbook and any related addenda are posted on the Maine Law portal.

## **II. Credit Hours and Residence Rules.**

The Law School requires students to satisfy minimum credit hours and residence requirements in order to be eligible to graduate. (See "Graduation Requirements," Section XII.) Only courses taken subsequent to matriculation in law school can be used to satisfy the J.D. requirements. It is the responsibility of each student to determine whether he or she has satisfied these requirements for graduation.

### **A. Total Required Credits.**

Students are required to successfully complete the first-year curriculum consisting of thirty (30) credit hours, as prescribed by the Faculty, plus at least sixty (60) credit hours in upper-division courses. Students will need to successfully complete a total of at least ninety (90) credit hours in order to be eligible to graduate. (See "Graduation Requirements," Section XII.) Successfully completed means a Pass or Low Pass, in a Pass/Fail course and a D or above in a graded course. Credits may be earned either by work at the University of Maine School of Law or by work at other schools for which Maine Law has approval, or by a combination of the two. Students may not repeat classes for which they earned credit.

### **B. Full-time Students.**

First-year full-time students must take the prescribed thirty (30) credit hours. Most second- and third-year courses are electives to be chosen by each student in order to constitute a semester course load of not fewer than twelve (12) hours or more than sixteen (16) hours.

### **C. Limit on Employment While Attending Law School.**

The Faculty advises students who are enrolled in more than twelve class hours to work fewer than 20 hours per week.

### **D. Part-time Students/Reduced Course Load.**

Students who wish to enroll in a reduced course load must receive approval before the semester from the Associate Dean for Student Affairs. First-year students enrolled in a reduced course load

take a minimum of: seven (7) credits in the fall semester (Civil Procedure I and Legal Research, Analysis, & Communication I); and seven (7) credits in the spring semester (Legal Research, Analysis, & Communication II and one additional course). During the second year, students will take the remaining first-year requirements. Students approved for a reduced course load must complete all graduation requirements within seven years of matriculation.

#### **E. Residence Requirements.**

Students must satisfy certain minimum residence requirements. In order to satisfy their residence requirements in three academic years, students must successfully complete six semesters of residence as a law student enrolled at an ABA accredited law school. Students must be in residence at least three semesters at the University of Maine School of Law. Students earn full residence credit for those semesters in which a full-time academic load is completed. Students who have been in a part-time status or who have studied at a foreign institution for any portion of their legal education should consult with the Associate Dean for Student Affairs concerning residence requirements.

#### **F. Maximum Years to Complete J.D.**

In order to be eligible to graduate, students must complete all the required credit hours and satisfy their residence and academic requirements no later than 7 years (84 months) after the date of their matriculation.

#### **G. Exceptions to Minimum/Maximum Credit Rules.**

A student may not take fewer than twelve (12) hours without the prior approval of the Associate Dean for Student Affairs or his or her designee. A student may not take more than sixteen (16) hours in any semester without the prior approval of the Vice Dean/Provost. Permission to take more than sixteen (16) hours will be granted only upon a showing of extreme hardship. In no event, however, will more than seventeen (17) hours be approved. Students enrolled in summer session may take no more than 8 credit hours. All students must enroll in a minimum of 6 credit hours to be eligible for financial aid.

#### **H. Special Credit Rules.**

##### **1. Summer Session.**

Maine Law offers a limited number of law courses in its summer session. Students may take courses during the summer session at another ABA-accredited law school. Such summer study may include a summer program of legal studies in a foreign country that is administered through an ABA-accredited law school. Credits earned in the summer may be applied to the credit-hour requirements needed for graduation.

Credits earned in the Law School's summer session are reflected on the official transcript and if letter grades are awarded, they are figured into the cumulative grade point average. Credits earned in a summer school program offered by another law school, however, may be counted toward the minimum credit hours required for graduation provided those credits earned are from (a) courses in which the student received a grade of C or its equivalent, or better, and (b) courses which do not duplicate courses for which credits have already been earned. Course grades from other law schools will appear on the Law School transcript, but will not be included in the cumulative grade point average.

Requests for permission to attend the summer session at another ABA-accredited law school and for course approval must be approved in advance by the Associate Dean for Student Affairs.

**2. Study at a Foreign Institution and Exchange Program Rule.**

Maine Law students who study abroad either through an established exchange program or through an ABA-approved exchange program will receive credit for courses taken provided those credits earned are from (a) courses in which the student received a grade of C or its equivalent, or better, and (b) courses which do not duplicate courses for which credits have already been earned. Course grades from other foreign institutions or exchange programs will appear on the Law School transcript, but will not be included in the cumulative grade point average. Such students must see the Associate Dean for Student Affairs, who serves as the Academic Advisor for all study abroad students, for approval.

**3. Transfer Student Rule.**

A student who has been accepted for transfer to the University of Maine School of Law from another ABA-accredited institution will be given credit for the number of hours accepted in transfer as determined by the Vice Dean/Provost. Courses completed with a grade of “C” or above are eligible for transfer, and a maximum of 45 hours of course credit may be transferred. The prior grades of a transfer student will be reflected on the transcript, but will not be figured into the student’s grade point average. Transfer students will not be ranked in class standings, but will be eligible for honors and Dean’s List. Upon request to the Registrar, transfer students will be given a letter including a statement of estimated rank comparable to students in their class. Transfer students must meet all graduation requirements, which may include successfully completing some first-year courses not taken at their original institution.

**4. Applicants from Foreign Law Schools.**

A student who has studied at a law school outside the United States may be admitted to the University of Maine School of Law as a JD candidate with “advanced standing” pursuant to Rule 505 of the ABA Rules if (1) the studies were “in residence” at the foreign law school; (2) the content of the studies were such that credit would have been granted toward the degree requirements of Maine Law if offered here; and (3) in the judgment of the Vice Dean/Provost the quality of the educational program at the foreign law school was at least equal to that of an ABA-accredited institution. Only those credit hours completed with a grade of or equivalent to a “C” or above are eligible for transfer, and a maximum of 30 hours of course credit may be transferred. Students must indicate at the time of application and/or matriculation at the University of Maine School of Law that they seek advanced standing under this rule. Similar to students who have transferred from other ABA-accredited law schools, advanced standing students will not be ranked in the class standings, but will be considered for Dean’s List and other honors. Upon request to the Registrar, a student will receive a letter stating the school’s policy and a statement of estimated rank comparable to students in the class.

**5. Applicants from the Maine Law LL.M. Program.**

A student who has completed Maine Law’s LL.M. program may be admitted to the University of Maine School of Law as a JD candidate with “advanced standing” pursuant to ABA Rules. Only those credit hours completed in JD courses with a grade of or equivalent to a “C” or above are eligible for transfer, and a maximum of 30 hours of course credit may be transferred. Students must indicate at the time of application and/or

matriculation at the University of Maine School of Law that they seek advanced standing under this rule. Similar to students who have transferred from other ABA-accredited law schools, LL.M. transfer students will not be ranked in the class standings, but will be considered for Dean's List and other honors. Upon request to the Registrar, an LL.M. transfer will be given a letter stating the school's policy and a statement of estimated rank comparable to students in his or her graduating class.

**6. Visit Away Credit Rule.**

Students may visit another ABA-accredited law school in the United States with approval of the Associate Dean for Student Affairs. Students may visit only after completing the first year curriculum. Students requesting to visit must be in good academic standing. Students will earn credit for the courses completed provided those credits earned are from (a) courses in which the student received a grade of C or its equivalent, or better, and (b) courses which do not duplicate courses for which credits have already been earned. Course grades from other law schools will appear on the Law School transcript, but will not be included in the cumulative grade point average.

**7. Clinic and Externship Credit Rule.**

**a. Required Credits for Enrollment.** In order to enroll in an Externship or the Human Rights and Refugee Clinic, a student must have completed no fewer than 30 credits. In order to enroll in all other clinics, a student must have completed a minimum of 42 credits and meet all other requirements as outlined in Appendix III, the Student Attorney Certification Policy. For externship students who wish to be certified as a student attorney, they must have completed three semesters of law school (a minimum of 42 credits).

**b. Maximum Credits Allowed.**

- i. No student may take more than a total of 18 credits in clinical and externship courses combined.
- ii. A student may take no more than 12 credit hours of externship courses. For purposes of this rule "externship courses" include Externship (Law 690) and Judicial Externship (Law 773).
- iii. A student may take no more than 18 credit hours of clinical courses. For purposes of this "clinical courses" include General Practice Clinic (Law 663); Advanced Cumberland Legal Aid Clinic (Law 718); Prisoner Assistance Clinic (Law 712, Juvenile Justice Clinic (Law 724); and Refugee and Human Rights Clinic (Law 783).

**8. Independent Study Rule.**

A student may take no more than four total credit hours of Independent Study. Additionally, a student may enroll in no more than two Independent Study courses in one semester. Students may elect to enroll in either a one- or two-credit Independent Study option. The one-credit option is for the reworking and expansion of a previous paper toward publication. The two-credit option is for the completion of a substantial paper, a series of papers, or other major written project that is of serious educational value. Any work counted for the Independent Study credits must be original work and not completed as part of a joint or external project. All Independent Study courses must be completed under faculty supervision and with the approval of the Vice Dean/Provost.

**9. Online Course Rule.**

Students may take up to 30 credits of online courses. Students should note that individual states may have rules regarding the acceptance of online courses toward bar certifications. If students enroll in online courses at another institution, the same rules and procedures apply as outlined in the Visit Away Credit Rule above.

**10. Nine (9) Credit Rule (Courses Taken in the University of Maine System).**

Students may petition to receive Law School credit for up to 9 credits of courses taken within the University of Maine System (UMS). Courses must be approved by the Vice Dean/Provost in advance. Preference is given to graduate level coursework, however, permission to enroll in an undergraduate level course may be given in an exceptional circumstance. Students will earn credit for the courses completed provided those credits earned are from (a) courses in which the student received a grade of C or its equivalent, or better, and (b) courses which do not duplicate courses for which credits have already been earned. Although grades earned in any UMS courses will appear on the Law School transcript, the grades will not be figured into the cumulative grade point average. Tuition for UMS courses is charged separately from Law School tuition. Students should be aware that the Law School full-time tuition charge does not cover other UMS coursework.

**11. Cross-Listed Courses.**

Maine Law frequently offers classes cross-listed with other academic programs within the University of Maine System. If a cross-listed course is offered with a course designation of LAW, then students must register for the LAW designation. All cross-listed courses taught by Maine Law faculty will not count toward the nine credits that students are allowed to take from other University of Maine System programs. Courses taught by faculty from other departments within the University of Maine System, however, will count toward the nine credits allowed. The credits and grades from cross-listed courses are counted toward graduation in the same manner as all LAW courses.

**12. 64 Credit Rule.**

In accordance with ABA Rules, the Law School requires that all students must enroll in at least 64 credit hours in courses that require attendance in regularly scheduled classroom sessions or direct faculty instruction, including clinics, simulation courses, law-related international exchange studies, and distance education classes. Credit hours earned through non-classroom sessions, such as externships; co-curricular activities such as law review, moot court, and trial competition; and courses taken in departments outside the Law School will not count toward the 64 credits.

**13. Credits Awarded for Co-Curricular Activities.**

The following co-curricular activities receive academic credit:

- a. Journals (Maine Law Review and OCLJ): 1 credit per semester for a maximum of 4 credits.
- b. Moot Court: 2 credits per competition for a maximum of 4 credits.
- c. Trial Team: 2 credits per competition for a maximum of 4 credits.

### III. Determination of Credit Hours for Coursework Rules.

Standard 310 of the ABA Rules requires that: “A law school shall adopt, publish, and adhere to written policies and procedures for determining the credit hours that it awards for coursework.” The following policies and procedures are intended to comply with Standard 310:

#### A. Determination of Credit Hours for Classroom Courses.

1. For in-class time, the total time for classroom courses, exclusive of written examinations or final papers, is 780 minutes (13 hours) per credit. In addition to in-class time, students are required to complete a minimum of 140 minutes (2 hours 20 minutes) per credit per week of out of class work, multiplied by 13, regardless of the length of the term of instruction, or a total of 1820 minutes (30 hours 20 minutes) per credit. Maine Law has a standard 13-week semester.

a. One-credit courses will be scheduled to meet once per week for 60 minutes (1 hour) per class. Students will be required to perform at least 140 minutes (2 hours and 20 minutes) of out-of-class work per week to earn 1 credit.

b. Two-credit courses will be scheduled to meet once per week for 120 minutes (2 hour) per class, or twice per week for 60 minutes (1 hour) per class. Students will be required to perform at least 280 minutes (4 hours and 40 minutes) of out-of-class work per week to earn 2 credits.

c. Three-credit courses will be scheduled to meet once per week for 180 minutes (3 hours) per class, twice per week for 90 minutes (1 hour 30 minutes) per class, or three times per week for 60 minutes (1 hour) per class. Students will be required to perform at least 420 minutes (7 hours) of out-of-class work per week to earn 3 credits.

d. Four-credit courses will be scheduled to meet twice per week for 120 minutes (2 hours) per class, three times per week for 80 minutes (1 hour 20 minutes), or four times per week for 60 minutes (1 hour) per class. Students are required to perform at least 560 minutes (9 hours and 20 minutes) of out-of-class work per week to earn 4 credits.

2. *One-credit “Bridge” Courses Scheduled for 4 Weeks.* Four-week Bridge courses will be scheduled to meet twice per week for 95-minute sessions (or an equivalent number of minutes over a different amount of time). For scheduling purposes, these courses require 760 minutes per credit. Students enrolled in 4-week Bridge courses are required to perform at least 455 minutes (7 hours 35 minutes) of out-of-class work per week to earn 1 credit.

3. Any classroom course deviating from the standard 13-week semester, such as summer classes or January classes, shall comply with ABA Standard 310 for both in-class time and out-of-class work per credit hour. Scheduling of these classes shall be based on a minimum of 750 minutes of in-class time and 30 hours of out-of-class work per credit hour.

#### 4. Out-of-Class Student Work.

a. For standard 13-week courses, faculty must require students to complete work outside of the classroom that reasonably approximates a minimum of 140 minutes (2 hours 20 minutes) per course credit hour per week, multiplied by 13.

b. For purposes of this rule, work outside of the classroom may include: reading assignments, case briefing, written assignments other than examinations, solving problem sets, participating in out-of-class simulations and role-playing exercises that help students develop lawyering competencies, research assignments, posting to an online discussion board, court or other observations, conferences with the instructor,

and other work that assists in comprehension of course content such as outlining and studying for examinations.

c. As guidance for determining the length of time to complete reading assignments, academic literature indicates that an average law student reads ten to thirty pages per hour (60 minutes), depending on the difficulty of the material. This guidance for estimating time to complete reading assignments does not include estimated time to complete additional study and preparatory work listed below.

d. Outside study and preparatory work, exclusive of reading assignments, includes, but is not limited to, briefing cases, additional reading of treatises and course-related material, outlining, practice questions and examinations, CALI exercises, participation in study groups and review sessions.

e. When creating class assignments, faculty should estimate the amount of time students are expected to spend on particular assignments based on factors, including the following:

- iv. Level of class (1L, 2L, 3L);
- v. Complexity of material (case law, social science, case materials, commentary, etc.);
- vi. Supplemental course requirements (hypotheticals, problem sets, group projects, presentations);
- vii. Complexity of assignment; and
- viii. Expected thoroughness of understanding.

**B. Determination of Credit Hours for Clinical Courses.**

1. Students enrolled in clinical courses, including General Practice Clinic, Refugee and Human Rights Clinic, Juvenile Justice Clinic, and Prisoner Assistance Clinic, must complete a minimum of 42.5 hours of work per credit in a semester.

2. Time Sheets. Students enrolled in a clinic must submit time sheets every two weeks (or more frequently, if required by the faculty supervisor) to demonstrate compliance with this requirement. Credit may be withheld for any student who fails to provide time sheets documenting completion of the required hours. The faculty supervisor must review the time sheets to ensure compliance and forward them or summaries to the Vice Dean/Provost.

**C. Determination of Credit Hours for Externship Classes.**

1. Students enrolled in Externships must complete a minimum of 42.5 hours of work per credit in a semester. This includes work performed at the placement, as well as assignments for the externship director. This does not include work performed for a 1-credit Externship Seminar.

2. Time Sheets. Students enrolled in an externship must submit time sheets every two weeks (or more frequently, if required by the faculty supervisor) to demonstrate compliance with this requirement. Credit may be withheld for any student who fails to provide time sheets documenting completion of the required hours. The faculty supervisor must review the time sheets to ensure compliance and forward them or summaries to the Vice Dean/Provost.

**D. Determination of Credit Hours for Non-Classroom Courses and Co-Curricular Activities.**

1. Students enrolled in non-classroom courses, such as Independent Study, Group Study, Upper Level Writing, and Legal Writing TA; and co-curricular activities, such as Moot Court, Trial Team, Maine Law Review, and Ocean and Coastal Law Journal; must complete 42.5 hours of work per credit in a semester.

2. **Time Sheets.** Students enrolled in the independent or co-curricular courses must submit detailed timesheets to their faculty supervisor every two weeks to demonstrate compliance with this requirement. Credit may be withheld for any student who fails to provide time sheets documenting completion of the required hours. The faculty supervisor must review the time sheets to ensure compliance and forward them or summaries to the Vice Dean/Provost.

**E. Determination of Credit Hours for Cross-Listed Courses or Courses taken in the University of Maine System.**

1. For cross-listed courses taught by non-Law School faculty, the Vice Dean/Provost will obtain and review the course syllabus, as well as request written certification from the course instructor ensuring that the class is in compliance with Standard 310.

2. A student who wishes to enroll in a non-law course offered by the University of Maine System, must provide a copy of the course syllabus to the Vice Dean/Provost. After review of the syllabus, the Associate Dean must obtain written certification from the course instructor ensuring that the class complies with Standard 310.

**F. Determination of Credit Hours for Courses Taken While Visiting Away at an ABA-Accredited Law School or for Courses Taken During Study at Foreign Institution.**

1. A student who wishes to enroll in courses offered by another ABA-accredited law school, must provide a copy of each course syllabus to the Associate Dean for Student Affairs. After review of each syllabus, the Associate Dean must obtain written certification from the institution (or instructors) ensuring that all classes comply with Standard 310.

2. A student who wishes to study at a foreign institution must provide a copy of the course syllabus for each course the student intends to take to the Associate Dean for Student Affairs. As a condition of approval of a student's request to study at a foreign institution, an official from the institution offering the course must certify in writing to the Associate Dean for Student Affairs, who also serves as the Academic Advisor for students studying at foreign institutions, that all the credits awarded for all courses.

**G. Make-Up Policy.**

1. Because the ABA requires courses to meet for a specified number of minutes in order to qualify for academic credit, it is important for classes to meet as scheduled. If a class must be canceled due to travel, illness, or for any other reason, or if classes are cancelled due to inclement weather, faculty will announce that cancellation to the students as early as possible. If an emergency requires cancellation of a class, faculty will notify the law school as early as possible so that students can be promptly informed.

2. All canceled classes should be rescheduled and made-up during designated make-up times, or at other times reasonably convenient times for the students. To ensure compliance

with the ABA's accreditation standards, the faculty member must provide "classroom or direct faculty instruction" during the make-up session.

**H. Course Approval.**

1. All proposals for new courses must include a paragraph justifying the number of credits to be awarded.
2. The Vice Dean/Provost will keep these proposals and justifications on file.
3. In approving new courses, the Curriculum Committee and Faculty will determine whether the number of credits awarded complies with Standard 310.

**I. Compliance with Credit Hour Policy and Standard 310.**

1. This policy shall be published in the Student Handbook (both paper and online versions).
2. Readings and other assignments shall be indicated on the course syllabus. The syllabus shall include a statement of the estimated time outside of class each student is expected to spend on out-of-class work.
3. All course instructors must submit their course syllabi to the Vice Dean/Provost. By submitting the syllabus, a course instructor is certifying that outside work expected for the course meets the requirements of Standard 310.
4. The Vice Dean/Provost will keep all course syllabi on file and review them on a regular basis to determine whether assignments of outside work comply with Standard 310.

**IV. Dual and Joint Degree Programs; Certificate Programs**

**A. Dual and Joint Degree Programs.**

The Law School offers dual and joint degree programs with the Muskie School of Public Service and the Maine Business School. If accepted, individually, into both the J.D. and an approved dual/joint degree program, a student may apply up to nine credits of specified courses to the J.D. degree. Pursuant to ABA Rules, the credits applied to the J.D. degree must have been earned after law school matriculation. Students may also apply approved credits earned from the Law School toward the dual/joint degree program. For more information on this dual/joint degree option, see the Vice Dean/Provost.

**B. Certificate Programs.**

Maine Law offers certificates in Information Privacy Law and Environmental and Oceans Law for J.D. students. For more information about requirements and procedures regarding this program, see Appendix V. Students interested in pursuing one of the certificate programs should consult with the Program Advisor as listed on the Portal.

**V. Required Courses.**

**A. First-Year Required Courses.**

The first-year curriculum is a structured program of courses prescribed for all first-year students. Only under exceptional circumstances will students be allowed to drop or

withdraw from first-year courses. First-year classes total 30 credits and include: Civil Procedure; Constitutional Law; Contracts; Criminal Law; Legal Research, Analysis, and Communication I & II; Property; and Torts.

**B. Upper-Division Courses.**

Except as noted in part V.B.1. below, courses after the first year are elective.

**1. Required Courses.** All students are required to successfully complete Professional Responsibility (LAW 632). Students who matriculated in the fall of 2018 or after, will be required to take two of the following four courses prior to graduation: (1) Administrative Law; (2) Evidence (or Trial Advocacy); (3) Business Associations; (4) Taxation.

In addition, as a requirement for graduation, all students are required to successfully complete: (1) the Upper Level Writing Requirement and (2) six credits from courses designated by the Faculty as a “Professional Skills Course.”

**a. Upper Level Writing Requirement.**

Students are required to complete the Upper Level Writing Requirement, which is a rigorous faculty-supervised writing experience to be commenced after finishing the first year of law study. The purpose of this requirement is to ensure that every student develops analytic and research skills as well as skills in meaningful criticism.

The Upper Level Writing Requirement may be satisfied in one of three ways:

- 1) Through completion of a research paper or substantial writing project in connection with any designated law school course or seminar. Students exercising this option will receive one additional credit for that course or seminar, and the regular add-drop period applies.
- 2) Through membership on *Maine Law Review* or *Ocean and Coastal Law Journal*, with completion of that journal’s writing requirement (one comment or two case notes). Students exercising this option must have faculty advisor oversight of their writing.
- 3) Through completion of a research paper or substantial writing project by taking Independent Writing (Law 700) for three credits. If the supervising faculty member for Law 700 is an adjunct professor, then the Associate Dean for Student Affairs must approve students to take Independent Writing in advance.

As used herein, the terms “research paper or substantial writing project” mean a substantial research paper or writing project of 25-40 pages in length, exclusive of footnotes. The research paper or substantial writing project used to satisfy the Upper Level Writing Requirement must be an original paper or project, and must not be submitted in any other class.

The faculty strongly encourage students to complete the Requirement prior to their final semester of study; the Requirement must be met before a student can graduate. Students may only enroll in one of these course options to meet the Requirement, and may not enroll in more than one of the options for credit toward graduation. A student may not use the written product or selected designated course or seminar to simultaneously satisfy both the Upper Level Writing Requirement and the Professional Skills Requirement, or any other graduation requirement.

Upon completion of the paper or project, the supervising faculty member must certify to the Registrar that the student has satisfactorily met the Upper Level Writing Requirement.

**b. Professional Skills Course Requirement.** As a requirement for graduation, each student must fulfill the Professional Skills Requirement. To satisfy this requirement, each student is required to successfully complete six credits from courses designated by the Faculty as professional skills courses. Examples include: Administrative Law Practicum, Commercial Law Practicum, Externship/Judicial Externship, General Practice Clinic, Juvenile Justice Clinic, Land Use Practicum, Prisoner Assistance Clinic, Refugee and Human Rights Clinic, and Trial Practice. These courses are designed to help students develop professional skills generally regarded as necessary for effective and responsible participation in the legal profession. Requests to have other courses satisfy the skills requirement should be submitted to the Vice Dean/Provost. Students may find the current list of these courses in the current registration materials.

**2. Group Study Program.** Second- and third-year students may form groups for the purpose of studying an area of the law not the topic of a currently offered course, subject to the following rules:

**a.** Group studies may not be composed of fewer than four or more than fourteen students. The members of the group must conduct weekly meetings and each member must submit an individual paper at the end of the semester. There will be a minimum attendance requirement that will be enforced by the group. Absence from more than two meetings will constitute an automatic withdrawal. Each group study must be supervised by a Faculty Advisor.

**b.** Group studies must be approved by the Curriculum Committee at least four weeks prior to the beginning of the semester. The group shall submit a proposal, signed by the Faculty Advisor that describes the scope and content of the program, a list of group members, and any special rules governing participation in and withdrawal from the program.

**c.** A Group Study will be for 2 credits per semester. Students may only earn a maximum of 2 credits of group study.

**d.** The course shall be graded Pass/Low Pass/Fail.

**C. Class Attendance.**

Regular class attendance is required by the Law School and also by ABA Rules. Professors take attendance in all classes and seminars. Students may not miss more than 20 percent of regularly scheduled classes for any course. The 20-percent rule is applied based on the number of class meetings and not the number of credit hours for a course. For example, if a course meets once per week, the allowed absences per term is 2. If a course meets twice per week, the allowed absences per term is 5. *Although this rule sets a minimum standard for attendance, faculty may establish attendance policies that are more restrictive than those outlined in this Handbook.*

Students with more than the allowed number of absences in a course will be contacted by the professor or referred to the Associate Dean for Student Affairs to discuss their

continued enrollment in that course. Students who continue to miss class may, after notice, be required to withdraw from the course. A student who is administratively withdrawn from a course may receive a “W” or “WF” on the transcript. Students withdrawn from a course for failure to attend will receive a refund only if one is provided for under the policies of the University of Southern Maine’s billing and financial offices.

## **VI. Registration and Course Evaluation Procedures.**

### **A. Registering for Courses.**

**1. Registration.** Students must register for the next semester’s courses during a designated registration period. All students must submit a registration form with their course selections and advisor’s signature to the Registrar. The Vice Dean/Provost and the Registrar circulate registration information, including course information and the semester schedule prior to the registration period. This information includes specific registration instructions, such as the deadline for participation in the course lottery process. Any student whose class ranking places them in the bottom 20 percent of their must have their schedule approved by the Associate Dean for Student Affairs. Failure to register during the designated registration period may result in the assessment of a late fee. More information about registration is available on the Maine Law portal.

Prior to completing the registration process, students must meet all obligations to the University and the Law School, including bill payment, transcript submission, submission of required forms, and immunization verification. In addition, all students are required to fill out a form with the Registrar at the beginning of the fall semester so that the school may have an accurate list of the names and addresses of students, as well as emergency contact information.

**2. Class Scheduling.** Once the class schedule has been set, classes may be rescheduled only upon 1) consent of all interested parties, and 2) approval by the Vice Dean/Provost. Each semester's schedule designates certain days/times reserved for class make-up times; no class and no extracurricular activities may be scheduled during the "make-up" times. The Vice Dean/Provost may reschedule a class due to unforeseeable circumstances, such as change in faculty.

### **B. Add/Drop Policy.**

Second- and third-year students may add and/or drop any classroom course(s) during the designated Add/Drop period, which is normally the first five business days of each semester. After that period, a student may drop any classroom course with permission of the Associate Dean for Student Affairs; there will be no record of the course on the transcript. After the sixth week, students who drop a course with permission will receive a notation of “W” for the course on their transcript. A student who does not receive permission to withdraw after the sixth week will be administratively withdrawn from the course and receive a grade of “WF” on their transcript. The indicator of W is not calculated into the student's grade point average. A student may not add a course(s) after the Add/Drop period without the permission of the Associate Dean for Student Affairs and the Faculty member whose course is to be added. Some other courses, such as clinical offerings, externships, and practicum, have more restrictive add/drop policies. These add/drop restrictions may include a shortened add/drop period or the ability to add/drop only prior to the beginning of the course. Bridge courses also have a separate add/drop period. For standard, 4-week bridge courses, the courses must be added or dropped prior

to the second class meeting. For specific add/drop information regarding these and other specialty courses, please see the semester registration materials and relevant course materials or syllabi.

**C. Course Evaluations.**

Course and teaching evaluations are generally conducted electronically prior to the end of the semester. Instructors will not have access to course evaluations until final grades have been submitted. Data is released for use by faculty and administrators in evaluation of teaching. Completion of evaluations is strongly encouraged.

**VII. Examination Procedures.**

Many courses use examinations and mid-term assessments as the basis for awarding graded credits earned at the Law School. Accordingly, scheduled examinations/assessments and established examination periods are an integral part of the academic calendar. Students must be available to sit for examinations during the semester, as well as during the designated examination period at the end of the semester regardless of their individual examination schedules; this includes regularly scheduled examinations on Saturdays. Examinations may be rescheduled (due to inclement weather or some other unforeseeable event) during the examination period and students will be expected to be present at the newly appointed time. Students writing exams or using laptops will take exams in the same room.

Failure to take a scheduled examination, without permission from the Associate Dean for Student Affairs or her designee, will result in a failing grade of F for that exercise. Return of a take-home examination after the deadline will result in severe penalties, including a grade of F for that exam.

The faculty place a high priority on having all fall semester grades completed before the first week of the spring semester. The Registrar will notify students by e-mail when all grades have been released to MaineStreet.

**A. Exam Numbers.**

To ensure anonymity in grading examinations, each student is assigned an examination number. The Registrar keeps the record of student exam numbers; each student will obtain his or her examination number from the Law School portal. This is a secure site; students must log on using their school assigned log-in and password. The Registrar and the Associate Dean for Student Affairs are the only persons who have access to the master list, which links names and numbers.

**B. Exam Schedule.**

The Registrar prepares and posts the final examination schedule at the beginning of the Add/Drop period. Students with two examinations on the same day will take one of the examinations on the next free examination day. Students with three or more examinations scheduled for successive days may request to reschedule one of the exams. This request must be made to the Registrar by the date posted on the exam schedule. Any other requests should be directed to the Associate Dean for Student Affairs. Exceptions to the exam schedule will only be granted due to exceptional circumstances.

**C. Past Examinations and Model Examination Answers.**

Copies of selected past examinations and model examination answers are available to students on the Maine Law student portal.

**D. Retention of Exams/Papers.**

All papers and blue books upon which grades are based will be retained for a one-year period. Professors will keep their students' exams/papers in the professor's office files until the end of the subsequent semester. Following the subsequent semester, the exams/papers may be turned in to the Registrar, who will store the exams/papers for the remaining period.

**E. Policies and Procedures Governing Exams.**

The Official Policies and Procedures Governing Exams is included in Appendix II. The policies have been approved by both the administration and faculty. Questions or concerns about these policies, as well as any other questions related to final exams, should be directed to the Registrar and/or the Associate Dean for Student Affairs.

**VIII. Grading System, Honors, and Policies.**

Grades at the Law School are given in letter terms, with the numerical equivalents used only to indicate the value assigned to each grade for purposes of calculating cumulative grade point averages. All grading, honors, dean’s lists, and other honors and policies are based on the numerical gpa scale used in the MaineStreet system. For purposes of grading, ranking, honors, and dean’s lists, grade point averages are not rounded up or down from the final numbers posted in MaineStreet.

Letter Grade:		GPA Grade:
A	Excellent work	4.00
A-		3.67
B+		3.33
B	Work which displays very good understanding of course materials and objectives	3.00
B-		2.67
C+		2.33
C	Work which displays satisfactory understanding of course materials and objectives	2.00
C-	Work which is marginally satisfactory on an individual course basis. Aggregate performance at this level is below the average required for graduation.	1.67
D+		1.33
D	Low level passing work, below the average required for graduation. Multiple "D" level grades will trigger consequences under the probation rules.	1.00
F	Failure to meet course objective	0.00

**A. Honors.**

**1. Dean's List.** A first-year student who earns an overall semester grade point average of 3.200 or above, and an upper-division student who earns an overall semester grade point average of 3.330 or above will be named to the Dean's List for academic distinction for that semester. All students, including those enrolled in a reduced course load, are eligible for the Dean's list. For purposes of the Dean's List, students are considered to be first-year students until they have completed 30 credits.

**2. Graduation Honors.**

**a.** The following Honors will be awarded at graduation:

*Summa Cum Laude*

Students who ranked in the top 3 percent of their graduating class will be graduated *summa cum laude*.

*Magna Cum Laude*

Students who are ranked in the top 10 percent of their graduating class, but do not meet the standard for *summa cum laude*, will be awarded a *magna cum laude* degree.

*Cum Laude*

Students who are ranked in the top 30 percent of their graduating class, but do not meet the standard for *magna cum laude* or *summa cum laude*, will be awarded a *cum laude* degree.

For purposes of determining Honors, the January and May graduates of the same calendar year will be considered the graduating class. Students who complete their degree requirements in the summer session will be awarded Honors based on the class rank they would have achieved in the preceding May. Likewise, transfer students, although not officially ranked, will be awarded Honors based on the class rank they would have achieved using only their Maine Law cumulative grade point average.

**b. Pro Bono Program.** Students who complete more than 80 hours of pro bono work will be recognized in the program at graduation and with an acknowledgment on their diploma. Although this program is not required for graduation, the faculty strongly encourage students to complete pro bono hours. For details on how and when to report your hours, please see the Maine Law portal or contact the Office of Career Services.

**B. Courses not Employing Letter Grades.**

1. All courses not employing letter grades have been designated Pass/Low Pass/Fail.
2. Second- and third-year students may elect to take one graded course each academic year on a "Pass/Low Pass/Fail" basis, subject to the following conditions:
  - a. An instructor may designate their course as not available for the Pass/Fail election.
  - b. The option is not available for the Upper Level Writing Requirement.

- c. In all courses, the instructor may, after notice during the pre-registration period, remove the course from this "Pass/Fail" option.
- d. The option must be exercised during the Add/Drop period, on forms provided by the Registrar. Before 4:00 p.m. on the last day of classes, the student may change a pass/fail election to a decision to take the course for a grade by completing the appropriate paperwork with the Registrar. A student who revokes the pass/fail option in the fall semester may still elect to take a course pass/fail in the spring semester.
- e. "D" level work will receive a grade of "Low Pass."
- f. Students are limited to a total of two (2) such options during their Law School program.

**C. Grading Policies.**

All graded credits earned at the Law School are graded on the basis of an examination at the end of the semester, one or more papers, quizzes or special class assignments, class participation; or a combination of these or other equivalent assessment methods at the Faculty member's discretion. Part of a grade may also be based on periodic examination during the semester using any of the above options. Under no circumstances may the same work be submitted for credit in two different classes.

**1. Grades of D or above.** A student who receives a grade of D or above will receive the number of credits appropriate to that course.

**2. Failing Grades in Graded Courses.** No credit hours will be given to any student who receives an F in a graded course. The course will appear on the transcript with the corresponding grade and the grade will be averaged into the grade point average.

**3. Pass/Low Pass/Fail Grades.** Certain courses may be taken for Pass/Fail credit if so designated by the Faculty or elected by the student (see above rules for P/LP/F election). A student who receives a grade of P or LP in a Pass/Fail course will receive the appropriate number of credit hours of the course. No credit hours shall be given to any student who receives an F in a Pass/Fail course. The course shall appear on the transcript with the grade of F. The F grade is not part of the student's cumulative average.

**D. Incompletes.**

A temporary grade of "I" may be given to a student who, because of extraordinary circumstances, has failed to complete course requirements. Required work must be completed by arrangement with the instructor with a maximum time limit of one semester. At that time, the professor must submit a letter grade or a grade of P, LP, or F. An additional grade of I may be given by the instructor with permission of the Associate Dean for Student Services.

**E. Student Audit Policy.**

Maine Law students who are interested in auditing a law class must submit a petition to the professor of the course. A petition must be in writing and include the reasons both for the student's interest in the course and the student's inability to take the course for credit. Once approval is given, a student must meet with the professor to agree to the full terms of the student's involvement in the course, including expectations for classroom participation,

as well as the completion of exams and assignments. Students who are auditing a course must register for the course with the Registrar and will earn a grade of “Audit” from the professor at the end of the semester, if the student meets all agreed upon requirements. Audited courses are not given any credit and will not count toward either graduation or the cumulative grade point average.

**F. Grade Change Policy.**

After a final course grade has been recorded, it may not be changed except:

1. Upon request of the instructor to the Vice Dean/Provost, in order to correct a clerical or mechanical error (including an error in the computation, recording, or reporting of the grade); or
2. With the consent of the instructor and upon request to the Vice Dean/Provost, or as a result of review under appropriate procedures of the Law School or University, to correct a grade resulting from procedural irregularities or established prejudice by the instructor against the student.
3. Decisions made by the Vice Dean/Provost under this section are final.

**IX. Academic Status Rules and Academic Success Program Requirements.**

The Faculty of the Law School has adopted the following standards of academic attainment governing a student's right to continue in school as a candidate for the degree of Juris Doctor:

**A. Good standing.**

Any student whose grade averages, both cumulative and for the semester last completed, are 2.000 or higher and who has no more than two (2) D level grades for the last semester completed and no more than six D grades cumulative is in good academic standing. A student not in good standing must be placed on probation or dismissed from school.

**B. GPA below 2.000 or 2 D level grades.**

A student whose grade average for any semester falls below 2.000 or who receives more than two (2) D level grades in any semester will be treated in one of three ways pursuant to paragraphs c to g below.

**C. Probation of first-year students who have completed only one semester in law school.**

A first-year student whose grade average for his or her first semester is 1.600 or higher but less than 2.000 will be placed on probation; such a student whose grade average is below 1.600 will not be allowed to continue unless placed on probation by the Executive Committee, and in the absence of such action will not be allowed to continue in school.

**D. Terms of probation pursuant to IX.C.**

1. A student placed on probation pursuant to paragraph IX.C. above achieving a cumulative average at the close of his or her second semester in law school of at least 2.000 and no more than two (2) D level grades will be removed from probation.
2. A student placed on probation pursuant to paragraph IX.C. above achieving a cumulative grade average at the close of his or her second semester in law school of 1.900

or higher but less than 2.000 will be allowed to continue in school only by special action of the Executive Committee. If the Executive Committee takes special action in such a case, the student may continue only in a probationary status.

3. A student placed on probation pursuant to paragraph IX.C above achieving a cumulative grade average of less than 1.900 at the close of his or her second semester in law school will not be allowed to continue in school in the absence of the special action of the Executive Committee.

4. A student placed on probation pursuant to paragraphs IX.C. and IX.D.2. above achieving a cumulative grade average at the close of his or her third semester in law school of at least 2.000 and no more than two (2) D level grades will be removed from probation.

5. A student placed on probation pursuant to paragraph IX.C. and paragraph IX.D.2. above achieving a cumulative grade average at the close of his or her third semester in law school of less than 2.000 or earning more than two (2) D level grades will not be permitted to continue in school.

**E. Probation of students who have completed more than one semester in law school and who have not previously been on probation.**

A student who has completed his or her first semester in law school in good academic standing who has not previously been on academic probation and whose grade average for any one semester after the first is 1.800 or higher but less than 2.000 will be placed on probation; such a student whose grade average is less than 1.800 will be placed on probation only by special action of the Executive Committee, and in the absence of such action will not be allowed to continue in school.

**F. Any student who receives more than (2) D level grades in one semester is not in good academic standing.**

Such a student will be treated as if he or she has a grade average of less than 2.000 but higher than 1.800 for purposes of other probationary rules. The terms of probation cannot be satisfied if a student receives more than two (2) D level grades in a semester while on probation. This applies to the terms of probation in paragraphs IX.D. and IX.G. and the rules of successive probation in paragraph H.

**G. Terms of probation pursuant to sections E and F above.**

A student placed on probation pursuant to paragraph E or F above will be permitted to remain in that status for only one semester. At the close of the probationary semester, a student achieving a grade average of at least 2.000 and receiving no more than two (2) D level grades for the probationary period and a cumulative grade average of at least 2.000 will be removed from probation; otherwise he or she will not be permitted to continue in school.

**H. Successive Probation.**

A student who has once been placed on academic probation in the School of Law who has met the terms of his or her probation and who later fails again to attain good academic standing (as defined in paragraph a above) may be placed on probation a second time only by special action of the Executive Committee and in the absence of such action will not be permitted to continue in school.

**I. Completion of the First Two Semesters.**

Notwithstanding any other provision, a student who, upon completion of the first two semesters in law school, has a cumulative average of less than 2.000 or has received 4 or more D level grades, shall not be allowed to continue in school in the absence of special action of the Executive Committee.

**J. Probation and Dismissal Procedure.**

**1. Determination of Academic Status.**

At the end of both the fall and spring semesters, the Registrar will provide a list to the Associate Dean for Student Affairs of all students who are not in good academic standing (a grade point average that falls below a 2.000). Incomplete grades will not be considered for purposes of academic status determination.

**2. Petition to Continue on Probation.**

In any case where the student's academic status leads to a dismissal, the student may petition the Executive Committee for permission to continue on academic probation. A student wishing to petition the Executive Committee must notify the Associate Dean for Student Affairs of the student's intent within 5 business days of receiving notice of dismissal from the Associate Dean. Once the student has informed the Associate Dean of the student's intent to petition, the student must within 5 business days submit a written petition to the Associate Dean for Student Affairs. The petition should set forth facts that the student believes may be pertinent to the Executive Committee's decision.

**3. Notice to Faculty.** Prior to the Executive Committee meeting, the Associate Dean for Student Affairs will notify the entire full-time Faculty of any petitions scheduled to be considered by the Executive Committee and will provide a copy of the student's petition to members of the full-time Faculty upon request. The Faculty will have the opportunity to submit orally or in writing any information pertinent to the Executive Committee's decision.

**4. Executive Committee Members.** The Executive Committee consists members of the Dean's Advisory Council. Also in attendance at Executive Committee meetings, will be the Associate Dean for Student Affairs (or her designee).

**5. Executive Committee Meeting.**

The Associate Dean for Student Affairs will set an Executive Committee meeting time that is convenient for all concerned. The student may choose to appear before the Committee to make a brief presentation or answer questions of the Committee. The Associate Dean will also inform the student of the members of the Committee prior to the meeting so that the student may raise any concern regarding potential conflict of interest.

At the Executive Committee meeting, members will consider the student's petition, transcript, admissions file, and any other relevant records. The Committee may consider pertinent information provided by other law faculty. The Committee may also hear from the petitioning student. Students who choose to appear in person before the Executive Committee may bring an advisor or support person to the meeting. The Committee will reach a final decision by consensus, and the Associate Dean for Student Affairs will provide notice to the student of the decision.

**6. Appeal of Executive Committee Decision.**

To appeal an adverse decision of the Executive Committee, the student must file a written statement outlining the reasons for appeal within 5 business days of receiving notice of the Executive Committee's adverse decision. The appeal will be considered by an Academic Status Review Board, which will be chaired by the Dean and include 2 other full-time faculty members selected by the Dean. Members of the Review Board may not have served as members of the Executive Committee for the student's original petition. The Review Board will be given a copy of the appeal and original petition, as well as any additional information considered by the Executive Committee. After consideration, the Review Board shall affirm the decision of the Executive Committee unless upon review of the available information the Review Board is convinced that the decision is clearly erroneous. Decisions of the Review Board are final and may not be further appealed.

**K. General Conditions of Probation.**

A student placed on probation must participate in the Academic Success Program, and the Executive Committee may include in the grant of probation any reasonable academic terms or conditions the Executive Committee deems appropriate, such as restrictions on a student's enrollment in specific courses or a requirement to enroll in a reduced course load.

**L. Schedule Approval and Academic Success Program.**

Any student whose cumulative GPA at any time places the student in the bottom 20% of the class must have his or her future course schedule approved by the Associate Dean for Student Affairs. All students who complete their first semester or first two semesters in the bottom 20% of their class must participate in the Academic Success Program. This ASP requirement may include enrollment in a for-credit course offered in the fall semester of 2L year or equivalent for reduced course load students. Additionally, any LL.M. student who transfers into the JD program must participate in ASP if the student's gpa would place the student in the bottom 20% of the class.

**M. Reapplication to the Law School by a Student Dismissed for Academic Performance.**

Students who are dismissed based on their academic performance may reapply to the Law School after two years, but there is no guarantee of readmission. The applicant must comply with all standard admissions processes including application submission through LSAC.org. When reviewing the application, the Admissions Committee will consider a student's previous study at Maine Law; the student's academic performance at Maine Law can be the sole reason for denial of readmission. A successful reapplicant must make an affirmative showing that the prior disqualification does not indicate a lack of capacity to complete the legal program at the University of Maine School of Law and admission to the bar. If a student is readmitted, the Vice Dean/Provost and the Admissions Committee will determine whether any previous courses will be counted toward the student's degree.

**N. Clinic and Externship Probation Rule.**

Students who are on academic probation may only participate in an externship placement with permission of the Associate Dean for Student Affairs and the Director of Field Placement Programs. Students who are on academic probation may not participate in any clinical courses. Moreover, students who are on academic probation are not in good standing and may not be certified as student attorneys.

## **X. Student Policies and Records.**

### **A. Email Policy.**

All official communication from the University of Maine School of Law, the University of Southern Maine, and the University of Maine System will be sent via email to a student's maine.edu account. Students are responsible for notices and communications sent via email, including changes to policies, procedures, and requirements. Students are expected to read their emails in a timely manner. For the full University of Maine System's email policy, please see the Policies & Forms – "IT Services" section of the Maine Law portal.

### **B. Laptop Policy.**

All Maine Law students are required to own a laptop computer. Specifications regarding hardware and software requirements can be found on the Maine Law portal. For the full Maine Law laptop policy, please see the Policies & Forms – "IT Services" section of the Maine Law portal.

### **C. Recording Policy.**

As a general rule, the recording of all classes is prohibited without permission. If a student will be absent from class and wishes to record a missed class session, the student must first contact the course professor for permission. If permission is granted, the student must arrange for a classmate to facilitate the recording. All class recordings are for personal use only and may not be uploaded to the internet or otherwise shared, transmitted, or published without the prior consent of the professor. If a professor denies a request to record a class, then a student must find an alternative method for making up the missed material.

Students should note that the Law School does not provide recording services for occasional absences. Suggested mobile apps and a listing of devices available to students for self-directed audio recording can be found in the MyLaw Portal. Recording classes without permission will be viewed as a violation of the Student Conduct Code.

Students who are requesting the recording of classes pursuant to the Americans with Disabilities Act or in the case of exceptional circumstances, such as hospitalization, must contact the Associate Dean for Student Affairs. The Office of Student Affairs will contact the professor and arrange for the recording.

### **D. Class Standing.**

Class standing may be obtained confidentially from the Law School Registrar. Standings are computed at the end of the fall and spring semesters. Final class standing for the purposes of graduation is set in May and will not be adjusted pending completion of classes after that time.

### **E. Grade Reports.**

Grades are available to students through MaineStreet.

### **F. Transcripts.**

Transcripts may be requested from the Law School Registrar. The requests must be in writing and signed. There is a minimum 24-hour processing time after receipt of the request. Request forms are available in the student portal.

**G. Confidentiality.**

The Family Educational Rights and Privacy Act was formulated to protect the privacy rights of students and their parents as those rights apply to a student's educational records. (See below) The most current policies can be found on the USM website. The following information is to help clarify Law School policy and procedure:

1. Each student who is or has been in attendance at the Law School has the right:
  - a. To inspect and review his or her own educational records and to request explanations and Interpretations of those records;
  - b. To request amendment of those records if the student believes the information to be inaccurate, misleading or in violation of privacy or other rights of the student;
  - c. To a hearing in the event that the Law School chooses not to amend the challenged records.
  
2. Each student wishing to inspect his or her educational records must give the proper administrator twenty-four-hours-notice of his or her intent to inspect. The educational records must be read in the office of the administrator and may not be removed from that office for any reason. The Law School maintains a general comprehensive file located in the Registrar's Office and maintained by the Registrar.
  
3. A student may waive his or her right to inspect and review a confidential letter of recommendation provided by a specific individual, or confidential letters of recommendation provided for a specific purpose. The waiver will be considered to be in effect as long as the letters of recommendation are maintained in the educational records of the student.
  
4. This act also establishes guidelines for disclosure of personally identifiable information from a student's educational records. The Law School may not disclose personally identifiable information without the prior written consent of the student. Prior written consent is not required, however, for disclosure to certain individuals, including school officials and teachers with a legitimate educational interest, officials of other schools to which a student applies, and selected other officials. Information defined as "directory information" (see below) is exempted from the consent requirement.

The consent to disclose:

- a. Must be in writing
- b. Must be signed and dated by the student
- c. Must specify the records to be disclosed
- d. Must specify the purpose of the disclosure
- e. Must specify the party or class of parties to whom the disclosure may be made.

A health and safety emergency disclosure may be made without prior written consent if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

"Directory Information" has been defined to include the following information relating to a student: The student's name, date and place of birth, major field of study, participation

in officially recognized activities, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, and other similar information.

"Educational Records" have been defined as those records, files, documents and other materials which 1) contain information directly related to a student, and 2) are maintained by a person acting for an educational institution.

Please see the USM or UMS websites for the most current description of the FERPA policies and requirements.

## **XI. Withdrawal/Leave of Absence/Readmission.**

A student who wishes to withdraw from the Law School after having registered for a semester must complete a Withdrawal/Leave of Absence Form, receive approval from the Associate Dean for Student Affairs, and submit the signed form to the Registrar. If a student voluntarily withdraws from the Law School during the add/drop period, there will be no course grades recorded. If a student voluntarily withdraws during the remainder of the semester, the student's record will show only "W" for any courses in which the student was enrolled. Similarly, in cases of a medical or involuntary withdrawal, if a student withdraws after the add/drop period, then a "W" will be recorded for any courses in which the student was enrolled.

Students seeking an official leave of absence must consult with the Associate Dean for Student Affairs. Such students must complete a Withdrawal/Leave of Absence Form, receive approval from the Associate Dean for Student Affairs, and submit the signed form to the Registrar. A leave of absence may be granted only for up to two years. In cases of either withdrawal or leave of absence, students should consult the Student Billing Office at the University of Southern Maine for their refund policies, as well as the USM's Office of Financial Aid to assess any potential financial aid implications.

All requests to withdraw from must be made by the last day of classes. Failure to withdraw by the last day of classes will result in a grade of "F" being entered for all courses on the transcript.

Students who have withdrawn from the Law School and who wish to be readmitted will be governed by the following:

### **A. Students on Academic Probation.**

A student who withdraws from the Law School while on academic probation must petition the Executive Committee for readmission. The student will be given notice of the time at which the Executive Committee will consider their case in order that they may, if desired, submit orally or in writing any facts which the student believes may be pertinent to the Executive Committee's decision.

### **B. Students in Good Standing.**

A student who withdraws from the Law School in good academic standing must apply to the Admissions Committee for readmission as provided in this paragraph.

**1. Procedure.** The application must be submitted prior to the beginning of the semester for which readmission is sought. The application may be in the form of a letter setting forth the applicant's reasons for seeking readmission at this time and summarizing his or her activities since leaving the Law School. Additional information or supporting material may be requested of the applicant by the Committee if necessary.

**2. Criteria.** An applicant will be readmitted upon timely application unless the Admissions Committee finds that there is no room in the class to which readmission is sought or that circumstances exist indicating that the student cannot satisfactorily complete the required academic work or cannot function effectively in the Law School community. In determining whether such circumstances exist, the Committee will consider the following factors:

- a. Original admissions credentials
- b. Law School academic record
- c. Reasons and circumstances surrounding withdrawal
- d. Time elapsed since initial law school admission
- e. Number of prior withdrawals
- f. Activities since withdrawal and reasons for return

Students who were medically withdrawn from the Law School on a voluntary or involuntary basis must provide a statement outlining their reasons for wanting to return to the study of law, as well as documentation from a treating medical professional outlining the student's readiness to meet academic and program expectations upon return. Individualized conditions may be imposed on such students to aid in their successful re-entry to the Law School.

## **XII. Graduation Requirements**

### **A. The Juris Doctor degree will be recommended for each candidate who has:**

1. Successfully completed six semesters of residence as a law student enrolled at an ABA accredited law school. The candidate must be in residence at least three semesters at the University of Maine School of Law. The student earns resident credit only for those semesters in which a full academic program is carried. Any student attending another law school but receiving the University of Maine School of Law degree must meet all these requirements for graduation. (See Residence Requirements, Section II.E.).
2. Earned a cumulative average of at least 2.000 on all work attempted at the law school, earned an average grade of at least 2.000 on all work attempted during the semester immediately preceding the date the degree is to be conferred, earned no more than two (2) D+, D, or F grades during the semester immediately preceding the date the degree is to be conferred, and received not more than six (6) D+, D, or F grades on all work attempted at the law school. A candidate who is on probation at the beginning of the semester immediately preceding the date the degree is to be conferred must also have satisfied the terms of probation. A candidate who fails to comply with any of the requirements set out in the preceding sentence but meets the other requirements for graduation will be recommended for the degree only under special circumstances and by special vote of the Executive Committee. Such a candidate will be permitted to continue in school only by a special vote of the Executive Committee. The Executive Committee may impose conditions on such permission to continue.
3. Successfully completed 90 hours of credit, with a grade of Pass or Low Pass, in a Pass/Fail course and a D or above in a graded course.

4. Successfully completed all required courses, including all first-year courses, Professional Responsibility; six credits of Professional Skills; and two of the following four courses prior to graduation: (1) Administrative Law; (2) Evidence (or Trial Advocacy); (3) Business Associations; (4) Taxation I.
5. Successfully completed 64 credits of direct instruction as outlined in Rule II.H.12.
6. Satisfactorily completed the Upper Level Writing Requirement.

#### **B. Participation in the graduation ceremony.**

Participation in the graduation ceremony is limited to students who have completed all graduation requirements. Students who are enrolled at another law school during the last semester may participate in graduation but will not receive their degree until all grades are received. Students who complete their degree requirements in the summer session following graduation and who have registered for their remaining credits prior to the ceremony will be allowed to participate in graduation.

### **XIII. Conduct Codes and Policies.**

The University of Maine School of Law has adopted standards and procedures governing both student and applicant conduct. Most Maine Law students intend to seek admission to the practice of law or other professional positions that require conformance to high ethical standards. Therefore, the Law School requires students to conform their behavior to such standards during their application to and enrollment in the Law School. This includes the expectation that students will behave in a manner that aligns with the meaning and spirit of the Maine Rules of Professional Conduct and the American Bar Association Model Rules of Professional Conduct.

All University of Maine School of Law students are subject to the University of Maine System Student Conduct Code, the UMS Academic Integrity Policy & Title IX Policy, as well as the many campus use and conduct policies from the University of Southern Maine that are posted on their website and/or which are referenced in Appendix I. Law students also are required to abide by the policies and procedures, as well as all rules of conduct, described throughout this Handbook. A failure to follow these rules, procedures, and policies either during application to or enrollment in the Law School may initiate a referral to the Law School's Conduct Investigator and subsequent consideration of sanctions, including expulsion or revocation of admission to the Law School. The Law Student Conduct Code Procedures, also found in Appendix I, describe the disciplinary process the Law School follows in cases of alleged violation of these rules, policies, and procedures. , with the exception of violations implicating Title IX.

In addition to violations of the rules, policies, and procedures outlined in this Handbook, students must also abide by the rules and policies provided through other Law School courses (including the class syllabus) and programs, and violations of such rules and policies may also lead to referral to the Conduct Committee and subsequent sanctions.

#### **XIV. Admission & Retention Standards and Procedures in Cases of Wrongdoing.**

##### **A. Standards and Procedures for Submitting Information on Wrongdoing.**

The University of Maine School of Law's standards and procedures with regard to admission and retention of students who are involved in wrongdoing supplement provisions of the University of Maine System Student Conduct Code.

1. During the admissions process, applicants were required to submit regarding their character and fitness, including the following information:

a. All information concerning the applicant's citation, charge, or conviction for any crime (including any and all traffic infractions that have occurred within the last ten years, except for parking tickets); adjudication of civil liability involving fraud, dishonesty, deceit or misrepresentation; and suspension or revocation of a professional license on grounds of fraud, dishonesty, deceit, misrepresentation or breach of an ethical obligation.

b. All information concerning any pending criminal charge.

2. Students are responsible for the accuracy of all information submitted, created or prepared as part of their application for admission. This responsibility includes a continuing obligation to update or correct any information that has been incorrectly reported or omitted. The presentation by the applicant of inaccurate material information on or in support of an application is in and of itself grounds for the denial of an application or for discipline of an admitted applicant at any time before the student graduates from the Law School. The sanctions for the violation may include expulsion from the Law School.

3. **Continuing Duty to Report Information.** Following application, each student must inform the Associate Dean for Student Affairs in writing of any information that would have been required to be reported on the application for admission had it taken place prior to application. This includes, but is not limited to any citation, arrest, charge, or conviction for a crime or traffic infraction. This continuing duty occurs from the time of submission of the application through graduation. (Prior to matriculation, reports should go directly to the Associate Dean for Admissions.)

##### **B. Standards and Procedures Concerning Wrongdoing Prior to Admission.**

The Admissions Committee will consider any information specified in Section XIV.A.1 in making its decision on admission. An applicant who has been adjudicated to have engaged in the conduct specified in Section XIV.A.1 may be admitted to the Law School only upon clearly establishing the applicant's rehabilitation and good moral character through the responsible performance of reputable work or other activities or programs during the significant period of time sufficient to assure that the applicant is genuinely rehabilitated. The burden of proof on these issues shall be on the applicant. Any decision of the Admissions Committee to admit the applicant will require the concurrence of the Dean or designee. The Law School shall inform the admitted applicant that the conviction may disqualify the applicant from admission to the practice of law or other positions of trust.

**C. Standards and Procedures Concerning Wrongdoing Subsequent to Admission.**

A student who has been found to have engaged in the conduct specified in Section XIVA.1 subsequent to admission, may be suspended, expelled, or otherwise disciplined through appropriate conduct code procedures.

**D. Reporting of Misconduct to the LSAC.**

An applicant who fails to disclose or has been adjudicated to have engaged in conduct specified in Section XIV.A.1.a. may be reported to the LSAC.

**E. Reporting of Misconduct to Bar Authorities and Other Governing Bodies.**

The Law School may communicate violation of any Law School rules, policies, and procedures, to appropriate bodies, including, but not limited to, the board of bar examiners or other similar institutions governing bar admission, and institutions requiring approved background checks.



## ***Appendix I: University of Maine System Student Code of Conduct, University of Maine System Academic Integrity Policy, Title IX Policy, and Law School Conduct Code Procedures***

### **UNIVERSITY OF MAINE SYSTEM STUDENT CONDUCT CODE<sup>1</sup>**

The University of Maine System Student Conduct Code (the “Code”) governs all students attending any UMS institution, including the University of Maine School of Law. The Code is posted online on both the University of Maine System and University of Southern Maine’s websites. A link to the Code is also provided on the Maine Law portal. Students at Maine Law will sign an acknowledgment at the end of this Handbook that includes reference to receipt of notice of the Code.

Included below is the policy statement that is found at the beginning of the Code.

#### **UMS STUDENT CONDUCT CODE**

##### **POLICY STATEMENT:**

The purpose of the University of Maine System Student Conduct Code (the “Code”) is to promote the pursuit of activities that contribute to the intellectual, ethical, and physical development of the individuals under the auspices of the University of Maine System (the “University”) and the individual campuses. The Code seeks to ensure the safety of persons engaging in those pursuits; to protect the free and peaceful expression of ideas; and to assure the integrity of various academic processes.

Students are expected to conduct their affairs with proper regard for the rights of others and of the University. All members of the University community share a responsibility for maintaining an environment where actions are guided by mutual respect, integrity, and reason.

All members of the University are governed by University policies, local ordinances, and state and federal laws. For specific governing documents, students and/or campus organizations may refer to University Policies and Procedures; campus student handbooks; campus residence hall agreements and manuals; and related notices and publications. Individuals in violation of state and federal law are subject to prosecution by appropriate state and federal authorities regardless of whether the activity occurs on or off University Property. In addition, students may be subject to disciplinary action by the University pursuant to the Code. The severity of the imposed sanctions will be appropriate to the violation and circumstances of the situation.

In seeking to encourage responsible attitudes, the University places much reliance upon personal example, counseling, and admonition. In certain circumstances where these preferred means fail, the University will rely upon the rules and procedures described in the Code.

The Officer may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules, etc.

Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution. Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred.

If government regulations change in a way that impacts this document, this document will be construed to comply with government regulations in their most recent form.

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<sup>1</sup> Students are bound by the terms of the most current version of the [University of Maine System Student Code of Conduct, which is available on the University of Maine System’s website.](#)

IN THE ENFORCEMENT OF THE CODE, THE UNIVERSITY FUNCTIONS IN AN ADMINISTRATIVE MANNER. THE UNIVERSITY'S ADMINISTRATIVE PROCESS AFFORDS FUNDAMENTAL FAIRNESS, BUT DOES NOT FOLLOW THE TRADITIONAL COMMON LAW ADVERSARIAL METHOD OF A COURT OF LAW.

In complying with the letter and spirit of applicable laws and in pursuing its own goals of diversity, the University of Maine System does not discriminate on the grounds of race, color, religion, sex, sexual orientation, transgender status, gender expression, national origin, citizenship status, age, disability, genetic information or veterans status in employment, education, and all other programs and activities. The University provides reasonable accommodations to qualified individuals with disabilities upon request.

The following person has been designated to handle inquiries regarding non-discrimination policies: Director of Equal Opportunity, North Stevens Hall, Orono, ME 04469; voice: (207)581-1226; TTY 711 (Maine Relay System) email: [equal.opportunity@maine.edu](mailto:equal.opportunity@maine.edu).

A qualified student with a disability is entitled to reasonable accommodations to participate in this administrative process. Accommodations may include, but are not limited to, sign language interpretation or information in alternative formats. Students wishing to request reasonable accommodations should make those requests directly to the Officer. The Officer will consult with the appropriate campus office for students with disabilities to assist with the determination of reasonable accommodations. Students may be required to provide documentation in order for the Officer to make a determination.

The complete and up-to-date version of the [UMS Conduct Code is available on the University of Maine System website](#).

## **University of Maine System Academic Integrity Policy**

Academic integrity violations strike at the heart of the educational mission of the University of Maine System. The academic community of the University of Maine System recognizes that adherence to high principles of academic integrity is vital to the academic function of the University. Academic integrity is based upon honesty. All students of the University are expected to be honest in their academic endeavors. All academic work should be performed in a manner that will provide an honest reflection of the knowledge and abilities of each student. All members of the academic community should regard any breach of academic honesty as a serious offense.

In accordance with the System's mission, campuses within the System have increased cooperative programs with each other to provide better access to courses and programs for students. Students are taking University courses while still in high school, the number of non-traditional students is increasing as is enrollment in on-line and asynchronous courses, and students are increasingly taking courses from multiple campuses during the same semester. All of these factors represent positive change because they represent increased educational opportunity for all students. These factors also require that the University of Maine System adopt this System Academic Integrity Policy to set forth specific and uniform standards of academic integrity that will apply to all courses on all campuses within the System.

Each University campus may adopt procedures for carrying out the provisions of this Policy within the guidelines set forth by this Policy as described below, as long as those campus procedures are consistent with this Policy. Professional schools, such as the School of Law, having a professional code of ethics may adopt additional procedural provisions to be applicable to their own students, as long as they are consistent with this Policy and all procedural requirements of this Policy are met.

### **Responsibilities:**

While the institution offering the course has jurisdiction in matters of academic integrity, the entire academic community shares the responsibility for establishing and maintaining standards of academic integrity. Those in charge of academic tasks have an obligation to make known the standards and expectations of acceptable academic conduct in all academic contexts (e.g. classrooms, online, research, laboratories, clinicals, internships, etc.). Each student has an obligation to know and understand those standards and expectations. While the academic community recognizes that the responsibility for learning and personal conduct is an individual matter, all students, faculty, and staff are expected to help to maintain academic integrity at the University by refusing to participate in, or tolerate, any academic dishonesty.

### **Violations:**

Academic integrity means not lying, cheating, or stealing. To cheat on an examination, to steal words or ideas of another, or to falsify the results of one's research corrupts the essential process by which knowledge is advanced. Cheating, plagiarism, fabrication of data, giving or receiving unauthorized help on examinations, and other acts of academic dishonesty are contrary to the academic purposes for which the University exists.

Violations of academic integrity include any actions that attempt to promote or enhance the academic standing of any student by dishonest means. Academic integrity means that one's work is the product of one's own effort, and that one neither receives nor gives unauthorized assistance in any assignment. Because advanced academic work depends on the sharing of information and ideas, academic integrity at the college level includes rigorous adherence to the conventions for acknowledging one's use of the words and ideas of other people.

Put plainly: academic honesty is very important. It is dishonest to cheat on exams, to copy term papers or to submit papers written by another person, to fabricate experimental results, or to copy parts of books, articles, or websites into your own papers without putting the copied material in quotation marks and clearly indicating its source.

### Types of Academic Integrity Violations

The following is a listing of most, but not necessarily all, actions that are violations of academic integrity:

#### I. Plagiarism

Plagiarism is the submission of another's work as one's own, without adequate attribution. Plagiarism is academic theft. Examples include, but are not limited to:

- a. Submitting as one's own work an examination, paper, homework assignment, or other project (laboratory report, artistic work, computer program, etc.) that was created entirely or partially by someone else, including works purchased from a vendor.
- b. Failure to use quotation marks to signal that one is using another person's precise words. Even brief phrases must be enclosed in quotation marks.
- c. Creating an academically dishonest paraphrase. When paraphrasing (presenting another person's ideas or information in one's own words), one must find truly one's own way of expressing the original meaning. Simply inserting synonyms into the source's sentence structures is plagiarism.
- d. Failure to identify the source of quotations and paraphrases. Of course one must cite the source of quotations; one must also cite the source of ideas and information that is not common knowledge even when paraphrased (presented in one's own words). Sources include unpublished as well as published items — for example, books, articles, material on the Internet, television programs, instructors' lectures, and people, including other students, friends, and relatives.
- e. Failure to identify the source of the elements of a nonverbal work (for example, a painting, dance, musical composition, or mathematical proof) that are derived from the work of others.

#### II. Cheating

Cheating is the act or attempted act of deception by which a student seeks to misrepresent that they have mastered information on an academic exercise that they have not mastered. Cheating is also the use or attempted use of unauthorized assistance in an examination, paper, homework assignment, or other project. Examples include, but are not limited to:

- a. Copying answers from another student's examination.
- b. Communicating in any way with another student or a third party during an examination without the permission of the instructor.
- c. Using unauthorized materials or devices (including notes, textbooks, calculators, and communication devices) during an examination without the permission of the instructor.
- d. Obtaining and/or reading a copy of an examination before its administration without the permission of the instructor.
- e. Collaborating with other students or third parties on a take-home examination, paper, homework assignment, or other project without the permission of the instructor.
- f. Duplicate work: submitting a paper or other project in more than one course without the permission of the instructors. Students are expected to produce original work for each course. A student should not submit identical or substantially similar papers or projects in two different courses (in the same or different semesters) unless both instructors have given their permission.

### III. Fabrication

Fabrication is the use of invented information or the falsification of research or other findings in an academic exercise. Examples include, but are not limited to:

- a. Fabrication of a citation: inventing a citation for a research paper or other project.
- b. Alteration of an assignment: changing a graded examination, paper, homework assignment, or other project and re-submitting it to the instructor to claim an error in grading.
- c. Changing findings, excluding valid data that doesn't support one's thesis, or engaging in other similar activities.

### IV. Contributing to academic dishonesty

Contributing to academic dishonesty is assisting another student's academic dishonesty. Examples include, but are not limited to:

- a. Writing a paper or other project for another student.
- b. Allowing another student to copy from one's examination, paper, homework assignment, or other project.
- c. Assisting another student on a take-home examination, paper, homework assignment, or other project if one knows such assistance is not authorized by the instructor.

### V. Other forms of dishonest academic conduct

Other forms of dishonest academic conduct include any actions by which one seeks an unfair academic advantage over others. Examples include, but are not limited to:

- a. Destroying or altering the academic work of another student.

- b. Lying about or otherwise misrepresenting the work of another student.
- c. Selling or giving away all or part of an unadministered test including answers to an unadministered test.
- d. Bribing any other person to obtain an unadministered test or any information about the test.
- e. Entering a building or office for the purpose of obtaining an unadministered test.
- f. Continuing to work on an examination or project after the time specified for the student has elapsed.
- g. Entering a building or office for the purpose of changing a grade in a grade book, on a test, or on other work for which a grade is given.
- h. Changing, altering, or being an accessory to the changing and/or altering of a grade in a grade book, on a test, a “change of grade” form, an electronic record, or other official academic record of the University that relates to grades.

Procedures:

Alleged violations of the Academic Integrity Policy are to be administered through the procedures below as soon as they have been detected. These procedures are designed to create a fair and consistent system for dealing with alleged violations. Students are strongly encouraged to respond to violations of academic integrity that they witness by reporting the violation to the instructor of the course in which it occurred.

While their case is pending or after they have been found in violation of the Academic Integrity Policy, students may not withdraw from the course in which the alleged or established violation occurred.

1. If a faculty member (including an instructor or graduate teaching assistant) has information that a violation of academic integrity may have occurred during an academic term, the faculty member will inform the student in private (either in person or in writing) of the information the faculty member has, the specific incident and the aspect of academic integrity that is alleged to have been violated. The student shall be provided with the opportunity to explain the circumstances and the action. The allegation may be dropped by the faculty member if an explanation by the student is accepted as being adequate.
2. If, after hearing the student’s explanation, the faculty member chooses to continue the complaint, the faculty member will complete an Academic Integrity Violation Form within ten business days in order to document the violation and any informal resolution or any academic sanction(s) imposed by the instructor. This action includes notifying the Student Conduct Officer and the appropriate academic administrator. The Academic Integrity Violation Form can be found on the University of Maine System website: [faculty reporting form](#)

3. The faculty member will provide the student with a copy of the completed Academic Integrity Violation Form in person or via email.
4. Upon receipt of the Academic Integrity Violation Form, the student has ten business days to:
  - a. Admit to the violation of the Academic Integrity Policy by signing the appropriate line on the form. If this option is chosen, or if the student does not return the form, the academic sanctions imposed by the instructor automatically apply. The academic administrator will supply a copy of the form to the Student Conduct Officer
  - b. Contest the faculty member's finding regarding the violation of the Academic Integrity Policy and/or the appropriateness of the imposed sanction(s) by signing the appropriate line on the form and submitting a letter requesting review to the Dean of the College or designated academic administrator. The letter (no more than two pages in length) requesting review shall state the violation(s) and/or sanction(s) to be reviewed and a detailed rationale for the request for review. The student response form can be found here: [student response form](#)

#### Sanctions:

A student who admits to being responsible or who is found to be responsible for a violation of academic integrity will be subject to appropriate academic sanctions. Academic sanctions will be determined in accordance with the procedures outlined below. The exact academic sanction will depend on the particular circumstances of each individual case. **Academic sanctions imposed under this policy are completely separate and independent from any disciplinary action, which may be taken against the student under the University of Maine System Student Conduct Code.** A student may receive both an academic sanction and a disciplinary sanction for the same act of academic dishonesty. A disciplinary sanction may only be imposed upon the student in accordance with the University of Maine System Student Conduct Code.

Repeated violations or those deemed sufficiently serious may be referred directly to the Student Conduct Officer for appropriate action under the Student Conduct Code. Whether an allegation of academic misconduct is "sufficiently serious" will be determined by the College Dean or designated academic administrator in consultation with the Chief Student Affairs Officer.

The following is a list of possible academic sanctions that may be imposed upon students for violations of academic integrity. This list shall not be taken to be exhaustive and may be modified or enlarged to meet particular circumstances in any given situation. A combination of two or more of these academic sanctions may be imposed when justified by the type of violation.

1. The faculty member can impose appropriate grade penalties up to and including F or zero grades on an assignment, exam or paper, and/or in one or more courses. Faculty members may be permitted to exercise discretion in prescribing lesser penalties or additional academic tasks appropriate to allow the student to complete a course and thereby receive a grade representing demonstrated knowledge of the course.
2. The faculty member, the Dean, or other appropriate academic administrator may impose other academic actions as may be appropriate (e.g. referral to the academic program for consideration of continuance in that program).

Further Procedures:

1. If a student contests the faculty member's finding, a hearing will be scheduled before the Dean of the College or, in the absence of a Dean of the College, another academic administrator designated by the Chief Academic Officer or their designee.
  - a. Within seven business days of receipt of the letter requesting review, the Dean of the College or designated academic administrator will notify the student and faculty member of the date, place, and time of the hearing.
  - b. Prior to the hearing, the Dean of the College or designated academic administrator will review the Academic Integrity Violation Form, information provided by the faculty member, and written and verbal statements provided by the student, the faculty member, and any witnesses. At the hearing, the student may ask questions of the faculty member or other witnesses through the dean or designated academic administrator.
  - c. The reporting faculty member will attend the hearing, and can ask questions of the student or other witnesses through the dean or designated academic administrator.
  - d. Students may bring a support person with them to the hearing, but the support person shall not be permitted to speak during the hearing except quietly to the student.
  - e. The Dean of the College or designated academic administrator will make a determination regarding the request for review within two weeks of the hearing. The outcome of the review may result in a higher sanction, lower sanction, the same sanction, or no sanction at all being imposed. The Dean or designated academic administrator will notify the student and faculty member in writing of their final decision and provide a copy to the Student Conduct Officer.
2. The student or faculty member may each request a review of the Dean's or designated academic administrator's decision by submitting a letter (no more than two pages) requesting review of their decision to the Dean or designated academic administrator no later than two weeks after receipt of the Dean's or designated academic administrator's decision. The letter shall state the violation(s) and/or sanction(s) to be reviewed and a detailed rationale for the request for review. If either party requests a review, the other party shall be provided with a copy of the request for review letter. The review of the Dean's or designated academic administrator's decision shall be a paper review and shall be conducted by an Academic Appeals Committee or the Chief Academic Officer (CAO). If a Committee is appointed, it must have an odd number of members and include at least one student and two faculty members. The Committee or CAO will consider all written information provided by the faculty member, all written information provided by the student and any witnesses and the Dean's or designated academic administrator's written decision. The Committee (by a simple majority) or CAO will then make a determination regarding the request for review within two weeks of receiving the request. The outcome of the review may result in a higher sanction, lower sanction, the same sanction, or no sanction at all being imposed. The decision of the Committee or CAO will be the final decision, and is not subject to review. The Committee or CAO will notify the

student, the faculty member and the Dean or designated academic administrator in writing of their final decision and provide a copy to the Student Conduct Officer.

3. Minor Violations: Faculty members may feel that certain violations, based either upon the nature of the violation or its circumstance, warrant an informal warning rather than formal action. As with formal violations, the instructor must discuss the alleged violation with the student either in person or in writing. If the instructor finds there was a minor violation, the instructor may give the student an informal warning or require the student to redo the assignment. A Violations Form should still be completed by the instructor with the infraction and sanction documented. The instructor will provide the student and the Student Conduct Officer with a copy of the form.
4. After two minor violation reports from any institution in the UMS, the Student Conduct Officer(s) will consult with Academic Deans or other relevant academic administrators and reporting faculty members to determine if a more serious academic sanction should be imposed under this policy and whether a formal student conduct charge under the Student Conduct Code should be filed against the student.
5. Repeated academic violations or those deemed to be of sufficient severity by the faculty member or Dean of the College (or other appropriate academic administrator) may be considered disciplinary in nature and may be referred directly to the Student Conduct Officer for formal action under the Student Conduct Code. The faculty member may proceed with the academic integrity process under this policy at the same time as an action under the Conduct Code is proceeding. Sanctions under the Conduct Code may include, but are not limited to, ineligibility for all future academic honors and awards, departmental and university awards, and graduation honors in addition to the appropriate academic sanctions. Sanctions for violation of the Student Conduct Code may be found in section IV. of the Student Conduct Code which may be found here: [Student Conduct Code](#)

The maximum sanction imposed under the Conduct Code will be dismissal from the university and, for students whose violation is determined after graduation, revocation of the degree. Disciplinary action taken under the Student Conduct Code is independent of and may be taken in addition to an academic sanction imposed under this Policy.

Resources and Related Policies and Forms:

[Academic Integrity Violation Form](#)

[University of Maine System Student Conduct Code](#)

**Date Issued:** September 1, 2020

The complete and current version of the [University of Maine System Academic Integrity Policy](#) is available on the [University of Maine System website](#).

# UMS Policy: Sex Discrimination, Sexual Harassment, Sexual Assault, Relationship Violence, Stalking and Retaliation and Title IX Sexual Harassment

## I. Policy Statement

The University of Maine System (“UMS” or “the University”) is committed to providing a safe environment which promotes the dignity and worth of each member of the community. In complying with the letter and spirit of applicable laws and in pursuing its own goals of diversity, the University does not discriminate on the basis of sex in employment, education, and all other programs and activities. UMS, inclusive of all its campuses and faculties, does not discriminate on the basis of sex, race, color, religion, age, disability, status as a veteran, national or ethnic origin, sexual orientation, gender identity, gender expression, or any other category protected by applicable law, in the administration of its educational policies, admission policies, scholarship and loan programs, employment, or other school administered programs. For this reason, the University will not tolerate sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking, or retaliation in any form. All conduct of this nature is considered a violation of this policy.

This policy addresses discrimination on the basis of sex. UMS does not discriminate on the basis of sex in its education programs or activities, and UMS is required by Title IX of the Education

Amendments of 1972, and the final Title IX regulations issued by the U.S. Department of Education’s Office for Civil Rights in May 2020, not to discriminate in such a manner. The requirement not to discriminate on the basis of sex in the education program or activity extends to admission and employment. Inquiries about the application of Title IX and its implementing regulations may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights, or both.

The University will respond to complaints and reports of violations of this policy in a prompt, fair, impartial and equitable manner. Regardless of whether a complaint is filed, the University will respond promptly and reasonably when it has notice of potential sexual misconduct that is covered by this policy. The University will take steps to end and prevent recurrence of violations of this policy and to correct their discriminatory effects on the complainant and others when a determination of responsibility has been made against a Respondent. In responding to all complaints and reports, the University will act to ensure the safety of students, guests, and employees while complying with state and federal laws and provisions of applicable collective bargaining agreements and employee handbooks.

## II. Overview

This policy applies to all members of the University community, including but not limited to all students (graduate and undergraduate), all employees (including faculty and staff), adjunct faculty, contractors, vendors and/or other third parties. This policy applies to all individuals regardless of gender, sexual orientation, gender identity, or gender expression. It applies to all University programs and activities, both on campus and off campus, including, but not limited to, instruction, grading, housing, athletics, electronic communication and employment.

This policy does not substitute for or supersede related civil and criminal law. It is the policy of the University to strongly encourage individuals to report all incidents and violations to law enforcement officials or agencies with appropriate jurisdiction and to avail themselves of all the services and rights to which they are entitled.

Any individual may file a complaint under this policy at any time. However, the University strongly encourages individuals to file complaints promptly in order to preserve evidence for a potential legal or disciplinary proceeding. A delay in filing a complaint may compromise the subsequent investigation. Reporting in a timely way also allows the University to provide all persons involved with information regarding their rights, options, and resources available under this policy and federal or state laws.

All members of the University community are encouraged to cooperate fully in investigations and other proceedings necessary for the effective execution of this policy, though no individual will be retaliated against for exercising their rights under this policy including their right not to participate in an investigation and/or adjudication process.

This policy covers the following information:

- What to do if you are sexually assaulted or are the victim of domestic violence, dating violence or stalking;
- Common terms used in this policy;
- Consent;
- How and where to file a complaint;
- How the University will respond to a complaint;
- Confidentiality;
- Supportive measures that are available;
- Options regarding reporting to Law Enforcement;

- Protection orders;
- Student Amnesty;
- Free Speech and Academic Freedom;
- Off-campus conduct;
- Educational programs;
- External complaints;
- Review and revision of this policy.

### III. What to do if you are Sexually Assaulted or Experience Domestic Violence, Dating Violence or Stalking

- Get to a safe location. If you are a student and are unsure where to go or can think of nowhere that is safe at this time, please consider calling your campus Public Safety or Security Department at 207-780-5211 and/or local law enforcement at 911. Campus Residence Life or Student Affairs staff can help with housing arrangements as well.
- Consider asking a trusted friend or relative to be with you for support.
- Seek medical care as soon as possible. You may need basic medical treatment for injuries, and you may have injuries of which you are unaware. You also may be at risk of acquiring a sexually transmitted infection, and women may be at risk for pregnancy. Trained staff at your campus Health Center or the local emergency room can speak with you about all of the medical options available and provide information about a sexual assault forensic examination.
- You may choose to file a report with the local law enforcement agency. Your report puts in place support systems that you may choose to use. The University will provide someone to assist you in filing a report with Law Enforcement if you wish.
- Preserve all evidence of the incident. If you choose to file a report with the police, it is important that you:
- Do not bathe, wash your hands, brush your teeth, drink, eat, or even use the restroom—all these things can destroy evidence that may be helpful in a criminal investigation; however, if you have done any of these things since the incident, evidence can still be collected;
- Do not clean or remove anything from the location where the incident occurred;
- Write down as much as you can recall about the incident and the people involved.
- Seek some form of emotional support. While taking care of your physical needs may be the first step in taking care of yourself, it is important not to neglect the emotions you may be experiencing as a result of the assault, violence or stalking. University counseling services have employees who are specially trained to assist students with recovery and healing. CIGNA EAP services are available for employees at 1.877.622.4327.
- It is your choice to determine when and in what manner you recover from your trauma. Give yourself the time you need and know that it is never too late to get help.
- **KNOW THAT WHAT HAPPENED WAS NOT YOUR FAULT AND YOU ARE NOT ALONE.**
- For details about all of the available resources on your campus and in your community, see the campus brochure regarding sexual assault, dating violence, domestic violence and stalking located on the University of Southern Maine campus safety website.

### IV. Terms Used in this Policy

Sexual Harassment includes two distinct, but overlapping definitions applicable to this policy. The Title IX Regulations define sexual harassment as set forth in Section XVI of this policy. Consistent with Title VII of the Civil Rights Act of 1964 and the recognition that Sexual Harassment may also occur in a wider variety of contexts, UMS defines Sexual Harassment as:

#### A. Sexual Harassment

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including sexual assault and sexual violence. Sexual harassment, including sexual assault, can involve persons of the same or opposite sex. Consistent with the law, this policy prohibits two types of sexual harassment:

1. **Tangible Employment or Educational Action (quid pro quo):** This type of sexual harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment or participation in a University activity are made an explicit or implicit condition of submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting an individual's employment, education, living environment, or participation in a University program or activity. Generally, a person who engages in this type of sexual harassment is an agent or employee with some authority conferred by the University.
2. **Hostile Environment:** Sexual harassment that creates a hostile environment is based on sex and exists when the harassment:
  - i. Is subjectively and objectively offensive; and

ii. Is so severe or pervasive as to alter the conditions of a person's employment, education or living situation that it creates an abusive working, educational or living environment.

A hostile environment can be created by anyone involved in a University program or activity, such as an administrator, faculty or staff member, student, or campus guest. Offensiveness alone is not enough to create a hostile environment. Although repeated incidents increase the likelihood that a hostile environment has been created, a single serious incident, such as a sexual assault, can be sufficient.

Determining whether conduct creates a hostile environment depends not only on whether the conduct was unwelcome to the person who feels harassed, but also whether a reasonable person in a similar situation would have perceived the conduct as objectively offensive. The following factors will also be considered:

- a. the frequency, nature and severity of the conduct;
- b. whether the conduct was physically threatening;
- c. the effect of the conduct on the Complainant's mental or emotional state;
- d. whether the conduct was directed at more than one person;
- e. whether the conduct arose in the context of other discriminatory conduct;
- f. whether the conduct altered the conditions of the Complainant's educational or work performance and/or UMS programs or activities;
- g. whether the conduct implicates academic freedom or protected speech; and,
- h. other relevant factors that may arise from consideration of the reported facts and circumstances.

#### B. Sexual Assault

Sexual assault means an offense that meets the definition of rape, fondling, incest, or statutory rape.

Rape is 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.

Fondling is 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 is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory rape is sexual intercourse with a person who is under the statutory age of consent. All forms of sexual assault and sexual contact prohibited by Maine law are also included.

#### C. Dating Violence

Dating violence is violence committed against a person by an individual who is or has been in a social relationship of a romantic or intimate nature with that person. Whether a dating relationship exists is determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. All forms of dating violence prohibited by Maine law are also included (see Assault).

#### D. Domestic Violence

A felony or misdemeanor crime of violence committed—

- (A) By a current or former spouse or intimate partner of the victim;
- (B) By a person with whom the victim shares a child in common;
- (C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- (D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
- (E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

All forms of domestic violence prohibited by Maine law are also included (see Domestic Violence Assault, Domestic Violence Criminal Threatening, Domestic Violence Terrorizing, Domestic Violence Stalking, and Domestic Violence Reckless Conduct).

#### E. Stalking

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- (A) Fear for the person's safety or the safety of others; or
  - (B) Suffer substantial emotional distress.
- (ii) For the purposes of this definition—

(A) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

(B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

(C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

All forms of stalking prohibited by Maine law are also included (Stalking and Domestic Violence Stalking).

#### F. Retaliation

Retaliation is action taken by the University or any individual or group against any person for opposing any practices forbidden under this policy or for filing a complaint, testifying, assisting, or participating in an investigation or proceeding under this policy. This includes action taken against a bystander who intervened to stop or attempt to stop a violation of this policy. Retaliation includes intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's complaint, participation or non-participation. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy.

#### G. Sexual Misconduct

Sexual misconduct includes, but is not limited to, prostituting another person, nonconsensual image capturing of sexual activity, presentation or unauthorized viewing of a nonconsensual videotaping of sexual activity, letting others watch you have sex without the knowledge or consent of your sexual partner, possession of child pornography, peeping tommy, and/or knowingly transmitting an

STD or HIV to another person. Sexual misconduct may constitute sexual harassment. All forms of sexual misconduct prohibited by Maine law are also included (see Violation of Privacy, Possession of Sexually Explicit Material, and Sex Trafficking).

#### V. Consent

Consent is a voluntary agreement to engage in sexual contact. Consent must be informed, freely and actively given, and consist of a mutually agreeable and understandable exchange of words or actions. Consent is clear, knowing and voluntary. Consent is active, not passive. Consent may be withdrawn at any time. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and conditions of) sexual activity. Past consent does not imply future consent. Consent to engage in one form of sexual activity does not imply consent to engage in any other sexual activity. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with any other person.

It is not consent when the exchange involves unwanted physical force, coercion, intimidation, and/or threats. If an individual is mentally or physically incapacitated or impaired such that one cannot understand the fact, nature or extent of the sexual situation, and the incapacitation or impairment is known or should be known to the other person, there is no consent. This includes conditions resulting from alcohol or drug consumption, or being asleep or unconscious. Consent is not valid if the person is too young to consent to sexual activity under Maine law.

#### VI. How to File a Complaint and How the University Will Respond

The University strongly encourages anyone who has experienced sex discrimination, sexual harassment, retaliation, sexual assault, domestic violence, dating violence or stalking to report the incident to the appropriate contact at the University (see VI (A)). A report can be made under this policy at any time, regardless of when the incident happened. Reporting the incident to the University does not mean that you have to file a formal complaint or bring criminal charges. Reporting the incident, however, will allow the University to provide individuals involved with information about available support and services, both on campus and off campus.

Any individual may make a third-party complaint about a violation of this policy. Individuals are encouraged to contact the appropriate office identified below as soon as possible. After receiving a complaint, the University will determine what further action, including contacting the alleged victim, is warranted. If a concern is reported by someone other than the alleged victim and the alleged victim is unwilling or unable to cooperate with an investigation, the University's ability to respond may be significantly limited.

The UMS Title IX Coordinator is responsible for the University's overall compliance and response to incidents of sexual assault, sexual harassment and sex discrimination in general.

#### A. How and Where to File a Complaint

##### 1. Complaints or Reports of Employees' Conduct

All complaints or reports relating to violations of this policy by a University employee should be made to the UMS Title IX Coordinator at 207.581.5866 or [titleix@maine.edu](mailto:titleix@maine.edu) or to the Equal Opportunity Office at 207.581.1226 or [equal.opportunity@maine.edu](mailto:equal.opportunity@maine.edu)

Upon receiving a complaint or report of a violation of this policy by a University employee, the UMS Title IX Coordinator will assess the complaint or report and will follow the procedures described in the University of Maine System Equal Opportunity Complaint Procedure or the Title IX Sexual Harassment Procedure. The UMS Title IX Coordinator will provide the complainant with information about options for filing a formal complaint and explain the formal investigation and grievance process, supportive measures, and any options of informal resolution. The UMS Title IX Coordinator will provide the complainant with a written explanation of the complainant's rights, options, and supportive measures. Supportive measures are available to complainants even if they do not file a formal complaint. When a formal complaint is investigated, the University will use a preponderance of the evidence standard – whether it is more likely than not that the alleged violation occurred. For more information about the Equal Opportunity Complaint Procedure, follow this link: <https://www.maine.edu/human-resources/university-equal-opportunity-officers/equal-opportunity-complaint-procedure/> For more information about the Title IX Sexual Harassment Process, follow the link in Article XVI(4) of this Policy.

## 2. Complaints or Reports of Students' Conduct

All complaints or reports relating to violations of this policy by a University student should be made to the campus Deputy Title IX Coordinator who will notify the UMS Title IX Coordinator of the complaint or report.

Upon receiving a complaint or report of a violation of this policy by a University student, the Deputy Title IX Coordinator/Title IX Coordinator will assess the complaint or report and follow the procedures described in the University of Maine System Student Conduct Code or the Title IX Sexual Harassment Process. The Deputy Title IX Coordinator/Title IX Coordinator will provide the complainant with information about options for filing a formal complaint and explain the formal investigation and grievance process, offer supportive measures, and explain any options of informal resolution. The Deputy Title IX Coordinator/Title IX Coordinator will provide the complainant with a written explanation of the complainant's rights and options. When a formal complaint is decided, the University will use a preponderance of the evidence standard – whether it is more likely than not that the alleged violation occurred. For more information about the procedure for adjudicating complaint against students, see the UMS Student Conduct Code at: <https://www.maine.edu/board-of-trustees/policy-manual/section-501/> or the Title IX Sexual Harassment Process at <https://www.maine.edu>

## 3. Complaints or Reports of Third Parties' Conduct (Campus Guests, Vendors, Contractors, etc.)

All concerns regarding violations of this policy by third parties such as vendors, contractors and campus guests should be made to the UMS Title IX Coordinator at 207.581.5866 or [titleix@maine.edu](mailto:titleix@maine.edu) or to the Equal Opportunity Office at 207.581.1226 or [equal.opportunity@maine.edu](mailto:equal.opportunity@maine.edu)

Upon receipt of a report or complaint, the University will respond appropriately depending on the nature of its relationship to the third party.

### B. How the University Will Respond to a Complaint

The University's investigation and decision-making process is separate from any criminal or civil investigation and adjudication regarding the same incident.

The University will provide a prompt, fair, impartial, and equitable investigation and resolution of the complaint. The investigation and decision-making shall be conducted by officials who receive annual training on discrimination, harassment, retaliation, domestic violence, dating violence, sexual assault, and stalking, and how to conduct an investigation and hearing process that protects the safety of all individuals and promotes accountability.

Both the complainant and the respondent have the right to have another present during any investigative or disciplinary meeting or proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice, who may be, but is not required to be, an attorney. The University will not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the University may establish restrictions regarding the extent to which the advisor may participate in the meetings or proceedings, as long as the restrictions apply equally to both parties. In investigating allegations covered by the Policy, the investigator and decision-makers will not question the complainant about the complainant's prior sexual conduct with anyone other than the respondent unless relevant to establish that someone else committed the conduct alleged to be a violation of this policy. Information regarding any prior sexual conduct or dating relationship between the complainant and the respondent by itself shall not imply consent or preclude a finding of a violation, but may be relevant to understand the nature and context of the parties' relationship and how consent to sexual activity was communicated between the parties. No direct questioning of the either party by the other will be permitted, though as set forth in the Title IX sexual harassment process, the parties' advisors have the opportunity to cross-examine the other party and witnesses during the hearing process.

The respondent's use of alcohol and other drugs in connection with a violation of this policy does not mitigate accountability for the behavior or diminish the seriousness of the incident, unless it is determined that the respondent was incapacitated and unable to consent to the sexual activity at issue. The respondent's intentional use of a substance to affect an individual in order to facilitate a violation of this policy will be considered relevant when determining responsibility and appropriate sanctions.

In the investigation and decision-making processes for all complaints of sexual assault, domestic violence, dating violence or stalking made under this policy, both the complainant and the respondent shall be simultaneously informed, in writing, of: (1) the outcome of any institutional disciplinary proceeding that arises from the alleged violation including all sanctions and the rationale for the result and sanctions; (2) the procedure for the respondent and the complainant to appeal the results of the institutional disciplinary proceeding; (3) any change to the results that occurs prior to the time that the results become final; and (4) when the results are final. The University shall not require a party to abide by a non-disclosure agreement in writing or otherwise regarding the final results of the institutional disciplinary proceeding.

Any student or employee found to have violated this policy may be subject to disciplinary action, up to and including suspension or dismissal/termination from the University. Sanctions for third parties who violate this policy will be in accordance with the circumstances.

For information about sanctions, students should refer to the Student Conduct Code at: <https://www.maine.edu/board-of-trustees/policy-manual/section-501/>. All of the possible sanctions that the University may impose upon a student following the results of any University disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault or stalking are:

- A. Assigned Educational Projects: This may include research projects, reflective essays, counseling assessments, sanction seminars or other related assignments intended to promote learning.
- B. Community Service: The type of service may be related to the nature of the violation.
- C. Deferred Sanction: A specific period of time during which a Respondent's continued enrollment or housing contract at the University is clearly in jeopardy. Any further violation of the Code during that time will minimally result in the imposition of the deferred sanction and any additional sanctions deemed necessary.
- D. Disciplinary Dismissal: Permanent separation (subject to the right of review after five years) from the University.
- E. Disciplinary Probation: A period of time when a Respondent is under closer scrutiny of the University. It may include the loss of one or more privileges.
- F. Disciplinary Suspension: Separation from the University for a stated period of time and/or until a stated condition(s) is met.
- G. Fine: Payment of money. Respondents who are unable to pay may discuss alternate payment arrangements.
- H. Loss of Contact with a Specific Person(s): With this sanction, the person may not initiate direct or indirect contact with a specified person(s).
- I. Loss of Visitation Privileges: This loss of visitation may be to any designated area(s) of campus.
- J. Official Warning: Official acknowledgment of a violation and the expectation that it will not be repeated.
- K. Removal from University Housing: Removal from a particular hall or all housing.
- L. Restitution: Restitution, up to the replacement value of the items damaged, stolen, removed or used without authority and damages incurred.
- M. Such other action as the Committee or Officer may reasonably deem appropriate (e.g., suspension of an organization's official campus recognition or suspension of a student from an extracurricular activity).

For information about possible disciplinary action, represented employees should refer to the appropriate collective bargaining agreement. Non-represented employees should refer to the non-represented employee handbook. All of the possible sanctions that the University may impose upon an employee following the results of any University disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault or stalking are:

- A. Oral Warning
- B. Written Warning
- C. Suspension
- D. Termination
- E. Such other action as the University may reasonably deem appropriate.

### C. Retaliation

The University and the law prohibit retaliation against an individual for opposing any practice forbidden under this policy, for bringing a complaint, for assisting someone with a complaint, for attempting to stop a violation of this policy, or for participating or for refusing to participate in any manner in an investigation or resolution of a complaint. It is central to the values of this University that any individual who believes he or she may have been the target of a

violation of this policy feels free to report their concerns for appropriate investigation and response, without fear of retaliation or retribution. After making, assisting with or otherwise participating in a report or complaint to the University, any individual who believes he or she has been subjected to retaliation by the respondent, the University or any other person or group should report the alleged retaliation immediately to the appropriate person identified in this policy. The University will take strong responsive action when retaliation is found to have occurred.

## VII. Confidentiality

### Confidentiality: What are the Options?

The University encourages people who have experienced sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking, or retaliation to talk to somebody about what happened so they can get the support they need, and so the University can respond appropriately. People on campus and off-campus have different abilities to maintain confidentiality depending on their roles and responsibilities.

#### A. Confidential Communications

##### 1. Professional and Pastoral Counselors.

Professional, licensed individuals who provide mental health services as part of their job responsibilities (including those who act in that role under the supervision of a licensed professional) and pastoral counselors (clergy, ministers, priests, rabbis, etc.) who provide religious counseling to members of the school community are not required to report any information about an incident to the Title IX Coordinator without an individual's permission provided that such information was disclosed in a counseling context. A person can seek assistance and support from these individuals without triggering a University investigation that could reveal the person's identity or that the person has disclosed the incident. This does not apply to professional, licensed individuals who receive a report outside of their licensed duties, such as when acting in a teaching capacity. Following is the contact information for these individuals: University of Southern Maine Counseling Services, 207-780-4050.

Speaking with a professional or pastoral counselor does not constitute a report or complaint to the University. The University will be unable to conduct an investigation into the incident or pursue disciplinary action against the respondent based on such a disclosure.

NOTE: Professional counselors may maintain a person's confidentiality within the University, but they may have external reporting or other obligations under state law (such as mandatory reporting to law enforcement in case of abuse of minors; imminent harm to self or others; requirement to testify if subpoenaed in a criminal case). A person who initially requests confidentiality may later decide to file a complaint with the University or report the incident to local law enforcement and have the complaint investigated. Professional and pastoral counselors can assist a person who later decides to file a complaint or report.

##### 2. Licensed Health Professionals

Certain licensed health professionals who receive information about an incident in connection with the provision of health care services may not report that information to the Title IX Coordinator without an individual's permission provided that such information was disclosed in a healthcare setting. However, some licensed health professionals who are designated as Campus Security Authority's may be required to report non-identifying statistical information to the University as required by federal law. Speaking with a licensed health care professional does not constitute a report or complaint to the University, and the University will be unable to conduct an investigation into the incident or pursue disciplinary action against the respondent.

NOTE: Licensed health professionals may maintain a person's confidentiality within the University, but they may have external reporting or other obligations under state law (such as mandatory reporting to law enforcement in case of abuse of minors).

##### 3. Off-campus Counselors and Advocates.

Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the University unless the individual requests the disclosure and signs a consent or waiver form.

Following is contact information for these off-campus resources:

Sexual Assault Hotline Help: 1.800.871.7741

Statewide Domestic Abuse Hotline: 1.866.834.4357 (Deaf or Hard of Hearing: 1.800.437.1220)

NOTE: Off-campus counselors and advocates are not required to disclose information to the University, but they may have external reporting or other obligations under state law (such as mandatory reporting to law enforcement in case of abuse of minors).

##### 4. Researchers

Research involving human subjects (which require approval by the appropriate campus Institutional Review Board for the Protection of Human Subjects) may ask subjects to provide personal information in a confidential setting. Information about an incident covered under this policy may be disclosed by a research subject as part of participation

in that research. Researchers involved in the research project are not required to report the incident to the Title IX Coordinator.

#### B. Reporting to Another Student or a University Volunteer.

If you discuss a violation of this policy with another student or with a University volunteer, that person may be able to maintain your confidentiality, except as described within section C, Mandatory Reporting. All University students and volunteers are strongly encouraged to report all that they witnessed or heard regarding a violation of this policy to the designated University officials identified above.

#### C. Mandatory University Reporting

All University employees (except as provided within section A) have a duty to report incidents of sexual misconduct potentially covered under this policy (including gender discrimination, sexual assault, sexual harassment, domestic violence, dating violence, and stalking) to the Title IX Coordinator. Student employees, peer advocates and volunteers who learn of a potential violation of this policy in the course of their employment, programming or volunteer responsibilities are also required to report.

If a University employee receives or becomes aware of an incident covered by this policy, if possible before hearing it fully, the employee should be clear with the complainant that (1) they are not a confidential resource, if they are not so designated, and (2) they are obligated to report any incident to the Title IX Coordinator.

If a University employee receives or becomes aware of an incident covered by this policy, the University employee shall promptly report to the Title IX Coordinator all relevant details about the alleged incident shared by the complainant that the University will need to determine what happened – including the names of the complainant and respondent(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported will be shared only with people responsible for handling the University's response to the report. If the University determines that there is a continuing threat to the safety of members of the University community, it may have to issue a timely warning regarding the incident.

#### D. How the University Will Respond to Requests for Confidentiality

When a complainant reveals any information about a potential violation of this policy to any University employee, as soon as possible, the employee should make sure that the complainant understands the employee's reporting obligations. If the complainant wants to maintain confidentiality, University employees should direct the complainant to confidential resources but the employee must still report any information disclosed to the Title IX Coordinator. If the complainant wants to tell the employee what happened but also maintain confidentiality, the employee should tell the complainant that the University will consider the request, but cannot guarantee that the University will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the employee will also inform the Coordinator of the complainant's request for confidentiality.

An employee will not pressure a complainant to request confidentiality, or pressure a complainant to file a report or complaint. An employee will respect the complainant's wishes to the extent possible. If a complainant discloses an incident to an employee but wishes to maintain confidentiality or requests that no investigation into an incident be conducted or disciplinary action taken, the employee still must disclose the incident to the Title IX Coordinator, and the University will weigh the complainant's request against the University's obligation to provide a safe, non-discriminatory environment for all students and employees, including the complainant. If the University honors the request for confidentiality, a complainant needs to understand that the University's ability to meaningfully investigate the incident and pursue disciplinary action, if warranted, against the respondent(s) may be limited. There are times when the University may not be able to honor a complainant's request because it would pose a risk to providing a safe, non-discriminatory environment for students and employees. If the University determines that it cannot maintain a complainant's confidentiality, the University will inform the complainant prior to starting an investigation and, to the extent possible, will share information only with people responsible for handling the University's response.

Except as required by law, the University shall not include personally identifiable information about a complainant in its campus crime statistics or report, its campus crime log, publicly available police reports or timely warning notices. The University shall maintain as confidential any accommodations or supportive measures provided to the complainant, respondent or other party, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the accommodations or supportive measures or to the extent otherwise required by law.

The University is committed to the providing a safe and non-discriminatory environment for the entire campus community. Because the University is under a continuing obligation to address violations of this policy campus-wide, reports of violations of this policy (including non-identifying reports) may also prompt the University to consider broader remedial action –such as increased monitoring, supervision or security at locations where the reported incident occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/ victimization surveys; and/or revisiting its policies and practices.

#### E. Miscellaneous

Public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak outs” or other forums in which students or employees disclose violations of this policy, are not considered notice to the University of violations of this policy for purposes of triggering its obligation to investigate a particular incident(s). Such disclosures may, however, inform the need for campus-wide education and prevention efforts, and the University may provide information about students’ and employees’ Title IX rights at these events. If conduct which might constitute Title IX Sexual Harassment is disclosed at such an event, and the Title IX Coordinator, Deputy Title IX coordinator or an Official with Authority is present, the University may be required to contact the complainant as described in Article XVI below.

#### F. Anonymous Reporting

Although the University encourages complainants to talk to someone, the University provides an for anonymous reporting located here. Providing personally identifying information through an anonymous reporting system may serve as notice to the University for the purpose of triggering the University’s obligation to reach out to the complainant to explain the options for filing a formal complaint, offer supportive measures, and describe the formal and informal resolution processes. This is the mechanism for anonymous reporting on your campus.

#### VIII. Supportive Measures

Whether or not an individual who has experienced a violation of this policy files a formal complaint, reporting the incident will allow the University to provide all individuals involved with available support and services, both on-campus and off-campus. The University can also take supportive measures to promote the safety and well-being of both the complainant and respondent, including, but not limited to, moving the complainant or respondent to a new living, dining or working situation; issuing a no contact order; changing class or work schedules; changing transportation; financial aid accommodations; and other academic and/or employment accommodations and support. Supportive Measures are non-disciplinary, non-punitive individualized measures offered as appropriate, as reasonably available and without fee or charge to the complainant or respondent.

The University can assist all individuals involved in obtaining counseling on or off campus and provide information regarding medical care and other resources, such as victim advocacy, legal assistance and visa and immigration assistance. The University will provide written notification to students and employees about existing resources, both within the University and the community. The University will provide written notification to complainants and respondents about how to request the above services and accommodations. The University must offer such supportive measures if they are reasonably available, regardless of whether the complainant chooses to report the incident to campus police or local law enforcement, or file a formal complaint with the University.

#### IX. Options Regarding Law Enforcement

An individual who has experienced sexual assault, domestic violence, dating violence or stalking, or any other conduct which may violate criminal laws, has a right, at his or her own discretion, to:

1. Notify law enforcement authorities, including on-campus and local police;
2. Be assisted by campus authorities in notifying law enforcement; or
3. Decline to notify law enforcement.

University officials may, however, provide law enforcement with details about an incident under some circumstances if a determination has been made that such disclosure is required by law and/or is necessary to secure campus safety. See section VII(D) above. Complainants have a right to proceed simultaneously with a criminal investigation and a University internal investigation. If necessary to the criminal investigation, the University may defer its investigation for a limited time for fact gathering by law enforcement, and then will promptly resume its investigation.

#### X. Enforcement of Protection-from-Harassment or Protection-from-Abuse Orders

The University will provide assistance or referrals for a student or employee who wishes to obtain a protection-from-abuse or protection-from-harassment order. If a protection-from-abuse or protection-from-harassment order has been issued by a court in a civil or criminal proceeding, a copy of the order should be provided to University police or security and the UMS Title IX Coordinator or the Deputy Title IX Coordinator, as soon as possible to enable enforcement by the appropriate authorities. The University will work in good faith to implement the requirements of judicially issued protective orders and similar orders, to the extent that doing so is within its authority.

#### XI. Student Amnesty

The University strongly encourages students to report instances of sexual misconduct covered under this policy. Students who report information about a potential violation of this policy will not be disciplined by the University for any violation of alcohol possession or consumption policies or other minor violations of the Student Conduct Code in which they might have engaged in connection with the reported incident.

#### XII. Free Speech and Academic Freedom

Recognizing that many citizens have differing views on the matter of whom and which groups should have an opportunity to express opinions, the University of Maine System affirms its commitments to the rights of free speech and academic freedom.

To that principle, there shall be no restrictions, at any of the System institutions, placed on the fundamental rights of free speech and assembly, except those necessary to preserve the order for the University System to function as an institution of higher learning. Additional information pertaining to Free Speech can be found at: <https://www.maine.edu/board-of-trustees/policy-manual/section-212/>

Academic freedom is essential to the fulfillment of the purposes of the University. The University acknowledges and encourages an atmosphere of confidence and freedom while recognizing that the concept of academic freedom is accompanied by a corresponding concept of responsibility to the University and its students and employees. Academic freedom is the freedom to present and discuss all relevant matters in the classroom, to explore all avenues of scholarship, research and creative expression, and to speak or write without any censorship, threat, restraint, or discipline by the University with regard to the pursuit of truth in the performance of teaching, research, publishing or service obligations.

The University of Maine System is a public institution of higher education committed to excellence in teaching, research, and public service. Together, the students, faculty, and staff form our state wide University community. The quality of life on and about the member Universities is best served by preserving the above described freedoms and civility. This policy shall not be construed or applied to restrict academic freedom within the University, nor construed to restrict constitutionally protected expression

#### XIII. Off-Campus and Off-Duty Conduct

Reports of violations of this policy that occur off campus and/or off-duty can be the subject of a complaint. Reports of off-campus and/or off-duty sexual harassment, sexual assault, domestic violence, dating violence and stalking should be brought to the University's attention as soon as possible. The University will evaluate the incident to determine whether it violates this policy by resulting in continuing effects that create a hostile environment on campus or otherwise has a substantial connection to the University's education programs and activities.

#### XIV. Educational Programs

The University will conduct educational programs to promote awareness of sex discrimination, sexual harassment, sexual assault, domestic violence, dating violence, and stalking. This will include primary prevention and awareness programs for incoming students and new employees, and ongoing prevention and awareness campaigns for students, faculty and staff. All employees and students must participate in all required educational programs.

#### XV. External Complaints

Individuals who experience a violation of this policy may file a complaint or suit with an outside agency, including the Maine Human Rights Commission, U.S. Equal Employment Opportunity Commission, or U.S. Department of Education Office of Civil Rights. The University will still investigate and respond appropriately to any internal complaint.

A complainant who filed a complaint with the University and believes the University's response was inadequate may also file a complaint with the above agencies.

Complainants should keep in mind, however, that although they may report a violation of this policy to the University at any time; external agencies typically have time limits within which complaints must be filed. To learn more about the procedures for filing complaints with an outside agency, Complainants should contact that entity directly. To learn more about the procedures for filing complaints directly with an outside agency, Complainants should contact that entity directly.

Office of Civil Rights (OCR)

U.S. Department of Education

400 Maryland Avenue, SW

Washington, D.C. 20202-1100

Customer Service Hotline #: (800) 421-3481

Facsimile: (202) 453-6012

TDD#: (877) 521-2172

Email: [OCR@ed.gov](mailto:OCR@ed.gov)

Web: <http://www.ed.gov/ocr>

Maine Human Rights Commission

Office of the Commission

51 State House Station

Augusta, ME 04330

Phone: 207.624.6290  
Fax: 207.624.8729  
Email: info@mhrc.maine.gov

For Employee Title IX/ADA Complaints:  
US Department of Justice  
950 Pennsylvania Avenue, NW  
Civil Rights Division  
Disability Rights Section – 1425 NYA  
Washington, D.C. 20530  
Fax: (202) 307-1197

You may also file a complaint by E-mail at [ADA.complaint@usdoj.gov](mailto:ADA.complaint@usdoj.gov). If you have questions about filing an ADA complaint, please call:

ADA Information Line: 800-514-0301 (voice) or 800-514-0383 (TTY).

U.S. Equal Employment Opportunity Commission Complaints:

Call 1-800-669-4000

For Deaf/Hard of Hearing callers:

1-800-669-6820 (TTY)

1-844-234-5122 (ASL Video Phone)

[info@eeoc.gov](mailto:info@eeoc.gov)

#### XVI. Title IX Sexual Harassment (Pursuant to May 2020 Title IX Regulations)

This Article XVI and the corresponding Title IX Sexual Harassment process apply to all complaints of Title IX Sexual Harassment that are made after August 14, 2020 regarding conduct that occurs after that date. All complaints made after August 14, 2020 regarding conduct that occurred before August 14, 2020, will follow the policies in place at the time of the incident and the applicable process in place at the time of the complaint. The Title IX Sexual Harassment policy and process described in this Article XVI go into effect at midnight on August 14, 2020 and will remain in effect unless/until this policy and process are stayed, enjoined, limited, amended, repealed or otherwise are ruled or become inapplicable in whole or in part due to action by a court or the U.S. Department of Education. Should the Title IX Regulations be revoked, any conduct covered under this Policy shall be investigated and adjudicated under this policy and the applicable processes described in Articles IV and VI.

Finally, conduct that falls outside of Title IX, such as gender-based and sexual harassment that does not meet the Title IX regulations' definition or conduct that occurs outside of the United States but still within the University's education programs or activities, may be covered by Articles IV and VI of this Policy. The University condemns all forms of sexual misconduct, even conduct that does not meet the definition of sexual harassment under Title IX. Accordingly, this Policy provides procedures for reporting and investigating sexual harassment that falls outside of Title IX's definition of sexual harassment or outside of Title IX's geographic scope but is nonetheless detrimental to the safety and wellbeing of the University community.

If you have any questions or concerns about which policy or process may apply to your case/report, please contact the UMS Title IX Coordinator at 207.581.5866 or at [titleix@maine.edu](mailto:titleix@maine.edu) for clarifications. Glossary:

i. Advisor means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the complaint process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.

ii. Complainant means an individual or group of individuals who is alleged to be the victim of conduct that could constitute harassment based on a sex or retaliation for engaging in a protected activity.

iii. Complaint (formal) means a written document, paper or electronic, filed by a Complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on sex, or retaliation for engaging in a protected activity, against a respondent and requesting that the University investigate the allegation of harassment based on sex or retaliation for engaging in a protected activity. At the time of filing a formal complaint of Title IX sexual harassment, a Complainant must be participating in or attempting to participate in the education program or activity of the University with which the formal complaint is filed. The complaint must contain the Title IX Coordinator's or the Complainant's physical or digital signature, or otherwise indicate that the Complainant is the person filing the

formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not considered a Complainant or otherwise a party.

iv. Directly Related Evidence is evidence that in the reasoned judgment of the investigator, is determined to be connected to the complaint even if not relied upon by the investigator in the investigation report.

v. Education program or activity means all of the operations of the University, as well as, locations, events or circumstances where UMS exercises substantial control over both the Respondent and the context in which the Title IX sexual harassment occurs and also includes any building owned or controlled by a student organization that is officially recognized by the University.

vi. Final Determination a written determination by a Decision-maker or Panel by the preponderance of the evidence standard whether the alleged conduct occurred and whether it did or did not violate policy, which includes all of the following: identification of the allegations potentially constituting Title IX Sexual Harassment as defined in Article XVI(1)(xii) below; a description of the procedural steps taken by the University from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; findings of fact supporting the determination; conclusions regarding the application of the this Policy to the facts; a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and whether remedies designed to restore or preserve equal access to UMS's education program or activity will be provided by the University to the Complainant; and the procedures and permissible bases for the Complainant and Respondent to appeal.

vii. Formal Complaint Process means a method of formal resolution designated by the University to address conduct that falls within this Title IX Sexual Harassment policy and process, and which complies with the requirements of the Title IX regulations.

viii. Notice means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing conduct on the basis of sex.

ix. Official with Authority (OWA) means an employee of UMS explicitly vested with the responsibility to implement corrective measures for harassment based on sex, and/or retaliation on behalf of UMS.

x. Relevant Evidence is evidence that tends to prove or disprove an issue in the complaint.

xi. Remedies are post-finding actions provided to the Complainant where a determination of responsibility for sexual harassment has been made against the Respondent after the Formal Complaint Process in this Policy as mechanisms to address safety, prevent recurrence, and restore access to UMS's educational program.

xii. Title IX Sexual Harassment is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence as defined in Article XVI(3) below.

xiii. Title IX Team refers to the Title IX Coordinator, Deputy Title IX Coordinators, Investigators, Hearing Decision-maker or Panel, or University provided Advisor.

#### 1. Title IX Sexual Harassment Jurisdiction

Title IX jurisdiction applies when the alleged sexual harassment occurs within the context of the University's "education program or activity" which includes all of the operations of the University, and locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

#### 2. Title IX Sexual Harassment Definitions

The Title IX regulations define Sexual Harassment as conduct on the basis of sex that must satisfy one or more of the following:

- a. A University employee conditions the provision of an aid, benefit, or service of UMS on an individual's participating in unwelcome sexual conduct; or
- b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to UMS' education program or activity;

Sexual Assault is defined as having or attempting to have sexual intercourse with another individual, including: (1) by use of force or threat; (2) without effective consent; or (3) where the actor knew or should have known the individual is incapacitated by drugs and/or alcohol or was physically or mentally unable to make informed or reasonable judgments or provide consent. 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. Sexual Assault includes rape, fondling, incest, or statutory rape as those crimes are defined by the Federal Bureau of Investigation (FBI) Uniform Crime Reporting Program. 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.

Force is the use of physical violence and/or the threat of physical violence to gain sexual access. Force also includes threats against others, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you").

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive, and there is no consent.

Incapacitation is defined as the inability to make rational, reasonable decisions because the individual lacks capacity to give knowing consent (e.g. to understand the "who", "what", "when", "where", "why", or "how" of their sexual interaction. A person may be incapacitated because of their consumption of drugs/alcohol and/or because they are mentally/physically helpless or disabled, asleep, unconscious, or otherwise unaware that the sexual activity is occurring. Where drugs or alcohol are involved, incapacitation is a state beyond impairment or intoxication, and involves an assessment of the person's decision-making ability, awareness of consequences, ability to make informed, rational judgments, capacity to appreciate the nature and quality of the act, and/or level of consciousness. The assessment is based on objectively and reasonably apparent signs of incapacitation when viewed from the perspective of sober, reasonable person.

Dating Violence, Domestic Violence, and Stalking, as defined above.

#### Retaliation

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Title IX Policy and accompanying process

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or formal complaint of sexual harassment, as set forth in the University's amnesty policy.

Complaints alleging retaliation may be filed with the Title IX Coordinator.

UMS reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or dismissal/termination, for any offense under this policy.

XVII. Review and Revision of this Policy

A representative Policy Review Board will be established consisting of university and S participants to review and recommend changes, as appropriate, to this policy and procedures. The Board will meet at least every three years or more often, as needed and in synchronization with the review of the University of Maine System Student Conduct Code. Revisions of this policy require approval of the Board of Trustees.

The complete and current version of the Title IX Policy is [located on the University of Maine System Website](#). Specific information about contacts for Maine Law students can be found on our [website](#) and [portal](#).

## Law Student Conduct Code Procedures

These procedures are adopted by the Faculty of the University of Maine School of Law with the approval of the President of the University of Southern Maine to carry out the provisions of the University of Maine System Student Conduct Code (“the Code”) and Academic Integrity cases involving students of the School of Law.<sup>2</sup> Unless expressly preempted by the Law Student Conduct Code Procedures, all provisions of the Code apply. Adoption is pursuant to Article V of the Code which provides that:

Each of the University institutions may adopt procedures for carrying out the provisions of this Code within the guidelines set forth by the Code as described below and consistent with the Code. University institutions having a professional code of ethics may adopt additional procedural provisions to be applicable to their own students.

These procedures, together with the provisions of Article V of the Code, which they supplement, shall be the exclusive mode of proceeding in all matters involving students of the School of Law for alleged violations of academic policies, rules, and procedures, as well as for admission process and character & fitness disclosure violations. For non-academic conduct, the Law School may refer a matter to the USM conduct process. All reports implicating Title IX, will be referred to the USM Title IX coordinator and will follow the USM community standards office standard procedure.

### ***I. Conduct Investigator.***

- A.** The Vice Dean/Provost shall be the Conduct Investigator (“Investigator”) for the School of Law. The powers and duties of the Investigator shall be only those expressly provided in these procedures. All other powers and duties given to a Conduct Officer under the Code shall be exercised by the Law School’s Conduct Officer appointed as hereinafter provided.
- B.** In the event that the Investigator is a reporting party or witness, the Dean shall designate another member of the Faculty of the School of Law to serve as Investigator for the purposes of that case.

### ***II. Conduct Committee***

- A.** The Conduct Committee shall consist of one member of the Faculty of the School of Law designated by the President, four members of the faculty (including visiting faculty) of the School of Law appointed annually in September by the Dean, and two students at the School of Law elected annually in September by the student body.
- B.** The Associate Dean shall designate one of the Faculty members of the Committee as its Chairperson annually in September. At its initial meeting the Committee shall elect one of its Faculty members to serve as Vice Chairperson. If both the Chairperson and Vice Chairperson are unable to act, the Dean shall appoint an acting Chairperson for the necessary period.
- C.** Challenges for cause permitted by the Code shall be submitted to the Chairperson. If the Chairperson is challenged, the challenge shall be submitted to the Vice Chairperson. If both the

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<sup>2</sup> The University of Maine School of Law has adopted standards and procedures governing student conduct. All University of Maine School of Law students are subject to the Code, which is referenced in Appendix I. In addition, law students are required to abide by the rules of conduct, both academic and professional, described throughout this Handbook and its Appendices. The Law Student Conduct Code Procedures, also found in this appendix, describe the process the Law School follows in cases of alleged violation of these rules and policies, in cases where the situation is not referred to be handled by the USM/UMS conduct office and process.

Chairperson and Vice Chairperson are challenged, the challenges shall be submitted to the acting Chairperson.

- D.** If by reason of challenges or other disability, fewer than three Faculty members and one student member are eligible or available to hear a case, the Chairperson, Vice Chairperson, or Acting Chairperson, as appropriate, shall appoint whatever number of temporary Faculty (including visiting) or student members may be necessary to make up the minimum number.

### ***III. Proceedings.***

**A. Reporting of Alleged Violation.** An alleged violation of this Handbook, the Code, or any other academic rule or policy shall be in the form of a written statement outlining:

1. The name of the responding party;
2. The Code section, academic rule or policy, or other Student Handbook provision alleged to have been violated; and
3. The material facts and circumstances, including the names of other parties and witnesses.

**B. Preliminary Investigation.** Upon receipt of a report alleging a violation, the Investigator shall conduct a preliminary investigation to determine whether further proceedings are warranted. Prior to collecting evidence or talking to witnesses, the Investigator must notify the responding party that a report alleging a violation has been made, including all relevant information presented in the report. In the course of the preliminary investigation, the Investigator may call in the parties and witnesses and shall maintain confidentiality. At any time prior to appointment of a Conduct Officer, the Investigator may suspend a student as provided in section V.B.5 of the Code. Such suspension may be terminated or extended by the Conduct Officer subject to the provisions of that section.

**C. Disposition without Further Proceedings.** If the Investigator determines that no further proceedings are warranted, he or she shall terminate the investigation. No record of the matter shall be maintained in the file of the individual student, and the facts of the complaint and investigation shall not be revealed to any person.

**D. Disposition by Agreement.** By agreement of the responding party and Conduct Investigator, the Investigator may at any time prior to hearing dispose of the matter without further proceedings by imposing upon the responding party any sanction within the power of an Investigator or Officer to impose under the provisions of the Code.

**E. Appointment of Conduct Officer.** If the Investigator determines that further proceedings are warranted, the Dean shall appoint a Conduct Officer. The Conduct Officer shall be a member of the Faculty of the School of Law who is not a member of the Conduct Committee.

**F. Powers and Duties of Conduct Officer.** The Conduct Officer shall have and exercise all powers and duties given to a Conduct Officer by the Code, except those expressly given to the Investigator by these Procedures. The Conduct Officer will conduct a formal investigation and initial hearing as outlined in the provisions governing the responsibilities of the Conduct Officer in the Code.

**G. Conduct Committee.** As outlined in the Code, the responding party may seek review of the initial hearing. Pursuant to the rules and timelines provided in the Code, a responding party will seek review by the Law School Conduct Committee.

**H. Advisor.** As provided by the Code, during the preliminary or formal investigations, as well as during hearings, a reporting party or responding party may be accompanied by an advisor. The advisor may attend a hearing, but may not present evidence or testimony.

**I. Accommodations.** Parties in need of accommodation in accordance with the ADA and USM accommodation policies, may receive reasonable support and assistance from the Disability Services Office as outlined in the Code.

**J. Further Proceedings.** Further proceedings shall be as provided in the Code.

## *Appendix II: Policies and Procedures Governing Exams*

### **I. Policies and Procedures Governing On-Campus Exams:**

**A. Exam Schedule.** Examination schedules are available online and from the Registrar's office. Exam locations are posted on the Registrar's bulletin board well in advance of exams. Student misunderstanding about the date or time of an exam is not a valid excuse for missing an exam. Students should arrive at least twenty minutes before the exam is scheduled to begin. Please sit in every other seat in the exam room to the extent possible. It is the student's responsibility to read and know all rules and regulations governing exams.

**B. Exam Administration.** The Registrar's Office, the Vice Dean/Provost, and the Office of Student Services administer exams with the assistance of designated proctors. In addition to the Office of the Registrar's Exam Instructions. In addition to the policies and procedures outlined in this document, each semester the Office of the Registrar circulates exam instructions outlining expectations and rules regarding student conduct prior to and during examinations. These instructions are also binding and must be followed by students. Failure to comply with these instructions may result in a referral to the Associate Dean for Student Affairs and/or a complaint to the Conduct Committee.

**C. Rescheduling Exams.** Exams may be rescheduled only in limited circumstances. Exams may be rescheduled by the Registrar when there is a direct conflict (two exams scheduled at the same time) or there are three or more exams in a row on consecutive days (including weekends). Other rescheduling requests of a personal nature require a demonstration of extreme hardship and must be approved by the Associate Dean for Student Affairs. Professors cannot reschedule exams for individual students under any circumstances. All questions about exam scheduling must be addressed to the Registrar and/or Associate Dean for Student Affairs rather than to professors.

**D. Emergencies Before the Exam.** In the event of an emergency (such as hospitalization or a death in the family), which prevents you from taking an exam, you must immediately contact the Associate Dean for Student Affairs (207) 780-4345 or the Registrar by telephone at (207) 780-4346, or in person. Documentation may be required. Students who are absent from an exam and not officially excused will receive a grade of F for the course.

**E. Emergencies During the Exam.** Immediately inform the proctor if an emergency, such as severe illness, occurs during an exam. The proctor will contact the appropriate Law School officials. Students who leave an exam without contacting the proper Law School officials will not be eligible to finish or otherwise retake the exam at a later time.

### **II. Academic Integrity Matters Related to Exams.**

**A. Breaks.** If you need to leave the exam room, you may not take any materials with you and you may not bring any new materials back into the exam room. You may not confer with anyone about the exam or consult materials while you are outside the exam room. You may not leave the floor on which the exam is being administered (e.g., you may not go downstairs to the vending machines or lockers, or upstairs to the library area).

**B. Materials.** Strictly adhere to the professor's rules about notes, outlines, and other materials that a student may consult during an exam, and use **HARD COPY ONLY**. A student may use a laptop

only for the purpose of taking an exam using the Extegrity software. Electronic data storage and/or electronic communications devices other than laptops, including, but not limited to, cell phones, handhelds, smart watches, and iPads, may not be used for any purpose (including accessing notes or other information, even if the exam is open book) during the exam and must be turned off at all times. Students should keep electronic devices other than laptops outside of the exam room, or if it is imperative that such devices remain with a student in the exam room, they must be turned off and put in non-visible locations.

- C. Questions.** Proctors will contact the professor, via the Registrar's Office, to ask any questions about the content of an exam question. Under no circumstances should you ask for assistance from another student taking the exam.
- D. End of Exam.** Each student is responsible for monitoring the time during the exam. Proctors are not required to remind students of elapsed time. At the conclusion of the exam, as announced by the proctor, all typing or writing must stop immediately. Students may not continue to type/write after time has been called, except to exit the Extegrity program. Specifically, do not finish a sentence. In addition, students are responsible for ensuring that all blue books (final answers and blue books used for scrap paper), scantron sheets, exam responses, and all other exam materials are submitted to the proctor. The student's exam number must be written on all submitted materials.
- E. Identifying Exams.** Do not write your name anywhere on bluebooks, scantron sheets, or via laptop. Use only your Exam Number to identify yourself.
- F. Take Home Exams.** Adhere to take-home exam instructions and return the exams in a timely manner. The Registrar's Office and Law School administrators or officials are not responsible for submitting a student's take-home exam to a professor if the exam instructions are not followed. All take home exams must be picked up at the designated time/location. In exceptional circumstances (e.g., a student lives a substantial distance from school), a written request to receive a take-home exam electronically may be submitted to the Registrar several days in advance. A hard copy of the examination answers must be returned to the Registrar's office at the designated time. If the take-home exam is administered via Exam4.com, the examination answers must be uploaded to the website at or before the designated time. A person other than the student may turn in the examination answers provided that person is not also in the course. Return of a take-home examination after the deadline will result in severe penalties, including a grade of F for that exercise.

### **III. Use of Laptop Computers During On-Campus Exams.**

- G. Intent to Use Laptop.** Each semester students wishing to use a laptop must download a new version of the software from [www.exam4.com](http://www.exam4.com). The software requires a laptop with Microsoft Windows Vista, Windows 7, Windows 8.0, Windows 8.1, or Macintosh OS 10.6 or higher. After the download and before the reading period begins, a practice exam must be submitted electronically to the registrar. Select "Practice Exam" from the drop-down menu. For Practice Exams only, please put your exam number as well as your first initial and last name. Example: L2278TJones. If you cannot access the network, or if the practice test submission fails, please bring your computer to the Registrar's office. A practice exam must be received each semester for all students wishing to use the computer for exams.

- H. Exam ID.** For purposes of both the practice test and the actual exams, use your designated Exam Number obtained from the student portal at my.law.maine.edu located on the exam page under academics.
- I. During the Exam.** Prior to or upon arrival in the exam room, turn off anti-virus, hibernate, instant messaging, automatic updates and all other programs. CLOSED MODE must be used during exams.
- J. End of the Exam.** The proctor will instruct students when to submit their answers electronically. You must not electronically submit an essay answer until the proctor calls time OR you have completed the entire exam and are prepared to turn in all exam materials to the proctor. For example, you may not electronically submit an essay answer and then proceed to work on multiple choice questions. If you finish early, the proctor will record the time you pass in your exam.
- K. Equipment Failure.** The Law School is NOT responsible for any equipment failure during an exam and will not provide a back-up laptop. Extra time may be allotted at the proctor's discretion when students have needed to address equipment failure. Students who experience complete equipment failure will continue by writing in bluebooks in the laptop room. All other exam rules above pertain to laptop users.

#### **IV. Policies and Procedures Governing Take Home Exams:**

The Registrar in coordination with the Office of Academic Affairs and Student Services, sets policies and procedures governing take home exams. The Registrar notifies students prior to exams of these policies and procedures via email. The policies and procedures are binding and must be complied with during the exam period.

#### **V. Policies and Procedures Governing Remote Exams.**

- A. Remote Exam Administration.** All remote exams will be completed through the Exam4.com website [www.exam4.com](http://www.exam4.com). Using Exam4, students can access examinations and electronically submit/upload exam responses. Students must prepare exam responses in a separate word processor application.
- B. Remote Exam Instructions.** In addition to the policies and procedures outlined in this document, the Office of the Registrar circulates exam instructions outlining expectations and rules regarding student conduct prior to and during examinations. These instructions are also binding and must be followed by students. Failure to comply with these instructions may result in a referral to the Associate Dean for Student Affairs and/or a complaint to the Conduct Committee.
- C. Accessing the Exam.** Students will not access exams from the Exam4 software download as is normally done for on-campus exams. Exams will become available on the exam4.com website at the designated start time.
  - 1. Remote Exam Time Limits.** Students must finish and submit remote exams at the designated stop time. Ten extra minutes will be included for every remote exam time limit to account for downloading/uploading and exam formatting. Although Exam4.com settings automatically calculate the exam time limit for each submission depending on the

time the exam was accessed, students must adhere to the deadline noted on the exam instruction page.

2. **Take-home Exam Time Limits.** Take-home exams administered through Exam4.com can be accessed at any point within the designated time frame posted on the exam schedule. Once a student has accessed an exam, it must be submitted within 24 hours.
3. **Completing and Submitting the Exam.** Students must follow the directions on the first page of the exam. Professors will give specific instructions regarding which materials may or may not be used during the exam. The exam4 website only allows for one document upload per exam, so all examination responses must be submitted in one single document. It is recommended that students answer all questions in Microsoft Word or another word processor, save the document as a PDF, and upload the PDF to the Exam4 website. There is no automatic stop time for any remote or take-home exam. It is the student's responsibility to upload the document within the allowed amount of time. Students will be able to upload exams to the website after the deadline, but it will be recorded as late and subject to penalty. The Exam4 website records access and submission times.

## ***Appendix III: Student Attorney Certification Policy***

### **Policy and Procedures Regarding the Certification of Law Students to Practice Before the State and Federal Courts in Maine (revised July 1, 2011)**

1. Law students may be certified to practice as student attorneys before state and/or federal courts in Maine in accordance with the following rules of court: Maine Rule of Civil Procedure 90; Maine Rule of Criminal Procedure 56 (State Courts and Probate Courts); Local Rule 83.4 of the United States District Court for the District of Maine; and Local Rule 2090 -1(a) of the United States Bankruptcy Court for the District of Maine (which incorporates by reference Local Rule 83.4 of the United States District Court for the District of Maine).

2. Each of these rules requires students seeking certification: (1) to have completed four or more semesters of law school; (2) to be of competent legal ability; (3) to be adequately trained to perform as a legal intern; (4) to have certified in writing that the student has read and is familiar with the procedural and ethical rules that apply to the court for which the student is seeking certification; and (5) to promise to neither ask for nor receive any compensation or remuneration of any kind for his/her services from the person on whose behalf service is rendered. The requirements for each court are essentially identical but worded slightly differently; the specific language of each rule will not be restated here.

3. The state and federal courts differ with respect to the context in which certified student attorneys may practice. Maine Supreme Judicial Court Administrative Order JB 05-7 (A. 11-09) lists the organizations and public agencies through which certified student attorneys are authorized to practice (the names of additional qualifying organizations are available from the Maine Supreme Judicial Court's clerk). Under the local rule of the federal district court, student attorneys may be authorized to represent indigent persons through a law school clinical (including externship) program or to appear on behalf of a local, state, or federal government with the written approval of the supervising government attorney.

4. Students of the University of Maine School of Law may seek certification to meet enrollment requirements in a faculty-approved course of the Law School including the General Practice Clinic, Prisoner Assistance Clinic, Juvenile Justice Clinic, some Externship placements, and some Judicial Externship placements. The requirements to meet the definitions of "competent legal ability" and "adequately trained to perform as a legal intern" under the above-mentioned rules shall be determined by the faculty supervisor(s) for each such course, in consultation with specific externship placement supervisors where appropriate. Faculty members and administrators supervising clinical and externship courses are responsible for ensuring that these requirements have been satisfied by individual students seeking to enroll in clinical and externship courses by reviewing transcripts, consulting with the Law School's Registrar, or through other means.

5. Students seeking certification must meet all of the requirements of the applicable rules for the court(s) (state and/or federal) in which they wish to be certified. For the student's initial certification, the student must (1) sign a written certification that states that he or she has read and is familiar with the court rules specified in the student attorney certification rules ("student certification form"), and (2) must attend a swearing-in ceremony to take the student attorney's oath before a qualified judge or justice in state or federal court. If a student has not read or is not familiar with any of the rules listed on the student certification form, he or she must review such rules prior to signing the student certification form. Copies of the applicable rules will be available on reserve in the Garbrecht Law Library and for download and viewing from the Garbrecht Law Library's website.

6. In the case of externship placements, the determination of whether certification as a student attorney and any specific coursework will be required, and whether such certification will be in state court, federal court, or both, for a specific placement must be made and communicated to prospective students no later than the start of preregistration period for the semester during which the student seeks to enroll in an externship. Externship students applying for placements requiring certification shall complete the student certification form at the time that they apply for the placements.
7. Students enrolled in clinical courses shall complete such student certification forms no later than the first day of classes of the semester in which they are enrolled or as otherwise required by the faculty teaching such course(s).
8. It shall be the responsibility of the faculty member or administrator supervising such clinical courses and externships to ensure that such student certification forms are signed in accordance with the deadlines set herein.
9. Upon completion, all signed student certification forms should be provided to and retained by the Administrative Manager of the Cumberland Legal Aid Clinic (“CLAC”) or his or her designate (“Administrative Manager”).
10. No later than one week prior to the start of classes, the Administrative Manager shall provide to the Associate Dean for Student Affairs or his or her designate (“Associate Dean”) a list of all students seeking certification for the forthcoming semester, indicating whether such students are to be certified to practice before the state courts, federal courts, or both. The Associate Dean will promptly review such list to ensure that all students have completed at least four semesters of Law School (defined as having completed no fewer than 56 credit hours) and are otherwise in good standing and of good character, with there being no reason to exclude the student from being certified to practice as a student attorney. The Associate Dean shall immediately inform the Administrative Manager that such review has been completed and identify any students who do not qualify for certification.
11. Upon receipt of such confirmation from the Associate Dean, the Administrative Manager shall draft a certification letter for the Dean’s signature addressed to the clerks for the Supreme Judicial Court and United States District Court for the District of Maine indicating the names and organizations and agencies in which the students are seeking to work, and further stating that: (1) the students listed therein are persons of good character and competent legal ability suitable for the practice of law as student attorneys in accordance with the applicable student attorney certification rules; (2) that they have completed legal studies amounting to at least four semesters; (3) that they are adequately trained to perform as legal interns; and (4) that they have certified in writing that they have read and are familiar with the rules set forth in the applicable student attorney certification rules (“Dean’s certification”). Such Dean’s certification shall also expressly revoke all prior Dean’s certifications. The Administrative Manager is responsible for arranging for delivery of such Dean’s certification to the appropriate clerks of the courts.
12. Faculty members and administrators supervising clinical and externship courses are responsible for informing students of the date, time and location for the swearing-in ceremony before the Maine Supreme Judicial Court and the Federal District Court. Students need only attend one swearing-in ceremony (students being admitted to both courts will be sworn in in state court). A member of the faculty of the Law School shall appear with students and move their admission as student attorneys.
13. Students may also seek certification to satisfy requirements set by qualifying employers such the Law School’s Cumberland Legal Aid Clinic, a county District Attorney Office, the Office of the Maine Attorney General, and the Office of the United States Attorney. It is the responsibility of the employer to

determine whether it is a qualifying supervisor of student attorneys within the meaning of the applicable student attorney certification rules, to determine what requirements are necessary to satisfy rules requirements of “competent legal ability” and “adequately trained to perform as a legal intern,” and to communicate those requirements to the prospective student-employee. The Administrative Manager will provide notice to all law students explaining the procedure for obtaining certification for employment and the deadline to sign the student certification forms. Such deadline will be at least one week prior to any scheduled swearing-in ceremony at the start of a semester or the summer break period. It is the responsibility of law students who are seeking such certification to contact the Administrative Manager to sign the student certification form by the stated deadline. One week prior to such swearing-in ceremony the Administrative Manager shall provide to the Associate Dean a list of all students seeking certification for the forthcoming semester. The Associate Dean will then review such list to ensure that all students have completed at least four semesters of Law School and are in good standing and of good character, with there being no reason to exclude the student from being certified to practice as a student attorney.

14. All student certification forms signed by students shall be retained by the Administrative Manager until at least such time as the student has graduated from Law School. Students who seek certification beyond the initial period of certification need not complete another student certification form. However, faculty members, externship supervisors, and employers must ensure that the names of any students seeking extended certification are provided to the Administrative Manager in time for the Administrative Manager to seek confirmation by the Associate Dean in accordance with paragraph 10 above.

15. As a public service, the Law School will facilitate the application for certification of law students who are not enrolled at Maine Law but who wish to obtain certification to practice in Maine courts as student attorneys to satisfy requirements set by qualifying employers. Such students must contact the Administrative Manager in advance of the swearing-in ceremony to request to be sponsored by the Maine Law faculty member, to provide a copy of a Dean’s certification signed by the Dean (or other appropriate administrator) of that student’s law school addressed to the clerks of the courts to which the student is applying for admission, and to complete the student certification form. The student is responsible for arranging for delivery of such Dean’s certification to the appropriate clerks of the courts.

## ***Appendix IV: General Policies: University of Maine School of Law, University of Maine System, and University of Southern Maine***

The University of Maine System and the University of Southern Maine have several important policies governing student, staff, and faculty, including those related to campus life and the use of campus facilities. The most up-to-date list of policies and related procedures are found on the University of Maine System website and the University of Southern Maine websites.

This Handbook includes a sample of some of the more frequently utilized policies. For a complete list of policies and rules governing students, refer to the University of Maine System and University of Southern Maine websites.

### **Title IX Statement:**

Maine Law is committed to making our campuses safer places for students. Because of this commitment, and our federal obligations, faculty and other employees are considered mandated reporters when it comes to experiences of interpersonal violence (sexual assault, sexual harassment, dating or domestic violence, and stalking). Disclosures of interpersonal violence must be passed along to the University's Deputy Title IX Coordinator who can help provide support and academic remedies for students who have been impacted. More information can be found online at <http://usm.maine.edu/campus-safety-project> or by contacting Sarah E. Holmes at [sarah.e.holmes1@maine.edu](mailto:sarah.e.holmes1@maine.edu) or 207-780-5767 or by contacting Liz Lavoie, Title IX Coordinator, 241 Estabrooke Hall, University of Maine; Orono, ME 04469; (207-581-1226) or [titleix@maine.edu](mailto:titleix@maine.edu) or [equalopportunity@maine.edu](mailto:equalopportunity@maine.edu). Please see website [umaine.edu/eo](http://umaine.edu/eo).

If students want to speak with someone confidentially, the following resources are available on and off campus: University Counseling Services (207-780-4050); 24 Hour Sexual Assault Hotline (1-800-871-7741); 24 Hour Domestic Violence Hotline (1-866-834-4357).

### **Alcohol and Substance Abuse Policy:**

The primary goal of the alcohol and other drugs policy is the health and safety of all members of the University of Southern Maine community. We value and promote an environment of legal and lower risk alcohol use and support alcohol free environments. We recognize alcoholic beverages may be available at some campus activities however such activities must be consistent with the University's values and being under the influence of alcohol in no way lessens accountability to the University community. The University complies fully with local, state, and federal laws regarding the sale, possession and consumption of alcoholic beverages. The unlawful manufacture, possession, use or distribution of drugs or controlled substances is strictly prohibited. All students and guests are held responsible for behavior in violation of this policy. The University provides education on alcohol and other drug use through programs, support, and resources.

### *University Alcoholic Beverage & Drug Guidelines*

This policy, the Student Conduct Code, and all applicable laws apply to students while on-campus and on University related trips and University sponsored events off-campus. Additionally violations of the law and/or University policy that occur off-campus and at activities not directly sponsored by the University may also be resolved through the Student Conduct process and could result in University sanctions.

### *Alcoholic Beverages*

The sale, possession, and use of alcohol on the campuses of the University of Maine System must comply with the local, state, and federal laws and regulations and with campus regulations and procedures. The acquisition, possession, transportation, sale, and consumption of alcohol by anyone under 21 years of age is prohibited by University policy. It is a violation to be intoxicated on campus or at any University sponsored activity off-campus regardless of where the consumption occurred. In addition, kegs and other common sources of alcohol, drinking games, and funnels and other similar paraphernalia are not permitted on-campus or at any University sponsored activity off-campus.

Students who have concerns about their use of alcohol or other drugs are urged to seek assistance. University Health & Counseling Services offers individual and group counseling funded by the Health fee on all three campuses. A professionally trained, licensed drug & alcohol counselor is available for individual appointments and leads a weekly group counseling session focusing on substance abuse. For more information including the numbers to call for an appointment please visit [www.usm.maine.edu/uahcs](http://www.usm.maine.edu/uahcs).

To read the entire policy, refer to the USM website.

**Restroom Usage Policy:** The University of Maine System does not discriminate on the grounds of sex or sexual orientation, including transgender status and gender expression. All students, employees, and campus visitors should feel free to use the restrooms that most comfortably align with their gender identity. Designated gender neutral bathrooms are available on the second floor of the Law School next to the café.

### **Tobacco Free Campus Policy:**

The University of Southern Maine is committed to providing a healthy working and learning environment for the entire campus community. To that end, a tobacco-free campus shall be established. The purpose of this policy is to reduce harm from tobacco use and secondhand smoke, provide an environment that encourages persons to be tobacco-free, reduce health insurance and health care costs, and promote a campus culture of wellness.

### *Policy*

The University of Southern Maine is a tobacco-free campus. This policy applies to faculty, staff, students, contractors, vendors and visitors. The use of tobacco and all smoking products is not permitted on any university-owned property, which includes but is not limited to, buildings, university grounds, parking areas, campus walkways, recreational and sporting facilities, and university or personally-owned, rented or leased vehicles.

Tobacco use by definition includes the possession of any lighted tobacco products, or the use of any type of smokeless tobacco, including but not limited to chew, snuff, snus, electronic cigarettes, and all other nicotine delivery devices that are non-FDA approved as cessation products.

### *Responsibilities*

It is the shared responsibility of all members of the campus community to respect and abide by this

policy. Administrators, deans, directors, department chairs, supervisors and event sponsors will communicate the policy within their areas of responsibility. The University of Southern Maine will provide access to tobacco cessation resources to USM Maine students and employees.

#### *Implementation*

The successful implementation of this policy depends on the courtesy and cooperation of the entire campus community. Appropriate signage will be posted in campus facilities, on the USM website and elsewhere to inform members of the campus community and visitors, of the Tobacco-Free Campus Policy. The policy will be communicated in appropriate university publications and contracts. University publications include but are not limited to electronic notifications, handbooks, brochures and other university-generated materials.

#### *SALES AND MARKETING*

1. The sale and free distribution of tobacco products on any USM campus is prohibited.
2. Campus organizations are prohibited from accepting money or gifts from companies who are primarily engaged in the sale and promotion of tobacco engaged in the sale and promotion of tobacco products
3. Tobacco advertisements are prohibited in all University-run publications.
4. All contracts with off campus vendors shall provide that the University's name or logo will not be used in connection with tobacco promotions

#### *Resources*

For more information about the Tobacco Free Campus Policy, contact:

Students: Office of Community Standards at 780-5242

Employees: Office of Human Resources at 780-5115

For information on tobacco cessation and services, contact:

Students: University Health and Counseling Services at 780-5411

The Well-Wellness Resource Center at 780-5158

Employees: USM Employee Wellness Program at 228-8151

University Benefits Center 866-269-9635.

## ***Appendix V: Certificate Programs***

### **Information Privacy Law Certificate (as revised 5-31-17)**

*For the most recent list of requirements see the Maine Law portal or contact the Registrar.*

**Requirements.** To receive an Information Privacy Law Certificate, a candidate must satisfy the following requirements:

1. *Coursework.* A candidate must complete, with a C or better (or P, where permitted): (1) Information Privacy Law (3 credits), the Summer Privacy Institute (6 credits, 2 of which must be for Global Privacy Law if offered), and 9 credits from the following courses:

Information Privacy Practicum (Law 735)(3)  
Risk Management & Compliance (Law 660)(3)  
Intellectual Property (Law 661) (3)  
Copyright Law (Law 703)  
Criminal Procedure-Investigations (Law 693)(3)  
Health Care Law & Ethics(Law 618)(3)  
Insurance Law (Law 655 )(3)  
International Intellectual Property (Law 757)(2 or 3)  
Internet Law (Law 664)(2 or 3)  
E-Discovery (Law 713) (1)  
Cyber-Security – Responding to a Data Breach (Law 713)(1)  
  
Ethical and Legal Issues in Business (Law 732/MBA 615)(3)

Not all of these courses are regularly offered. The Certificate Supervisor may designate or approve other courses if such courses have a substantial focus on privacy.

Information Privacy Law must be taken on a graded basis. If any Summer Privacy Institute courses are offered as graded courses, they must be taken on a graded basis. The electives may be taken on a pass-fail basis in accordance with the rules of the Student Handbook.

2. *Paper.* A candidate must publish a paper on a privacy-related topic in a publication likely to be read by privacy professionals. The paper can range from a blog post or newsletter entry to a law review article. It may be a for-credit paper written in conjunction with a law school course or it may be a not-for-credit paper written for the certificate. Publications and topics require Certificate Supervisor pre-approval. (A candidate must satisfy the Upper Level Writing Requirement as any other student but to satisfy that requirement, need not write on a privacy-related topic). Students must submit a copy of the published paper to the registrar.

3. *International Association of Privacy Professionals Certification.* At graduation, a candidate must have one of the following IAPP certifications in good standing: CIPP/US, CIPP/G or CIPM.

4. *Experiential Learning.* The certificate includes an experiential learning component that can be satisfied in one of two ways: Either: (a) The candidate must apply for and complete an externship that relates substantially to privacy issues; the externship must be pre-approved by the Certificate Supervisor and the Maine Law externship program director. If the privacy-related externship has a low pass option in addition to a pass option, the externship must be completed with the pass option not the low pass option in order to satisfy the experiential learning requirement. (This does not extend the number of credits

allowed for externships). Or (b) the candidate may complete this requirement by working at a pre-approved job during law school (at least 150 working hours) during law school focused on privacy issues. (Academic credit is not given for work at a job under this option).

5. *Deadlines.* The Certificate requirements all must be completed before graduation. Proof of completion of the paper requirement and the IAPP certification must be submitted by April 1 of the year the student will graduate.

### **Additional Details**

Candidates must declare their intent to obtain the certificate by the end of their third semester. A candidate's resume can reference certificate candidacy only after declaration. Late declaration requests will be considered on a case-by-case basis. Students cannot earn both the Privacy Law Certificate and another certificate. LLM students are not eligible to earn a Privacy Law Certificate.

A candidate will earn the certificate with distinction by averaging a B+ (3.33) or higher in the courses counted towards the certificate that are offered by the Law School. If the candidate takes more of the designated electives than are required, the candidate may designate the courses they wish to have count towards the 'with distinction' designation.

(approved by faculty 6-15-17)

## **Certificate in Environmental and Oceans Law**

*For the most recent list of requirements see the Maine Law portal or contact the Registrar.*

**To receive the Certificate in Environmental and Oceans Law, a candidate must complete the following:**

### **Coursework**

#### **Required courses (Must take 2 of these 3):**

Environmental Law and Policy – LAW 637

Administrative Law – LAW 784

Oceans Law & Policy—LAW 697

#### **Nine credits from any combination of these courses:**

##### **A. Environmental and Land-Related Courses**

Animal Law – LAW 761

Climate Change Policy Seminar – LAW 694

Energy Law – LAW 764

Environmental and Administrative Law Practicum – LAW 715

Land Use – LAW 635

Local Government—LAW 615

Natural Resources—LAW 633

Real Estate Transactions—LAW 672

Topics: (Toxic Torts, Renewable Energy, Water Law, Climate Litigation, etc.)—LAW 713

##### **B. Ocean and Maritime Related Courses**

Admiralty – LAW 624

International Law—LAW 647

Maritime Law Seminar - LAW 746

Topics: (Arctic & North Atlantic Law & Policy Issues) – LAW 713

**C. Externship** – LAW 690 (\*up to a maximum of 3 credits towards certificate)

Not all of these courses are regularly offered. The environmental and oceans law program coordinator may designate or approve other courses if such courses have a substantial focus on environmental or oceans law.

Environmental Law and Policy and Administrative Law must be taken on a graded basis. Electives taken from the list above that the student wishes to have count toward the nine-credit requirement must be taken on a graded basis. Electives taken from the list above that are not being counted toward the nine credits may be taken on a pass-fail basis in accordance with the Student Handbook.

**Paper**

Candidates must satisfy the upper level writing requirement by writing a paper (or journal contribution(s)) on a topic related to environmental or oceans law. The paper topic must be pre-approved by the environmental and oceans law program coordinator.

**Professional/Scholarly Activity**

Prior to graduation, candidates must participate in or attend at least one professional or academic conference on a topic related to environmental or oceans law, such as events hosted by ABA-accredited law schools, E2Tech or another Maine environmental organization, or a conference hosted by Maine Law School. Participation may be in-person or virtual and must be pre-approved by the environmental and oceans law program coordinator.

**Experiential Learning**

The certificate includes an experiential learning component that can be satisfied in one of three ways: (a) The candidate may apply for and complete an externship that relates substantially to environmental or oceans law issues; the externship must be pre-approved by the environmental and oceans law program coordinator and the Maine Law externship program director. If the externship has a low pass option in addition to a pass option, the externship must be completed with the pass option not the low pass option in order to satisfy the experiential learning requirement (This does not extend the number of credits allowed for externships); (b) the candidate may complete this requirement by working at a pre-approved job during law school (at least 150 working hours) during law school focused on environmental or oceans law issues. (Academic credit is not given for work at a job under this option); or (c) the candidate may complete this requirement by enrolling in a pre-approved “practicum” course related to environmental or oceans law issues.

**Additional Details**

Candidates must declare their intent to obtain the certificate by the end of their third semester. A candidate’s resume can reference certificate candidacy only after declaration. Late declaration requests will be considered on a case-by-case basis. Students cannot earn both the Environmental and Oceans Law Certificate and another certificate.

A candidate will earn the certificate with distinction by averaging a B+ (3.33) or higher in the courses counted towards the certificate that are offered by the Law School. If the candidate takes more of the designated electives than are required, then the three highest grades received will be counted towards the ‘with distinction’ designation.

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## **NONDISCRIMINATION POLICY AND BIAS REPORTING**

The University of Southern Maine is an EEO/AA employer, and does not discriminate on the grounds of race, color, religion, sex, sexual orientation, transgender status, gender expression, national origin, citizenship status, age, disability, genetic information or veteran's status in employment, education, and all other programs and activities. The following person has been designated to handle inquiries regarding non-discrimination policies: Amie Parker, Interim Director of Equal Opportunity, The Farmhouse, University of Maine Augusta, Augusta, ME 04333, 207.581.1226, TTY 711 (Maine Relay System). Incidents of discrimination or bias at Maine Law should be reported to Associate Dean for Student Affairs, Sherry Abbott Niang at 207-780-4345 or [sherry.niang@maine.edu](mailto:sherry.niang@maine.edu).

### **Campus Safety.**

The Annual Security Report and Annual Fire Safety Report are intended to provide you with essential information regarding USM's police-related programs, services, policies, and statistics about the occurrence of crime on campus. It is provided to meet the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 and its amendments included in the 2013 reauthorization of the Violence Against Women Act. This report has been prepared by the Dean of Students with assistance and information provided by USM Public Safety and the Police Departments from the towns of Gorham, Freeport, Lewiston, and Portland. Public Safety in coordination with the Dean of Students Office is responsible for compiling the crime statistics and contacting appropriate law enforcement agencies with jurisdiction over off-campus properties to collect annual statistics. The Dean of Students office is responsible for updating the campus safety and security information and for compiling illegal liquor, drugs, and/or weapons disciplinary referrals.

Each fall, email notification is made to all employees and enrolled students providing the [web link](#) for this report.

Questions about this report or to obtain a paper copy please contact the Dean of Students Office at (207) 780-5242.



**University of Maine School of Law**

**ACKNOWLEDGMENT**

I acknowledge that I have received a copy of or online access to the Student Handbook: Academic Requirements, Policies, and Procedures for the Degree of Juris Doctor, as well as the University of Maine System Student Conduct Code, Academic Integrity Policy, and Title IX Policy. I further acknowledge that all students are responsible for reading the Student Handbook, Conduct Codes, and related USM & UMS policies in order to familiarize themselves with Law School, University, and University of Maine System requirements, policies, and procedures.

**DATE** \_\_\_\_\_

**PRINT NAME** \_\_\_\_\_

**SIGNATURE** \_\_\_\_\_

***For entering 1L students or transfer students: Students who do not sign and file this acknowledgment with the Office of the Registrar are not eligible to sit for fall Law School exams or register for courses for the spring semester.***