

# TITLE IX AND INTERPERSONAL VIOLENCE POLICY & GUIDANCE

This page provides information about how Colby defines and responds to sexual misconduct at Colby. You will also find information about supportive measures that can be put in place for impacted parties.

Please use this information as a general guide only. Colby's Title IX Coordinator (Emily Schusterbauer) is available to offer further guidance and address any questions/concerns.

## **ANNOUNCEMENT – JANUARY 10, 2025**

As a result of a nationwide injunction blocking the 2024 Title IX regulations and policies developed under those regulations, Colby College is suspending the use of the Title IX Policy, as well as the user guides dated August 2024. Until further notice, the College will use the prior Title IX policy and user guides, which appear at the bottom of this webpage in a section labelled “2023 Policy and Guides” and are dated July 2023. Use of the Title IX Definitions and the section labelled “How do I make a report and what happens next” on this webpage are also suspended as well. If you have questions, please contact Emily Schusterbauer, the College’s Title IX Coordinator, at 207-859-4266 or eeschust@colby.edu.

There may be questions related to the impact of the injunction and any appeals. The College will update this announcement, including use of the proper policies, in response to additional developments.

## Resources



[➤ Meet our staff](#)

[◀ Back to Sexual Violence page](#)

## Title IX Sexual Harassment & Interpersonal Violence Policy

Title IX is a landmark federal civil rights law which governs how a College processes and responds to claims of sex discrimination, including sexual harassment. Maine's Interpersonal Violence Act is a state law which governs how a College processes and responds to claims of sexual violence and intimate partner violence. Colby's "Title IX Sex Discrimination and Maine Interpersonal Violence Policy" describes conduct prohibited by these laws and how the College will respond to claims of such conduct.

This policy applies to all members of the College including (but not limited to) students, faculty and staff. In addition to this policy, parties should also carefully review the Student Code of Conduct, Staff Handbook, or Faculty Handbook, which addresses general sexual misconduct that does not qualify for treatment under this policy.

[DOWNLOAD POLICY \(PDF\)](#)

[DOWNLOAD USER GUIDE FOR PARTIES, ADVISORS AND OTHERS \(PDF\)](#)

[DOWNLOAD User Guide for Confidential Resource Advisors \(PDF\)](#)

[Title IX Definitions](#)



harassment – a form of sex discrimination, all of which are prohibited under the Title IX regulations and within the context of the College’s education programs and activities. Sex Discrimination and Sex-based Harassment can be committed by any person regardless of gender, sexual orientation or gender identity; and can be committed using technology.

Any questions about the meaning of the terminology below should be directed to the Title IX Coordinator (Emily Schusterbauer), a Deputy Title IX Coordinator, or a Confidential Resource Advisor.

## **Sex Discrimination**

Sex Discrimination is an umbrella term that includes all sex discrimination occurring under the College’s education or program in the United States, including but not limited to discrimination based on sex stereotypes, sex characteristics, sexual orientation, gender identity, and pregnancy/parental status.

## **Sex-Based Harassment**

Sex-Based Harassment is a form of Sex Discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. The remaining items in this list are specific types of Sex-Based Harassment.

▶ [Quid Pro Quo Sexual Harassment by an Employee.](#)

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▲ [Hostile Environment Sexual Harassment.](#)

Hostile Environment Sexual Harassment is defined as unwelcomed sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the recipient’s education program or activity (i.e., creates a hostile environment).

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▶ [Sexual Assault](#)

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▶ [Dating Violence](#)

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▶ [Stalking](#)

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▶ [Domestic Violence](#)

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## **Retaliation**



Maine's Interpersonal Violence law or because the person has reported information, made a Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX, Maine's Interpersonal Violence law, or Colby policy.

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### **False Reports and Statements**

False Reports and Statements are defined as materially false statements made in bad faith in connection with Title IX, Maine's Interpersonal Violence law, or Colby policy, to any College official or in the course of any College proceeding

Note: A finding that a Respondent is not responsible for a violation of the Title IX policy after a hearing (or vice versa) does not mean that a report or statement was made in bad faith.

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### **Faculty and Staff Relationships with Students**

Faculty and Staff Relationships with Students is defined as the engagement of any officer, faculty, administrator, or staff member of the College in a romantic, dating and/or sexual relationship with a Student.

Note: Even if the conduct alleged is consensual and/or does not constitute a violation of Title IX, the conduct will be addressed through the conduct processes applicable to faculty, staff, or the community member.

## **Interpersonal Violence Definitions**

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Items listed below define conduct that constitutes Interpersonal Violence prohibited under Maine law and within the context of the College's education programs and activities. Interpersonal Violence can be committed by any person regardless of gender, sexual orientation or gender identity; and can be committed using technology.

Any questions about the meaning of the terminology below should be directed to the Title IX Coordinator (Emily Schusterbauer), a Deputy Title IX Coordinator, or a Confidential Resource Advisor.

▶ [Sexual Violence](#)

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▶ [Intimate Partner Violence](#)

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Colby has developed a more user-friendly resource which highlights the the sections of law most likely to be relevant to Colby student, staff and faculty:

## [Simplified Interpersonal Violence Definitions](#)

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### [Supportive Measures](#)

Colby community members who have been impacted by any of the behaviors listed above, or who are participating in one of the Title IX resolution processes described below, may request supportive measures. The following are examples of types of Supportive Measures that may be implemented by the Title IX Coordinator, a Deputy Title IX Coordinator, or a Confidential Resource Advisor, depending on the particular circumstances of the individuals involved and the claimed violation; this is not an exhaustive list:

- Assistance in understanding the Title IX process and other College Processes.
- Referrals for mental health and medical services, on and off campus;
- Referrals to other support services and resources, on and off campus;
- Academic and/or athletic/co-curricular adjustments (such as deadline extensions, course changes, late add/drops, incompletes);
- Disability accommodations to participate in the Title IX process;
- Housing assistance (safe room, temporary change of room/residence hall, etc.);
- Assistance with changes in campus transportation;
- Assistance with changes in campus employment (schedule change, location change, etc.);
- Assistance with taking a leave of absence;
- Assistance with obtaining no-contact directives and/or no-trespass orders;
- Assistance in finding an Advisor for the Complaint process;

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## How do I make a report and what happens next?

All reports can be made directly to Colby's Title IX Coordinator (Emily Schusterbauer, [eeschust@colby.edu](mailto:eeschust@colby.edu)) or a Deputy Title IX Coordinator.

At Colby, reporting parties have three options for how to proceed with their case:



### 3. Formal Grievance Process (Formal Investigation)

*Note: It is important to know that making a report does not automatically initiate a formal or informal resolution process.. If you have questions about the resolution options briefly outlined below, you are encouraged to reach out to Colby's Title IX Coordinator or one of Colby's Confidential Resource Advisors.*

#### **1. No Action**

All reporting parties can request that no action be taken to address their report—which means that they are requesting that neither of the resolution processes outlined below (formal or informal) be initiated. In the majority of cases, the College can honor this request. Under specific circumstances, however, the College may need to take steps to address the incident. In particular the College may be unable to honor the reporting party's request for no action if:

- incident(s) being reported put(s) the larger community at risk.
- the accused party has prior reports for similar behavior.
- If the reporting party is a student and the responding party is faculty or staff.

#### **2. Informal Resolution Process**

If a reporting party requests an Informal Resolution Process, the Title IX Coordinator will provide the opportunity for both parties to voluntarily negotiate what terms to include in a binding resolution agreement. Informal resolution can take many forms, depending on the particular case. Examples include but are not limited to: facilitated discussions between the Parties; restorative justice; acknowledgment of responsibility by a Respondent/Responding Party; apologies; agreed upon sanctions against a Respondent/Responding Party or requirements to engage in specific services; or Supportive Measures.

Note: Any party has the right to withdraw from the informal resolution process and initiate or resume Grievance Procedures at any time before agreeing to a resolution;

#### **3. Formal Grievance Procedure (Formal Investigation)**

Finally, Sex-based Discrimination and all forms of Sexual Harassment can be addressed through the Formal Grievance Procedure, which involves a full investigation and finding of responsible or not responsible.

However, the Formal Grievance procedure has two tracks:

- **Track A applies to: ALL Complaints of Sex Discrimination EXCEPT for Complaints alleging Sex-Based Harassment where a Student is one of the Parties involved. That means, this track includes all Complaints of Sex-Based Harassment involving Non-students.**

- In **both tracks**, the Title IX Coordinator will assign an external, third-party investigator who will interview the parties and witnesses, objectively evaluate all the relevant and permissible evidence, in order to make any applicable factual findings and/or a determination of responsibility. If there is a determination that Sex Discrimination and/or Sex-Based Harassment occurred, the Title IX Coordinator will then coordinate the imposition of any disciplinary sanctions on a Respondent by submitting the Investigator's report and the parties' mitigation and/or impact statements, if any, to the appropriate sanctioning official(s) depending on if the Respondent is a Student, Staff, Faculty, or other member of the College.
- In **both tracks**, both parties have the right to appeal the decision.
- Parties involved in **both tracks** can request safety and supportive measures.
- Parties involved in **both tracks** have the right to have their advisor at all meetings and interviews with the investigator, Title IX coordinators and other officials involved in the Title IX process, as well as the live hearing. Until the hearing, parties are responsible to secure their own advisors. If a party does not have an advisor for the hearing, the College must appoint one for the party, at the College's cost. An advisor can be, but does not have to be, an attorney.
- **Track B**, however, includes a process that enables the Investigator to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of Sex-Based Harassment and/or Interpersonal Violence. This process provides a structure for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility. For more information, please review Colby's Title IX Sex Discrimination & Interpersonal Violence Policy.

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## Training Materials

[Training for Title IX Coordinators, Investigators, and Adjudicators \(2022\)](#)

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[Title IX and Interpersonal Violence Policy \(PDF\)](#)

[USER GUIDE FOR PARTIES, ADVISORS AND OTHERS \(PDF\)](#)

[Guide for Confidential Resource Advisors \(PDF\)](#)

## Contact Campus Security

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# Colony Life

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