

# Community Standards and Mediation

## University Policies

Today's hours

Menu

It is the purpose of the University of Maine System Student Conduct Code 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 (hereinafter referred to as "University") and the individual campuses.

It is also the purpose of this Code 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.

It is expected that students will conduct their affairs with proper regard for the rights of others and of the University. The severity of the imposed sanctions will be appropriate to the violation and circumstances of the situation.

All members of the University are governed by University policies outlined below, and local ordinances, and state and federal laws.

**Below is a list of our University policies** for your review. For more information, please review the full UMS Student Conduct Code (effective as of August 1st, 2025) and visit the University of Maine System website.

[Download the Conduct Code](#)

[Visit the UMS site](#)

## List of Policies

**Integrity**

**e Use of Information Policy**

**d Other Drug Policies**

Hi, I'm Champ! How can I help you?



ing and Copyright Policies

tronic Communication Policy

aritan Policy

icy

mination, Sexual Harassment, Sexual Assault, Relationship Violence, Stalking and Retaliation Policy

ree Campus Policy

Policy

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## Academic Integrity

Everyone associated with the University of Southern Maine is expected to adhere to the principles of academic integrity central to the academic function of the University. Any breach of academic integrity represents a serious offense. Each student has a responsibility to know the standards of conduct and expectations of academic integrity that apply to academic tasks. Violations of student academic integrity include any actions that attempt to promote or enhance the academic standing of any student by dishonest means. Cheating on an examination, stealing the words or ideas of another (i.e., plagiarism), making statements known to be false or misleading, falsifying the results of one's research, improperly using library materials or computer files, or altering or forging academic records are examples of violations of this policy which are contrary to the academic purposes for which the University exists. Acts that violate academic integrity disrupt the educational process and are not acceptable.

Evidence of a violation of the academic integrity policy will normally result in disciplinary action.

## Acceptable Use of Information Policy

The University of Southern Maine (USM) endeavors to develop and provide access to collections, services, facilities, equipment, and programs which meet the information and educational needs of the University community, and to advance the research, instruction, and service missions of the University.

In fulfillment of this purpose, and in response to advances in technology and the changing needs of the community, USM supports open access to information resources, including the Internet, to the greatest extent possible. In return, the University expects users of information resources to

several general principles which together constitute appropriate, responsible, and ethical behavior in an academic environment, particularly in regard to the use of the University's information resources. Those principles include: Freedom of Expression, Respect for Privacy, Respect for Property Rights, Respect for Personal and Cultural Differences, Freedom from Harassment, Respect for and Compliance with Intellectual Property Rights and Copyright Law.

The University affirms that it will be a partner with users in promoting education and understanding of the appropriate, efficient, and successful use of information resources.

## Responsibilities

All users of University of Southern Maine information resources are expected to behave responsibly, legally, and ethically in their use of electronic resources. To that end, it is the responsibility of those users to:

- honor all state and federal laws, copyright provisions, Board of Trustees policies, and software licensing agreements to which the institution is a party;
- be aware of and comply with University and the University's agencies' procedures and regulations for accessing and operating computer and related hardware, software, and other information resources;
- cooperate with legitimate requests by University staff;
- take precautions to protect accounts and passwords by selecting obscure passwords, changing them frequently, and not sharing such information or the use of the accounts with others;
- download information from computers to disk whenever possible, photocopy multiple copies, and otherwise limit printing to what is directly needed in order to conserve paper and to make the most efficient use of resources;
- properly logoff or logout whenever leaving a computer in an area which is accessible to others; treat others with dignity and respect; respect the privacy and confidentiality rights of others, including their files and accounts; use USM's information resources only for purposes which are legal and consistent with the University's mission.
- Consistent with the above, unacceptable uses and behaviors include, but are not limited to:
  - damaging or attempting to alter computer equipment;
  - violating, or attempting to violate, computer system security;
  - violating, or attempting to violate, software license agreements;
  - incurring unauthorized or unreasonable costs for the University;
  - accessing files, data, or passwords of others without authorization;
  - disrupting or monitoring electronic communications without authorization;
  - harassing other computer users or University staff;
  - violating the privacy of others;
  - libeling or slandering others;
  - using any University workstation for any illegal purpose;
  - copying or distributing copyright-protected material without legal right or authorization;
  - intentionally and unnecessarily exposing others to material they may find personally unsuitable.

It is important to recognize that inappropriate behavior has an adverse effect on the work of others, on the ability of University staff to provide good service, and/or on information resources themselves. Thus it is expected that users of information resources at USM will be constructively responsive to others' complaints, and receptive to University staff's reasonable requests for changes in behavior or action.

University staff will attempt to resolve differences and problems among information users by asking for the cooperation of those involved, and for compliance with University policies.

The University will pursue infractions or misconduct that cannot be resolved informally with the general means it has available to it within the University and with law enforcement, as appropriate.

Serious infractions or misconduct may result in temporary or permanent loss of access privileges.

## Guiding Principles

The University of Southern Maine supports the democratic principle of freedom of access to information for every citizen. The University endorses: the American Library Association (ALA)'s Library Bill of Rights ; ALA's Access to Electronic Information, Services, and Networks: An Interpretation of the Library Bill of Rights , adopted by ALA in 1996; and the EDUCOM Guide to the Ethical and Legal Use of Software.

The University does not attempt to limit access to, or otherwise protect, users of information resources from any particular materials available in any format, beyond the choices it makes in selecting materials or providing electronic links to information sources of particular merit.

USM does not monitor, and has no control over, information accessible through the Internet. The University disclaims any warranty for any information found on the Internet as to its accuracy, authority, timeliness, usefulness, or fitness for a particular purpose. Likewise, the University disclaims any control over, or knowledge about, changes in content to the sources for which it has established links, or for the content of sources accessed through secondary links.

Use of the Internet and all other information resources will be managed in a manner consistent with other USM service policies. This includes: the University's Student Conduct Code; the USM Library's Rules and Expectations of Appropriate Conduct (rev. March, 1998); and the UMS Sexual Harassment Policy.

The Internet contains much information that is personally, academically, professionally, and culturally enriching. It also provides material that may be factually incorrect, offensive, disturbing to some individuals, and/or illegal. Moreover, the Internet may not be an adequate substitute for many other kinds of information resources which may be limited by copyright or other restrictions to local use. Users of information resources are encouraged to ask a librarian for assistance in finding the best sources for their research.

While the University is committed to serving the general public to the greatest extent possible, it reserves the right to give priority in service to the USM campus community (students, faculty, and staff), especially in the case of a high level of demand for limited equipment and materials. This may include limiting the amount of time patrons may have to use certain information

resources and supporting equipment. Moreover, access to some information resources must be limited to campus patrons, notably in cases of licensing or other contractual agreements with vendors.

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Box 9300

## Alcohol and Other Drug Policies

### Philosophy

The primary goal of the alcohol and other drugs policy is the health and safety of all members of the University of Southern Maine (USM) 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 events however such events 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, sale, 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.

### Good Samaritan Policy

Use of alcohol and other drugs can create life-threatening situations that require an immediate response from emergency services personnel. In all instances, the main concern of USM is that those in need receive prompt medical attention.

USM cannot guarantee absolute immunity from sanctions associated with violations of the Student Conduct Code. However, efforts may be made to mitigate sanctions under the University of Maine System (UMS) Student Conduct Code associated with alcohol and other drug offenses for "Good Samaritans." Sanction mitigation may be considered for any "Good Samaritan" who actively sought medical attention at the time of the incident for themselves or others.

### University Alcoholic Beverage & Drug Guidelines

This policy, the UMS 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 USM/UMS policies that occur off-campus and at

## 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 policy and procedures. The acquisition, possession, transportation, sale, and consumption of alcohol by anyone under 21 years of age is prohibited by UMS policy. It is a violation for anyone under 21 years of age to be intoxicated on campus or at any University sponsored event off-campus regardless of where the consumption occurred. In addition, kegs and other common sources of alcohol, drinking games, funnels, shot skis, and other similar paraphernalia, or any other activities that encourage the excessive consumption of alcohol are not permitted on-campus or at any University sponsored activity off-campus.

Alcohol may be possessed or consumed in low risk ways on University property only by persons 21 years of age or older at University events approved under the Alcohol at Events Guidelines (included below) or under the following conditions:

- In a suite, apartment, or bedroom in the residence halls where alcohol consumption is permitted so long as a resident of the room is present who is 21 or older and all guests are 21 or older
- The room door is closed and there are no kegs or other common sources of alcohol
- Drinking games and funnels are not permitted

For more information please refer to the complete [Residential Life Alcohol Policy](#).

*Coerced or Forced Consumption of Alcohol or other Drugs* incapacitates the person and renders them vulnerable to a drug-facilitated sexual assault (DFSA), including rape.

In instances, where a person(s) forces another to consume alcohol or other drugs, or conspire(s) to force another to consume alcohol or other drugs, immediate and strict sanctions (including suspension or dismissal) may be imposed on the responsible individual(s) and/or sponsoring organization or anyone who fails to take direct action to stop the incident (personal intervention, calling authorities).

## ALCOHOL AT ON-CAMPUS EVENTS GUIDELINES

University policy permits alcohol consumption at on-campus events however the consumption of alcohol should never be the primary purpose or focus of an event. Alcohol-free social events are encouraged. In keeping with the philosophy noted above, the following policies and procedures for serving alcohol at on-campus events are in effect:

1. A request for alcoholic beverage service must be made for each function where alcohol will be served by contacting Conference Services at [\(207\) 780-5960](tel:207-780-5960) or Dining Services at [\(207\) 780-4039](tel:207-780-4039) at least 21 days prior to the event. All alcohol service must be provided by Dining Services, as the holder of the Liquor License at USM. University community members and guests are prohibited from dispensing alcohol. Dining Services has the right to deny requests for alcohol service. Any requests to use a licensed and insured alternative alcohol provider must be submitted in writing to the VP for Corporate Engagement and Auxiliary Services and the Chief Student Affairs Officer at least 21 days prior to the event. Non-alcoholic beverages and food/snacks must be available and



provided by the caterer in the same location as the alcoholic beverages during the entire time alcoholic beverages are being served.

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2. All events that include alcoholic beverage service must have a USM Police Officer unless otherwise waived by the Director of Public Safety. A Request for Police Services Form must be submitted to USM Public Safety for each event at least 14 days prior to the event. USM Public Safety has the prerogative to deny approval of alcohol service.
3. A representative from the sponsoring organization/department must be at the site of the event, before, during, and after the event. The onsite representative is responsible for receiving any deliveries, ensuring the room is set up, greeting guests, overseeing the event, troubleshooting, and making certain that University policies are followed. Outside groups being sponsored by a University department or student group must be in compliance with the Sponsoring External Programs policy.
4. The acquisition, distribution, possession, or consumption of alcohol must be in compliance with all local, state, and federal laws, strict controls must be enforced in order to prevent underage drinking, and risk management procedures must be in place. The sponsoring organization/University department is responsible for assisting the caterer in ensuring that attendees' behavior is consistent with University policies and the law and creating an atmosphere where norms of responsible alcohol use prevail.
5. Possession and consumption of alcoholic beverages is only permitted in the locations approved in the request for Police Services Form. All event venues must be in compliance with fire, safety, and crowd-control regulations.
6. University units purchasing alcoholic beverages and/or alcoholic beverage services must comply with the Use of University Funds Policy. The University may entertain dignitaries, donors or alumni to promote the advancement of the institution; however alcohol is considered an allowable expense only for the guests' beverages, unless prior approval from the Chief Financial Officer or designee is obtained. Alcohol may also be served at some official University business events or functions with pre-approval from the Vice President of Student Affairs or designee. The business purpose must be clearly indicated and submitted in writing at least 21 days in advance of the event to the Vice President of Student Affairs. Examples of business related events include Board of Trustee and Board of Visitors meetings or senior level interviews spanning a day or more.
7. The Student Activity Fee and other funds under the control of student organizations may not be used to purchase alcoholic beverages.
8. There must be a primary purpose for a gathering other than the availability of alcohol. Alcohol should not be used as an inducement to attend.
9. No campus event involving alcoholic beverages is permitted where alcohol is consumed as part of a competition, such as drinking games or chugging contests.

## PROMOTION OF ALCOHOL

The University does not permit permanent sponsorship or advertising in its public spaces that promote alcohol. Sponsorship by companies or distributors who purvey alcohol is not permissible without the approval of the Chief Student Affairs Officer prior to acceptance. When permitted, the Sponsorship or Promotion must be portable and removed at the end of the event. In addition the sponsorship may not encourage underage drinking or the misuse of alcohol. This applies to events and activities directly organized or sponsored by the University on or off-campus, as well as to events sponsored by others who may be leasing, renting, or using University facilities.

## DRUGS

The following behaviors are a violation of law and/or University Policy:



- illegally possessing, using, manufacturing, dispensing or selling drugs
- Intentionally or recklessly inhaling or ingesting substances (e.g., nitrous oxide, glue, paint, etc.) that will alter a person's mental state
- Misuse of legal prescription drugs, using someone else's prescription drugs, or the distribution or sale of prescription drugs
- Possessing drug paraphernalia containing illegal drug residue, including but not limited to bongs or glass pipes
- Exhibiting signs of being under the influence of illegal drugs (such as smell of having used marijuana, bloodshot eyes, vomiting, difficulty standing, agitation, etc.) anywhere on campus or at a University sponsored activity off-campus, regardless of where the consumption occurred
- Permitting any person to violate the drug policy on-campus

## MEDICAL MARIJUANA

Federal law and the Drug Free Schools and Workplace Acts make possession and use of marijuana on-campus illegal, even in states with medical marijuana laws. Thus, the University of Maine System does not permit medical use or possession of marijuana anywhere on campus. Furthermore, students who are under the influence of medical marijuana or in possession of marijuana for medical reasons are not exempt from normal conduct and job performance standards. Although the use or possession of medical marijuana is not permitted on-campus, students on the medical marijuana registry may make a request for other reasonable accommodations with the Disability Services Center.

## Local, State, and Federal Alcohol & Drug Laws

It is a violation of law to do any of the following (provided as a general summary of the major applicable laws):

- Purchase, order, pay for, or share the cost of alcoholic beverages if you are under 21  
Possess alcohol if you are under 21
- Consume alcohol if you are under 21, except in a home in the presence of your parent, guardian or custodian  
Transport alcohol if you are under 21
- Sell alcohol to, buy alcohol for, or furnish alcohol to anyone under 21
- Allow anyone under 21 who possesses or is consuming alcohol to remain in your home or in other property that you own or occupy.
- Show or give false information about your name, age, or other identification to purchase or obtain alcohol
- Have an open container of alcohol in your possession in any unlicensed public place
- Have an open container of alcohol in your possession while driving or riding in a motor vehicle  
Operate a motor vehicle under the influence of alcohol or other drugs
- Knowingly obtaining, possessing, using, or distributing a controlled substance

The Drug-Free Schools and Communities Act and the Drug-Free Workplace Act require the University to provide students, faculty, and staff with information on an annual basis regarding the unlawful use of drugs and alcohol, potential sanctions, health risks, and available assistance and treatment. Students convicted of a federal or state drug conviction can be disqualified from receiving financial aid funds.

Any student or guest found to be in violation of local, state, and/or federal law, or who violates the University's guidelines contained herein, will be subject to the UMS Student Conduct Code Process and/or referral to the appropriate authorities for legal action. Student-athletes are also subject to the USM Student-Athlete Code of Conduct.

## Resources

### EDUCATION AND PREVENTION

Alcohol and other drug use can interfere with the learning environment, affect the health and safety of students and guests, and is often a factor in campus crime. In keeping with USM's commitment to foster a safe, healthy learning community, the University provides alcohol and other drug education and prevention resources.

### COUNSELING, TREATMENT, AND SUPPORT

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 more information including the numbers to call for an appointment please visit [usm.maine.edu/uahcs](http://usm.maine.edu/uahcs).

The [Recovery Oriented Campus Center \(ROCC\)](#) at the University of Southern Maine is about establishing peer support to build a supportive community for students in recovery from substance use and other mental health conditions. The ROCC is a place where students enter to reconnect with themselves, each other, and their community; while also exploring their academic potential and the boundless opportunities that await them in a life of recovery.


Effective: August 24, 2018

## Campus Speakers Policy

This Policy incorporates the existing USM Use of Facilities & Grounds Policy established on March 1, 1994 and revised on August 27, 2014. Policy Attached. This Policy is also subject to University of Maine System Board Policy 212: Free Speech, Academic Freedom, and Civility.

### Statement of Purpose

The University of Southern Maine's mission of education, research and public service is dependent upon the free flow of ideas. The institution is dedicated to free speech and free expression, exercised with civility and mutual respect for all viewpoints. This Policy sets forth the procedure by which all recognized student organizations and other institutional groups may host speakers on University controlled property.

 The purpose of this policy is to balance the safety of the entire campus community while ensuring the free exercise of First Amendment rights of those who wish to participate in events hosted at USM.

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## Scope of Policy

This policy applies to presenters, speakers, or performers (“speakers”) invited by, or on behalf of, USM academic or administrative units and their administrators, or recognized USM groups and organizations, including all recognized faculty, staff and student organizations. It covers speakers regardless of whether remuneration or other consideration is offered to the speaker for the requested appearance. This policy does not apply to faculty or USM employees who engage outside speakers for classroom presentations in credit or non-credit USM courses.

USM reserves the right to regulate the time, place, and manner of any speech sponsored under this Policy to prevent interference with other University activities and to ensure that the event complies with applicable safety and security requirements, such as occupancy limitations and maintaining access to or egress from buildings in the event of fire or another emergency.

## Procedures


An invited speaker must have a recognized USM sponsor. A sponsor is a USM academic or administrative unit, or a recognized USM group or organization.

A recognized group or organization is one sanctioned by resolution of the UMS Board of Trustees, approved by the USM President, Provost or Chief Business Officer, granted such status as a matter of law (e.g. unions, certified as employee representatives by the State of Maine), or approved as such by the USM Student Government Association (SGA). Student groups are recognized by the USM SGA in accordance with the criteria outlined in the USM SGA Constitution and Bylaws.

A sponsor must, no less than 14 business days in advance of the event, file an Event Information Request Form with USM Conferences. The request must include the speaker’s name, a general description of the topic or nature of the presentation, the proposed date of the appearance, and the means of publicity contemplated for the event. Conference staff will promptly forward a copy of the Event Information Request Form to the office of the responsible Vice President or Provost and the Executive Director of Public Affairs.

USM reserves the right to take appropriate action to protect speakers, their audiences, and the campus at large from unlawful conduct. USM will respond to situations involving disruption of university activities, violence, or other illegal activity, which results either from the remarks of outside speakers or from comments made or actions taken by outside speakers which are themselves illegal.

Based initially on information contained in the Event Information Request Form, the Vice President for Enrollment Management & Student Affairs (VPEMSA) or Provost, in consultation with the Chief of University Police, will determine whether security measures are necessary to ensure the safety of all persons and property potentially impacted by the event. The VPEMSA may request a meeting with the sponsoring organization/individual(s) to discuss security planning further; the event may not proceed if the sponsoring organization/individual(s) unreasonably refuse to communicate with the VPEMSA and/or USM Public Safety for this purpose.

 If security arrangements and other preparations cannot reasonably be made in time for the requested event date, USM will discuss with the sponsoring organization/individual(s) an

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appropriate alternative schedule that ensures the event can safely take place without unreasonable delay and without inappropriately disrupting USM's operations. Should the event sponsor and the VPMSA or Provost be unable to agree on the implementation of security measures or recommendations, the event sponsor may submit an appeal to the President. The President may determine the security measures required for the event based on security assessment and goals to:

- Minimize any imminent threat to health and safety of the event participants and audience or campus property and surrounding community;
- Maximize the ability of the event sponsors to successfully hold the event; and
- Protect the exercise of rights of free speech and expression by the event sponsor, participants and community.

USM will make every reasonable effort to ensure that review and decisions on security planning and appeals, if any, do not unreasonably delay a proposed event. Assuming there is adequate time to plan for necessary security, approval to proceed with a requested event will not be unreasonably withheld absent clear evidence of a certain and imminent threat of (i) harm to or violence against the campus community, (ii) unreasonably disruption of its operations, or (iii) interference with its ability to offer its academic programs.

Events must end no later than 10:00 pm unless a different time is determined to be necessary for security purposes. Event time determinations will not be set to curtail the free speech rights of the sponsoring organization/individual(s) and their invited speaker(s).

If during the event an imminent threat to safety and property arises, avoidance or minimization of which requires termination of the event, authority to terminate the event rests with the senior administrator or designated administrator on site to oversee law enforcement/security operations.

Other sources of information can be found on the [Conference Services page](#) or [Facilities Management page](#).

## Confidentiality of Student Records Policy (FERPA)

### *What is FERPA and what does it cover?*

**The Family Educational Rights and Privacy Act (FERPA) is a federal law designed to protect the privacy of a student's educational records.** Under FERPA, directory information may be publicly shared by the University, unless the student specifically requests that directory information not be released. The University of Maine System has designated the following as directory information:

- Address
- Appropriate personal athletic statistical data

- Dates of Attendance
- Degrees and Awards received (including dates)
- Enrollment status (full/part-time)
- Most recent previous educational institution attended
- Name
- Participation in sports and activities
- Phone
- Program of Study
- UMS assigned email address

### ***What if a student does not want directory information released?***

If a student requests that directory information not be released, no information will be released to any requestor, including insurance companies and prospective employers, without the express written consent of the student. Further, the student's name will not be included in the published Dean's List, student directory, commencement brochure, or any other institutional publication or press release.

### ***Can a student authorize the University to share other information with another individual?***

**Student Consent to Release:** Information beyond directory information can be released by the appropriate education records custodian only on the basis of a written, dated request by the student or by the student's completion of the [Student Consent to Release Information Form](#).

Please note: **FERPA applies only to students who have enrolled; it does not apply to applicants.**

For more information, please visit our [University of Maine System \(UMS\) webpage on FERPA \(opens in new tab\)](#).

### ***FERPA / Directory Restrictions***

Students wishing to limit the release of directory information can do so through their MaineStreet Classic Student Center.

Under **Personal Information**:

1. Choose **Privacy Settings** from the "other personal..." drop-down menu;
2. Edit FERPA/Directory Restrictions;
3. Choose from one of the three options:
  - Do not release any directory information.
  - Release all except addresses (including student email address).
  - Release all directory information.

It is against policy to access, use, copy, or make available to others any copyright-protected digital material and computer software except as permitted under copyright law or by specific license.

Who Reports Violations to USM:

- Recording Industry Association of America (RIAA)
- Motion Picture Association of America (MPAA) Software Association
- Individual Companies (e.g. NBC, Paramount Studios, Symantec)

## Types of Violations

Violators are identified by the IP address for the computer or digital device they have registered with the University. Violators are responsible for what is on any computer or digital device they registered with the University, regardless of how the illegal material was placed in a share folder. You can still be in violation even under these circumstances:

- “I legally purchased iTunes. I did not know the songs were in a shared folder.”
- “The CD was a gift, I loaded on my computer. I did not know it was in a shared folder.” “I do not listen to that kind of music. My brother put his songs on the computer.”
- “I did not put that on my computer, I let my roommate use my computer.” “That is not my machine; I just helped my friend register his machine.”

## University Response

Conduct action taken for a violation of the Student Conduct Code. Sanctions imposed are:

1. Loss of Network Access Privileges.
  - First Offense: One Week.
  - Second Offense: One Semester.
  - Third Offense: Permanent loss of access.
2. Must Remove all Unauthorized Copyrighted Material from Computer or Mobile Device and Turn off File Sharing Program.
3. Must View Campus Downloading Video and Write a Reflective Paper.

## RIAA's Response

If the RIAA notifies the University of a violation and the University takes the above corrective action, that does NOT exempt a student from receiving a pre-litigation letter and/or being sued. Penalties for copyright infringement may also include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or “statutory” damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For “willful” infringement a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys’ fees. For details, see Title 17, United States Code Sections 504, 505.

 Will copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense. For more information, please see the website of the U.S. Copyright Office at [copyright.gov](http://copyright.gov).

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## Pre-litigation Letters

Each year, numerous students receive pre-litigation letters. The letter does not have the student's name on it, since the RIAA only has the persons IP address. USM is expected to identify the student and arrange for the student to get the letter.

The letter is telling the student that the RIAA has identified them as possessing copyrighted music without authorization and offers the student a chance to pay \$3,000 within 40 days of the date of the letter to settle their illegal violation.

## Subpoenas for Names

If after 40 days the person has not paid, then the RIAA may send a subpoena to the University to obtain the person's name. At that point the person still has a chance to settle their violation prior to being sued. To settle their violation at this stage the person must pay \$4,500.

## Lawsuits

If the person does not settle at this stage and the RIAA files a lawsuit, the minimum amount the person must pay is \$750 for each song, movie, TV show being "shared" (in the person's share folder).

While the average Illegal Downloader has 2,300 songs in their share folder, having only 50 songs can be costly:

- 50 songs X \$750 each = \$37,000 + Attorney Fees + Court Costs

On July 31, 2009 a Boston University Student was fined by a Boston Federal Court in the amount of \$675,000 or \$22,500 for each of the 30 songs he was identified as having.

## Impact on USM Community

From August 1, 2014 to July 30, 2015 forty (40) students were held accountable for a violation by the Dean of Students Office.

Please take the time to reread our policy and understand that significant personal monetary damages can be imposed. If you have music and/or movie files on your computer that you did not obtain legally, or the software that enables you to share these types of files, please remove these from your computer. If they are discovered and we are notified, we will impose our sanctions and will, subject to University Counsel approval, provide these organizations any identifying information they may request.

USM recognizes the advantages of providing electronic mail (email) services to the university community and that students and staff will, increasingly, require access to such services for learning, teaching and administrative processes. It allows information/business transactions to be delivered in a more timely manner to staff, faculty and students. As resources become increasingly limited, it is the most cost-effective and environmentally-friendly means for the University to communicate. The university community is advised to use this Electronic Mail Policy in conjunction with the University of Southern Maine Acceptable Use of Information Resources Policy as well as other University policies and procedures already in place. The Electronic Mail Policy, like the Acceptable Use of Information Resources Policy, “expects users to be familiar and behave consistently with the several general principles which together constitute appropriate, responsible, and ethical behavior in an academic environment, particularly in regard to the use of the University’s information resources” and expects users to abide by the federal laws encompassing the Federal Educational Rights and Privacy Act (FERPA), the Gramm-Leach-Bliley Act (GLBA) and the USM Confidentiality Statement.

### ***Policy Principles***

Electronic mail services are provided by the University in support of the teaching, research and public service mission of the University, and the administrative functions that support this mission. It is important that the users of these services be limited primarily to the University students, faculty, and staff. Users must abide by the following conditions when using these services:

- **User Identity:** University e-mail users must identify themselves. This identification can be either departmental or individual. False identification applies to both user and/or sender and recipient. For example, (user A) cannot log onto the system as (user B) someone else, even if user A has permission from user B. False identification will result in loss of electronic mail service privileges.
- **Personal Use:** University electronic mail services may be used for incidental personal purposes provided that such use does not: directly or indirectly interfere with the operation of other University computing facilities or electronic mail services; burden the University with noticeable incremental cost; or interfere with the e-mail user’s employment or other obligations to the University.
- **Disruption of Service to the Community:** University electronic mail services cannot be used for purposes that could reasonably be expected to cause excessive strain on any computing facilities, or unwarranted/unsolicited interference with others’ use of e-mail or e-mail systems. Prohibited uses include, but are not limited to: sending or forwarding chain e-mail; and “spamming”, that is, sending large quantities of e-mail to individual mailboxes (see Administrative Principles). Deliberate attempts to degrade system performance and capacity is a violation of this policy.
- **Compliance and Restrictions:** Individuals who use University electronic mail services are expected to do so responsibly, that is, to comply with state and federal laws, with this and other policies and procedures of the University, and with normal standards of professional and personal courtesy and conduct (see Guidelines of Ethics and Appropriate Practices). Access to University electronic mail services is a privilege that may be restricted by the University without prior notice and without the consent of the e-mail user when required by and consistent with the law, when there is substantial reason to believe that violations of policy or law have taken place, or when the number of business transactions are at their



within a cycle, for operational needs to take precedence over electronic mail services. Such restriction is subject to the approval of the Director of University Computing Technologies.

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## **GUIDELINES OF ETHICS AND APPROPRIATE PRACTICES**

Electronic mail may not be used for commercial purposes and must be consistent with the relationship that the individual user has to the University.

The sender, whether institutional or individual, must be clearly identifiable in all transmitted messages.

Sending electronic mail should only occur where the recipient can be identified as having a high probability of having interest in the subject matter. Sending unwanted and repeated communication via electronic mail is prohibited and considered harassment.

Electronic mail should not be sent in such a way as to harass users. If a recipient indicates that they do not wish to receive further messages from a group, topic or individual, then no further messages should be sent. Departments are responsible for excluding such recipients from future messages.

Materials that could be considered obscene or offensive may not be sent through the University's electronic mail system.

Any user aware of misuse of electronic mail has a responsibility to report it to the Director of University Computing Technologies.

## **DISCIPLINARY ACTION**

Violators of this Policy will be subject to the regular disciplinary processes and procedures of the University for students, faculty and staff administrators and may result in sanctions including loss of computing privileges, up to and including dismissal, as provided for under other University policies, procedures, guidelines, collective bargaining agreements or contracts. In some situations, it may be necessary to suspend account privileges to prevent ongoing misuse while the alleged violation is under investigation. Illegal acts involving University computing resources may also subject violators to prosecution by local, state, and/or federal authorities. In the case of immediate loss of computing privileges, appeals may be made to the violator's Vice President of their division or designee.

## **CHARGING**

The University reserves the right to review and consider, from time/request to time/request, the levying of a charge for the distribution of e-mail to large targeted audiences (see Resource and Performance).

## ***Administrative Principles***

### **THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)**

The University of Southern Maine abides by the federal laws encompassing the Federal Educational Rights and Privacy Act (FERPA) and has defined certain information contained in the education records of its' students as directory information. A complete listing of what USM has defined as directory information can be found in USM's Policy on the Confidentiality of Student Records. Although our systems are on secure servers, e-mail users are cautioned and advised not

to send non-directory information, such as social security numbers, via e-mail. Student e-mail addresses are also considered non-directory information, therefore, when e-mailing the same message to more than one student, the “blind copy” feature must be used to protect the faculty or staff administrator (university) from accidentally (or unintentionally) giving out student e-mail addresses when sending to multiple students. Prior written permission from the student is necessary when transmitting any information regarding the students’ educational record or non-directory information.

## REQUEST FOR EMAIL ADDRESSES FOR INTERNAL USE

Transmission of mail to multiple users must be controlled so that users do not receive large quantities of unwanted and unsolicited mail as this can reduce the effectiveness of the electronic mail service as a viable means of communication. The Office of the Registrar has been designated as the central processing unit for student email requests, and Human Resources has been designated as the central processing unit for employee e-mail requests. Employees who have Student status will fall under FERPA regulations. The coordinator in each office has full discretion as to whether the information presented should be sent electronically, and if necessary, will seek the approval of an appropriate University Vice President.

The following guidelines, in conjunction with the “Appropriate/Inappropriate E-mail Request Uses”, will be adhered to when asked to provide e-mail addresses for unsolicited mail to student/employee groups:

- Unsolicited mail may only be sent to multiple users where the mailing is related to their university function and the sender has an appropriate work relationship.
- Previous semester requests for email addresses will be taken into consideration when sending unsolicited mail to all members of the University or a substantial subset.
- Student requests must be received in the Office of the Registrar at least one week prior to the distribution deadline allowing sufficient time for seeking additional approval if necessary. In the event that additional approval is necessary, you are responsible for obtaining and forwarding the approval to the coordinator before your request will be processed.
- Content of the information being distributed must be in final form and in the format of a text file (.txt). The coordinators will not edit or change any information within the request of the submitted e-mail request. If changes are necessary to any part of the request, you must resubmit the entire request.

Student requests must meet all of the following criteria:

- submitted as final form and in the format of a text file (.txt);
- no longer than one page of written text;
- contain no attachments;
- abide by state and federal regulations (FERPA and GLBA);
- specifically state: To Whom, From Whom, and are provided with a Subject line for the message;
- send a message that is consistent with the mission of the University (teaching, research and public service, and the administrative functions that support this mission);
- provide a direct service to the majority of the targeted group and provide a benefit for all included in the targeted group.

## REQUESTS FOR E-MAIL ADDRESSES FOR EXTERNAL USE SOUTHERN MAINE

The Office of the Registrar has been designated as the central processing unit for student email requests, and Human Resources has been designated as the central processing unit for employee email requests. Employees who have Student status will fall under FERPA regulations.

### APPROPRIATE/INAPPROPRIATE E-MAIL REQUEST USES

Examples of appropriate requests include, but are not limited to:

- Financial Aid may send information to financial aid recipients.
- The Registrar may send information to all students enrolled.
- Student Life may send information to those students living in the residence halls.
- A professor may send information to those students taking her/his class.
- A school/college/department may send information to their students, i.e. the Biology department to Biology majors, or the School of Business to Accounting majors.
- A graduate program may send information to a specific undergraduate major if they are providing a direct service to the majority of the targeted group and providing a benefit for all included in the targeted group.

Examples of inappropriate requests include, but are not limited to:

- The Sociology department may not solicit Biology majors.
- A graduate program may not solicit all matriculated undergraduate students.
- The Athletic Department may not solicit all students registered.
- Faculty or Administrators may not solicit any student or number of students for personal commercial gain, other commercial purpose, or other non-University related business without University approval.

### RESOURCE AND PERFORMANCE

Performance and cost of the electronic mail systems for all users can be adversely affected by misuse and abuse of its users. The University reserves the right to set limits on:

- The total number of electronic mailings sent.
- The size of individual electronic mail items sent.
- The total number of electronic mailings sent to large distribution lists within a semester by any one department or individual (see Request for E-mail Addresses for Internal/External Use).
- The amount of electronic mail retained on central electronic mail servers.

The University's information and computing resources are limited. As demands increase on our computing resources, University-related activities will have first priority. The University encourages users not to solicit large volumes of incoming mail with no, or marginal, relevance to their role within the University. The University reserves the right to request that users unsubscribe from external mailing lists where unacceptable cost or limiting of resources are incurred.

### SYSTEM ADMINISTRATION

Users should be aware that, during the performance of their duties, network and system administrators need from time to time to observe certain transactional addressing information to ensure proper functioning of University e-mail services, and on these and other occasions may see the contents of e-mail messages. The University attempts to provide secure and reliable e-mail services. Administrators are expected to follow sound professional practices in providing for the security of electronic mail records, data, application programs, and system programs for which they are responsible but have no control over the security of e-mail that has been downloaded to a user's computer. Systems may be "backed-up" on a routine or occasional basis to protect system reliability and integrity, and to prevent potential loss of data. The back-up process results in the copying of data onto storage media that may be retained for periods of time and in locations unknown to the originator or recipient of electronic mail. Users of electronic mail services should be aware that back-up copies do typically exist.


## USE OF EMAIL CAUTIONS

Although the benefits outweigh the risks, USM would like to caution users of some of the risks. Users should take into consideration the following in regards to communicating electronically:

- Information could be opened or read by someone other than the intended recipient. Unlike the United States Postal System, there is no federal law to deter opening electronic mail that belongs to someone else.
- As stated above, email is not a secure form of communication. Privacy and confidentiality are not guaranteed. Users should exercise extreme caution in using email to communicate confidential or sensitive matters.
- Users could easily overload individuals with information, sometimes unwanted information, regarding issues that may not be of interest to the recipients, thereby, limiting the usefulness of e-mail as a communication tool.
- Communication(s) via electronic mail could possibly become part of "the educational record" increasing the difficulty in record-keeping.
- Keep in mind that not everyone in the university has ready access to a computer.
- Viruses spread via electronic mail and are usually sent by someone that you know. Be sure that your virus detecting software has been installed on your computer, scans incoming e-mails and is running the most recent data file. You can view the "latest version date" by right clicking on the software program icon and going to the "About" drop-down menu.
- Prior written permission from the student is necessary when transmitting any information regarding the students' educational record or non-directory information as defined by USM in the Confidentiality Statement (FERPA).

## Good Samaritan Policy

Abuse of alcohol and other drugs can create life-threatening situations that require an immediate response from emergency services personnel. In all instances, the University's main concern is that those in need receive prompt medical attention.

The University of Southern Maine cannot guarantee absolute immunity from sanctions associated with violations of the Student Conduct Code. However, efforts may be made to mitigate sanctions under the

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Student Conduct Code associated with alcohol and other drugs offenses for “Good Samaritans.”

These considerations apply to the person in need of medical attention and the individual who may have contributed or participated in the use and abuse of alcohol or other drugs. Only those individuals who have actively sought medical attention at the time of the incident for themselves or others as a “Good Samaritan” may receive consideration for mitigation of sanctions.

## Hazing Policy

Effective: 9/26/83


Last Revised:

Responsible Office: Academic Affairs

### ***Policy Statement:***

In accordance with the policy of the State of Maine as set forth in Chapter 159 of the Public Laws of 1983 (20-A M.R.S.A. 10004), the Board of Trustees of the University of Maine System reaffirms its policy that the injurious hazing of any student enrolled at any institution of the University of Maine System is prohibited. In order to implement that policy and comply with State Law, the Board of Trustees of the University of Maine System adopts these rules:

1. No person or organization shall create, or permit to exist, any situation that recklessly or intentionally endangers the mental or physical health of a student enrolled at any institution of the University of Maine System.
2. Each organization affiliated with any institution of the University of Maine System shall adopt and include these rules as part of its by-laws or other governing document. Each such organization shall advise the Office of the President of each campus with which it is affiliated, in writing, within sixty days after the adoption of this policy, of such adoption and inclusion; and shall thereafter notify the Office of the President, in writing, forthwith, of any change or amendment relating to these rules or to such adoption and inclusion.
3. Any organization affiliated with any campus of the University of Maine System that violates these rules shall lose all right to conduct activities on any campus of the University of Maine System and all right to receive any other benefit of affiliation with any campus of the University of Maine System.
4. Any person associated with any institution of the University of Maine System as a student, administrator, faculty member or in any other capacity, whose conduct violates these rules, shall be subject to suspension, expulsion, or other appropriate disciplinary action.
5. Any person, not associated with the University of Maine System, whose conduct violates these rules shall be ejected from, and shall thereafter be banned from re-entering, any campus of the University of Maine System.
6. Any disciplinary action, penalty, or sanction enforced under these rules for conduct violating these rules shall be in addition to, and not in limitation of, any other civil law or criminal law process, procedure or penalty arising from the conduct concerned.

The administration and enforcement of these rules within each institution of the University of Maine System shall be the responsibility of those persons and administrative officers at each campus of the University of Maine System who have responsibility for the administration and enforcement of the Student Conduct Code. Such administration and enforcement shall be pursuant to the Student Conduct Code and in accordance with the policies and procedures including, without limitation, the appeal procedures of that Code.

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A copy of these rules and of the Student Conduct Code shall be given to all students enrolled at each institution of the University of Maine System. Appropriate announcements of the existence of these rules, of the Student Conduct Code, and of the availability of copies shall be made at least annually through appropriate and usual campus notification procedures. The failure of any student, administrator, faculty member or any other person associated with the University to have received such copies or to have actual knowledge thereof shall not be justification for, or excuse, any failure to comply with the said policy or these rules.

## **Sex Discrimination, Sexual Harassment, Sexual Assault, Relationship Violence, Stalking and Retaliation Policy**

Please visit our [Title IX webpage](#) for more information regarding this policy.


## **Tobacco-Free Campus Policy**

The University of Maine System (“UMS”) joins with the American College Health Association (ACHA) in supporting the findings of the U.S. Surgeon General that tobacco and nicotine use in any form, active and passive, is a significant health hazard. UMS further recognizes that secondhand smoke has been classified as a Group A carcinogen by the United States Environmental Protection Agency (EPA). UMS supports the finding that smoking and the use of tobacco products is detrimental to the health and safety of everyone and thus promotes an environment where the students, faculty, staff, contractors, vendors, and visitors are not exposed to the harmful effects of secondhand smoke and are supported in efforts to live tobacco-free.

The success of this policy depends on the thoughtfulness, consideration, and cooperation of everyone. It is the responsibility of all members of a UMS campus community to comply with this policy.

### ***Policy Statement***

In compliance with Federal and State Laws, the University of Maine System is dedicated to providing students, staff, faculty, and visitors with a safe and healthy environment. As such, UMS offers tobacco and smoke-free communities.

 This Tobacco and Smoke Free Policy applies to all students, faculty, staff, contractors, vendors, and visitors. Organizers of, and attendees at public events, including, but not limited to, conferences, meetings, lectures, social events, cultural events and/or athletic events using university owned, leased and affiliated property are required to abide by the policy.

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In addition to prohibiting smoking and the use of tobacco and nicotine products, and to best support a tobacco and smoke free lifestyle, UMS prohibits:

- Selling or distribution of all tobacco products and paraphernalia in all UMS locations and at UMS sponsored events;
- Advertising and promotion of tobacco products on any UMS owned, leased and affiliated property;
- Advertising and promotion of tobacco products in all UMS publications, including, but not limited to, newspapers and magazines;
- Accepting donations or gifts from tobacco companies; and
- Littering the remains of smoking or tobacco products or packaging on any UMS owned, leased, or affiliated property.

This policy prohibits the use of any smoking, tobacco and nicotine delivery products:

- On all UMS owned, leased and affiliated property;
- At all UMS sponsored events, both on and off campus, whether indoors or outdoors;
- In all UMS owned, leased, or rented vehicles;
- In all personal vehicles on UMS owned, leased, and affiliated property.

In addition, UMS encourages all students, employees and guests to be respectful and courteous to our community neighbors and avoid smoking within 20 feet of entryways, windows, vents and doorways, and any location that allows smoke to circulate back into a UMS owned, leased or affiliated building.

The University provides reasonable accommodations to qualified individuals with disabilities upon request. Individuals are encouraged to consult with the appropriate office on their campus.  
Effective August 31, 2020

## ***Definitions***

**University of Maine System (“UMS”):** means collectively or singularly, any of the following campuses: University of Maine at Augusta; University of Maine at Farmington; University of Maine at Fort Kent; University of Maine at Machias; University of Maine (Orono); University of Maine at Presque Isle; University of Southern Maine; and all other UMS owned and leased real Property.

**Smoking:** “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated, cigar, cigarette, pipe or joint, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and cannabis (medical and recreational), whether natural or synthetic in any manner or in any form. “Smoking” also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device or any other device intended to simulate smoked tobacco for the purpose of circumventing the prohibition of smoking in this policy.

Tobacco and tobacco-derived or containing products, including but not limited to, cigarettes, cigars, little cigars, cigarillos, bidis, kreteks; all smokeless and dissolvable tobacco products, including but not limited to, dip, spit/spit-less, chew, snuff, snus and nasal tobacco, and any product intended to mimic tobacco, containing tobacco flavoring or delivering nicotine, including but not limited to electronic nicotine delivery systems, e-cigarettes, e-cigar, e-hookahs, vape pen, or any other product name or descriptor. Or the use of any other type of tobacco or nicotine product for the purpose of circumventing the prohibition of tobacco in this policy. This does not include products specifically approved by the US Food and Drug Administration (FDA) for the purpose of cessation of smoking or nicotine replacement therapy.

### **Exceptions**

1. Religious and Ceremonial: Religious and ceremonial tobacco use with prior approval from the Chief Student Affairs Officer or designee.
2. Research: Research with prior approval from the Institutional Review Board with notification to the appropriate Human Resources office, Vice President for Research or other comparable/appropriate area.

### **Enforcement**

Everyone is required to comply with this system-wide Tobacco and Smoke Free Policy. Enforcement of this policy is viewed as a shared responsibility of all those in the campus community. Each campus is responsible for developing and communicating procedures for reporting and enforcing violations. The primary goal is to achieve voluntary compliance by educating students, faculty, staff, contractors, vendors, and visitors about the policy and providing smoking cessation assistance, as applicable.


Members of the campus community who see violations of this policy are encouraged to share policy information and/or follow reporting procedures for their location.

Violations may be handled in the following manner:

- Students who are found in violation of this policy may be subject to disciplinary action in accordance with the UMS Student Conduct Code;
- Employees who are found in violation of the policy may be subject to progressive disciplinary action up to and including termination;
- Visitors who violate this policy may be required to leave UMS property; or
- Contractors and vendors who violate this policy may be required to leave UMS property and it may impact their ability to remain a UMS contractor.

## **Weapons Policy**

Dangerous weapons, including but not limited to, firearms, knives, other sharp-edged weapons, bows, arrows, rockets, sling shots, air guns, and martial arts weapons are not permitted on property owned by or under the control of the University of Southern Maine and off-campus activities sponsored by the University of Southern Maine.

 Any exception must be approved by the USM Police chief and shall be subject to such terms and conditions as the chief shall deem reasonable.

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Any member of the University community who violates this policy shall be subject to appropriate disciplinary action up to and including dismissal from the University, as well as arrest and criminal prosecution.

Any person who is not a member of the University community who violates this policy shall be notified at once of the violation orally or in writing as soon as possible after the discovery. The person shall be subject to all appropriate procedures and penalties including, but not limited to, the application of the criminal provisions of the law of the State of Maine.

Questions regarding the policy should be directed to the Office of Community Standards and Mediation at [usmcommunitystandards@maine.edu](mailto:usmcommunitystandards@maine.edu) or to Campus Police at [207 780-5211](tel:2077805211).

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[Calendar of Events](#)

[Directories](#)

[Emergency Information](#)

[HEOA Disclosures](#)

[Job Opportunities](#) 

[Maps & Directions](#)

[Parking Information](#)

[Request Transcripts](#)

[Safety & Security Report](#)



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