

§12981. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2021, c. 733, §2 (NEW).]

1. Affirmative consent. "Affirmative consent" means consent to sexual activity that can be revoked at any time. "Affirmative consent" does not include silence, lack of resistance or consent given while intoxicated.

[PL 2021, c. 733, §2 (NEW).]

2. Employee. "Employee" means an individual who is employed by an institution of higher education, including a full-time, part-time or contracted employee, or an individual who was employed by an institution of higher education, including a full-time, part-time or contracted employee, but has taken a leave of absence or terminated the employment as a result of having been a victim of sexual violence, intimate partner violence or stalking or for any other reason.

[PL 2021, c. 733, §2 (NEW).]

3. Institution of higher education. "Institution of higher education" or "institution" means a public, private, nonprofit or for-profit postsecondary school chartered, incorporated or otherwise organized in the State with an established physical presence in the State.

[PL 2021, c. 733, §2 (NEW).]

4. Interpersonal violence climate survey. "Interpersonal violence climate survey" means the survey developed pursuant to section 12984, subsection 8.

[PL 2021, c. 733, §2 (NEW).]

5. Intimate partner violence. "Intimate partner violence" means any of the acts that constitute abuse under Title 19-A, section 4002, subsection 1, paragraphs A to H that are committed by an individual who is or has been in a social relationship with another individual of an intimate nature regardless of whether the individuals were or are sexual partners.

[PL 2021, c. 733, §2 (NEW).]

6. Reporting party. "Reporting party" means a student or employee who reports having experienced an alleged incident of sexual violence, intimate partner violence or stalking at an institution of higher education.

[PL 2021, c. 733, §2 (NEW).]

7. Responding party. "Responding party" means an individual who has been accused of an alleged incident of sexual violence, intimate partner violence or stalking at an institution of higher education.

[PL 2021, c. 733, §2 (NEW).]

8. Sexual violence. "Sexual violence" means conduct that constitutes:

A. Any crime under Title 17-A, chapter 11; [PL 2021, c. 733, §2 (NEW).]

B. Unauthorized dissemination of certain private images pursuant to Title 17-A, section 511-A; [PL 2021, c. 733, §2 (NEW).]

C. Aggravated sex trafficking or sex trafficking pursuant to Title 17-A, section 852 or 853, respectively; or [PL 2021, c. 733, §2 (NEW).]

D. Sexual harassment as defined in Title 14, section 6000, subsection 2-A. [PL 2021, c. 733, §2 (NEW).]

[PL 2021, c. 733, §2 (NEW).]

9. Stalking. "Stalking" means conduct that constitutes the crime of stalking under Title 17-A, section 210-A.

[PL 2021, c. 733, §2 (NEW).]

10. Student. "Student" means an individual who is enrolled or is seeking to be enrolled in an institution of higher education in this State and is a candidate for a degree or diploma or graduate certificate or has taken a leave of absence as a result of having been a victim of sexual violence, intimate partner violence or stalking.

[PL 2021, c. 733, §2 (NEW).]

11. Title IX coordinator. "Title IX coordinator" means the employee at an institution of higher education who is responsible for institutional compliance with the so-called Title IX provisions of the federal Education Amendments of 1972, Public Law 92-318, as amended.

[PL 2021, c. 733, §2 (NEW).]

12. Trauma-informed response. "Trauma-informed response" means a response by an individual who has received specific training in the complexities of trauma caused by intimate partner violence, sexual violence or stalking including training on:

A. The neurobiological impact of trauma; [PL 2021, c. 733, §2 (NEW).]

B. The influence of societal stereotypes or other misconceptions relating to the causes and impacts of trauma on an individual experiencing the trauma caused by intimate partner violence, sexual violence or stalking; [PL 2021, c. 733, §2 (NEW).]

C. Methodologies for avoiding perpetuation of the trauma caused by intimate partner violence, sexual violence or stalking; and [PL 2021, c. 733, §2 (NEW).]

D. How to conduct an effective investigation of trauma. [PL 2021, c. 733, §2 (NEW).]

[PL 2021, c. 733, §2 (NEW).]

SECTION HISTORY

PL 2021, c. 733, §2 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Legislature and is current through October 15, 2024. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.