URGE Complaints and Reporting Policy for The University of Maine

This is what was found by UMaine URGE at the University of Maine, Climate Change Institute on policies for handling complaints, the reporting process, resources, and possible outcomes. Some information was available publicly on the University of Maine website; answers that were only found through follow up with contacts are noted.

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This document is organized as follow:
1: Suggestions for improvement
2: Information about existing UMaine Reporting Policies
3: Mechanisms Available for Reporting
4: Police Involvement
5: Outcomes of Reporting
6: Resources Available for Individuals and Groups Reporting

1: Suggestions for Improvement:
During the process of collating these resources, we identified some gaps in online resources and/or opportunities for improvement in formulating these policies:
- Collating all the racism-related materials in one place (like this document) for the ease of reporters finding materials.
- Outlining the protections for students who do report (beyond anonymity) in the classroom or lab in order to prevent retaliation. Clear and specific statements on the university policies for anonymity and protection against retaliation.
- Clarifying the procedures concerning repeat offenders (policy suggests you can't bring up previous incidents, so how are patterns identified and handled)?
- Discussing how complaints about groups/departments/climates are handled, versus reports of individuals.
- Compiling bias material into the other harassment and support statements in syllabi but also online with the UMaine website
- Comparing policies between UMaine/COA/UMaine Machias, others in Maine.

2. Information about the Existing UMaine Reporting Policies:
The link(s) to the reporting policy at our organization are here:
3. Mechanisms Available for Reporting

What mechanisms are available for reporting complaints, bias, microaggressions, harassment, and overt racism?
Currently there are different routes for finding resources, support, and reporting different types of complaints. Below is a list of designated offices or individuals for reporting specific types of incidents.

In general, university policy is that students complaints are primarily managed by the division of student affairs. If the complaint involves an employee, guest or volunteer, they are handled by the Office of Equal Opportunity and efforts are coordinated with other departments on an as-needed and need-to-know basis in accordance with internal procedures (Personal Communication, Interim Director of Equal Opportunity).

Designated individuals/positions for reporting incidents:
Any student, staff, faculty member or visitor to campus can report an incident that occurs anywhere on campus. Either the individual or a third party may file on behalf of the individual who may not want to file themselves. In cases where a third party files an incident report, the investigators will reach out to the third party reporters, and through that individual will seek to ensure the affected individual receives any necessary services. All community members, including RAs in residence halls, faculty members, chaplins, advisors, coaches, and trusted confidantes, are encouraged to file third-party reports (Source).

To Report Incidents Specifically Related to Bias, etc:
Bias Response Team (Link) about reporting bias in the UMaine community (system wide) and provides an online form for reporting incidents of bias (Link). You can file a report in person, over the phone, or online. Additionally, International Programs provides individuals assistance filing reports if desired (Link). “Although University of Maine employees are not mandatory reporters in bias incidents, any member of the University of Maine community is encouraged to
report any possible bias-related incidents or hate crimes to the UMaine Bias Response Team. This enables UMaine to provide resources and assistance to those individuals. (Source)

UMaine Bias Response Team; 315 Memorial Union (M-F 8:30-4:30); Phone: 207.581.1437; Web: https://umaine.edu/biasreporting/UMaine Bias Response Team online reporting form

Office of International Programs; 300 Stodder Hall; Phone: 207.581.3437; international@maine.edu

To Report Any Misconduct on Campus (Student conduct, academic integrity, Title IX, Bias, etc.):
The UMaine Police department should be contacted in case of any emergency and also offers anonymous reporting of any “improper activity” through Campus Eyes.

The Office of Equal Opportunity maintains the reporting policy (Link) and resources for incidents of sexual discrimination including: sexual misconduct, sexual assault, dating violence, gender discrimination, sexual harassment, stalking, and domestic violence.

There are specific reporting procedures for incidents involving students. The Office of Community Standards, Rights & Responsibilities (OCSRR) provides resources to faculty and students on a range of topics and also offers a means of reporting non-emergency incidents related to student-conduct. Additional reporting can be done through Title IX Student Services (Link). “All university faculty, staff, student employees, and volunteers have a duty to report incidents of sexual discrimination, sexual harassment, and sexual assault involving members of the university community that they witness or which are disclosed to them.” (Source)

Emergency and Non-Emergency Anonymous reporting: UMaine Police Department: Public Safety Building; Available 24 hours, 7 days a week; Phone: 207.581.4040 or 911; Web: UMaine Police website; Campus Eyes

For Student Conduct Complaints: University of Maine Office of Community Standards, Rights, & Responsibilities; David Fiacco: 207-581-1409; web: https://umaine.edu/communitystandards/

Incidents involving students: Title IX – Student Services; 3rd Floor Memorial Union, Room 315; Phone: 207.581.1406; Interim Deputy Director: Kenda Scheele (207.581.1406); Web: um.titleix@maine.edu Web: umaine.edu/titleix
Can reports be made online? Anonymously?
Non-emergency complaints can be made online through many of the resources listed above. Reports can be made anonymously through Campus Eyes [Link](#) (or by phone at 207.581.9255).

Reports can be made anonymously online via a secure reporting form ([Link](#)) or to the Office of Equal Opportunity via email or phone. This is the procedure for complaints related to employees, guests and volunteers. Different procedures are/may be in place for student issues, which is routed through OCSRR ([Link](#)).

In these reports, if you do provide identifying information the reporting process is private, but not confidential. The form asks for contact information so investigators can contact you, but reported statistics do not include any information about individuals who file the reports ([Source](#)).

Informal reports can be made by contacting the Office of Equal Opportunity [Link](#).

Who do in-person and online reports go to? Who has access to see reports?
When a bias report is filed out and routed through the Bias Response Team, “the Deputy Title IX Coordinator and the Director of the Office of Multicultural Student Life will conduct the initial meeting with complainants, inform complainants of their options, explain possible University response, maintain ongoing contact with complainants as appropriate, and will convene the bias response team to address any larger issues as necessary.” It is the job of the “Deputy Title IX Coordinator and the Director of Multicultural Student Life [to] determine whether there is sufficient information to pursue an investigation through the University Police Department or file a complaint with the Office of Community Standards, Rights and Responsibility.” ([Source](#))

If a form is filled out with the Office of Equal Opportunity, these reports only go to the Equal Opportunity Coordinator and the Director of Equal Opportunity ([Personal Communication](#), [Interim Director of Equal Opportunity](#)).

Are reporting policies regularly reviewed? What is the process for changing policy?
Yes. There is typically a cross functional team that will gather and review policies either in response to legal or other changes and one a draft is formed, it is submitted to the Board of Trustees for review and approval ([Personal Communication](#), [Interim Director of Equal Opportunity](#)).
The employee code of conduct for represented and non-represented employees of the university outlines the reporting policies for employees with grievances (Source). These policies are reviewed on a semi-regular basis, the oldest currently having been revised July 2017. The Student Code of Conduct outlines the procedures and expectations of behavior pertaining to students (Source). This code was last revised 19 March 2018. The additional procedures for sexual discrimination reporting were last revised by the Office of Human Resources July 19, 2019.

Are the rates of reporting made publicly available (e.g. # of reports each year)?
Certain types of incidents are outlined in the UMaine CLERY report (Source) and is updated annually (Personal Communication, Interim Director of Equal Opportunity).

4: Police Involvement
Are police included in the process? When and how? Are individuals accompanied by an advocate or someone from the organization?
Anyone can anonymously report “improper activity” through Campus Eyes which is hosted by the University Police will be involved in the incident. If a report is made as an “emergency”, the police will be involved. The following text is provided to help individuals decide when to contact the UMaine Police:

When to contact the police? To contact UMaine Police, call 207.581.4040 or 911.

- If you witness an incident taking place
- If you perceive an immediate danger
- If the person reporting the alleged incident asks you to contact the police

If you are an individual who has experienced assault, violence, stalking, harassment or any other conduct which may violate criminal laws and/or the UMaine code of conduct, you have a right, at your 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. 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.” (Source)

For assistance in filing a police report contact the Office of Sexual Assault and Violence
Prevention at 207.581.1406, Office of International Programs at 207.581.3437, or the Office of
Equal Opportunity at 207.581.1226.

What are the resources/procedures for instances when reports need to be made about a
member of the UMaine Police force?
The University of Maine Police are a Troop of the Maine State Police. Therefore, in order to
make a report of a bias, microaggression, instance of overt racism performed by an officer, you
can:
1. Follow internal university reporting procedures
2. Follow the procedural protocol for the Maine State Police outlined here

5: Outcomes for Reported Individuals

What are the outcomes or consequences for reported individuals? Are there procedures
in place for: follow-up by supervisor, training (bias, etc.), disciplinary action, termination?
Yes, these follow the equal opportunity complaint procedures (link) or/and each of our collective
bargaining agreements or employee handbooks (see links to codes below) (Personal
Communication, Interim Director of Equal Opportunity).

For information about sanctions, please refer to the University of Maine System Student
Conduct Code. All of the possible sanctions that the University may impose upon a student
following the results of any University disciplinary proceeding for an allegation are:

1. **Assigned Educational Projects:** This may include research projects, reflective essays,
counseling assessments, sanction seminars or other related assignments intended to
promote learning.
2. **Community Service:** The type of service may be related to the nature of the violation.
3. **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.
4. **Disciplinary Dismissal:** Permanent separation (subject to the right of review after five
years) from the University.
5. **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.

6. **Disciplinary Suspension:** Separation from the University for a stated period of time and/or until a stated condition(s) is met.

7. **Fine:** Payment of money. Respondents who are unable to pay may discuss alternate payment arrangements.

8. **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).

9. **Loss of Visitation Privileges:** This loss of visitation may be to any designated area(s) of campus.

10. **Official Warning:** Official acknowledgment of a violation and the expectation that it will not be repeated.

11. **Removal from University Housing:** Removal from a particular hall or all housing.

12. **Restitution:** Restitution, up to the replacement value of the items damaged, stolen, removed or used without authority and damages incurred.

13. **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, please refer to the appropriate collective bargaining agreement for represented employees and the non-represented employee handbook otherwise. All of the possible sanctions that the University may impose upon an employee following the results of any University disciplinary proceeding for an allegation are:

1. Oral Warning  
2. Written Warning  
3. Suspension  
4. Termination  
5. Such other action as the University may reasonably deem appropriate. (Source)

**Automatic or requested investigation of potential impact on grades or evaluations.**  
Retaliation of any kind is dealt with by requested investigation. “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.” (Source)
Protection against retaliation or repercussions, accommodations for continuing work/courses, option for pass/fail or outside assessment.

“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 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.” (Source)

Who decides the outcomes/consequences? What is the process?
The current process, active since 9/21/2017 is outlined here. After the Investigative process, the Investigations Coordinator will determine whether the Maine Board of Trustees policy has been violated or if misconduct occurred and communicate the findings in writing to: the Responsible Administrator, the Complainant, the Respondent, the University Equal Opportunity Officer, and the University Human Resources Director (within ~ 60 days of the formal complaint). The Responsible Administrator will decide whether to agree with the Investigations Coordinator’s findings. After completing the Equal Opportunity process, if the Responsible Administrator concludes that there was a violation of Board of Trustee policy: a pre-disciplinary hearing with the departmental Human Resource partner will be held. The “Responsible Administrator may consider properly established records of previous conduct and the seriousness of the violation” to suggest corrective action. “Appropriate discipline may range from an oral reprimand up to and including termination, or any other appropriate remedial action.” (Source)

Are reports tracked? Yes How are they tracked? By who?
Written records are kept in secure files by the Office in which the report was filed and the Investigations Coordinator. In addition, records can also be placed in individual’s personal files. For instance for reports regarding an employee filed with the Office of Equal Opportunity:
- “The kinds of written records relating to a charge of discrimination or harassment that may be placed in an employee’s official personnel file include: any document that has been mutually agreed to by the University and the employee; a letter issued by the Responsible Administrator to the employee at the conclusion of a formal investigation,
which notifies the employee about discipline to be imposed or other remedies; or a settlement agreement between the parties. As applicable, inclusion of such information in the personnel file shall be in accordance with the relevant collective bargaining agreement.” (Source)

- Other written records of informal or formal complaint investigations will be retained in a secure file by the Equal Opportunity Officer and Investigations Coordinator. (Source)

Are repeated complaints escalated to a disciplinary board? What is the process?
“A complaint made more than twelve (12) months after the incident shall not normally be the basis for disciplining a Respondent. However, where there are allegations of discrimination or harassment made within the twelve (12) month period and a longer pattern or practice of discrimination or harassment exists; or the substantiated misconduct is egregious, the Responsible Administrator shall consider the totality of events in determining appropriate discipline. (Source)

“Prior allegations made about the Respondent and findings about prior incidents of discrimination or harassment involving the Respondent shall not be considered in determining whether the present allegation is substantiated.” (Source)

6. Resources Available for Individuals and Groups Reporting
A list of resources available to members of the UMaine community including counselors, advocates, etc. are listed below. (Source)

**UMaine Police Department:** Public Safety Building; Available 24 hours, 7 days a week; Phone: 207.581.4040 or 911; Web: [UMaine Police website](https://www.umaine.edu/police/)

**Title IX – Student Services:** 3rd Floor Memorial Union, Room 315; Phone: 207.581.1406; Interim Deputy Director: Kenda Scheele (207.581.1406); Web: [um.titleix@maine.edu](mailto:um.titleix@maine.edu) Web: [umaine.edu/titleix](https://umaine.edu/titleix)

**For Title IX Investigations:** Title IX Student Services; Title IX Student Services: 207-581-1406

**For Student Legal Aid:** Student Legal Services; Sean O’Mara: 207-581-1789

**For Student Conduct Complaints:** University of Maine Office of Community Standards, Rights, & Responsibilities; David Fiacco: 207-581-1409; web: [https://umaine.edu/communitystandards/](https://umaine.edu/communitystandards/)
What is the number of signatures that a petition would need to trigger a town hall, meeting with organizational leadership, or policy change. What is the follow-up process for town halls and meetings? 
It would depend upon the issue. Title IX resources are provided relative to gender based discrimination complaints and other offices or external partners and agencies are offered as resources as appropriate to the complaint. As an example, we would offers as a resource to anyone experiencing sexual assault, stalking, or similar to our local sexual assault response agency (Personal Communication, Interim Director of Equal Opportunity).

Are there working groups or committees with power to change or propose changes to policy.
Yes, there are many and depend upon the type of issue (Personal Communication, Interim Director of Equal Opportunity).

Are cultural surveys conducted regularly or only after wide-spread reports or high-profile incidents?
Cultural surveys are conducted regularly (Personal Communication, Interim Director of Equal Opportunity).

Does leadership proactively ask students and/or staff for input on how to improve?
Yes, again, this is dependent upon the campus or department and its norms (Personal Communication, Interim Director of Equal Opportunity).