UNIVERSITY OF NEW ENGLAND'S NONDISCRIMINATION GRIEVANCE PROCEDURE, POLICY AND NOTICE OF NONDISCRIMINATION FOR EMPLOYEES

(DRAFT FALL 2024.) Please refer to https://www.une.edu/title-ix-civil-rights-compliance for the most current Policy.

TABLE OF CONTENTS

(A) Policy Statement 2

(B) Clery Report1t1t ..... (C5

Academic Freedom and Freedom of Expression 5

II. REPORTING DISCRIMINATION TO THE INSTITUTION 6

(A) Reporting Options 6

(B) Disability Accommodations 8

(C) False Claims 8

(D) Retaliation 9

(E) Sanctions for Violation of this Policy 9

III. GRIEVANCE PROCEDURE FOR DISCRIMINATION 9

(A) Initial Assessment Upon Receipt of a Report and Filing of Complaint by the Senior Director of Title IX and Civil Rights Compliance 9

(D) Providing Interim or Supportive Measures 11

(E) Applicable Procedures for Employees Under This Policy 11

GRIEVANCE PROCEDURE FOR COMPLAINTS OF DISCRIMINATION BY EMPLOYEES

(A) Policy Statement

This Policy applies to all forms of discrimination, which includes harassment and retaliation (other than sex discrimination which is covered by UNE's Title IX Grievance policies). The University of New England ("the University") is committed to maintaining a fair and respectful environment for living, work, and study. To that end, and in accordance with federal and state law and University policy, the University prohibits any member of the faculty, staff, administration, trustees, student body, vendors, volunteers, or visitors to campus, whether they are guests, patrons, independent contractors, or clients, from harassing and/or discriminating against any other member of the University community because of that person's race, sex, sexual orientation, gender identity and/or expression, familial status, pregnancy, ethnicity or national origin, religion, age, creed, color, genetic information, physical or mental disability, HIV status, or status as a veteran.

Every member of this University community is expected to uphold this Policy as a matter of mutual respect and fundamental fairness in human relations. Every employee of this institution has a responsibility to behave in accordance with this Policy as a condition of employment. Merit and productivity, free from prohibited bias, will continue to guide decisions relating to employment. Employees who engage in conduct prohibited under this Policy may be subject to disciplinary action, including termination of employment.

In addition, the University will provi

not excuse behavior that constitutes a violation of the law or this Policy.

II. REPORTING DISCRIMINATION TO THE INSTITUTION

(A) Reporting Options

Who can I report a Complaint to?

The Senior Director of Title IX and Civil Rights Compliance/Title IX Coordinator (Director) is the individual designated by the President with responsibility for providing education and training about discrimination to the University community, and for receiving and investigating reports and complaints of discrimination, harassment, and retaliation in accordance with this Policy.omion5iuni]TJ08 Polic5]TJ-9.A(hi)n6 (i)4 (at)2e(anc)4h (X)1 nX Ce

The Associate Vice President of Human Resources & Chief Human Resources Officer for the University of New England is Bobbie Kallner, 207-602-2339, bkallner@une.edu, Human Resources Office, both campuses, 11 Hills Beach Road, Biddeford, Maine 04005 and 716 Stevens Avenue, Portland, Maine, 04103.

The Director/ Deputy Title IX Coordinators will:

- Provide oversight of any investigation of claims of discrimination, harassment, or retaliation in violation of this Policy;
- Be available to assist any individual in accessing the resources of the University or the community in the event of any complaint under this Policy;
- Assist anyone who wishes to report a crime to local law enforcement;

At the request of an employee Complainant, the information they provide will be kept as private as possible, but the University may not be able to fully maintain confidentiality in certain circumstances. Employee records will be maintained in accordance with employee privacy laws. Individuals may also file anonymous reports that can be anonymous on the University's Title IX and Civil Rights Compliance webpage using the anonymous reporting feature here: https://www.une.edu/title-ix/reporting. Individuals filing an anonymous report must understand that while UNE will act on such reports, UNE's investigation may be impacted by the fact that a report is anonymous.

Note: If an employee has personally been subject to conduct that reasonably may constitute discrimination under Title IX or any institutional policy or this Grievance Procedure, these requirements do not apply to an employee reporting a personal Complaint.

ProviTw 4Td( )TJEMC 5&TD[]2 l)2f)2 a)0nv 1T0Tous)4Tw sonal9er)1 0s)9 a)9oT1Tous)4Tw 4rdi)6o)0r1Tousvianc 4

incident to the Senior Director of the Office of Title IX and Civil Rights Compliance.

Timeline for Reporting a Complaint of Discriminatory Harassment

Complaints and reports of discrimination or discriminatory harassment should be reported as soon as possible after the incident(s) in order to be most effectively investigated, though there is no time limit on reporting violations under this Policy. If a Respondent is no longer affiliated with the University (as a student or employee), the University may still provide reasonably available supportive measures to the Complainant, assist the complainant in identifying external reporting options, may investigate and adjudicate the alleged misconduct, and take other appropriate action to address the reported conduct.

Format of the Complaint

Complaints can be an oral or written request to the University that objectively can be understood as a request for UNE to investigate and make a determination about alleged discrimination at the institution.

(B) Disability Accommodations

This Grievance Procedure does not alter any institutional obligations under applicable federal state, and/or local disability laws, including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, among others. Parties may request reasonable accommodations for disclosed disabilities to the Senior Director of the Office of Title IX and Civil Rights Compliance at any point before or during this Grievance Procedure that do not fundamentally alter the Procedure. The Director will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

If the Complainant or Respondent discloses a disability, the Director or designee may consult, as appropriate, with the Assistant Director of Benefits and Leave in Human Resources to provide support to employees with disabilities to determine how to comply with applicable law including, without limitation,

as a “Formal Complaint” through the process outlined within this policy.

The University will, whenever possible, honor the Complainant’s wishes with respect to supportive measures and seek to respect the Complainant’s autonomy in making a determination regarding how to proceed. The University, however, reserves the right to take whatever action it deems necessary to enforce this Policy, which is intended to assist UNE is preventing and remedying discrimination, including hostile environments. For example, whether a hostile environment exists is not necessarily dependent only on the expressed concerns of the Complainant.

Any request for confidentiality must be balanced against the University’s obligation to provide a safe and non-discriminatory environment for the entire University community. The University may also be severely limited in its ability to adjudicate a claim and take action against a Respondent if strict confidentiality is maintained. The Director, the Associate Vice President of Human Resources, the Director of Safety and Security, the Chair of the CARE Team, and/or their designee(s) shall be responsible for evaluating all requests for confidentiality and will consider the severity of the alleged conduct, the ages of the parties, any pattern of misconduct, and the rights of the Respondent in assessing whether such a request can be honored.

Where a risk of imminent harm to an individual or others or a threat to the physical health and safety of the campus is determined to exist, the University may need to take immediate action upon receipt of a report under this Policy, the Director may need to initiate a formal complaint against a Complainant’s wishes. In such cases, the Director will notify the Complainant and keep the Complainant informed of the status of the investigation and resolution of the complaint at reasonable intervals.

As part of the initial assessment phase, the Director will determine whether the alleged conduct, if true, falls under this Policy. If the alleged conduct falls outside of this Policy, the University will then assess whether the alleged conduct, if true, would amount to a violation of another policy. If the complaint proceeds to a formal investigation under either this Policy or another policy and the investigation reveals that the wrong policy was initially applied, the conduct was incorrectly placed within either Policy, the University will transfer the complaint to the appropriate process for resolution or dismiss the complaint, as appropriate.

(B) Consolidation of Complaints

UNE may consolidate Complaints of discrimination against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party, when the allegations of discrimination arise out of the same facts or circumstances. When more than one Complainant or more than one Respondent is involved, references below to a Party, Complainant, or Respondent include the plural, as applicable.

(C) Allegations Potentially Falling Under Two Policies

If the alleged conduct, if true, includes conduct that would constitute a violation of this Policy and conduct that would constitute a violation of another policy, the Non-Discrimination Grievance Process in this Policy will be applied in the investigation and adjudication of all of the allegations, unless, as provided above, the

allegations include claims of sex discrimination.

(D) Providing Interim or Supportive Measures

The University may be imposed to remedy or stop further discrimination during the investigation of any alleged violations of this Policy.

Below are examples of Interim and Supportive Measures that may be appropriate:

- Assistance in arranging rescheduling assignments and extensions of deadlines;
- Assistance in requesting accommodations through the appropriate office, if the Complainant or Respondent qualifies as an individual with a disability;
- Escort and other safety planning steps;
- Increased security and monitoring of certain areas of the campus;
- Mutual imposition of a "no contact order," an administrative remedy designed to curtail contact and communications between two or more individuals;
- Voluntary leave of absence;
- Referral to resources to assist in obtaining a protective order;
- Training and education programs related to discrimination;
- Emergency removal of a Respondent
- Paid or unpaid administrative leave for the Employee Respondent;
- Withdrawal from sponsored research projects;
    - |

The CHRO or the Director or their designee shall immediately begin an investigation. The purpose of the investigation is to determine whether, based upon a preponderance of the evidence, a violation of this policy has occurred. The complaint officer or designee has an obligation to conduct a complete and objective investigation in a timely fashion, maintaining appropriate confidentiality when possible and working to provide the person accused of misconduct with a reasonable and fair opportunity to respond to the allegations.

At the conclusion of the investigation, the active complaint officer, in consultation with the other complaint officer, will submit a written report of findings and recommendations to the appropriate Senior Administrator. That Senior Administrator shall review the report and take corrective action as appropriate. The Senior Administrator shall consult with the CHRO and may consult with their direct supervisor before any decision on6 (gat)2 (i)16 (on,)2 955bW[ion,ion,t wo23 0 Tddy2 (i)16 (pi)6 (at)0 ( )]TJ0 -1.33 TD[obj)6 TJ0 -1.34 TD[pol)(