
URGE Complaints & Reporting Policy for Univ. of Utah, College of Mines and Earth Sciences

Plain language summary:

To report a bias incident on campus, visit <https://diversity.utah.edu/initiatives/rbirt/>, which is the Racist and Bias Incident Response Team webpage in the Office for Equity, Diversity, and Inclusion (EDI).

There is an alternate and equally useful way to report a bias incident using the same reporting system through the Office for Inclusive Excellence at <https://inclusive-excellence.utah.edu/secure/report-form.php>.

“Any act of intolerance, motivated wholly or in part by bias or prejudice against an individual’s race, color, ethnicity, age, religion, size, disability, national origin, language, gender, veteran status, identity expression, sexual orientation or age—regardless of severity—can be reported using this form.”

You have the option to report the incident anonymously or with your name.

To report discrimination or sexual harassment complaint, the same Racist and Bias Incident Response Team webpage at <https://diversity.utah.edu/initiatives/rbirt/> also contains clear instructions and links about how to file a discrimination or sexual harassment complaint with the Office of Equal Opportunity and Affirmative Action (OEO/AA). Discrimination, harassment, or sexual misconduct can be reported here <https://oeo.utah.edu/>.

The complaints and reporting policies, as well as the system for reporting, is relatively opaque, difficult, confusing to most (not all) in CMES at this time. Some don’t know where to report and find it hard to navigate all the text in the following sections. Others may have reported but have given up reporting because they never heard anything back following their reports.

Pods 1-2-3 compiled several suggestions/ actionable items to simplify the reporting process and make it easier to navigate.

- 1) Develop index card-size guide with the reporting link to hand out to students, faculty, staff and post to social media through the College of Mines and Earth Sciences (CMES) and Geology and Geophysics Dept. (GG).
- 2) Have a liaison at the College level to help educate faculty, staff, and students on bias reporting, as well as the difference between bias, discrimination, and sexual harassment.
- 3) Provide a short statement and/or power point slide that faculty are advised to use and read out loud in their courses, rather than just pasting lengthy legal policies in syllabi.
- 4) Provide structure and regular education to revisit reporting policies and procedures. Suggestions include a college-level graduate student orientation, a yearly regular meeting to reinforce the information, inviting someone from the Office of Inclusive Excellence to give a presentation, scheduled education and training to faculty and as instructors and advisors, and providing assurance to students that they can approach academic advisors for assistance.



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Questions and Answers:

Below is what was found by Pods 1-2-3 at University of Utah on policies for handling complaints, the reporting process, resources, and possible outcomes. Some information was public; answers that were only found through follow up with contacts are noted.

- **The link(s) to the reporting policy at our organization are here:**
 - There is an important distinction between a “bias-related incident” and a “discrimination incident.” Discrimination incidents must meet a particular standard, outlined in University Rule R01-012(III)(H) and consistent with law of the United States and the State of Utah. Bias/hate incidents do not carry this legal standard and are defined per the Office for Inclusive Excellence as “speech, conduct, or some other form of expression or action that is motivated wholly or in part by prejudice or bias. It may or may not rise to the level of criminal activity or illegal or prohibited discrimination, but its effect is to discriminate, demean, embarrass, assign stereotype, harass, or exclude individuals because of their membership in a classification, such as race, color, ethnicity, national origin, language, sex, gender identity and expression, sexual orientation, disability, age, veteran status, or religion.”
 - The University has several formal regulations outlining its non-discrimination policy:
 - [Policy 1-012](#): University Non-discrimination policy
 - [Rule R1-012](#): Discrimination Complaint Rule
 - [Rule R1-012A](#): Discrimination Complaint Process Rule
 - [Rule R1-012B](#): Sexual Misconduct Complaint Process Rule
 - [Procedure P1-012A](#): Discrimination Hearing Procedure
 - Guidelines [G1-012](#) and [G1-012A](#)
 - As of February 2021, many of these policies, rules, and procedures are “interim” procedures and have not yet been formally ratified.
 - Links to reporting forms at the university level:
 - For bias-related incidents: Office of Equity, Diversity, and Inclusion: <https://diversity.utah.edu/initiatives/rbirt/> (does not require uNID) or the Office for Inclusive Excellence: <https://inclusive-excellence.utah.edu/index.php> (requires uNID). Note also as part of the bias complaint resolution process, the University may determine that the complaint meets the standard for a discrimination complaint and refer the complaint to the Office of Equal Opportunity, Affirmative Action, and Title IX (OEO/AA)
 - For incidents of discrimination: OEO/AA: <https://oeo.utah.edu>
 - The SafeU Page has a link to both forms: <https://safeu.utah.edu/bias/>
 - College and departmental policies and links to reporting forms:
 - CMES Policy (with links to EDI and OEO/AA reporting forms): <https://cmes.utah.edu/diversityandinclusion.php>



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- Geology and Geophysics (EDI statement and additional resources, but no separate reporting policy):
https://earth.utah.edu/equity_diversity_inclusion/index.php
- Are reporting policies regularly reviewed? What is the process for changing policy?
 - For the non-discrimination policy, the general procedure for changing university policy is outlined by University Rule 1-001: Oversight and Development of University Regulations. In brief, changes to policies will “typically originate through the President, a Vice-President, or another officer delegated or assigned to deal with policy matters in one of the various divisions of the University; or a University committee or an individual member of the University community.” (1-001.III.B.3.a). University Rule 1-001.III.B.5 mandates a periodic policy review but is vague with respect to its implementation. Policy Owners are the primary point of contact for questions, clarifications, and advice on University Policies. For policies and rules within section 1-012 (University Non-Discrimination), the Policy Owner is the Office of Equal Opportunity and Affirmative Action.
- Are the rates of reporting made publicly available (e.g. # of reports each year)?
 - Bias incidents are reported here:
<https://diversity.utah.edu/initiatives/rbirt/updates/>
 - OEO/AA has issued annual reports detailing the number and classification of discrimination complaints, but the last report available is from 2017:
<https://oeo.utah.edu/resources/documents/2017-Annual-Report.pdf>. The 2017 report indicates 93 cases were filed involving 184 allegations of discrimination, with 16.3% of these complaints citing racial or ethnic discrimination.
- **What mechanisms are available for reporting complaints, bias, microaggressions, harassment, and overt racism?**
 - Who are the designated individuals/positions for reporting incidents?
 - Rule R1-012(II)(K) defines who is a “Mandatory Reporter” with respect to the non-discrimination policy, but note that R1-012(II)(K)(3) is sufficiently broad such that it should be assumed that all faculty and staff are required to report discrimination incidents immediately to the OEO/AA office, and advise the individual of the University complaint process (R1-012(III)(C)(2)). These obligations persist even when confidentiality has been requested by the individuals disclosing the information or involved in the alleged incidents (R1-012(II)(K)), unless the employee works in an office identified as a ‘confidential resource’ (defined in R1-012B(III)(D)(4)) (R1-012(III)(C)(2)).



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- Can reports be made online? **Yes for both discrimination and bias incidents**
 - Reporting form for bias incidents can be found here: <https://inclusive-excellence.utah.edu/index.php> (Inclusive Excellence – requires uNID) or <https://diversity.utah.edu/initiatives/rbirt/> (Equity, Diversity, and Inclusion – does not require uNID). Incidents can be reported to Inclusive Excellence via email: RespectU@utah.edu or ReportBias@utah.edu, or by contacting any member of the [University Resources for Inclusion and Education Committee](#).
 - Potential discrimination incidents can be reported to the OEO/AA online here: <https://utah.i-sight.com/external/case/new>
 - Both types of reports can be made anonymously or be associated with your name. However, it is important to note that information submitted to OEO/AA is not confidential but is considered private (R01-012), and that the University states that anonymous filing will 'severely limit the University's ability to respond to your allegations [of discrimination].' In contrast, bias reports typically are confidential though the Director of Inclusive Excellence may contact you to follow up on the incident if you left your name and contact information.

- Who do in-person and online reports go to? Who has access to see reports?
 - For bias incidents: The EDI website currently indicates that bias incidents reported to the are sent to the Special Assistant to the Chief Safety Officer (SA-CSO), along with the Co-chairs of the Racist and Bias Incident Response Team. The Racist and Bias Incident Response Team membership includes representatives from the Office of Equity, Diversity, and Inclusion; the University Police; Facilities Management, the Office of Equal Opportunity and Affirmative Action (OEO); the Associated Students of the University of Utah (ASUU); the Counseling Center; University Information Technology; Housing and Residential Education; The Center for Student Wellness; Academic Affairs; U of U Health; University Safety; and University Marketing and Communications. The SA-CSO and Racist and Bias Incident Response Team reviews and triages each report to determine next steps. The SA-CSO then: a) coordinates the response and connects the reporting party to 'supportive or investigative resources' where appropriate; b) ensures that appropriate parties are informed of the incident and coordinates the response to the reporting parties (where necessary) and the communities exposed to or affected by the incident; and c) coordinates follow-up communication to these communities, giving updates if possible.
 - For discrimination incidents: the OEO/AA manages the privacy of the complaint, and generally only provides information on a 'need to know' basis. Generally, this will include the person(s) submitting and named in the complaint and appropriate University administrators with a "legitimate business need." (R01-012A(III)(A)). Determination of who has a 'need to



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know' varies based where in the resolution process a complaint is (e.g., investigation, hearing, appeal) or whether informal resolution is sought (R01-012(III)(J)).

- Are police included in the process? When and how?
 - It seems police will be involved if there is reason to believe a criminal action has occurred. Clear guidelines were not published or found.
- Are individuals accompanied by an advocate or someone from the organization?
 - For bias complaints: There is no requirement for an individual reporting or witnessing a bias incident to participate in an investigation, but if you provide name and contact information within your complaint, the University may direct you to supportive resources on campus (<https://diversity.utah.edu/initiatives/rbirt/support-resources/>).
 - For discrimination complaints: *Generally allowed but not provided by the organization and rules on their allowed role vary depending on where in the complaint resolution process a complaint is.* Complainant and respondent may each be accompanied by: a) one advisor, who may be but is not required to be an attorney and may advise but cannot actively participate in the interview and is present at the complainant or respondent's expense, and b) one support person, who cannot speak on behalf of the party they represent. (R01-012A(III)(A)(6)). At the hearing phase, both complainant and the respondent to the complaint are may be accompanied by: a) one advisor of their choice, who may be but is not required to be an attorney and may participate in the hearing process (R01-012A(III)(C)(3)(e)), and b) one support person of their choice, who may be present at but not participate in the hearing (R01-012A(III)(C)(3)(f)).
- **What are the outcomes or consequences for reported individuals?**
 - For bias incidents: no codified set of outcomes or consequences is provided, but is determined as part of the response process of the Racist and Bias Incident Response Team: <https://diversity.utah.edu/initiatives/rbirt/process/>
 - For discrimination events: Reported individuals may face formal disciplinary action if OEO/AA investigation or the hearing process finds that the "preponderance of the evidence" (>50%, R01-012(II)(P)) indicates that discrimination occurred. Following the OEO/AA investigation, initial disciplinary actions that may be taken depend on the role of the reported individual(s) within the University community (R01-012A(III)(B)).
 - If the reported individual is a student, the Dean of Students (currently Jason Ramirez) determines the disciplinary action and/or corrective measures. Sanctions range from, but are not limited to, a fine to dismissal from the University or revocation of a certificate or degree.



Unlearning Racism in Geoscience

- If the reported individual is a staff member, an “appropriate University administrator with supervisory responsibility, in consultation with HR,” will determine the sanction. Sanctions range from, but are not limited to, verbal counseling or a warning to termination of employment.
- If the reported individual is faculty, an appropriate University administrator (usually the faculty member’s department chair or dean) will determine the sanction in consultation with the cognizant Vice President. Sanctions range from, but are not limited to, verbal counseling or a warning to termination of employment.
- Are reports tracked? **Yes** How are they tracked? By who?
 - For bias complaints: the Office of Equity, Diversity, and Inclusion provides incident reports and updates: <https://diversity.utah.edu/initiatives/rbirt/>
 - For discrimination complaints: The OEO/AA is responsible for handling complaints. In the past, OEO/AA has issued annual reports detailing the number and nature of formal complaints, but the last report they have issued on the website is from 2017.
- Are repeated complaints escalated to a disciplinary board? What is the process?
 - There is no mention of a disciplinary board or similar organization to handle repeated complaints; the complaint process remains the same, but prior complaints may be considered within the OEO/AA investigation (stated implicitly as an ‘aggravating’ factor in R01-012A(III)(A)(11)(c)) or within a hearing (stated explicitly in R01-012A(III)(C)(3)(q)(i)) to determine disciplinary action, sanctions, or remedies.
- **What resources are available for individuals reporting?**
 - Counselors or advocates, especially those of the same race, ethnicity, and gender.
 - The University does support several centers that provide counseling and support services. Some of these resources are aimed at the general population, while others specialize in resources for individuals of a particular race, ethnicity, or gender. However, the list of support resources may not include resources for all races, ethnicities, or gender identities.
 - Automatic or requested investigation of potential impact on grades or evaluations.
 - Not aware of/have not found any university-level policies
 - Protection against retaliation or repercussions, accommodations for continuing work/courses, option for pass/fail or outside assessment.
 - University policy prohibits retaliation against reporting individuals (R01-012(I)(A)), but specific repercussions and remedies are not specified.



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- **What resources are available to groups raising issues or proposing changes?**
 - Petitions of # signatures trigger a town hall, meeting with organizational leadership, or policy change. What is the follow-up process for town halls and meetings?
 - Faculty Senate or ASUU?
 - Working groups or committees with power to change or propose changes to policy.
 - Diversity and Climate Committee, Geology and Geophysics Department https://earth.utah.edu/equity_diversity_inclusion/index.php
 - Committee for the Advancement of Inclusion and Diversity (CAID), College of Mines and Earth Science <https://cmes.utah.edu/diversityandinclusion.php>
 - EDI Steering Committee: <https://diversity.utah.edu/initiatives/steering/>
 - EDI Anti-Racism Committee: <https://diversity.utah.edu/initiatives/arc/>
 - EDI Universal Design and Access Committee: <https://diversity.utah.edu/initiatives/udac/>
 - Presidential Commission on the Status of Women: <https://diversity.utah.edu/initiatives/pcsw/>
 - OEO/AA is the Policy Owner for all University Regulations/Rules under Policy 01-012.
 - Cultural surveys, regular or only after widespread reports or high-profile incidents.
 - These are handled by the Office of EDI at the University.
 - Leadership proactively asks students and/or staff for input on how to improve.
 - Equity, Diversity, and Inclusion has an 'initiative suggestion form' as part of their EDI-in-progress initiative: <https://diversity.utah.edu/initiatives/submit/>. Site indicates that each submission will be reviewed for relevance and a site administrator will contact individual/group that has made submission.