

## 220.040 – MANDATORY REPORTING

**Date Revised:** May 2019

### **INTRODUCTION**

**IF YOU SEE SOMETHING, SAY SOMETHING!**

Maine Media Workshops + College is committed to fostering an environment where every member of our community feels safe and respected. By the same token, all staff and faculty of our community play an essential role in our ability to uphold this commitment.

Maine Media is dedicated to responding when it learns of incidents that might undermine these values. This Mandatory Reporting Policy provides a safe haven for persons to report incidents and receive support. At the same time, it also provides opportunities for Maine Media to improve our campus environment.

Failure to report has consequences on the entire community. We all share responsibility to help create the environment we strive to achieve. Each one of us needs to live up to these values and work to support our collective and individual successes.

Online report can be found at [www.mainemedia.edu/incidentreport](http://www.mainemedia.edu/incidentreport)

### **POLICY**

This policy is intended to outline Maine Media's policy regarding mandated reporting of incidents, concerning injury, damage, behaviors, discrimination, harassment and crimes by employees, faculty, students or other members of Maine Media's community. It explains briefly the meaning and purpose of mandatory reporters, outlines the legal context, and articulates a straightforward set of guidelines for all employees and faculty to follow.

**Maine Media Workshops + College policy defines all employees and faculty as mandatory reporters.**

### **REPORTABLE INCIDENTS AND/OR BEHAVIOR:**

Injury to Person (Employee, Student, Faculty or other)

Equipment or Property Damage

Vehicle Accident

Alcohol or Drug Incident

Harassment/Bullying

Suspicious Person/Activity

Disruptive Behavior

Individual at risk – causing harm to self or others

Firearms or weapons on campus or on person

Missing Student Notification (longer than 24hrs)

Fire

Arrest (see #5 of the attached sheet)

Other

### **Mandatory Reporters: What and Why?**

There are three federal laws that establish responsibilities for employees of colleges to report certain types of crimes and incidents, especially sexual misconduct---the Clery Act, Title VII and Title IX. Each of

these areas of federal law has a different purpose, but generally the laws are intended to protect members of the campus community, visitors and guests from criminal and discriminatory behavior. The responsibilities established by these laws give rise to the term “mandatory reporter.” Reporting of concerning and disruptive behaviors is not legally mandated, but is a policy mandate to assist Maine Media Workshops + College in early identification and detection of at-risk situations. Additionally, state law imposes mandates with respect to the reporting of child abuse and sexual abuse as follows...

### **The Legal Context**

The Clery Act creates a duty for institutions to report crimes in 15 different categories and has the broadest scope. It is Maine Media that has the duty to report these crimes and failure to do so can result in substantial fines being imposed on the institution by the Department of Education.

Title VII focuses on sexual harassment in the workplace and failure to take appropriate action can lead to financial liability for the College. In this case, the law creates a duty to report for employees who supervise other employees, including students being paid by the College.

Title IX focuses on the adverse consequences faced by victims of gender discrimination and sexual harassment and creates obligations for the College to investigate and to provide a “prompt and effective remedy.” If the victim is a student, Title IX means among other things that the College must provide a safe environment that does not interfere with the victim’s right to pursue an education. The College incurs this obligation when a victim has given notice to a “responsible employee or faculty,” or when the College, in the exercise of reasonable care, should have known, about the assault or harassment.

### **PROCEDURE**

Maine Media Workshops + College asks that all incident and/or behaviors be reported in a timely manner, by way of the online incident form found at [www.mainemedia.edu/incidentreport](http://www.mainemedia.edu/incidentreport). This form is monitored by the Business/HR Manager. This Business/HR Manager may coordinate with Director(s) and/or the President in determining best actions for resolution.

If you learn about sexual harassment, discrimination or sexual assault, you are expected to promptly complete the incident report or contact the campus Title IX Coordinator, Jane Richardson at [titleix@mainemedia.edu](mailto:titleix@mainemedia.edu), 207.236.8581 x308 or a message may be left on the Title IX hotline 802.962.1465. She will take responsibility for prompt notification of appropriate Maine Media officials.

When reporting sexual harassment or discrimination or sexual assault, an employee or faculty member may initially be able to omit personally identifiable information (the name of the victim, the name of the accused individual, and other identifying details about witnesses, location, etc.). The Title IX Coordinator will guide you with regard to how much detail is needed in an initial report. Subsequent to an initial report, campus officials may need additional information in order to fulfill Maine Media’s obligations under Title IX. In taking these subsequent actions, Maine Media will always be guided by the goals of empowering the victim and allowing the victim to retain as much control over the process as possible, but no employee or faculty member can or should promise confidentiality.

The Clery Act requires reporting of 15 serious crimes, including sexual assault. Sexual harassment and discrimination are not covered by the Clery Act, but reporting of such incidents is required under Title IX. Employees and faculty are expected to report crimes covered by the Clery Act without delay. Employees and faculty may choose -- but are not required -- to provide personally identifiable information (the name of the victim, the name of the accused individual, and other identifying details about witnesses, specific location, etc.) unless a clear threat to health or safety is present.

The Clery Act does not establish an obligation for Maine Media to conduct an investigation of the reported crime, only to report the crime as a statistic following Clery Act guidelines. In some cases, Maine Media may also be required to release a timely warning to the community about a threat to the community. In such cases, an initial investigation or determination of the nature of the threat may be conducted, after which a warning will be issued immediately.

Refer to These policies for reinforcement, investigative procedure and resolution:

**150.030 – DISCIPLINE POLICY**

**120.035 – SEXUAL HARASSMENT & SEXUAL VIOLENCE POLICY**

**Mandatory Reporting Under the Clery Act, Title VII and Title IX Only:  
Guidelines for Employees of Maine Media Workshops + College**

1. Maine Media Workshops + College has defined **all** employees and faculty as mandatory reporters.
2. When an employee or faculty becomes aware of an alleged act of sexual harassment, discrimination or assault, the employee or faculty member must **promptly complete the incident report** or contact the Title IX Coordinator. Alternatively, the employee may call the Title IX hotline at 802.962.1465.
3. The Title IX Coordinator will promptly inform the President about the report.
4. When an employee or faculty member thinks that a student may be about to report an act of sexual harassment, discrimination or assault, the employee should, if at all possible, tell the student that Maine Media will maintain the privacy of the information, but the employee or faculty cannot maintain complete confidentiality and, is required to report the act and may be required to reveal the names of the parties involved. If the student wishes to proceed, the employee or faculty should inform the student of the implications of sharing the names of the parties involved, which puts Maine Media on notice.
  - a. The student can be referred to the Sexual Assault Response Team/hotline at any time of the day or week and weekends. 802.962.1465
5. Under the Clery Act, Maine Media employees and faculty are mandatory reporters for a broader array of serious crimes, including the following:
  - a. Murder & Non-Negligent Manslaughter--The willful killing of one human being by another.
  - b. Negligent Manslaughter--The killing of another person through gross negligence.
  - c. Robbery--The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
  - d. Aggravated Assault--An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)
  - e. Burglary--The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
  - f. Motor Vehicle Theft--The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding.)
  - g. Arson--Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
  - h. Arrests for Weapon Law Violations--The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.
  - i. Arrests for Drug Abuse Violations--Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine,

heroin, codeine); marijuana; synthetic narcotics (Demerol, methadones); and dangerous nonnarcotic drugs (barbiturates, Benzedrine).

- j. Arrests for Liquor Law Violations--The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned.  
(Drunkenness & driving under the influence are not included in this definition.)
- k. Disciplinary Referrals for Weapon Law Violations
- l. Disciplinary Referrals for Drug Abuse Violations
- m. Disciplinary Referrals for Liquor Law Violations
- n. Hate Crimes
- o. Sex Offenses
  - i. Forcible--Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.
  - ii. Sex Offenses-Nonforcible--Unlawful, nonforcible sexual intercourse.
    - 1. Incest. Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    - 2. Statutory Rape. Nonforcible sexual intercourse with a person who is under the statutory age of consent.