

Reported Bias Incident Response Protocol

Oregon State University

2015-2016 Bias Response Team Members

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Oregon State University Reported Bias Incident Response Protocol

I. Introduction

The Oregon State University Reported Bias Incident Response Protocol (the “Protocol”) provides a process to comprehensively, collaboratively and efficiently address reports of bias incidents¹ that impact Oregon State students, faculty, and staff. The Protocol advances Oregon State’s commitment to create and maintain a university climate free of discrimination and harassment.

The Protocol is applied by the Bias Response Team (or “BRT”). The Bias Response Team is composed of key university stakeholders who meet regularly and work collaboratively to respond to reports of bias incidents impacting the Oregon State community. The Office of Institutional Diversity is charged with coordinating the Bias Response Team and Protocol.

The Protocol is not meant to override the responsibilities of University offices or units that currently respond to reported incidents of bias involving members of the University community. Rather, it is intended to complement the work of these offices by providing a centralized method for reporting bias incidents, referring reporters to resources, coordinating institutional response, and assessing bias incidents impacting the Oregon State community.

II. University Policy

The Protocol advances Oregon State’s policy prohibiting “any act that, either in form or operation, and whether intended or unintended, unreasonably differentiates among persons on the basis of a protected status.² This [policy] reserves to the University, in furtherance of its educational mission, the right to address conduct that would not necessarily be unlawful.”³

The Protocol also furthers Oregon State’s commitment, “as an institution of higher education and as a community of scholars, ... to the elimination of discrimination and discriminatory harassment, and the provision of equal opportunity for all.”⁴ Furthermore:

An objective of Oregon State University is the creation and maintenance of a positive atmosphere of nondiscrimination in every phase and activity of university operations. [¶] Harassment and intimidation can impede an individual's ability to participate fully in the educational process. Acts of discrimination, harassment and

¹ See Appendix A, Definitions.

² Protected statuses covered by this policy include, in compliance with state and Federal laws and regulations, “age, color, disability, gender identity or expression, genetic information, marital status, national origin, race, religion, sex, sexual orientation, or veteran status.” OSU Discrimination and Discriminatory Harassment Policies, <http://eo.oregonstate.edu/discrimination-and-harassment-policies> (accessed April 5, 2016).

³ OSU Discrimination and Discriminatory Harassment Policies, <http://eo.oregonstate.edu/discrimination-and-harassment-policies> (accessed April 5, 2016).

⁴ *Id.*

insensitivity hurt and degrade all members of the community whether victim, perpetrator, or observer. Every member of the OSU community is responsible for creating and maintaining a climate free of discrimination and harassment.⁵

The Protocol carries forward and advances this important University objective.

The Protocol does not circumvent or limit conduct and speech protected by the First Amendment. Oregon State affirms the right to free speech.⁶ Oregon State permissibly regulates speech activities in certain places and times pursuant to University policy.⁷ The Protocol will be applied with the free speech rights of the speaker and University policy in mind. Additionally, Oregon State's response to reported incidents of bias may often include additional discussion, counter-speech, referrals, education and response other than discipline. Should discipline or sanction be appropriate, however, Oregon State will follow established processes for that discipline or sanction.

III. Charge

During the 2015 fall term, President Ray reiterated his commitment to addressing bias incidents in our community by assuring that Oregon State will “improve campus safety for students of color; regularly assess and report information related to the university’s racial climate; and provide all community members the ability to report racial issues and concerns.”⁸ “The campus,” President Ray pledged, will “create referral systems and resources to address bias concerns.”⁹

The need for a comprehensive institutional Protocol to address bias incidents in all forms is also reflected in recent climate data. The 2015 Pilot Campus Inclusivity Survey, conducted by the Student Affairs Research Evaluation and Planning Group, asked students about acts of bias they may have experienced, and the University’s response to these incidents.¹⁰

⁵ *Id.*

⁶ OSU Standard No. 576-005, “Time Manner and Place Rules for Speech Activities”, https://d28htnjz2elwuj.cloudfront.net/wp-content/uploads/2004/01/14000000/time_manner_place_576-005_2015-07-01.pdf (accessed April 5, 2016).

⁷ *Id.*

⁸ “Next Steps to Build Racial Inclusivity and Greater Sensitivity.” Email from President Ed Ray (November 17, 2015), <http://leadership.oregonstate.edu/next-steps-build-racial-inclusivity-and-greater-sensitivity> (accessed April 5, 2016).

⁹ “OSU to Hire Chief Diversity Officer, Intensify Focus on Equal Opportunity” Email from President Ed Ray (December 7, 2015), <http://leadership.oregonstate.edu/osu-hire-chief-diversity-officer-intensify-focus-equal-opportunity> (accessed April 5, 2016)

¹⁰ Student Affairs Research Evaluation & Planning, “2015 Pilot Campus Inclusivity Survey Report”, p. 8, http://oregonstate.edu/studentaffairs/sites/default/files/final_campus_inclusivity_report_1_8_2016.pdf (accessed April 5, 2016); *see also* Campus Inclusivity Survey Home Page, <http://oregonstate.edu/studentaffairs/campusinclusivitysurvey> (accessed April 5, 2016)

Among respondents, 29.4% of students indicated that they had experienced an act of bias.¹¹ This response rate was higher among undergraduate students of color with 34.6% of respondents indicating they had experienced an act of bias. Students who reported experiencing bias were also asked whether the university response was effective. Among those surveyed, 28.2% responded “yes”, while the majority of students, 53.6%, were unsure if the University response was effective.¹² Among students who responded “yes”, positive elements of the University’s response included:

- The many support systems available to university community members;
- Concern and care felt from Oregon State; and,
- Open, timely, and clear communication from Oregon State administrators.¹³

Students who responded “no” were asked what, if anything, would make Oregon State’s response to acts of bias more effective. Responses to this question included:

- More accountability, transparency, visible action and proactivity;
- Creating a culture of care and validation of students and others;
- More clear and open communication;
- Zero tolerance and clear consequences for acts of bias;
- Spaces to discuss bias; collaboration across the university; and,
- Education across university communities.¹⁴

Oregon State will respond to President Ray’s charge, building on the institution’s successes, and addressing the documented need for a thoughtful, responsive, caring, and transparent institutional response to all types of reported bias incidents through consistent and coordinated application of the Protocol.

IV. Mission and Goals

The mission of the Protocol is to contribute to the creation and maintenance of a more inclusive, welcoming, and safe Oregon State for all students, faculty, and staff. To accomplish its mission, the Protocol seeks to:

- Provide easily accessible methods for Oregon State community members to report bias incidents;
- Provide a structure and guidelines for consistently evaluating, assessing and responding to reports of bias incidents;
- Recommend institutional responses that provide for Oregon State community members impacted by bias incidents to receive care;

¹¹ *Id.* at 8. The survey intentionally did not define bias and instead let students define what possible incidents of bias they may have experienced or by which they were affected.

¹² *Id.* at 9.

¹³ *Id.* at 10.

¹⁴ *Id.*

- Recommend institutional responses to comprehensively and transparently address the impact of bias incidents, both immediate and lasting;
- Designate a body of university stakeholders to apply the Protocol and to coordinate the institution’s response to reports of bias incidents;
- Design tools for assessment and measurement of reports of bias incidents to inform institutional policies, procedures, and initiatives; and
- Develop methods to inform the Oregon State community and disseminate information about the university’s institutional response to reported bias incidents in a timely and informative manner, while remaining consistent with federal and state privacy protections

V. Bias Response Team

The Bias Response Team (or “BRT”) is responsible for applying the Protocol. Bias Response Team core members include key university stakeholders representing the following offices:

- Office of Institutional Diversity (OID)
- Office of Equal Opportunity and Access (EOA)
- Office of Diversity and Cultural Engagement (DCE)
- Department of Public Safety (DPS)
- University Housing and Dining Services (UHDS)
- Office of Student Life (OSL)

The Bias Response Team is coordinated by the Office of Institutional Diversity and records will be maintained in the Office of Institutional Diversity. The Bias Response Team Coordinator or Designee, responsible for the day-to-day management and coordination of the Bias Response Team, resides in the Office of Institutional Diversity. Bias Response Team liaisons, responsible for coordination and communication of specific reported incident responses, may include any Bias Response Team member.

The Bias Response Team meets regularly to discuss new and open reports of bias incidents and to apply the Protocol. The Bias Response Team also communicates regularly over email and phone to respond to reports of bias incidents when and as they occur.

In addition to the core Bias Response Team members, content area experts and partners are consulted on a regular basis to provide input when necessary and helpful. Core membership of the Bias Response Team may be reevaluated from time to time to ensure stakeholder representation and active member participation. The Office of General Counsel consults with the Bias Response Team on questions of Oregon State process, free speech principles, state and federal law, and other issues.

VI. Protocol Jurisdiction

The Protocol applies to any bias incident reported that occur at Oregon State University, including the Corvallis campus, the Cascades campus, the Newport campus, research stations, extension offices throughout the state of Oregon, at any Oregon State-sponsored activity, and all

other property owned or controlled by Oregon State for Oregon State purposes. Additionally, the Protocol may, at the discretion of the Bias Response Team, be initiated whenever a reported bias incident adversely affects the Oregon State community or an Oregon State community member whether or not the reported incident occurs on property owned or controlled by Oregon State for Oregon State purposes.

University Housing and Dining Services (UHDS) maintains a Bias Incident and Response Protocol (BIARP) and responds to reported bias incidents occurring in UHDS living and dining areas. The UHDS BIARP is designed to respond to reported bias incidents occurring in these specific settings and is implemented in consultation with the University's Bias Response Team and the Office of Equal Opportunity and Access, and other offices as appropriate. The Protocol is intended to complement and not supersede the UHDS BIARP.

VII. Bias Incident Reporting

The primary reporting vehicle for reporting bias incidents is the online Bias Incident Report Form hosted on the Office of Institutional Diversity Website. The form may be accessed at the following URL: <http://biasincidentreport.oregonstate.edu>

The form is available at all times and is mobile-enabled. The text of the Bias Incident Report Form is available in Appendix B.

In addition to the Bias Incident Report Form, the Bias Response Team will implement a 24/7 phone helpline to provide support to OSU community members following a reported bias incident and provide another avenue for gathering information about reported bias incidents.

While Oregon State community members may continue to report bias incidents through existing channels, in time, all bias incident reports should be submitted through the Bias Incident Report Form.

VIII. Response Protocol

Note: This process is represented graphically in Appendix C.

1. Bias incident reported

- a. Reporter submits a **Bias Incident Report Form** online or via 24/7 hotline
- b. Reporter reports a bias incident to a BRT member or university partner
 - i. BRT member submits Bias Incident Report Form or a university partner is directed to submit a Bias Incident Report Form
 - ii. If appropriate, BRT member directs impacted party to submit Bias Incident Report Form
- c. UHDS staff member submits a bias incident report via the **UHDS BIARP form**

2. Bias incident report received and evaluated

- a. If incident received through **Bias Incident Report Form**

- i. BRT receives incident report; all members evaluate for immediate action and stakeholder support needs
 - 1. If immediate safety or health concerns present, BRT Coordinator or designee alerts Department of Public Safety, Oregon State Police, Threat Assessment Team, and/or Student Care Team, as appropriate
 - ii. BRT Coordinator or designee sends to incident reporter acknowledgement of report, immediate resources, next steps
 - iii. BRT Coordinator or designee forwards incident report to EOA members for timely evaluation whether EOA action is appropriate
 - iv. BRT Coordinator forwards incident report to Office of Student Life to assess and provide care, as appropriate
 - v. BRT Coordinator or designee sends decision on EOA action to BRT
 - 1. If referral is appropriate, EOA coordinates initial response, BRT evaluates institutional response
 - 2. If referral is inappropriate, BRT coordinates initial response, and evaluates institutional response
- b. If incident is received through **UHDS BIARP form**
- i. UHDS, EOA, and OID evaluate the bias incident report for institutional impact
 - 1. If referral is appropriate, EOA and UHDS coordinate initial response, BRT considers institutional response
 - 2. If referral is inappropriate, EOA and UHDS coordinate initial response, BRT briefed on incident

3. BRT evaluates report of incident, designates liaison(s)

- a. BRT evaluates incident report and potential response; identifies BRT liaison(s) or university partners to make contact with impacted party or parties
 - i. BRT will frequently serve in a coordination capacity where university partners are best positioned to implement response
 - ii. If referral made to EOA, BRT and EOA coordinate and collaborate to determine institutional response, if any, and as appropriate.
- b. Within 48 hours of report, BRT identifies liaison(s) to coordinate response or contact reporter and/or impacted party to:
 - i. Provide immediate resources
 - ii. Assess report for potential referral to appropriate university partners
 - iii. Gather additional information about the incident in collaboration with university partners
 - iv. Determine desired response to report
 - v. Discuss capacity for collaboration in response
 - vi. Discuss next steps for response
- c. BRT liaison follows up and reports information back to BRT

4. BRT coordinates and/or develops response

- a. BRT develops response, or assists in development of response in collaboration university partners, including EOA when referral appropriate

- i. Where possible, BRT should collaborate with impacted party or parties in developing response
- ii. Content area experts should be consulted when developing responses, as appropriate
 1. The Office of Institutional Diversity will work in collaboration with the Office of General Counsel and University Relations and Marketing when developing communications to press, outside parties and agencies, all-students/all-employees, or other groups.
- iii. Based on the severity and context of the reported bias incident, responses can take many forms and involve various university partners (see Section IX), and may include the initiation of university processes (i.e. Clery reporting), and/or referral of the reported incident to university offices (i.e. Student Conduct, Department of Public Safety)
- b. BRT Coordinator or Designee provides consistent follow up and progress in response

5. BRT follows up on response

- a. In coordination with EOA, BRT Coordinator and liaison(s) follow up with impacted parties to address any lasting impact

6. BRT tracks and assesses reported bias incidents

- a. BRT Coordinator or Designee tracks occurrence of reported bias incidents in database to assess and evaluate trends, needs for training and prevention efforts, policy development, etc.
- b. BRT publishes annual report to provide data and information regarding reported bias incidents and institutional response.

IX. Responses and Action Steps

The Bias Response Team may consider a variety of responses to reported bias incidents based on the severity and context of the incident. In addition to the possibility of investigation and disciplinary sanction as determined by EOA or other designated offices, when appropriate, examples of responses may include, but are not limited to, efforts to:

- Develop and provide educational resources to departments, units, and groups regarding reporting options;
- Communicate university values and strong commitment to addressing and countering bias incidents to occupants of a specific building, group, academic unit, or the entire community;
- Communicate with a specific individual, building, group, unit, department, or the entire community about what happened, why it is being investigated, and what responses may be possible;
- Provide consistent support, resources, and information regarding the university’s response to the individual or group impacted;
- Provide information to develop a safety plan with OSP or DPS, or programming on safety strategies;

- Reach out to the faculty and appropriate support staff to offer resources for discussing incidents that occur in academic buildings;
- Provide classroom or group/individual based educational opportunities for follow-up discussion;
- Offer mediation through the University Ombuds, or other appropriate university offices;
- Establish direct contact with the person or group involved in the incident to discuss the impact of a bias incident; or,
- Write article or letter to news media outlining the bias incident and university/community response to it.

Acknowledgement

The Oregon State University Bias Response Team gratefully acknowledges the helpful guidance and direction provided by the bias incident response materials published by the University of New Hampshire, and the University of Texas-Austin.

Appendix A Definitions

When applying the Reported Bias Incident Response Protocol, the following definitions will be applied:

1. Bias

Bias is a pre-formed negative opinion or attitude toward an individual or a group of individuals who possess common characteristics such as age, color, disability, gender identity or expression, marital status, national origin, race, religion, sex, sexual orientation, or veteran status.

2. Bias Incident

A **bias incident** is an **act** directed toward an individual or group based upon actual or perceived background or identity, as defined by the term **bias** above. A bias incident can constitute discrimination. These acts can create an unsafe or hostile environment or have a negative psychological, emotional, or physical effect on an individual, group, or community. Bias incidents may occur regardless of whether the act is legal, illegal, intentional, or unintentional.

The severity of a bias incident, and the university's response to these incidents, can vary based on factors including location, context and behavior, location, pre-meditation, and whether the incident presents a threat to safety. Any University response will follow University processes established as applicable.

3. Discrimination or Harassment

Discrimination is an act that either in form or operation, and whether intended or unintended, unreasonably differentiates among persons on the basis of age, color, disability, gender identity or expression, genetic information, marital status, national origin, race, religion, sex, sexual orientation, or veteran status. This is the definition of discrimination in the University's Anti-Discrimination Policy. This definition reserves to the University, in furtherance of its educational mission, the right to address conduct that would not necessarily be unlawful, following university processes in place as applicable.

4. Freedom of speech

With respect to reported bias incidents, the University does not seek to discipline individuals for expression of views in a manner that is protected by their rights under the free speech clauses of the state and federal constitutions, but may challenge protected speech that conflicts with university values by speaking out against it, by providing educational opportunities, and by supporting those negatively affected by such speech. The Bias Response Team will consult with the Office of General Counsel about whether speech is protected and how to respond in cases of protected speech.

5. **Hate Crime**

A hate crime is generally defined in federal and state statutes as a criminal offense committed against a person or property that is motivated, in whole or in part, by the offender's bias against the victim's identity or group affiliation. A hate crime can only be determined by law enforcement.

Appendix B
Bias Incident Report Form

OSU Bias Incident Report Form

Oregon State University Bias Incident Report Form

Please use this form to report an incident of bias. After you submit this form, the Bias Response Team will evaluate the report and take appropriate action. Actions may include, but are not limited to, involvement of campus safety offices, providing access and referrals to campus resources, investigation of the incident, and coordinating a community response.

You may submit an incident report anonymously. The Bias Response Team takes seriously all reports of bias incidents, however, its ability to investigate and respond to an incident may be limited if it is reported anonymously.

When you submit an incident report, it is considered confidential. However, consistent with University policy and the law, if a report indicates imminent harm to an individual or community, we may be obligated to reveal details of the report, including the identity of the reporter.

If you have questions about completing this report form or your reporting options, please contact the Office of Institutional Diversity at 541-737-1065.

If your immediate safety is at risk, if you are witnessing violence, or if you perceive imminent harm to yourself or others, please immediately dial 911.

Please provide us with your name and contact information. (You may submit a report anonymously, however, the ability of the Bias Response Team to respond to an anonymous report may be limited.)

Name

E-Mail Address

Phone Number

Please describe your Oregon State University affiliation.

- Student
- Faculty
- Staff
- Alumnus/a
- Parent
- Visitor
- Other

Please describe your association with the incident.

- Victim
- Witness
- Third Party
- Other

Date of Incident (mm-dd-yyyy)

Approximate time of incident (if applicable)

Where did the incident take place?

- On Campus
- Off Campus
- Online/Social Media
- Other

Please provide additional information about the location of the incident (e.g., a location on campus, the name of the webpage, Facebook group, or social media service). Please be as

specific as possible.

Please indicate the type of incident. (check all that apply)

- Damage or destruction of property
- Vandalism
- Graffiti
- Intimidation
- Physical harassment or assault
- Written or printed harassment (non-electronic)
- Electronic harassment
- Verbal harassment
- Other

Please describe the perceived motive for the incident. (check all that apply)

- Age
- Disability
- Gender Identity
- Gender expression
- National origin/citizenship
- Race/ethnicity
- Religion
- Sex
- Sexual orientation
- Veteran status
- Other

Please provide the facts of the incident in as much detail as possible. (Describe all comments, conduct, gestures, markings, physical injuries, property damage, etc. If possible, identify

alleged offenders by name and OSU affiliation, or by descriptive features.)

Were there witnesses to the incident?

-
- Yes
 No

Please list the names, OSU affiliation, and contact information of any witnesses.

Is there written or recorded evidence of the incident? (e.g. screenshots, voicemail MP3 recording, pictures)

-
- Yes
 No

Please upload the written or recorded evidence of incident here. if you are unable to upload this information here, please maintain it until contacted by a member of the Bias Incident Response Team.

No file selected.

Have you reported this incident to another OSU office or staff person?

-
- Yes
 No

Please identify the OSU office and staff/faculty member.

What type of response would you like to see as a result of reporting this incident?

Appendix C
Reported Bias Incident Response Protocol Flowchart

Oregon State University Reported Bias Incident Response Protocol

