

**Reported Bias Incident Response Protocol
Oregon State University**



Oregon State
University

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Revised 10/5/2020

I. Introduction

The Oregon State University Reported Bias Incident Response Protocol (the “Protocol”) provides a process to comprehensively and collaboratively 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 BRT is composed of key university stakeholders who work collaboratively to respond to reports of bias incidents impacting the Oregon State community. The Office of Institutional Diversity is charged with coordination of the Bias Response Team and implementation of the Protocol.

The Protocol is not meant to override the responsibilities of offices or units that currently respond to reported incidents of bias involving members of the Oregon State 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 responses, 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 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

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://eoa.oregonstate.edu/discrimination-and-harassment-policies> (accessed October 5, 2020).

³ OSU Discrimination and Discriminatory Harassment Policies, <http://eoa.oregonstate.edu/discrimination-and-harassment-policies> (accessed October 5, 2020).

⁴ *Id.*

⁵ *Id.*

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. Oregon State's response to reported incidents of bias may include education, dialogue, counter-speech, referrals to resources, other responses other than discipline. Should discipline or sanction be appropriate, however, the BRT and Oregon State will follow established processes for that discipline or sanction.

III. Charge

During the 2015 fall term, Oregon State President Edward Ray reiterated his commitment to addressing bias incidents 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 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 Oregon State's response to these incidents.¹⁰

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:

⁶ Freedom of Expression at Oregon State University, <https://studentlife.oregonstate.edu/freedom-expression> (accessed October 5, 2020)

⁷ Time, Place and Manner Rules for Speech Activities, https://policy.oregonstate.edu/policy/UPSM/576-005_time_place_manner_speech_rules (accessed October 4, 2020)

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)

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.

- 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 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;
- Collaboratively implement institutional responses that provide care to Oregon State community members impacted by bias incidents;
- Collaboratively design and implement educational responses to comprehensively address the negative effects of bias incidents, both immediate and long-term;
- 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 about the university’s institutional response to reported bias incidents in a timely and informative manner, while remaining in compliance with federal and state privacy protections.

V. Bias Response Team

The Bias Response Team is responsible for applying the Protocol. Bias Response Team core members include key university stakeholders representing the following offices:

¹³ *Id.* at 10.

¹⁴ *Id.*

- Counseling and Psychological Services (CAPS)
- Diversity and Cultural Engagement (DCE)
- Office of Institutional Diversity (OID)
- Office of Equal Opportunity and Access (EOA)
- Student Conduct and Community Standards (SCCS)
- University Housing and Dining Services (UHDS)
- Office of the Dean of Students (ODS)
- Office of International Services (OIS)

The Bias Response Team is coordinated by the Office of Institutional Diversity and records are maintained by the Office of Institutional Diversity. The Bias Response Team Coordinator, 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 to respond to reports of bias incidents when they occur.

In addition to the core Bias Response Team members, content area experts and partners may be consulted 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 related to Oregon State processes, 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, the Portland Center, 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/>. Bias incident reports are managed through Oregon State's centralized Maxient system.

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

Questions regarding reporting may be directed to the Office of Institutional Diversity by calling 541-737-1063, emailing diversity@oregonstate.edu, or visiting the Bias Incident Response website at <http://leadership.oregonstate.edu/diversity/bias-incident-response>.

In addition to the Bias Incident Report Form, a 24/7 confidential phone helpline staffed by skilled care providers is available to provide support to OSU community members impacted by bias incidents. Reports may not be submitted through the helpline, but care providers will provide information to callers on reporting options. The phone helpline is managed by ProtoCall. Oregon State community members may utilize the helpline by calling 541-737-1731.

VIII. Response Protocol

Note: This process is represented graphically in [Appendix C](#).

Report

1. Bias incident reported

- a. Reporting party submits Bias Incident Report using online report form
- b. Reporting party reports a bias incident to a BRT member or university partner over the phone or in person
 - i. BRT member or university partner submits a Bias Incident Report Form as a third-party, when appropriate
 - ii. Reporting party directed to submit a Bias Incident Report Form, when appropriate
- c. UHDS refers BIARP report to BRT
- d. Partner office (SCCS, DPS, OSP) refer reports to BRT

Evaluate

2. Bias incident report received, evaluated and processed

- a. On receipt of Bias Incident Report
 - i. BRT Coordinator or designee evaluates report for immediate action and 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
- b. Within 48 hours of receipt of Bias Incident Report Form, BRT coordinator:
 - i. Creates Maxient case record using incident report

- ii. Sends acknowledgement of report to reporting party articulating bias response process and care resources
- iii. Coordinates with EOA for referral evaluation
- iv. Coordinates with Office of Student Life for care evaluation

3. Bias incident report evaluated for EOA referral and care

- a. EOA evaluation – Within 48 hours of report, EOA evaluates incident report to determine whether, based on the nature of the reported incident, referral to an EOA process is appropriate
 - i. If a referral is appropriate, the incident is assigned to EOA to coordinate response; a new EOA case record is created; BRT closes its case record
 - ii. If referral is inappropriate, BRT coordinates response
- b. Care evaluation – Within 48 hours of assignment
 - i. If impacted party is an OSU student or student organization on the Corvallis campus, or an OSU location oth ODS assesses care needs, conducts outreach, and refers to university partners, as appropriate
 - ii. If impacted party is an OSU faculty or staff member on the Corvallis campus, BRT Coordinator or designee assesses care needs, conducts outreach, and refers to university partners, as appropriate
 - iii. If impacted party is an OSU community member on the OSU-Cascades campus, or other OSU location outside of Corvallis, BRT coordinator coordinates with appropriate liaison to assess care needs, conduct outreach and refer to university partners, as appropriate
 - iv. If reporting party is not an OSU community member, BRT Coordinator or designee conducts outreach, as appropriate

4. BRT evaluates incident report, designates Liaison(s)

- a. At weekly meeting, BRT evaluates new incident reports
- b. BRT identifies appropriate BRT Liaison(s) and university partner(s) to coordinate response and follow up communication with reporter
 - i. BRT Liaison may be BRT Coordinator or designee
 - ii. BRT Liaison typically serves in a consultation and coordination capacity; university partners are frequently best positioned to implement responses
- c. Following evaluation, BRT Liaison or university partners communicate with reporting party to:
 - i. Provide follow-up resources
 - ii. Gather additional information about the reported incident
 - iii. Discuss potential responses
 - iv. Determine capacity for collaboration in response
- d. BRT Liaison provides consistent updates to BRT Coordinator on progress

Respond

5. BRT coordinates development and implementation of response

- a. BRT discusses incident and develops response in collaboration with university partners, reporters, as appropriate
 - i. Where appropriate, BRT may collaborate with reporting party to develop and implement a response
 - ii. Content area experts may be consulted to develop and implement a response

1. BRT 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. Cleary reporting), and/or referral of the reported incident to university offices (i.e. Student Conduct and Community Standards, Department of Public Safety)
- 6. BRT tracks response progress, closes incident, conducts aftercare outreach**
- a. BRT Coordinator or designee and Liaison tracks response progress to enter into Maxient
 - b. Following implementation of response, BRT Coordinator or designee enters response summary and closes incident in Maxient
 - c. BRT Coordinator provides case updates and resolution information, as appropriate, to reporting and impacted parties

Assess

- 7. BRT analyzes reported bias incidents to surface trends and university climate**
- a. BRT Coordinator or designee, in collaboration with BRT, assesses and evaluates trends, needs for training and prevention efforts, policy development, etc.
 - b. BRT publishes regular reports to provide data and information regarding reported bias incidents, trends, responses, assessment and proactive initiatives
- 8. BRT develops educational guidance and programming to address and prevent bias incidents**

IX. Response and Follow Up

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

- Establish direct contact with reporting and impacted parties incident to process the impact of a bias incident and create restoration;
- Coordinate with supervisors to initiate conversations with faculty and employees to discuss the impact of bias, and alignment or misalignment with employment expectations and departmental, unit, and university values
- Develop and provide educational resources or opportunities to individuals, departments, units, and other groups to address the impact of a bias incident;
- Communicate the university's 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 university community about what happened, why it is important to address the incident, and what responses may underway or 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;
- Provide tools to faculty and staff to internally address the impact of incidents that occur in academic buildings;
- Offer mediation through the University Ombuds, or other appropriate university offices;
- Write article or letter to news media outlining the bias incident and university/community response to it.

Acknowledgements

The Oregon State University Bias Response Team gratefully acknowledges the 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



Bias Incident Report Form

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.

After submitting a bias incident report, the Bias Response Team will evaluate the report and work collaboratively to develop and implement a response. Detailed information about Oregon State's bias incident response process is available [here](https://diversity.oregonstate.edu/bias-incident-response-process) (<https://diversity.oregonstate.edu/bias-incident-response-process>).

A bias incident report may be submitted anonymously. The Bias Incident Team takes seriously all reports of bias incidents, but its ability to respond to an incident will be limited if it is reported anonymously.

While the Bias Response Team will endeavor to maintain confidentiality of reporters, consistent with university policy and the law, details of a bias incident report may need to be revealed (including the identity of the reporter) in certain circumstances.

If you have questions about completing this form or your reporting options, please contact the Office of Institutional Diversity at diversity@oregonstate.edu or 541-737-1063.

Reporter and Background Information

Your full name or 'anonymous':

Your phone number:

Your email address:

Date of incident (Required):

Time of incident:

Location of incident (Required):

Specific location:

Involved Parties

Starting with yourself, list all parties associated with this incident report. If you are reporting anonymously, please write "anonymous" in the name field. If an organization is involved, please list the organization or entity.

| Name or Organization |
|----------------------|
|----------------------|

Relationship to Incident

Add another party

Incident Information

Select the perceived motive for the incident. Check all that apply. (Required)

- 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.) (Required)

Please list witnesses to the incident, if any.

Please list other OSU offices or staff members you have reported this incident to, if any.

Supporting Documentation

Please upload any supporting documentation (pictures, screenshots, recordings, etc.)
5GB maximum total size.

Attachments require time to upload, so please be patient after submitting this form.

| | |
|------------------------|--------------|
| Choose files to upload | Choose Files |
|------------------------|--------------|

Email me a copy of this report

Submit report

Appendix C
Reported Bias Incident Response Protocol Flowchart

Oregon State University Reported Bias Incident Response Protocol

