



## **PENN STATE'S PROTOCOL FOR RESPONDING TO BIAS MOTIVATED INCIDENTS**

### **Purpose**

To provide direction to any student who has been the possible target of a hate crime, an act of intolerance, discrimination or harassment, or to any student, staff, or faculty member who has witnessed a student being targeted as so stated above, and who is submitting a report. Faculty or staff who have been the possible target of bias motivated incidents should contact the Affirmative Action Office for assistance. The protocol will help to ensure an efficient, effective, and appropriate response to incidents both on and off campus involving Penn State students.

### **Introduction**

The University is committed to creating an educational environment which is free from intolerance directed toward individuals or groups and strives to create and maintain an environment that fosters respect for others. As an educational institution, the University has a mandate to address problems of a society deeply ingrained with bias and prejudice. Toward that end, the University provides educational programs and activities to create an environment in which diversity and understanding of other cultures are valued. [Excerpt from Policy AD29: Statement on Intolerance.]

Acts of intolerance violate the principles upon which American society is built and serve to destroy the fabric of the society we share. Such actions not only do untold and unjust harm to the dignity, safety and well-being of those who experience this pernicious kind of discrimination but also threaten the reputation of the University and impede the realization of the University's educational mission. [Excerpt from Policy AD29: Statement on Intolerance.]

The University is committed to equal access to programs, facilities, admission and employment for all persons. It is the policy of the University to maintain an environment free of harassment and free of discrimination against any person because of age, race, color, ancestry, national origin, religion, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, sexual orientation, marital or family

status, pregnancy, pregnancy-related conditions, physical or mental disability, gender, perceived gender, gender identity, genetic information or political ideas. Discriminatory conduct and harassment, as well as sexual misconduct and relationship violence, violates the dignity of individuals, impedes the realization of the University's educational mission, and will not be tolerated. Gender-based and sexual harassment, including sexual violence, are forms of gender discrimination in that they deny or limit an individual's ability to participate in or benefit from University programs or activities.

[Excerpt from Policy AD85: Statement on Title IX Sexual Harassment]

## **Definitions**

For purposes of this protocol, a "bias motivated incident" is any incident that may fall within one or more of the following definitions:

**Harassment** means behavior consisting of physical or verbal conduct that is sufficiently severe or pervasive such that it substantially interferes with an individual's employment, education or access to University programs, activities or opportunities and would detrimentally affect a reasonable person under the same circumstances. Harassment may include, but is not limited to, verbal or physical attacks, stalking, graphic or written statements, threats, or slurs. Whether the alleged conduct constitutes prohibited Harassment depends on the totality of the particular circumstances, including the nature, frequency and duration of the conduct in question, the location and context in which it occurs and the status of the individuals involved. Information regarding issues of sexual or gender-based harassment specifically, including definitions and information about the University's procedures for reporting and processing such incidents, can be found in University Policy AD85.

[Excerpt from Policy AD91: Statement on Discrimination and Harassment and Related Inappropriate Conduct.]

**Discrimination** is conduct of any nature that denies an individual the opportunity to participate in or benefit from a University program or activity, or otherwise adversely affects a term or condition of an individual's employment, education, or living environment, because of the individual's age, race, color, ancestry, national origin, religion, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, sexual orientation, marital or family status, pregnancy, pregnancy-related conditions, physical or mental disability, gender, perceived gender, gender identity, genetic information or political ideas.

[Excerpt from Policy AD91: Statement on Discrimination and Harassment and Related Inappropriate Conduct.]

**Retaliation**, as defined in University Policy AD67, is also prohibited by this policy and may subject the individual who retaliates in violation of this or other University policy to discipline or sanctions.

[Excerpt from Policy AD91: Statement on Discrimination and Harassment and Related Inappropriate Conduct.]

An act of intolerance refers to conduct that is in violation of a University policy, rule or regulation and is motivated by discriminatory bias against or hatred toward other individuals or groups based on characteristics such as age, ancestry, color, disability or handicap, genetic information, national origin, political belief, race, religious creed, sex, sexual orientation, gender identity or veteran status. [Excerpt from Policy AD29: Statement on Intolerance.]

In Pennsylvania, hate crimes are termed “ethnic intimidation” and the offense is set forth in section 2710 of the Pennsylvania Crimes & Offenses Code (18 Pa. C.S. § 2710). Ethnic Intimidation is defined as committing one of the statute's enumerated criminal acts with malicious intention toward the victim's race, color, religion, or national origin. [See the Pennsylvania Human Relations Commission website on Bias & Hate Crimes for further information: <http://www.phrc.pa.gov/Resources/Pages/Hate-Crime.aspx>].

### **Protocol for Bias Motivated Incidents**

This protocol exists to ensure an efficient, effective, and appropriate response to incidents that may be characterized as bias motivated incidents involving Penn State students. The protocol should be implemented whenever a bias motivated incident is believed or perceived to have occurred. This protocol is specific to addressing bias motivated incidents targeting Penn State students. It does not cover faculty or staff. Faculty or staff who have been the targets of bias motivated incidents should contact the Affirmative Action Office for assistance.

### **Procedures for Reporting Bias Motivated Incidents**

Students who experience a possible bias motivated incident, as well as students, faculty or staff who are witnesses of the same, are urged to report the incident immediately by doing one of the following:

\* Contact your County Emergency Dispatch by dialing 911 in cases where physical injury has occurred or is imminent

\* File a report on the Report Bias website: [equity.psu.edu/reportbias](http://equity.psu.edu/reportbias)

\* Contact one of the following offices:

|   |              |
|---|--------------|
| University Police Services, University Park       | 814-863-1111 |
| Office of the Vice Provost for Educational Equity | 814-865-5906 |
| Office of the Vice President for Student Affairs  | 814-865-0909 |
| Affirmative Action Office                         | 814-863-0471 |

## **Procedures for the Campus Designated Support Person Responding to Bias Motivated Incidents on Behalf of Targeted Individuals**

Targeted individuals at any Penn State campus location may receive assistance from that campus' designated support person or a designated individual, who is authorized to assist in matters of bias motivated incidents. The following procedures are offered as guidance for such designated support persons:

1. Assess and determine the need for emergency services, which may include medical or psychological treatment, and other referrals. Determine if there continues to be a threat to the targeted individual or group, and provide appropriate protection through University Police (814-863-1111).
2. Report the incident through the Report Bias website at [equity.psu.edu/reportbias](http://equity.psu.edu/reportbias), including as much detail as possible. Submitters may remain anonymous if desired. This report will be sent to staff in the Office of the Vice Provost for Educational Equity. Once the incident has been reported through the website, the Assistant Vice Provost for Educational Equity will coordinate resources for the targeted individual. The Assistant Vice Provost will contact the targeted individual within forty-eight hours of receiving the report
3. Include in your incident report important details such as a description of the incident, when and where the incident occurred, who was involved in or witnessed the incident, and information about the alleged wrongdoer. When appropriate, University Police Services should document the incident, including photographing physical injuries, offensive graffiti, and evidence of vandalism.
4. Assure the targeted individual that their personal safety and security is important and that special requests, such as relocation and/or anonymous reporting, can be utilized to minimize foreseeable threats. The targeted individual will be asked on the Report Bias website form or when interviewed in person, what they believe should be done in response to the incident and what role they would like to play in responding to the incident. A targeted individual may feel uncomfortable about participating in a response due to fear of retaliation by the alleged wrongdoer(s). Reassure the targeted individual that any retaliatory behavior by the alleged wrongdoer or their supporters may constitute an independent violation of University policy and should be reported.

5. Offer additional resources to the targeted individual, such as:

|   |              |
|---|--------------|
| Office of the Vice Provost for Educational Equity   | 814-865-5906 |
| Office of the Vice President for Student Affairs    | 814-865-0909 |
| Affirmative Action Office                           | 814-863-0471 |
| Office of Sexual Misconduct Prevention and Response | 814-867-0099 |
| Gender Equity Center                                | 814-863-2027 |
| Center for Sexual and Gender Diversity              | 814-863-1248 |
| Multicultural Resource Center                       | 814-865-1773 |
| Center for Counseling and Psychological Services    | 814-863-0395 |
| Office of Student Conduct                           | 814-863-0342 |
| Center for Spiritual and Ethical Development        | 814-865-6548 |
| Residence Life                                      | 814-863-1710 |
| Office of Veterans Programs                         | 814-863-0465 |
| Student Disability Resources                        | 814-863-1807 |

6. For referral to a support person on your campus, contact the Assistant Vice Provost for Educational Equity at 814-867-1992. Privacy is respected.
7. If needed, access online a summation of the bias incidents reported to the Report Bias website, which is made at the end of each semester:  
**[equity.psu.edu/reportbias](http://equity.psu.edu/reportbias)**
8. Inform the targeted individual that they may choose to notify the Pennsylvania Human Relations Commission (PHRC) 717-783-8264 about bias motivated incidents. Information and forms are available on the PHRC website at:  
**[www.phrc.pa.gov/](http://www.phrc.pa.gov/)**

*(Updated 11-13-2020)*

**This publication is available in alternative media on request.**

The University is committed to equal access to programs, facilities, admission, and employment for all persons. It is the policy of the University to maintain an environment free of harassment and free of discrimination against any person because of age, race, color, ancestry, national origin, religion, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, sexual orientation, marital or family status, pregnancy, pregnancy-related conditions, physical or mental disability, gender, perceived gender, gender identity, genetic information or political ideas. Discriminatory conduct and harassment, as well as sexual misconduct and relationship violence, violates the dignity of individuals, impedes the realization of the University's educational mission, and will not be tolerated. Direct all inquiries regarding the nondiscrimination policy to the Affirmative Action Office, The Pennsylvania State University, 328 Boucke Building, University Park, PA 16802-5901, Email: [aao@psu.edu](mailto:aao@psu.edu), Tel 814-863-0471. U.Ed. OVP 21-18