



## **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. The targeted person, in this instance, must be a student, and does not apply to faculty or staff. 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 Sexual and/or Gender-Based Harassment and Misconduct]

## **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
MRC Counselor/Diversity Advocate for Students	814-865-1773
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. Make certain that the incident has been reported on the Report Bias website at [equity.psu.edu/reportbias](http://equity.psu.edu/reportbias), including as much detail as possible. This report will be sent to staff in the Office of the Vice Provost for Educational Equity, the Campus Environment Team, and the MRC Counselor/Diversity Advocate for Students. Once the incident has been reported to the website, the MRC Counselor/Diversity Advocate for Students will coordinate services for the targeted individual. The MRC Counselor/Diversity Advocate for Students will contact the targeted individual within twenty-four hours during the week (Monday through Friday) and within forty-eight hours over the weekend (Saturday and Sunday). If the targeted individual requires immediate assistance, University Police Services will offer the individual information for contacting the Vice Provost for Educational Equity, the Assistant Vice Provost for Educational Equity, and the MRC Counselor/Diversity Advocate for Students. [Note: If a support person has not been designated at a particular campus, then the targeted individual should be encouraged to report the incident on the Report Bias website, as well as to the police.]
3. Include in your incident reports 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 perpetrator. 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 his or her 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 he/she believes should be done in response to the incident and what role he/she would like to play in responding to the incident. A targeted individual may feel uncomfortable about cooperating with an investigation due to fear of retaliation by the perpetrator(s). Reassure the targeted individual that any retaliatory behavior by the perpetrator or his/ her supporters may constitute an independent violation of University policy and should be reported.

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

MRC Counselor/Diversity Advocate for Students	814-865-1773
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
Center for Women Students	814-863-2027
LGBTQA Student Resource Center	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 MRC Counselor/Diversity Advocate for Students at 814-865-1773. Confidentiality 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 he/she 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 6-22-17)*

**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 17-37