

**BIAS INCIDENT RESPONSE PROTOCOL**  
**Office of the Vice Provost for Educational Equity**  
Updated 08-01-2024

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### **The Bias Response Network**

The Bias Incident Response Protocol is a deliberation and referral process that determines the appropriate step to refer reports of reported bias incidents at Penn State. The protocol is applied by the Bias Response Network (BRN), which is composed of key university stakeholders, including representatives from:

- Educational Equity
- Student Affairs Diversity, Equity, and Inclusion
- Office of Student Accountability and Conflict Response
- Undergraduate Education
- Faculty Affairs
- The Graduate School
- Office of Equal Opportunity and Access
- Labor and Employee Relations
- Residence Life
- Office of Sexual Misconduct Reporting and Response

The Office of the Vice Provost for Educational Equity coordinates the Bias Response Network and implements the protocol. The Bias Response Coordinator resides in the Office of the Vice Provost for Educational Equity and reports to the Interim Vice Provost for Educational Equity. The Bias Response Coordinator:

- serves as the primary point of contact for the protocol
- receives all reports submitted using the Bias Response online form
- manages the report referral system and maintains related data
- coordinates the Bias Response Network
- maintains the [Bias Response website](#)
- compiles annual reports on bias incidents at Penn State

### **Scope of function**

The Protocol, while crucial in addressing reported bias incidents, does not aim to resolve the issues raised in bias reports. It also does not supersede the responsibilities of other offices or units that respond to these incidents. Instead, it complements their work by providing a centralized method for reporting bias incidents and referring reporters to the most appropriate resources.

The Bias Response Network is not a sanctioning body. It does not:

- investigate reports
- determine whether reported concerns violate Penn State policy
- recommend actions or solutions
- adjudicate cases
- discipline alleged wrongdoers or impose sanctions

The Office of Equal Opportunity and Access, the Office of Student Accountability and Conflict Response, or other relevant administrative units may take disciplinary action as warranted.

### Incident response steps

- A bias report is submitted through the online bias incident report form.
- All members of the BRN automatically receive the report.
- The reporter receives an automated confirmation of receipt of the report.
- Within the next business day, the Bias Response Coordinator sends the submitter an email confirmation of receipt and a list of applicable support services that the reporting party may use at their discretion. These resources may include:
  - Center for Sexual and Gender Diversity
  - Counseling and Psychological Services
  - Gender Equity Center
  - Graduate Student Life and Well-Being
  - Office of Veterans Programs
  - Multicultural Resource Center
  - Paul Robeson Cultural Center
  - Student Care and Advocacy
  - Student Disability Resource
  - Student Legal Services
- If the report contains information that requires a referral to Title IX, The Office of Sexual Misconduct Reporting and Response (OSMRR), the Behavioral Threat Management Team (BTMT), or University Police & Public Safety (UPPS), these reports are made immediately after the report has been reviewed by the Bias Response Coordinator and Associate Vice Provost for Educational Equity.
- The BRN meets weekly to discuss the reports received the previous week and determine the referral path for each report.
- The Bias Response Coordinator refers the report to the appropriate party. Referrals depend on the content of the submitted report, the University affiliation of the alleged wrongdoer, and the campus location of the reported incident. Referrals may include:

- Academic unit heads
  - Non-academic unit heads
  - Office of Equal Opportunity and Access
  - Ethics and Compliance
  - Directors of Student Affairs/Student Services and Engagement (Commonwealth campuses)
  - Office of Student Accountability and Conflict Response
  - Residence Life
  - University Police & Public Safety
- If the reporter requests action, the referee is provided with suggestions for offices to consult in managing and resolving the reported concern. Such recommendations depend on the content of the submitted report and may include units such as the Office of Equal Opportunity and Access, Faculty Affairs, Labor and Employee Relations, Residence Life, University Police & Public Safety, and others.
  - The Bias Response Coordinator notifies the reporter of the referral and provides the contact information of the individual to whom the report was referred.
  - The individual to whom the report is referred reviews the report, contacts the reporter and affiliated parties (targeted individual, alleged wrongdoer), and determines a path to respond to the report. If the individual needs more than two weeks, they can request more time to respond.

Neither submitters nor targeted individuals are privy to information about outcomes.

### Confidentiality and privacy

The BRN does not disclose information from reports except to select University employee(s) involved in resolving reports. Bias Response maintains an electronic record of reports and services provided to reporters, targeted individuals, and alleged wrongdoers. If the information in the report involves sexual misconduct as defined in PSU policy [AD85](#) or [AD91](#), then this information is confidential and will be shared only with the [Office of Sexual Misconduct Reporting and Response \(OSMRR\)](#).

Limits to confidentiality include:

**Life-threatening risk:** If we believe the reporter poses a life-threatening risk to themselves or others, we may need to notify responsible individuals for your protection.

**Child abuse reporting:** We may be required by Pennsylvania law (Act 31 of 2014) to report the following types of child abuse (depending on the nature and date of abuse) to PA Child Protective Services (and Penn State) if we have reasonable cause to suspect that a child (a person who is currently less than 18 years of age) has been the victim of child abuse:

- a) If the reporter is less than 18 years of age and discloses that they are the victim of child abuse.
- b) If the reporter discloses that an identifiable child has been the victim of child abuse. A report may be required even if we do not meet with the child.
- c) If the reporter discloses that they abused a child when they were 14 years of age or older. A report may be required even if the victim is no longer in danger.

**Clery Act:** If the information being shared occurred in a Clery Act location and is a [Clery Act offense](#) (rape, fondling, incest, statutory rape, dating violence, domestic violence, and stalking), we will need to file a Campus Security report with the Clery office. However, this does not include personally identifiable information.

**Court order or search warrant:** Information may be required to be disclosed as a result of a court order or search warrant in connection with judicial proceedings.

## Definitions

As defined by [AD91](#) Discrimination and Harassment and Related Inappropriate Conduct:

- **Act of Bias.** Behavior that is motivated by bias against or hatred toward other individuals or groups based on actual or perceived age, race, color, ancestry, national origin, sex, sexual orientation, gender, gender identity, physical or mental disability, religion, creed, service in the uniformed services (as defined in state and federal law), veteran status, marital or family status, pregnancy, pregnancy-related conditions, genetic information or political ideas.
- **Discrimination.** 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 actual or perceived age, race, color, ancestry, national origin, sex, sexual orientation, gender, gender identity, physical or mental disability, religion, creed, service in the uniformed services (as defined in state and federal law), veteran status, marital or family status, pregnancy, pregnancy-related conditions, genetic information or political ideas.
- **Harassment.** Behavior consisting of physical or verbal conduct, including Acts of Bias, 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, graphic or written statements, threats, or the use of slurs or other derogatory language/statements in reference to others. 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. Harassment also includes conduct, excluding conduct of a physical or sexual nature, which occurs within a romantic or intimate relationship when it would have the effect on a reasonable person of creating fear, isolation, or unreasonable power or control over access to resources, education, or work.

As defined by [AD67](#) Disclosure of Wrongful Conduct and Protection from Retaliation:

- **Retaliation.** Any adverse action taken by a member of the University faculty, staff, or student body against any individual on the basis of a Good Faith Report made by such individual, or on the basis of such individual's participation in an investigation, hearing, or inquiry by the University or an Appropriate Authority, or participation in a court proceeding relating to suspected Wrongful Conduct at the University. Retaliation shall include, but not be limited to, harassment, discrimination, threats of physical harm, job termination, punitive work schedule or research assignments, decrease in pay or responsibilities, or negative impact on academic progress.

### Specific referral conditions

- If the incident involves an emergency or crisis situation, criminal behavior, or a threat to the overall campus community, the Bias Response Coordinator contacts [University Police & Public Safety](#) immediately and submits a report to the Behavioral Threat Management Team (BTMT).
- [Clery reportable crimes](#) are reported immediately to UPPS via a Clery Incident Report Form. Report statistics are included in an annual report provided to the Clery Act Compliance Team.
- If the reported incident meets the definition of discrimination as defined by the Office of Equal Opportunity and Access, the report is referred to OEOA.
- If the report involves employees only
- If the incident involves on- or off-campus misconduct that includes sexual or gender-based harassment, sexual assault, dating violence, domestic violence, sexual exploitation, stalking, or retaliation for reporting any of these acts, the Bias Response Coordinator submits a report to the [Office of Sexual Misconduct Reporting & Response](#) (Title IX – students) or the [Office of Equal Opportunity and Access](#) (Title IX – faculty and staff).

- If the alleged wrongdoer is a student and the incident may involve a violation of the [Code of Conduct](#), a report is submitted to the Office of Student Accountability and Conflict Response.
- If the reported incident occurred in an on-campus housing facility, [Residence Life](#) is informed.
- If the reported incident occurred off-campus or via social media, the appropriate next steps, if any, will be determined on a case-by-case basis, depending on the circumstances of the reported incident.

### REFERRAL MATRIX

#### Reports submitted at University Park:

	Report names <b>FACULTY</b> and/or <b>STAFF</b> as alleged wrongdoer(s)	Report names <b>STUDENTS</b> as alleged wrongdoer(s)
Refer to:	<ul style="list-style-type: none"> <li>• If the alleged wrongdoer is faculty, refer to academic unit head (department head, division head, school director).</li> <li>• If the alleged wrongdoer is staff, refer to non-academic unit head.</li> <li>• If the incident meets the definition of discrimination, refer to Office of Equal Opportunity and Access.</li> </ul>	<ul style="list-style-type: none"> <li>• If the incident occurred in a residence hall, refer to Residence Life.</li> <li>• If the incident may involve a violation of the Code of Conduct, submit a report to the Office of Student Accountability and Conflict Response.</li> <li>• If the incident does not involve a violation of the Code of Conduct, send as FYI to the Office of Student Accountability and Conflict Response.</li> </ul>
Copy:	<ul style="list-style-type: none"> <li>• Unit executive (dean, chancellor, vice provost, vice president)</li> </ul>	<ul style="list-style-type: none"> <li>• Unit executive (dean, chancellor, vice provost, vice president)</li> </ul>
May copy:	<ul style="list-style-type: none"> <li>• If the alleged wrongdoer is faculty:               <ul style="list-style-type: none"> <li>○ Faculty Affairs</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Other offices as appropriate</li> </ul>

	<ul style="list-style-type: none"> <li>○ Online Education (if the report involves a World Campus course)</li> <li>● If the alleged wrongdoer is staff: <ul style="list-style-type: none"> <li>○ Labor and Employee Relations</li> </ul> </li> </ul>	
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**Reports submitted at Commonwealth Campuses:**

	<b>Report names FACULTY and/or STAFF as alleged wrongdoer(s)</b>	<b>Report names STUDENTS as alleged wrongdoer(s)</b>
Refer to:	<ul style="list-style-type: none"> <li>● If the alleged wrongdoer is faculty, refer to the academic unit head.</li> <li>● If the alleged wrongdoer is staff, refer to the non-academic unit head.</li> <li>● If the incident meets the definition of discrimination, refer to the Office of Equal Opportunity and Access.</li> </ul>	<ul style="list-style-type: none"> <li>● Designated campus responder (e.g., Director of Student Affairs, Director of Student Services and Engagement )</li> <li>● If the incident may involve a violation of the Code of Conduct, submit a report to the Office of Student Accountability and Conflict Response.</li> </ul>
Copy:	<ul style="list-style-type: none"> <li>● Unit executive (dean, chancellor, vice provost, vice president)</li> </ul>	<ul style="list-style-type: none"> <li>● Unit executive (dean, chancellor, vice provost, vice president)</li> </ul>
May copy:	<ul style="list-style-type: none"> <li>● If the alleged wrongdoer is faculty: <ul style="list-style-type: none"> <li>○ Chief Academic Officer</li> <li>○ Faculty Affairs</li> <li>○ Online Education (if the report involves a World Campus course)</li> </ul> </li> <li>● If the alleged wrongdoer is staff: <ul style="list-style-type: none"> <li>○ Labor and Employee Relations</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>● Residence Life (if the incident occurred in a residence hall)</li> <li>● Other offices as appropriate</li> </ul>