



PENN STATE'S PROTOCOL FOR RESPONDING TO BIAS MOTIVATED INCIDENTS

Purpose

To provide direction to any student who has been the 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. 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 Pennsylvania State University is committed to the policy that all persons shall have equal access to programs, facilities, admission and employment without regard to personal characteristics not related to ability, performance, or qualifications as determined by University policy or by state or federal authorities. It is the policy of the University to maintain an academic and work environment free of discrimination, including harassment. The Pennsylvania State University prohibits discrimination and harassment against any person because of age, ancestry, color, disability or handicap, national origin, race, religious creed, sex, sexual orientation, gender identity or veteran status. Discrimination or harassment against faculty, staff or students will not be tolerated at The Pennsylvania State University. [Excerpt from Policy AD42: Statement on Nondiscrimination and Harassment]

Definitions

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

Discrimination is conduct of any nature that violates the policy set forth in AD42 by denying equal privileges or treatment to a particular individual because of the individual's age, ancestry, color, disability or handicap, national origin, race, religious creed, sex, sexual orientation, gender identity or veteran status. [Excerpt from Policy AD42: Statement on Nondiscrimination and Harassment]

Harassment is a form of discrimination consisting of physical or verbal conduct that (1) is directed at an individual because of the individual's age, ancestry, color, disability or handicap, national origin, race, religious creed, sex, sexual orientation, gender identity or veteran status; and (2) is sufficiently severe or pervasive so as to substantially interfere with the individual's employment, education or access to University programs, activities and opportunities. To constitute prohibited harassment, the conduct must be such that it detrimentally affects the individual in question and would also detrimentally affect a reasonable person under the same circumstances. [Excerpt from Policy AD42: Statement on Nondiscrimination and Harassment.]

Harassment may include, but is not limited to, verbal or physical attacks, threats, slurs or derogatory comments that meet the definition set forth above. 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. [Excerpt from Policy AD42: Statement on Nondiscrimination and Harassment.]

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, national origin, political belief, race, religious creed, sex, sexual orientation, gender identity or veteran status. [Excerpt from Policy AD29: Statement on Intolerance.]

In Pennsylvania, the legal definition of a “hate crime” is determined by the Ethnic Intimidation and Institutional Vandalism Act, 18 Pa.C.S.A. §2710. A person commits the offense of ethnic intimidation if, with malicious intention toward the actual or perceived race, color, religion, national origin, ancestry, mental or physical disability, sexual orientation, gender or gender identity of another individual or group of individuals, he or she commits one of a number of criminal offenses specifically referenced in the statute. [taken from the Pennsylvania Interagency task force on civil tension, found at www.stopbias.org and from the Ethnic Intimidation and Institutional Vandalism Act.]

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 Hate Web site at:
<http://www.equity.psu.edu/REPORTHATE/index.html>

* Contact one of the following offices:

University Police Services, University Park	863-1111
Diversity Advocate	865-5321 or 865-1773
Office of the Vice Provost for Educational Equity	865-5906
Office of the Vice President for Student Affairs	865-0909
Affirmative Action Office	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 (863-1111).
2. Make certain that the incident has been reported on the Report Hate Web site at <http://www.equity.psu.edu/REPORTHATE/index.html>, 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 Diversity Advocate. Once the incident has been reported to the Web site, the Diversity Advocate will coordinate services for the targeted individual. The Diversity Advocate will contact the targeted individual within twenty-four hours during the week (Monday-Friday) and within forty-eight hours over the weekend (Saturday/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 Associate Vice Provost for Educational Equity, and the Diversity Advocate. [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 Hate Web site, 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 Hate Web site 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:

Diversity Advocate	814-865-5321/865-1773
Office of the Vice Provost for Educational Equity	865-5906
Office of the Vice President for Student Affairs	865-0909
Affirmative Action Office	863-0471
University Police Victim/Witness Advocate	865-1864
Center for Women Students	863-2027
LGBTQA Student Resource Center	863-1248
Multicultural Resource Center	865-1773
Center for Counseling and Psychological Services	863-0395
Office of Judicial Affairs	863-0342
Center for Ethics and Religious Affairs	865-6548
Residence Life	863-1710
Office of Veterans Programs	863-0465
Office for Disability Services	863-1807

6. If appropriate, contact or refer a targeted individual to trained members of Penn State's Zero Tolerance for Hate Support Network. For referral to a support person on your campus, contact the Diversity Advocate at 814-865-5321/865-1773. Confidentiality is respected.

7. If needed, access online a summation of the bias incidents reported to the Report Hate Web site, which is made at the end of each semester: www.equity.psu.edu/report Hate

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 web site at: http://sites.state.pa.us/PA_Exec/PHRC/complaint/victim.html. For more information about the Pennsylvania Human Relations Act, go to <http://members.aol.com/StatutesP2/43.Cp.17.html>.

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