

Bias Incident Response Protocol

I. Definitions

- A. **Bias Incident-** A “Bias Incident” is defined an act – either verbal, written, physical, or psychological that threatens or harms a person or group on the basis of actual or perceived race, religion, color, sex, age, sexual orientation, gender identity or expression, national origin, ancestry, disability, marital status, civil union status, domestic partnership status, atypical heredity or cellular blood trait, military service or veteran status.
- B. **Bias Incident Response Team (“BIRT”)** – The Bias Incident Response Team (“BIRT”) is a group of University employees charged with investigating reported bias incidents; following the protocols detailed in this document; and reporting information and making recommendations to the Bias Prevention and Education Committee.
- C. **Bias Prevention and Education Committee (“BPEC”)** - The Bias Prevention and Education Committee (“BPEC”) reviews information provided by the BIRT to identify and examine issues and trends affecting campus climate, and to make recommendations for educational programming and initiatives. The BPEC is comprised of representatives from throughout the University community, representing the following offices:
- a. Dean of Students Office
 - b. Office for Violence Prevention and Victim Assistance
 - c. Office for Diversity and Inclusion
 - d. Cultural Center Collaborative
 - e. Interfaith Council
 - f. Residence Life
 - g. Rutgers University Police Department
 - h. Tyler Clementi Center
 - i. Faculty Member
 - j. Student Member

II. Submitting a Report

- A. If someone believes they are the victim of or a witness to an alleged bias incident, that person may report the incident, in person or by phone, to the Dean of Students Office, Residence Life staff, or another member of the Student Affairs staff. Individuals may also report an alleged bias incident online using the [online reporting form](#).

- B. If the reporter believes that a crime has been committed, that person will be encouraged to immediately report the incident to the Rutgers University Police Department (RUPD).
- C. Upon receipt of a report of a bias incident, a member of the BIRT will collect the following information from the reporter:
 - a. Contact information for the reporter. The reporter may choose to remain anonymous; however, the reporter should be asked to indicate if they are a faculty/staff member, student or someone else.
 - b. Contact information for all individuals involved, including witnesses. Witnesses may choose to remain anonymous; however, the reporter should indicate if they are faculty/staff member, student or someone else.
 - c. A detailed account of the incident, including date, time, and location.
 - d. A detailed description of what was experienced, observed or said, to the best of the reporter's recollection. The description should include any specific language, terms or images that were used, including documentation (photographs, screenshots, etc.) wherever possible.
 - e. Name of the alleged perpetrator(s) or a specific description of the individual(s) alleged to have been involved.
 - f. Any additional information that may assist in responding to the incident.
- D. All bias incident reports will be kept private to protect all individuals allegedly involved in the act.
 - a. Information contained in reports will only be released in response to an applicable Open Public Records Act (OPRA) request or lawfully issued subpoena. Any personally identifiable information will be redacted before releasing reports in response to an OPRA request.
 - b. If the act(s) alleged in the report is deemed to be a potential violation of the University Code of Student Conduct, all relevant information will be shared with the Office of Student Conduct for processing through the University's disciplinary system.
 - c. If the act(s) alleged in the report is deemed to be a potential violation of the Student Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking, and Related Misconduct (10.3.12), all relevant information will be shared with the Title IX Coordinator for processing pursuant to that Policy.
 - d. If information in the report indicates that a faculty or staff member may have violated a University policy, including but not limited to the Policy Prohibiting Discrimination and Harassment (60.1.12) or the [Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking, and Related Misconduct by Employees and Third Parties](#) (60.1.28), the report will be turned over to Office of Employment Equity for processing through their system.
 - e. Information contained in reports may be shared with other University officials only on a need-to-know basis.

III. Investigating Reports

- A. When a bias incident report is submitted, a member of the BIRT shall contact the reporter within 72 hours of the time of the report to acknowledge receipt of the report and request any information listed in Section II.C., above, that might not have been included in the report.
- B. A member of the BIRT will initiate investigation of the report within five (5) regular business days of receipt of the report. Investigation may include, but is not limited to: speaking with the reporter; identifying and speaking with relevant witnesses; identifying and reviewing relevant documentation or other evidence; and visiting the location of the alleged incident.
- C. The BIRT member will investigate the reported incident even when the person(s) believed to have committed the act or acts in question cannot be identified, or when the person or persons subjected to an act constituting a bias incident do not wish to pursue campus disciplinary or criminal charges.
- D. Upon completing their investigation, the BIRT member will take appropriate action to resolve the situation in a timely manner. Resolution may include one, several, or all of the following steps:
 - 1. Make a record of the incident.
 - 2. Refer the report to the Office of Student Conduct, Title IX Coordinator or Office of Employment Equity for action.
 - 3. Offer mediation or counseling to the affected parties.
 - 4. Provide education and programming to the affected parties.
 - 5. Report the incident to appropriate internal departments and/or outside agencies.
 - 6. Report their findings to the BPEC.
- E. In determining the appropriate resolution, BIRT members will follow the guidelines below:
 - 1. Any reports of a hate crime should be referred to RUPD.
 - 2. Reports of behavior that include alleged violations of the University Code of Student Conduct by a student or student organization should be referred to the Office of Student Conduct for consideration and resolution.
 - 3. Reports of behavior that include alleged violations of the Student Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking, and Related Misconduct (10.3.12) should be referred to the Title IX Coordinator for processing pursuant to that Policy.
 - 4. Reports of behavior that include alleged violations of the Policy Prohibiting Discrimination and Harassment (60.1.12) or the [Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence,](#)

[Stalking, and Related Misconduct by Employees and Third Parties](#)

(60.1.28) by a faculty member or staff member should be referred to the University Office of Employment Equity.

5. If the report submitted does not meet the criteria for a bias incident or a bias act committed, the report should be referred to the appropriate office (if applicable) or filed with no additional action taken.

IV. Intervening in Student-to-Student Bias Incidents

- A. The BIRT member should meet with the student reporter soon as possible. The student should be provided appropriate counseling and/or referrals as needed, and Bias Incident Response Protocol should be provided to the student. The student should also be provided the option of reporting the incident to RUPD if the incident in question may also include a crime.
- B. The BIRT member should collect additional information from the student about the incident. In addition, the BIRT member should consider speaking with witnesses and others involved to get a complete description of what happened.
- C. The BIRT member should complete a written draft of a bias incident report; this report should include referrals made to the student and options for resolution for the incident.
- D. The BIRT member should assist the student with making a police report, if appropriate.
- E. Possible options for resolution may include one of the following:
 - a. Initiating contact with any group(s) affected by the bias act (e.g., a residence hall, a student organization, recreation center, class, etc.)
 - b. Ensuring that any offending material, such as graffiti or defaced posters have been removed. Note: materials should be removed **only after** police have been contacted and have come to the scene to take a report.
 - c. Making contact with persons identified or persons suspected of committing the bias act(s) to talk about the incident and the impact on the community.
 - d. Recommendation of an educational program or initiative to alleviate the impact on the community from the bias act.
- F. The BIRT member will report the incident at the next BPEC meeting and discuss response and restoration recommendations. All information collected and the final report will be preserved in the online database. The Chairperson of the BPEC will produce semester and annual reports on trends and effective anticipation, prevention, intervention, and restoration strategies. The Chairperson also provides campus climate and reporting information to the Chancellor of New Brunswick and the Vice Chancellor for Student Affairs on a monthly basis.

V. Intervening in Other Bias Incidents

A. Intervening in Faculty-to-Student Bias Incidents

1. The BIRT member should meet with the student reporter as soon as possible. The student should be provided appropriate counseling and/or referrals as needed, and Bias Incident Response Protocol should be provided to the student. Student should also be provided the option of reporting the incident to RUPD if the incident in question may also include a crime.
2. The BIRT member should collect additional information from the student about the incident. In addition, the BIRT member should consider speaking with witnesses and others involved to get a complete description of what happened.
3. The BIRT member should complete a written draft of a bias incident report; this report should include referrals made to the student and options for resolution for the incident in question.
4. The BIRT member should assist the student with making a police report, if appropriate.
5. The BIRT member may recommend providing information to the faculty member or department chair for educational reasons. The BIRT member should obtain permission from the student before information is shared. The student should also be given the option to have the incident remain private or have the information shared after the end of the semester.
6. If possible or appropriate, the BIRT member may provide the department chair with faculty development workshop recommendations.
7. The BIRT member will report the incident at the next BPEC meeting and discuss response and restoration recommendations. All information collected and the final report will be preserved in the online database. The Chairperson of the BPEC will produce semester and annual reports on trends and effective anticipation, prevention, intervention, and restoration strategies. The Chairperson also provides campus climate and reporting information to the Chancellor of New Brunswick and the Vice Chancellor for Student Affairs on a monthly basis.

B. Intervening in **Student-to-Faculty** Bias Incidents

1. The BIRT member should meet with the faculty reporter as soon as possible. The faculty member should be provided appropriate counseling and/or referrals as needed, and the Bias Incident Response Protocol should be provided to the faculty member. The faculty member should also be provided the option of reporting the incident to RUPD if the incident in question may also include a crime.
2. The BIRT member should collect additional information from the faculty member about the incident. In addition, the BIRT member should consider speaking with witnesses and others involved to get a complete picture of what happened.
3. The BIRT member should complete a written draft of a bias incident report; this report should include referrals made to the faculty member and options for resolution for the incident in question.

4. The BIRT member should assist the faculty member with making a police report, if appropriate. If the incident involves behavior that violates the University Code of Student Conduct, the faculty member should also be given the opportunity to file a complaint with the Office of Student Conduct.
5. Depending on the severity of the incident in question, the BIRT member will offer suggestions for resolution.
6. The BIRT member will report the incident at the next BPEC meeting and discuss response and restoration recommendations. All information collected and the final report will be preserved in the online database. The Chairperson of the BPEC will produce semester and annual reports on trends and effective anticipation, prevention, intervention, and restoration strategies. The Chairperson also provides campus climate and reporting information to the Chancellor of New Brunswick and the Vice Chancellor for Student Affairs on a monthly basis.

C. Intervening in **Staff-to-Student** Bias Incidents

1. The BIRT member should meet with the student reporter as soon as possible. The student should be provided appropriate counseling and/or referrals as needed, and the Bias Incident Response Protocol should be provided to the student. The student should also be provided the option of reporting the incident to RUPD if the incident in question may also include a crime.
2. The BIRT member should collect additional information from the student about the incident. In addition, the BIRT member should consider speaking with witnesses and others involved to get a complete picture of what happened.
3. The BIRT member should complete a written draft of a bias incident report; this report should include referrals made to the student and options for resolution for the incident in question.
4. The BIRT member should assist the student with making a police report, if appropriate.
5. The BIRT member may recommend providing information to the staff member or supervisor for educational reasons. The BIRT member should obtain permission from the student before information is shared. The student should also be given the option to have the incident remain private or have the information shared after a later time.
6. The BIRT member should encourage an assessment of the impact of the act in both the student and staff environments and take appropriate restorative action.
7. The BIRT member will report the incident at the next BPEC meeting and discuss response and restoration recommendations. All information collected and the final report will be preserved in the online database. The Chairperson of the BPEC will produce semester and annual reports on trends and effective anticipation, prevention, intervention, and restoration strategies. The Chairperson also provides campus climate and reporting information to the Chancellor of New Brunswick and the Vice Chancellor for Student Affairs on a monthly basis.

D. Intervening in **Student-to-Staff** Bias Incidents

1. The BIRT member should meet with the staff member reporter as soon as possible. The staff member should be provided appropriate counseling and/or referrals as needed, and the Bias Incident Response Protocol should be provided. The staff member should also be provided the option of reporting the incident to Rutgers Police if the incident in question may also include a crime.
2. The BIRT member should collect additional information from the staff member about the incident. In addition, the BIRT member should consider speaking with witnesses and others involved to get a complete picture of what happened.
3. The BIRT member should complete a written draft of a bias incident report; this report should include referrals made to the staff member and options for resolution for the incident in question.
4. The BIRT member should assist the staff member with making a police report, if appropriate. If the incident involves behavior that violates the University Code of Student Conduct, the staff member should also be given the opportunity to file a complaint with the Office of Student Conduct.
5. Depending on the severity of the incident in question, the BIRT member will offer suggestions for resolution to the matter.
6. The BIRT member will report the incident at the next BPEC meeting and discuss response and restoration recommendations. All information collected and the final report will be preserved in the online database. The Chairperson of the BPEC will produce semester and annual reports on trends and effective anticipation, prevention, intervention, and restoration strategies. The Chairperson also provides campus climate and reporting information to the Chancellor of New Brunswick and the Vice Chancellor for Student Affairs on a monthly basis.