

1.4 BIAS-RELATED INCIDENT PROTOCOL

1.0 Reason for Policy

Saint Louis University embraces a community where all members feel welcomed, included, and supported. The University's Bias-Related Incident Policy ensures that all students and employees who are affected by a bias incident have the necessary resources as soon as possible.

The Jesuit concept of *cura personalis* ("caring for the whole person") informs and inspires Saint Louis University to prioritize the well-being of the whole community. This Policy was created to advance an educational, working, and living environment free from discrimination, harassment, intolerance, and hate.

This Policy and the applicable procedures outlined are designed to achieve the following goals:

- # Address acts of hate, bias, or other acts of intolerance that impact members of the University community.
- # Provide prompt and compassionate support services.
- # Create a campus environment that both facilitates and expedites the prompt reporting of bias-related behavior.
- # Appropriately document such incidents through the Bias Incident Report Log, and take additional measures to inform the community about such incidents, when appropriate.
- # Take appropriate actions to demonstrate that the University fosters a community of inclusivity and commits itself as an educational institution to address incidents of hate, bias, or other acts of intolerance that detract from the learning process and development of whole persons.
- # Ensure that appropriate steps are followed when bias-related behavior is reported.
- # Facilitate development of competencies in awareness, knowledge, and skills to prevent such incidents and facilitate a restorative justice process for the affected individuals and communities when and where acts of hate, bias, or other acts of intolerance have occurred.

2.0 Policy Statement

A "bias-related incident" refers to any act or behavior that is a violation of the Code of Student Conduct and/or the Policy on Harassment and reasonably believed to be motivated by a consideration (real or perceived) of race, sex, color, religion, national origin, ancestry, disability, age, sexual orientation, marital status, military status, veteran status, pregnancy, gender or any other protected classification.

Where the Accused Party is a student, the investigative procedures outlined in the University's *Harassment Policy* will apply and the disciplinary action(s) and processes outlined in other University policies and/or *The Student Handbook* may apply as appropriate.

Where the Accused Party is an employee, the investigative procedures outlined in the University's *Harassment Policy* will apply and the disciplinary action(s) and processes outlined in other University policies and/or *The Faculty Manual* may apply as appropriate.

Where the Accused Party is a third party or other non-University affiliated party, the University will take appropriate action and determine the appropriate manner of response consistent with the goals of this Policy.

This Protocol provides information related to:
Saint Louis University Statement of Values#

- # Bias-Related Behavior#
- # Restorative Justice#
- # Reporting Options, Resources, and Accommodations# and
- # Restorative Practices, and Community Engagement.
- # Investigation, Hearing, and Appeal Procedures.

The definitions, reporting options, resources and statements of institutional values contained in this Policy apply to all students and employees of the Saint Louis University community.

This Policy applies to all acts where the alleged conduct:

- # Occurs on campus#
- # Occurs in the context of a University program or activity# or
- # Occurs in the context of a University program or activity or occurs off campus and has continuing adverse effects on members of the University community.

The University will respond to reports of bias to ascertain the nature, severity and disposition of the report, as well as, take steps to eliminate the behavior, prevent its recurrence, and address any effects of the behavior on the Reporting Party or the University community.

2.1 Statement of Values

Saint Louis University welcomes students, faculty, and staff from diverse backgrounds and identities, and strives to create a sense of community that facilitates their development as individuals for and with others. Saint Louis University affirms that harassment of any kind, namely because of sex, gender, gender identity and expression, race, color, religion, national origin, ancestry, disability, age, sexual orientation, marital status, military status, veteran status, pregnancy, genetic information, or any other protected classification is detrimental to its mission and values.

Title IX Statement

When an incident is reported to involve allegations of sexual harassment, sexual assault, dating violence, domestic violence, or stalking as defined by section 2.11 of the Title IX Sexual Harassment Policy, this policy does not apply. The Title IX Coordinator will be notified of the reported information and will oversee the University's response per the Title IX Sexual Harassment Policy.

2.2 Privacy

The University will treat information that it receives in a manner that respects the privacy of both the Reporting Party and the Accused Party. Recognizing that some reports may include criminal acts that violate the security of the entire campus community, there may be instances where the University has a responsibility to investigate or disclose information regarding the circumstances related to a specific incident. Individual and community safety considerations will be balanced with the privacy interests of all involved, as well as the applicable legal requirements, when making decisions regarding such investigations and disclosures.

The University will evaluate a request for anonymity in the context of its responsibility to provide a safe, inclusive, and nondiscriminatory environment for the campus community. The University will take reasonable steps to investigate and respond to the report consistent with the Reporting Party's request to maintain anonymity or to not pursue an investigation, but its ability to do so may be limited based on the nature of the request by the Reporting Party.

2.3 Reporting

The University supports individuals impacted by bias-related incidents and promoting accountability for conduct that violates the University's

Community Standards. The University encourages all community members to promptly report a bias-related incident as soon as possible in order to maximize the University's ability to respond promptly and effectively. If the Accused Party is not a member of the University community at the time of the report, the University will not be able to take disciplinary action against the Accused Party. The University will, however, still seek to provide reasonably available support for the Reporting Party, identifying any information relevant to pattern or climate, and assisting a Reporting Party in identifying external reporting options. For more details regarding this support and available resources, please see below.

A Reporting Party may choose to make a report to the University to pursue an investigation and determination under this Policy and may choose to make a report to law enforcement. When making a report, a Reporting Party may pursue either or both of these options at the same time. When making a report, a Reporting Party need not know whether they wish to request any particular course of action, nor how to label what happened. Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. Upon receipt of a report of prohibited conduct, the University will provide the Reporting Party a written communication describing the options listed below. Before or during this decision-making process, a Reporting Party and other reporting persons are encouraged to seek support and information from the University Counseling Center or Employee Assistance Program.

A. University Reporting Contacts

The University has designated the following Reporting Contacts to receive reports of bias-related incidents. The designated Reporting Contacts have been trained to share available reporting options and resources with a Reporting Party.

The designated Reporting Contacts are:

- # Office of Equal Opportunity & Title IX
- # Division of Diversity & Innovative Community Engagement (DICE)
- # Dean of Students Office
- # Department of Public Safety & Emergency Preparedness
- # Residence Hall Professional Staff
- # Office of Student Responsibility & Community Standards

A report may be filed in person or online with any of the Reporting Contacts described above. All of these Reporting Contacts will share the report with the University's Office of Equal Opportunity & Title IX. When a report is received, the Bias Incident Response Team (BIRT) will respond to and evaluate the report of the bias-related behavior pursuant to Response Protocol.

B. Law Enforcement Reporting Options

A criminal report may be filed with the St. Louis Metropolitan Police Department or other appropriate jurisdiction. The Department of Public Safety and Emergency Preparedness is also available to provide assistance with contacting the St. Louis Metropolitan Police Department, or other appropriate jurisdiction.

The University's Policy, *Community Standards*, definitions and burden of proof may differ from Missouri criminal law. The parties involved may seek recourse under this Policy and/or pursue their rights under Missouri law. Neither law enforcement's determination whether or not to prosecute an Accused Party, nor the outcome of any criminal prosecution, are determinative of whether a bias-related incident or violation of the University's *Community Standards* and/or policies has occurred. Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

C. Bystanders

The University encourages all members of the University community to take reasonable and prudent action to prevent or stop bias-related incidents. Taking action may include direct intervention when safe to do so, enlisting the help of friends, contacting the Department of Public Safety and Emergency Preparedness or local law enforcement, or seeking assistance from a campus authority. Community members who choose to exercise this positive action will be supported by the University and protected from retaliation. More information regarding bystander action can be found in the Responsible Action Protocol in Section 1.16 of the University's *Community Standards* in the *Student Handbook*.

D. Statement Against Retaliation

The University will not tolerate retaliation against any Student, Employee or Third Party who reports a bias-related incident, participates in an investigation related to a report of a bias-related incident, or participates in a hearing or appeal process related to a report of a bias-related incident. Any incidents of retaliation should be reported immediately to the Director of the Office of Equal Opportunity & Title IX or a designated Reporting Contact and may be subject to the same investigation, hearing, and appeal process as set forth in the Response Protocol. The University will take prompt and corrective action against all acts of retaliation.

2.4 Resources

Any individual who has been impacted by or experienced harm from a bias-related incident is strongly encouraged to seek immediate emergency assistance from law enforcement, medical professionals or crisis counseling resources. The University recognizes that deciding whether to report a bias-related incident and choosing how to proceed can be difficult decisions that evolve over time. The University encourages any individual who has questions or concerns to seek the support of campus and community resources. These professionals can provide information about available resources and procedural options and assistance to either party in the event that a report and/or investigation under this Policy are pursued. Individuals are encouraged to use all available resources, regardless of when or where the bias-related incident occurred.

The University is committed to treating all members of the community with dignity, care, and respect. Any individual affected by a bias-related incident, whether as a Reporting Party, Accused Party, witness, or a third party, will have access to support consistent with their needs and available University resources. This section provides contact information for University resources, resources in the Greater St. Louis community, and national resources.

A. Emergency Resources

- # Saint Louis Metropolitan Police Department - 911
 - # Department of Public Safety and Emergency Preparedness - (314) 977-3000
 - # Saint Louis University Hospital Emergency Department – (314) 577-6027
 - <http://www.ssmhealth.com/access/now/>
 - # Student Health Center - (314) 977-2323
 - # University Counseling Center - (314) 977-8255
- The University also maintains a 24-hour toll free hotline available at (877) 525-5669 or (877) 525-KNOW. Bias-related incident reports may be submitted anonymously through the hotline. Information submitted through the University hotline will be shared with the Office of Equal Opportunity & Title IX.

B. Confidential Resources

The only University resources that afford complete confidentiality (assuming no other conditions require mandatory disclosure, *i.e.*,

imminent risk of harm to self or others) are the University Counseling Center, Student Health Center, and ordained clergy (when the purpose of the meeting is seeking spiritual guidance). These resources provide a broad range of services and treatment for all students, including full-time, part-time and graduate students.

C. Additional Campus Resource (Private, but not Confidential)

In addition to the Reporting Contacts (Section 7.0), the following campus department can also provide resources, guidance and assistance. This department is required to share all bias-related incidents with the Director of the Office of Equal Opportunity & Title IX.

Campus Ministry – (314) 922-2425

With a spirit of *cura personalis*, or care for the whole person, the Department of Campus Ministry offers opportunities for cultivating an informed faith, a commitment to social justice, and an integrated way of life. Guided by the Catholic Church and the Society of Jesus, we welcome and serve students of all religious backgrounds and traditions.

2.5 Overview of Remedial and Protective Measures, Determination of Responsibility, Sanctions, and Appeal Procedures for Complaints

A. Overview of Remedial and Protective Measures

Saint Louis University's process for resolving bias-related incident reports will be prompt and equitable and conducted with the oversight of the Director of the Office of Equal Opportunity & Title IX. In every report under this Policy, the University will make an assessment of any risk of harm to the Reporting Party or to the broader campus community and will take steps necessary to address those risks. These steps may include remedial and/or protective measures to provide for the safety of the parties and the campus community.

The University may recommend or impose a wide range of remedial and protective measures for students or employees, whether as Reporting Parties or Accused Parties, to provide support and guidance throughout the University's response to a report of a bias-related incident. These measures may be both remedial (designed to address a Reporting Party's safety, well-being and continued access to educational or employment opportunities) or protective (involving action against an Accused Party). Remedial and protective measures may be imposed on an interim basis, or may be extended permanently.

B. Determination of Responsibility and Sanctions

If a finding of responsibility is made at the conclusion of this process, sanctions may be imposed. Sanctions for students are determined by the Office of Responsibility and Community Standards. Sanctions for staff employees will be determined by their appropriate supervisor, in consultation with Human Resources. Sanctions for faculty members will be determined by the Provost Office.

A determination of sanctions will be based on the facts and circumstances of each case and will be designed to eliminate the bias-related incident and prevent any reoccurrence of such bias-related incident. Any determination for sanctions will be rooted in the University's educational mission, institutional values, and restorative practices.

C. Appeals

Either Party has the right to an appeal. All appeals are due, in writing, to the Director of the Office of Equal Opportunity & Title IX, or designee, within three (3) University business days following delivery of the Notice of Outcome. If a request is not received within three (3) business days, the BIRT's determination is final. The appeal shall consist of a written

statement outlining the basis for appeal and all relevant information to substantiate the grounds. The Director of the Office of Equal Opportunity & Title IX will assign an appeal officer for each appealed case, consistent with University policy.

The grounds for appeal may only be one or more of the following:

There was a material deviation from the procedures set forth in this Policy or applicable provisions of other University policies that would significantly impact the outcome of the case or may have resulted in a different finding#

New or relevant information, not available at the time of the investigation or determination of responsibility, has arisen that would significantly impact the outcome of the case.

Dissatisfaction with the outcome of the investigation, and failure of a party or witness to attend or participate in the investigation or hearing process, are not grounds for appeal. Appeals are not intended to be a full rehearing of the report (*de novo*). In most cases, appeals are limited to a review of the written documentation and pertinent documentation regarding the grounds for appeal. Absent extraordinary circumstances the appeal officer will not meet with either party. The decision of the appeal officer is a final determination.

2.6 Restorative Practices and Community Engagement

When communities have been harmed by bias-related incidents of misconduct, restorative practices place the Reporting Party, as well as the Accused Party (and the affected communities) at the center of the reconciliation and healing process. Bias-related incidents involve individuals and communities and affect us so deeply because they are incidents that confront our various social identities. The BIRT may propose restorative practices as an appropriate method for addressing bias-related incidents. As restorative practices and community engagement is applied, the Director of the Office of Equal Opportunity & Title IX, or designee, will initiate and maintain ongoing contact to communicate information about the resources, supports, Policy and applicable policies and procedures.

3.0 Scope

This policy applies to all operating units of Saint Louis University, excluding Saint Louis University-Madrid, including all faculty, staff, students, volunteers, and other workforce members not otherwise identified.

4.0 Procedures

Reporting an Incident - Maxient

Response Protocol

5.0 Sanctions

Individuals who fail to comply with this policy and the procedures associated with it may be subject to disciplinary actions guided by the University's Staff Performance Management Policy, SLU Faculty Manual (St. Louis Campus), or Student Handbook. Non-compliance with this policy may result in disciplinary action, up to and including separation from the University.

6.0 Responsibilities

Director of the Office of Equal Opportunity & Title IX: The University has designated the Director of the Office of Equal Opportunity & Title IX to oversee all reports of bias-related behavior and harassment at the

University. The Director of the Office of Equal Opportunity & Title IX may delegate certain responsibilities to a designee as needed. Questions about the applicability of this Policy or the University's efforts to address and prevent bias-related incidents may be directed to the University's Director of the Office of Equal Opportunity & Title IX.

Bias Incident Response Team (BIRT): The BIRT works with the Director of Equal Opportunity & Title IX to help address bias concerns at the University. The BIRT provides guidance to the individuals or departments working with the bias-related incident investigation and adjudication process.

7.0 References

University Policies Including But Not Limited to:

Non-Retaliation Policy

Reporting Concerns of Misconduct Policy

Staff Performance Management Policy

Staff Recruitment Policy

University Resources Including But Not Limited to:

SLU Faculty Manual (St. Louis Campus)

Student Handbook

External Resources Including But Not Limited to:

Title VII of the Civil Rights Act

18 U.S. Code § 249 - Hate Crime Acts

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

8.0 Definitions

Bias-Related Incident: A bias-related incident is any behavior, event, or act, either verbal, written or physical, expressing intolerance or prejudice. A bias incident may or may not involve threatened or actual violence or other criminal conduct such as a hate crime. Bias incidents reflect an intentional act or disregard for the impact of one's conduct that threatens, offends, or stigmatizes an individual or group based on perceived or actual protected characteristics.

Examples of bias incidents include hate speech, identity bashing, racist epithets, religious slurs, sexist jokes or cartoons, hate mail, offensive graffiti, or prejudiced remarks. Bias incidents may occur in person, through written materials, or through electronic media such as e-mail. Bias-related incidents create a socially divisive atmosphere and negatively affect the campus climate.

Hate Crime: In the United States, federal laws that inform responses to hate crimes include the Civil Rights Act of 1968 (18 U.S.C. § 245(b) (2)), the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. § 994), and the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009 (Division E of H.R. 2647). Additional laws that define and prohibit hate crimes have been enacted in various states and local jurisdictions.

Generally speaking, a hate crime (also known as a bias-motivated crime) is a criminal act that is motivated by actual or perceived membership in a social identity group such as sex, gender, gender identity/expression, race, color, religion, national origin, ancestry, disability, age, sexual orientation, marital status, military status, veteran's status, pregnancy, genetic information, genetic information, or any other protected

classification. However, not all bias-related incidents rise to the level of a hate crime.

The Jeanne Clery Disclosure of Campus Security Protocol and Campus Crime Statistics Act of 1990 (20 U.S.C. § 1092(f)) (also known as "The Clery Act") defines hate crimes for the purposes of its reporting requirements. In compliance with this federal statute, annual statistics of criminal offenses, hate crimes, and violations of the *Community Standards* outlined in the *Student Handbook*, must be disclosed in a yearly report. Any criminal offense (such as murder, manslaughter, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, or arson)# or any incident of larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property that is motivated by bias# must also be reported as a hate crime.

Restorative Justice: Restorative Justice (sometimes known as "reparative justice") is a philosophical approach to justice and a social movement that involves a process of correcting offenses committed against people (as opposed to correcting violations of laws, statutes, or policies, which may be perceived as abstract concepts and not real actions). Restorative Justice focuses on the actions of individuals and communities involved in situations that have caused hurt or harm. Restorative Justice seeks active understanding of each victim's and each offender's personhood. Utilizing a variety of peaceful conflict resolution practices that emphasize relationships between individuals and communities, Restorative Justice allows victims of offenses to be active participants and encourages offenders to take responsibility for their actions and repair the harm they have caused.

Community Standards: Community Standards refers to the University policies and standards of conduct for students in order to create a climate of student learning and development that is rooted in the Catholic, Jesuit tradition.

Reporting Party: Any person or entity who submits a report or complaint alleging that a University Protocol and/or *Community Standard* has been violated.

Accused or Accused Party: Accused or Accused Party refers to the Student, group of Students, Employee, or University affiliated organization alleged to have committed a violation of University policies and/or *Community Standards*.

Bias Incident Response Team (BIRT): The BIRT is comprised of a group of employees within the University community who determine whether or not a reported incident qualifies as bias. The Director of the Office of Equal Opportunity & Title IX chairs the BIRT and appoints specific members to the BIRT. The BIRT provides guidance to the individuals or departments working with the bias-related incident investigation and adjudication process.

Privacy: Privacy generally means that information related to a report made under this Policy will be shared only with a limited number of individuals who "need to know" in order to assist in the active review, investigation and determination of responsibility or restoration concerning the report. While not bound by confidentiality, these individuals are trained to be discreet and respect the privacy of all individuals involved in the process.

9.0 History

This is a new university policy that will replace an existing protocol.