

Northern Kentucky University Bias Incident Response Protocol

Introduction

Northern Kentucky University's Bias Incident Response Protocol ("Protocol") advances NKU's commitment to create and maintain a university climate free of discrimination and to promote a learning and living environment for students, administrators, faculty and staff that is safe, inclusive, welcoming and respectful.

Bias incidents are counterproductive to the educational mission and goals of Northern Kentucky University. The Protocol provides notification to the university of bias-motivated incidents and a process to address bias-motivated incidents that impact NKU students, administrators, faculty and staff. The Protocol has been developed to lend consistency and predictability to the University's response to such situations on campus.

Bias Incident Response Team

The purpose of the Bias Incident Response Team (BIRT) is to provide support and outreach, education, and resources to individual students and/or groups of students, administrators, faculty and staff who have been impacted by a bias-motivated incident. The BIRT is composed of faculty members and representatives from the following offices and student stakeholder groups:

- Faculty
- Office for Student Accessibility
- Student Affairs/Center for Student Inclusiveness
- Office of Human Resources
- University Police
- Health, Counseling, and Student Wellness
- Student Conduct, Rights, and Advocacy (SCRA)
- University Housing
- Office of Title IX
- Office of the Vice Provost for Undergraduate Academic Affairs
- International Student and Scholar Services
- Student representative from African American Student Initiatives
- Student representative from Latino Programs and Services
- Student representative from LGBTQ Programs & Services

All interventions will respect the rights of all parties involved and will comply with appropriate University policies and procedures. Content area experts and partners will be consulted for guidance on specific issues as needed.

Reporting Bias Incidents

Bias incidents can be reported through the online Bias-Motivated Incident Report form: (https://cm.maxient.com/reportingform.php?NorthernKentuckyUniv&layout_id=2)

There are two different types of BIRT reports: INFORMATION ONLY or TAKE ACTION

INFORMATION ONLY reports are used to track trends and help determine patterns across campus. Reporters who submit Information Only reports have no expectation that the University will take any action. The intent is to make the University aware of the incident or incidents. However, if the incident reported rises to the level of a violation of University policy or policies, the University may have an obligation to investigate.

TAKE ACTION reports are forwarded on to the appropriate University official for further review and/or possible investigation, which could be but is not limited to: Dean of Students Office, Office of Inclusive Excellence, Office of the Provost, Human Resources, or University Campus Police. Reporters who submit Take Action reports are indicating a desire that the University take some sort of action.

BIRT Reports can be submitted anonymously. If you wish to report anonymously, you do not have to give any of your own information. You will still need to identify the people involved in the incident.

If you have questions about a possible incident that you experienced, witnessed, or were informed about, please contact the Office of Inclusive Excellence at 859-572-6630 or inclusiveexcellence@nku.edu.

Any person may file a complaint regarding a bias-related incident; the reporter can be the alleged victim of the treatment, or the reporter can file a report on behalf of another person. NKU strongly encourages campus community members to take an active role in reporting bias incidents and hate crimes in order to ensure an inclusive and welcoming campus for all.

University Response

The Chief Diversity Officer (“CDO”) receives online reports and conducts an assessment to make an initial determination regarding the type of conduct described. If the conduct described appears to violate an applicable University policy or criminal law, the report will be referred to the appropriate University official for review and may result in investigation or other action taken. When appropriate, the Reporter will be notified that the matter has been referred to another office.

If the reported incident is not referred to another office, the CDO will work with the “Bias Review Team” (a sub-set of the Bias Incident Response Team) to develop a response furthering a safe, inclusive, welcoming, and respectful campus climate, such as providing survivor assistance¹

¹ More information about survivor assistance can be found in “Additional Information about the Protocol – Survivor Assistance” section below.

through referrals or by identifying a “support liaison” who will provide necessary support and resources to the survivor.

When appropriate, the “Bias Review Team” will convene all members of BIRT to determine any additional actions that will be planned and implemented by appropriate staff members, such as instituting training, mediation, restorative justice, or campus-wide discussions on concerns related to the bias incident.

BIRT will assess the incident and determine its severity and impact in the following areas:

- Individual or targeted group.
- Residents of some or all residence halls.
- Other specific segments of the NKU community, such as units/departments and colleges.
- The greater community beyond NKU.

Incident Documentation

The occurrence and response of all bias incidents will be documented by BIRT. It is important that bias incidents are promptly reported to BIRT with timely and accurate documentation of the incident. Every reasonable effort should be made to report a bias incident to BIRT within 48 hours of its occurrence.

Definitions

- **Bias:** a pre-formed negative opinion or attitude toward an individual or a group of individuals who possess common characteristics such as age, color, disability, gender identity or expression, marital status, national origin, race, religion, sex, sexual orientation, or veteran status.
- **Bias Incident:** verbal or nonverbal conduct that is threatening, harassing, intimidating, discriminatory, or hostile; and is intended to target and marginalize people based on their social, political, racial, gender, or religious identities.
- **Discrimination:** an act that either in form or operation, and whether intended or unintended, unreasonably differentiates among persons on the basis of age, color, disability, gender identity or expression, genetic information, marital status, national origin, race, religion, sex, sexual orientation, or veteran status. Discrimination is defined in the University’s Equal Opportunity and Nondiscrimination Policy as unjust treatment of others. It is a behavior based on prejudice.
- **Reporter:** an individual who reports an incident – could be a survivor or witness.

Additional Information about the Protocol

Purpose

The purpose of the Protocol is to ensure that NKU is an inclusive, welcoming, and safe learning and living environment for all students, administrators, faculty and staff by:

- Providing easily accessible methods for NKU students, administrators, faculty and staff to report bias-motivated incidents;

- Designating a body of university stakeholders to apply the Protocol;
- Recommending and providing institutional responses that provide support, education, and resources for NKU individual students and groups of students, administrators, faculty and staff impacted by bias-motivated incidents;
- Developing institutional responses that will comprehensively and transparently address the impact of bias incidents at the community level;
- Providing a structure and guidelines for consistently evaluating, assessing and responding to reports of bias incidents;
- Developing methods to inform the NKU community about the university's institutional response to reported bias incidents in a timely and informative manner, while remaining consistent with federal and state privacy protections.

Application and Jurisdiction

The Protocol applies to incidents that occur at NKU on any property owned or controlled by Northern Kentucky University. The Protocol also applies at any NKU-sponsored activity and when a reported bias incident adversely affects NKU students, administrators, faculty and staff. This Protocol supplements, and does not replace, the duties of university offices or units that currently respond to reported incidents of harassment and discrimination involving members of the university community.

Free Speech

The Protocol does not limit First Amendment rights. Freedom of speech (also called freedom of expression) is a fundamental right guaranteed by the U.S. constitution. While individuals have a right to make statements, popular or unpopular, agreeable or offensive, NKU community members share a responsibility to treat each other respectfully and civilly, including when discussing or debating controversial topics.

Survivor Assistance

The safety and well-being of the survivor(s) is paramount after any bias incident. It is essential that the survivor receive support after the incident and is provided with available resources to assist with any emotional, mental, and/or physical impact. When appropriate, a support liaison from the Bias Incident Response Team may reach out to the survivor(s) to offer the following resources:

- University Police (859-572-5500), to provide medical attention and address issues related to personal safety and potential criminal conduct.
- Counseling Services (859-572-5650), for students to assist with psychological/emotional impact of the bias incident.
- Employee Assistance Program (1-888-238-6232), to support a faculty or staff member.
- Assistance in accessing other safety and security considerations, such as possible housing reassignment, academic/course adjustments for students, or alteration of work assignments or office space for employees.
- Offer to contact others (e.g., parent, sibling, relative) to provide emotional support.

- Offer to connect with a support liaison to provide ongoing support and assistance with any continuing concerns.
- Information about any assessment or investigation options available to address the incident.

Review and Assessment

Each bias incident is unique, and the University must assess the particular facts and circumstances of the incident in order to determine the appropriate response. Bias incidents are generally classified according to their level of seriousness. The three levels are as follows:

- Level 1: A single nonviolent incident in which a member or members of a protected group is targeted for abuse. Examples: use of a racial epithet; homophobic graffiti.
- Level 2: Physical intimidation, threat of physical violence, or multiple bias incidents directed against a member or members of a protected group. Examples: verbal threats; multiple racial epithets or incidents of homophobic graffiti.
- Level 3: An act of violence against a member or members of a protected group. Example: physical attack of a lesbian couple.

The University is committed to holding perpetrators of bias incidents accountable through the procedures established for handling violations of University policy. In order to maximize the University's ability to hold perpetrators accountable, all bias incidents should be reported to University Police and BIRT in a timely fashion.

What is the difference between a bias incident and a hate crime?

Bias-related acts and hate crimes both involve behavior that is motivated by bias. However, there are important distinctions between them.

Bias incidents include conduct or behavior (verbal, nonverbal, or written) that is threatening, harassing, intimidating, discriminatory, or hostile and is based on a person's identity or group affiliation, including (but not limited to) such things as race, age, disability status, gender, gender identity/expression, national origin, sexual orientation, or religion. Even when offenders are not aware of bias or do not intend to offend others, bias may be revealed which is worthy of a response and an opportunity for education.

A hate crime is generally defined in federal and state statutes as a criminal offense committed against a person or property that is motivated, in whole or in part, by the offender's bias against the victim's identity or group affiliation.

NKU values freedom of thought and expression and the open exchange of ideas and hopes that an effective protocol will contribute to an environment that encourages dialogue around challenging issues. Thus, it is important to note that bias acts or hate crimes do not include speech or behavior that an individual or the institution merely disagrees with or finds offensive.