

The College of Saint Rose Bias Response Policy

Policy Number:
Responsible Office:
Origination Date:
Revision Date:

I. Purpose

The College of Saint Rose is committed to the fundamental belief that all people should be treated with dignity and respect. Discrimination and harassment will not be tolerated in any context but not limited to interactions between the following parties:

- Employee/Employee
- Faculty/Student
- Faculty/Faculty
- Student/Student
- Employee/Student
- Or any other affiliates of the College

All members of the College community have the protected right to work, learn and/or live in an environment that is free from derogatory remarks, unwelcome sexual advances and any other verbal or physical conduct constituting discrimination on the basis of race, color, religion, sex, age, national origin, marital status, sexual orientation, disability, veterans' status or any other category covered under federal, state and local law (protected classes). In order to actively live by these principles all parties experiencing or witnessing discrimination, harassment, or a hate crime are strongly encouraged to come forward anonymously or self-identified. The College provides a direct channel of communication through the Bias Response Team for a complete complaint resolution procedure. Individuals found to be in violation of this policy will be appropriately sanctioned, up to and including dismissal.

If you feel that you have been subject or witness to sexual harassment, assault, or misconduct, please seek immediate assistance. After you or the victim are safe, report the incident. To report, refer to the College's Policy and Procedures for Handling Complaints of Discrimination and Harassment for Employees and or the Student Handbook. You can find information on how to proceed in the College's Sexual Harassment and Misconduct Policy. See www.strose.edu/titleix.

II. Definitions

- A. **Bias:** Prejudice in favor of or against one thing, person, or group compared with another, usually in a way considered to be unfair.
- B. **Bias Behavior:** Hurtful or harmful conduct of an individual that is based on bias.

- C. Bias Response Team (BRT): A team of administrators, faculty, staff, and students who receive, review, and respond to notifications of bias-related incidents, discrimination and harassment complaints.
- D. Covered Individual: All students, faculty, staff, volunteers, and contractors and other persons conducting business with the College.
- E. Complainant: The individual who makes the initial claim regarding bias and/or discrimination. If the actual complaint is anonymous, the BRT may act as the Complainant.
- F. Designated Official: The Bias Response Team and other College officials who are designated in other College policies to receive and investigate notification of bias incidents, discrimination, harassment or hate crimes.
- G. Discrimination: Treating a Covered Individual less favorably because of that individual's Protected Status. For purposes of this Policy, Discrimination includes biased behavior, harassment and hate crimes.
- H. Employee: In this Policy, Employee refers to individuals who hold full-time or part-time positions as faculty members, administrators, or staff members.
- I. Harassment: Severe, persistent, or pervasive conduct towards or about an Individual on the basis of that Individual's protected status that creates a hostile living, working, educational, or social environment.
- J. Hate Crime: A crime, typically one involving violence, that is motivated by prejudice on the basis of race, religion, sexual orientation, and all federally or state statutorily protected classes.

Examples of hate crimes may include, but are not limited to: threatening phone calls, hate mail (including electronic mail), physical assaults, vandalism, destruction of property, and fire bombings. As used in the College's policies, "bias-related crime" means the same as "hate crime" under New York Penal Law 485.05

- K. Respondent: The individual against whom a complaint is filed under this policy.
- L. Retaliation: Treating someone differently or subjecting that individual to an adverse action because the individual:
 - i. Filed a complaint alleging biased behavior, discrimination, or harassment,
 - ii. Reported an incident of biased behavior, discrimination, or harassment, or
 - iii. Participated in an investigation of biased behavior, discrimination or harassment
- M. Sexual Harassment: Severe, persistent, or pervasive and objectively offensive unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct or communication of a sexual nature that creates a hostile working environment.

- N. Student: An individual who is currently attending the College or has applied for admission to the College.
- O. Witness: An observer who was present at the time of the event that is the subject of the complaint and/or has firsthand knowledge of the event.

III. Policy

- A. The College of Saint Rose does not discriminate nor permit discrimination on the basis of age, race, color, sex, religion creed, disability, national/ethnic origin, gender identity or expression, sexual orientation, familial status, marital status, military status, domestic violence victim status, or other protected statuses in the administration of its educational programs and policies, admissions policies, scholarship and loan programs, athletics and other school-administered programs. The College's Notice of Non-Discrimination is available at <https://www.strose.edu/wp-content/uploads/2016/09/Notice-of-Non-Discrimination.pdf>.
- B. Behavior or conduct based on bias that is hurtful or harmful to a Covered Individual is a form of prohibited Discrimination on the campus or at off-campus events that are sanctioned or sponsored by the College of Saint Rose.

IV. Procedures

- A. Bias reports serve an important function even when the reporting and/or targeted party is not seeking an incident-specific response. They are a tool for assessing campus climate with regard to diversity, inclusion, and equity issues. While some expressions of bias may be overt, subtler forms of bias often go unnoticed. Bias reports can help our community to recognize and address the intended and unintended ways in which our words and actions may affect others.
- B. Reporting:
 - 1. All incidents of biased behavior, discrimination, harassment, or a hate crime should be reported by either the Complainant or any Witness. All are encouraged to submit a report, even if they are uncomfortable identifying themselves. Any information shared with the Bias Response Team (BRT) will be useful in identifying and addressing experiences and patterns of bias behavior in our community.
 - 2. Reports filed anonymously may be managed as though the BRT was the Complainant. Reports can be filed at www.strose.edu/diversity
 - 3. Once an individual discloses identifying information in a statement (verbal or written) about an alleged case of bias, harassment, or discrimination to a designated official or supervisor/area head, they will be considered to have filed a report with the College.

4. Specific notifications brought to faculty, supervisors, or area heads will be referred to the BRT. All members of the Saint Rose community have the responsibility to ensure a report is filed with the BRT, who will work with appropriate campus officials and determine findings.

C. Complaints:

1. Complaints should be filed promptly after an incident of alleged bias behavior, discrimination, harassment, or hate crime. To ensure the prompt and thorough review of a bias behavior, discrimination, harassment, or hate crime complaint, the Complainant should provide as much information as possible.
2. Within ten (10) business days of receiving the bias incident report, the Bias Response Team will assign two members to begin a review and determine if the complaint can be resolved informally, with education, counseling, mediation and other methods.
3. If it cannot be resolved informally, the Bias Response Team will initiate an investigation to gather evidence related to the complaint.

D. Investigations:

1. The two assigned members will be known as the Bias Response Team for the investigation and will be present during all meetings with the complainant(s), respondent(s), and witness(es). If needed, the Bias Response Team will consult with the College's General Counsel or Human Resources Office throughout the review and/or investigation. The Bias Response Team will compile evidence related to the complaint.
2. The College of Saint Rose attempts to complete investigations within ninety (90) days excluding holidays. The Bias Response Team is responsible for ensuring that an impartial investigation begins within a reasonable time after the complaint has been filed. In certain circumstances, the investigation time frames may need to be extended and the BRT has full authority to extend or modify all time frames set forth in this Policy. In such instances, all parties to the complaint will be notified.
3. The Bias Response Team will contact the Respondent, give them a summary of the complaint, solicit the Respondent's account of the alleged incidents, and inform the Respondent that a findings report (summary of complaint, Respondent's response, statements/evidence gathered during investigation, findings of whether the policy was violated, and if so, the recommended sanction) will be prepared.
4. Generally, once contacted, the Complainant, Respondent and Witness have ten (10) business days to provide statements to the investigator. The College reserves the

right to move forward with case resolution should parties fail to adhere to this time frame. In certain circumstances these time frames may need to be extended (e.g., during June, July and August students and faculty members are often not available; significant number of witnesses to interview; multiple allegations in a single complaint.)

5. Every effort will be made to conclude the investigation as expeditiously as possible. The preponderance of evidence or “more likely than not” standard of review will be used during the investigatory process.
6. The complaint can be resolved with a discussion, counseling, mediation, suspension, dismissal, or other methods.
7. Additionally, in the event of an agreement, all parties to the agreement will receive copies of appropriate documents.
8. The BRT Team will complete a finding report (summary of complaint, Respondent’s response, statements/evidence gathered during investigation, findings of whether the policy was violated, and if so, the recommended sanction) of the investigation.
9. Complaints against Administrative or Support Staff:
 - a) In the case of complaints against administrative or support staff Employees, the report will be forwarded to the Associate Vice President for Human Resources, unless they are named in the complaint, then it will go to the Vice President for Finance and Administration.
 - b) After reviewing the BRT Report, The Chief Diversity Officer, the AVP for Human Resources and a member of the BRT, not involved with this investigation, will then determine agreement with the recommended disciplinary action.
 - c) The Respondent will receive notification of the findings and any disciplinary information.
 - d) The Complainant will receive notification of the findings; the notification will not include disciplinary information.
10. Complaints against Students:
 - a) In the case of complaints against students the report will be forwarded to the Assistant Vice President for Student Development, unless they are named in the complaint, then it will go to the Vice President for Student Development.
 - b) After reviewing the BRT report, the Chief Diversity Officer, the Assistant Vice President for Student Development, and a selected student will determine agreement with the recommended disciplinary action.

- c) The Respondent will receive notification of the findings and any disciplinary information.
- d) The complainant will receive notification of the findings; the notification will not include disciplinary information.

11. Complaints against Employees serving as Faculty:

- a) In the case of complaints against faculty, the report will be forwarded to the appropriate Dean, unless they are named in the complaint, then it will go to the Provost.
- b) After reviewing the BRT report, The Chief Diversity Officer, a member of the BRT not participating in this investigation, the Dean and (The Faculty Review Committee ONLY if suspension or termination is determined) will agree on the final decision. The Dean will submit a letter indicating the decision.
- c) The Respondent will receive notification of the findings and any disciplinary information.
- d) The Complainant will receive notification of the findings; the notification will not include disciplinary information.

E. Appeals:

- 1. Appeals can be made by either the Complainant or the Respondent to the appropriate College Official
 - i. Students appeal to the VP of Student Development who will adhere to the applicable processes contained within the College's Student Handbook.
 - ii. Employees serving as Administrators or Staff to the VP of Finance and Administration who will follow appropriate provisions of the employee handbook or union contract.
 - iii. Employees serving as Faculty appeal through the Faculty Manual Process and follow the outlined process.

V. Monitoring Compliance

- A. The student conduct officer or supervisor/area head of an individual found to have violated this policy is responsible for monitoring the individual's future compliance with this Policy.

VI. False Reports

- A. Complainants found to have made intentionally false allegations or to have made allegations maliciously will be subject to disciplinary action.

VII. Community Care

- A. The Bias Response Team will assess the needs of The Saint Rose community. An email may be sent to the appropriate affected individuals after the situation has been assessed and next steps identified.
- B. The Bias Response Team may inform the larger community about what has transpired, if appropriate.
- C. The Bias Response Team may organize and hold open forums for affected individuals as well as the larger community to provide details of the incident which can be revealed outside of the investigation, to gather suggestions, to denounce such incidents, to reaffirm Saint Rose's values and standards and to educate about hate crimes and bias incidents.
- D. The Bias Response Team may also determine incident-related topic program areas for additional trainings for Students and Employees.
- E. All efforts should be made to identify and provide opportunities for the community that will enhance and encourage inter-group dialogue that focuses on relevant issues of bias, hate crimes, hate groups (their profiles, agendas and patterns of behavior), discrimination, and effective strategies for enhancing individual and community safety and well-being and reinforcing community values.

VIII. Confidentiality

- A. All inquiries, complaints and investigations are private and any information obtained is revealed strictly on a need-to-know basis. Information contained in a formal complaint is kept private; however, the identity of the Complainant and Respondent usually is revealed to the Respondent and Witnesses.
- B. Witnesses will be directed not to disclose the fact that they have been interviewed or the nature of the inquiry to others.
- C. Violation of this directive shall be a basis for disciplinary action or other sanctions as may be determined by the College.
- D. A copy of the investigation report and the final decision is included in the Respondent's personnel or student file only if the investigation concludes that the Respondent violated this policy.
- E. A copy of the documentation will be provided to the appropriate official in which identifying information about an alleged Respondent has been disclosed (whether or not the harassment was found to be substantiated).

- 1. For Employees > Associate Vice President for Human Resources and Risk Management

2. For students > Assistant Vice President for Student Development

- F. These secure files will be kept separate from all other human resources and Student files maintained by the College. No record of a complaint is kept in the complainant's human resources or student file, unless the investigation concludes that the complaint was reckless or frivolous.
- G. All information pertaining to allegations and incidents under this Policy are maintained in secure files by Chief Diversity Officer.

IX. Retaliation

- A. The College condemns retaliation against anyone who participates in a review or investigation under this Policy and will take adequate steps to ensure that the Complainant and any Witnesses are protected from retaliation throughout the processes in this Policy.

X. Right of Independent Action

- A. Although the College hopes that all parties will avail themselves of the internal mechanisms provided to resolve complaints of discrimination and harassment, all individuals also have the right to file complaints with appropriate local, state and federal agencies, including the Office of Civil Rights of the U. S. Department of Education.

XI. Bias Response Team - Roles and Responsibilities

- A. It is the role of the Bias Response Team to address expressions of bias in our community.
- B. When appropriate, the Team provides educational opportunities for specific campus constituencies and/or the Campus to reflect on the nature, causes, and effects of bias.
- C. Moreover, the Bias Response Team coordinates interpersonal and campus-wide response to expressions of bias reported through the online reporting form.
- D. These reports allow the Team to:
 - 1. Assist those directly impacted by bias incidents and work with reporting and /or targeted parties to determine the kind of response, if any, that would be helpful.
 - a) Though the Team will always reach out to reporting parties, reporting parties play a significant role in determining what the follow up to a specific incident entails. If a reporting party communicates that they are not interested in an incident-specific response, the Team will do its best to honor that.

2. Gather campus climate data regarding bias-motivated expressions and behaviors.
3. Maintain an updated incident log of all reported incidents, omitting all names and including a brief summary of the behavior/expression being reported.
4. Communicate with the campus about specific incidents and/or campus climate trends, when deemed appropriate.
5. Make data-informed policy recommendations.
6. Recommend and assist with data-informed educational programming, largely in collaboration with other campus entities addressing equity and inclusion.