

# Illinois Wesleyan University

## Bias Incident Reporting Protocol

### **Introduction**

Consistent with Illinois Wesleyan University's Strategic Initiative on Diversity, it is the University's goal to create a collegiate environment that is inclusive, welcoming for all and free of all forms of bias. Since bias related incidents often fall beyond the scope and protection of existing discrimination laws and regulations, it is imperative that we respond as a unified community to address through education such behavior while respecting the rights of all individuals to freedom of speech and expression. It is the University's position that acts of bias require a response that asks all members of our community to uphold our shared values of good will and acceptance.

### **Definitions**

**Bias Incident:** Any activity committed against a person or property that is motivated, in whole or in part, by the offender's bias against a race, color, ethnicity, national origin, sex, gender identity or expression, sexual orientation, disability, age or religion.<sup>1</sup> A Bias Incident will include, but is not limited to Discriminatory Conduct and Hate Crimes. Bias Incidents will be reported for data collection and community education purposes only. Discriminatory Conduct and Hate Crimes may result in punitive actions through the respective deliberative procedures established on our campus for [students](#), [faculty](#), and [staff](#), and, when appropriate, municipal, state, and federal legal responses may be applied.

**Discriminatory Conduct:** Conduct or behavior that is in violation of Federal, State or local anti-discrimination laws.

**Hate crime:** Conduct or behavior that is in violation of Federal, State or local hate crime laws

**Identity Group:** an Identity Group consists of those individuals defined by real or perceived membership associated with any protected class including: race, color, national origin, ethnicity, religious affiliation, age, sex, gender identity, disability or sexual orientation, as well as, any other unprotected class that is, or has been, marginalized or that has encountered social bias and discrimination in any form.

**Member of the University Community:** includes students, staff, faculty, and visitors.

**Bias Response Team:** includes the Provost, the Dean of Students, and the Associate Vice President for Human Resources.

### **Academic Freedom and Freedom of Expression**

According to the Faculty Constitution, faculty at Illinois Wesleyan University are afforded academic freedom. In addition, faculty, student and staff have rights of free expression. IWU is committed to the principles of academic freedom. Vigorous discussion and debate are fundamental to the University and this policy is not intended to stifle teaching methods or infringe

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<sup>1</sup> [urespect.umich.edu/report/definitions/](http://urespect.umich.edu/report/definitions/)

upon academic freedom or freedom of expression. The protections of academic freedom must be carefully considered in all reports of bias involving faculty. The fact that speech or a particular expression is offensive is not, standing alone, sufficient basis to establish a violation of this policy. If such speech or expression takes place in the teaching context, it must also be persistent, pervasive, and not germane to the subject matter in order to be bias behavior under this policy. The academic setting is distinct from the workplace in that wide latitude is required for professional judgment in determining the appropriate content and presentation of academic material.

### **Reporting a Bias Incident**

Members of the University Community who feel they have witnessed or been subjected to a Bias Incident should report that incident. Reports may be made in person or may be completed online at (<http://www.iwu.edu/bias>). Based on those involved in the incident (both those completing the report and those believed to be responsible for the bias), the following areas are appropriate outlets from which Members of the University Community may seek assistance (The primary resource is in **bold**):

		When the perpetrator(s) are believed or alleged to be a...		
		Student	Faculty	Staff
When the person(s) completing the report is	Student	<ul style="list-style-type: none"> <li>• <b>Dean of Students Office</b></li> <li>• Office of Multicultural Student Affairs</li> <li>• University Chaplain</li> <li>• Residential Life Staff</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Office of the Provost</b></li> <li>• Department Chair</li> <li>• Dean of Students Office</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Dean of Students Office</b></li> <li>• Office of Multicultural Student Affairs</li> <li>• University Chaplain</li> <li>• Residential Life Staff</li> </ul>
	Faculty	<ul style="list-style-type: none"> <li>• <b>Office of the Provost</b></li> <li>• Department Chair</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Office of the Provost</b></li> <li>• Department Chair</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Office of the Provost</b></li> <li>• Department Chair</li> <li>• Human Resources</li> </ul>
	Staff	<ul style="list-style-type: none"> <li>• <b>Human Resources</b></li> <li>• Supervisor</li> <li>• Division Head</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Human Resources</b></li> <li>• Supervisor</li> <li>• Office of the Provost</li> <li>• Department Chair</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Human Resources</b></li> <li>• Supervisor</li> <li>• Division Head</li> </ul>

It is recommended that a report be completed as soon as possible after the incident and that a copy of the report be maintained by the reporting individual. In the event that a student reports a Bias Incident to a member of the faculty or staff, that employee should encourage the student to use the reporting process. In the event that an action is believed to be a Discriminatory Conduct and Hate Crime, it is recommended that the employee also contact a member of the Bias Response Team to assure that an investigation is initiated in the event that the student does not file a formal report.

### **Confidentiality**

Any Member of the University Community that reports a Bias Incident may request that his or her identity remain confidential. In the event of such a request, the University should take all reasonable steps to investigate and respond to the report consistent with the request. If such confidentiality is requested, the University shall inform that individual that such a request may hinder the investigation and may limit its ability to effectively respond to the report. Additionally, the Bias Response Team shall inform that individual that the University has a policy against retaliation. The foregoing shall not limit or impede the University's responsibilities under Title VII of the Civil Rights Act; Title IX of the Education Amendments of 1972; the Illinois Human Rights Act, the Clery Act; the Federal Education Rights and Privacy Act, or any other applicable State or Federal law.

### **Retaliation**

Any Member of the University Community who either files a Bias Incident Report or who supports a third party that files a Bias Incident Report has the right to do so without fear of retaliation. If any such individual is retaliated against, such conduct will be referred to the appropriate University department or personnel for possible disciplinary action.

### **Classification of Bias Incidents**

For internal reporting and evaluation purposes only, Bias Incidents shall be reviewed for the following characteristics:

Category # 1: Whether the perpetrator is known or unknown.

Category # 2: Whether there is a single perpetrator or multiple perpetrators.

Category # 3: Whether there have been previous reports regarding the perpetrator(s).

Category # 4: Whether the Bias Incident is directed at an individual or at an Identity Group.

Category # 5: What Identity Group is the conduct directed towards.

Category # 6: Whether the Bias Incident involves physical or non-physical conduct.

Category # 7: Whether the Bias Incident occurred on or off campus.

Category # 8: Whether the Bias Incident is referred to appropriate University department or personnel for possible disciplinary action.

Category # 9: Whether any non-disciplinary action was undertaken to redress the Bias-Incident and/or prevent similar Bias-Incidents from occurring in the future.

Category # 10: Whether there were any acts of retaliation with respect to the reporting of the Bias Incident.

Category # 11: Degree to which the incident was associated with a university-sponsored event.

Category # 12: Are the victims members of the targeted identity group, or are they perceived to be part of the targeted identity group?

## **Reporting**

The Bias Response Team shall prepare a report of each Bias Incident that is investigated. The report shall include: (i) a summary of the factual findings; and (ii) a categorization of the Bias Incident. That report will be forwarded as follows:

- Incidents involving students:
  - A copy of the report to the Dean of Students
  - A copy of the report to the Director of Multicultural Student Affairs
  - A copy of the report to the Director of Security
  - A copy of the report to the Office of Institutional Research
- Incidents involving faculty:
  - A copy of the report to the Provost
  - A copy of the report to Human Resources
  - A copy of the report to the Director of Security
  - A copy of the report to the Office of Institutional Research
- Incidents involving staff:
  - A copy of the report to Human Resources
  - A copy of the report to the Director of Security
  - A copy of the report to the Office of Institutional Research

Annually, the Provost will compile aggregate data on reports received and resolved in the previous year. As a starting place, this data will be shared with the President, the University Cabinet, and the University Council for Diversity.

## **Review**

Each semester, the Provost will present an aggregated summary of Bias-Incident Reports including the aforementioned categorizations and investigative outcomes to the University Council on Diversity (UCD). The UCD will analyze these reports to identify institutional patterns and recommend programmatic responses to ameliorate conditions that contribute to the recurrence of these Bias Incidents.

**External resources**

In addition to institutional responses to acts of bias, there may be civil or criminal avenues that warrant consideration and pursuit. The following federal, state and local organizations have responsibility for investigating and responding to acts of hate, prejudice and bias:

Office of Civil Rights – Headquarters Georgina Verdugo, Director Office for Civil Rights US Department of Health and Human Services 200 Independence Avenue, S.W. Room 509F HHH Bldg. Washington, DC 20201	Office of Civil Rights – Illinois Chicago Office Office for Civil Rights US Department of Education Citigroup Center 500 W. Madison Street, Suite 1475 Chicago, IL 60661 312/730-1560
Illinois Human Rights Commission James R Thompson Center 100 W Randolph St Suite 5-100 Chicago, IL 60601 312/814-6269	Department of Human Rights James R Thompson Center 100 W Randolph St Suite 10-100 Chicago, IL 60601 312/814-6200
Equal Employment Opportunity Commission 500 West Madison Street Suite 2000 Chicago, IL 60661 800/669-4000	Bloomington Police Department Public Affairs Unit 305 S East St Bloomington, IL 61701 EMERGENCY: 911 309/434-2355 or 309/434-2534 police@cityblm.org
Bloomington Human Relations Commission Human Resources Department 109 E. Olive St. Bloomington, IL 61701 309-434-2215 hr@cityblm.org	Normal Human Relations Commission Town of Normal 100 E Phoenix Ave P.O. Box 589 Normal, IL 61761 309/454-2444

**Appreciation**

The information and procedures herein are reflective of policies and procedures modified from a host of other campuses and resources. Particular thanks are owed to Virginia Tech, Cornell, SUNY Geneseo, Santa Clara University, SUNY Stony Brook, the University of Michigan, the University of Wisconsin, and the AAUP's report, "Sexual Harassment: Suggested Policy and Procedures for Handling Complaints."