

# Bias Response Protocol

"Skidmore defines a bias incident as an act of bigotry, harassment, or intimidation involving a member of the Skidmore community that a reasonable person would conclude is directed at a member or group within the Skidmore community based on race, color, ethnicity, nationality, economic background, age, physical and mental health or ability, sexual orientation, sex, gender identity or expression, marital status, veteran status, or religious practice. A bias incident can occur whether the act is intentional or unintentional. Speech or expression that is consistent with the principles of academic freedom does not constitute a bias incident."

## STATEMENT OF VALUES

**Engaged Liberal Learning: The Plan for Skidmore College 2005–2015** sets forth the College's strategic direction and goals for the coming decade within the context of our broad educational mission, which encompasses the college's academic, cocurricular and residential life. **Goal II of the Plan** states that we "will challenge every Skidmore student to develop the intercultural understanding and global awareness necessary to thrive in the complex and increasingly interconnected world of the 21st Century." If we are to achieve this objective, we must, in the words of Gandhi, "be the change we wish to see in the world." That is, we must first develop within and across our community the knowledge and skills that we seek to impart to our students. As one necessary means to achieving this end, we must recreate Skidmore itself as a more diverse, globally conscious academic community—one that is ever more capable of supporting this crucial

educational goal. Indeed, the college we envision is one that truly lives up to the commitment in our “mission statement” to educate “a diverse population of talented students who are eager to engage actively in the learning process.”

Liberal education itself requires the interplay of the broadest possible spectrum of ideas, viewpoints and perspectives. We enhance the intellectual and cultural vitality of our community when persons of many different backgrounds and viewpoints draw upon distinct personal histories and engage in honest dialog. Diversity, likewise, links directly with creativity: Interactions between disparate perspectives frequently strike the intellectual sparks that herald the emergence of a new idea. Attention to difference in background, cultural perspective, life experience and worldview is thus an essential element within the larger framework of Skidmore’s most fundamental and longstanding institutional commitments.

The educational mission of the college can be fulfilled only with the full participation of all community members in the life of the institution. Achieving this ambitious vision requires that all members of our community treat one another with civility and mutual respect. The college, therefore, is determined to confront and discourage conduct and attitudes that exhibit bias or that harass or discriminate against any of our community members on the basis of race, color, ethnicity, nationality, economic background, age, physical and mental health or ability, sexual orientation, sex, gender identity or expression, marital status, veteran status or religious practice.

The commitment to creating a welcoming, safe and inclusive community does not mean that community members will never be offended. Skidmore College vigorously endorses the principle of academic freedom as outlined in the college’s *Faculty Handbook*, and the college is committed to providing a learning environment that encourages a robust, stimulating and thought-provoking exchange of ideas. Among other things, we expect our students as well as other members of the community to become comfortable with the discomfort of being challenged by new experiences and ideas and, above all, of being challenged to achieve excellence. Nothing in this Bias Response Protocol is intended to stifle academic freedom, protected speech or lawful protest.

The college, then, strives to strike a balance between its commitment to academic freedom and free speech—which may result in critical dialog, difficult conversations, or even offensive comments—with its commitment to ensuring that all members of community experience the campus as a hospitable and welcoming place. Such an environment will support students, faculty members and staff members as they strive to achieve the level of excellence to which we all aspire. Bias incidents undermine the ability of individuals to participate fully in the life of the college and, in so doing, undermine the integrity of our educational mission. The college, therefore, adopts this Bias Response Protocol as a means to furthering the educational and professional aspirations of the entire Skidmore community.

## **PURPOSE OF THIS PROTOCOL**

The purpose of the Bias Response Protocol is to establish an understanding of how Skidmore College defines a “bias incident” and to constitute and describe the function of a Bias Response Group. As set forth more fully below, the Bias Response Group’s responsibilities will include considering and recommending responses to reports of bias incidents; more generally, the Bias Response Group will play an educational role in helping to cultivate the community values of inclusion, civility, and mutual respect described above.

Issues related to intercultural and global understanding are multidimensional and complex. They are issues that other colleges and universities—and, indeed, our society as a whole—are facing as well. Members of the Skidmore community, therefore, should expect that the definitions and procedures set forth in this document will continue to evolve. The college encourages active engagement by all community members in the ongoing conversations and efforts that will be required if we are to make real progress toward our goal of intercultural and global understanding.

## **DEFINITIONS OF ‘BIAS INCIDENT’ AND ‘HATE CRIME’**

Skidmore defines a *bias incident* as an act of bigotry, harassment or intimidation involving a member of the Skidmore community that a reasonable person would conclude is directed at a member or group within the Skidmore community based on race, color, ethnicity, nationality,

economic background, age, physical and mental health or ability, sexual orientation, sex, gender identity or expression, marital status, veteran status or religious practice. A bias incident can occur whether the act is intentional or unintentional. Speech or expression that is consistent with the principles of academic freedom does not constitute a bias incident.

A hate crime is defined under [New York State law \(Title Y: Section 485.05 – Hate Crimes\)](#) as follows:

1. A person commits a hate crime when he or she commits a specified offense and either:
  - a) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or
  - b) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

*Note:* All hate crimes are bias incidents, but not all bias incidents are hate crimes.

## REPORTING A BIAS INCIDENT OR HATE CRIME

Any individual member of the Skidmore College community—or any group of persons within the community—who observes or is the target of a bias incident or hate crime is strongly encouraged to report the incident as soon as possible to Campus Safety at [518-580-5566](tel:518-580-5566). Campus Safety will document what happened, including where and when the incident occurred, the names of the victims and names of witnesses, if any. Whenever possible, the individual(s) who observe the incident should not touch or disturb any physical evidence related to the incident.

Any person or group may also opt to contact any of the following individuals or offices:

any staff member from Student Affairs, including Residential Life (student and professional staff), Campus Life, Counseling Services, or Chaplain's Office;

the dean of student affairs or the associate dean of student affairs;

the director of student diversity programs;

the director of HEOP/AOP;

the assistant director of human resources for EEO and workforce diversity;

the dean of the faculty or the associate dean of the faculty;

the dean of the faculty for academic advising;

an academic department chair; or

a student's academic advisor.

Any of these individuals will work closely with the person or groups affected in determining where to direct the complaint and how the college might respond effectively to the incident.

## Referrals of Bias Incidents

Behavior reflecting bias or discrimination may constitute a violation of Skidmore College policies, including but not limited to those set forth in the *Student Handbook*, the *Faculty Handbook* (Part Six), or the *Employee Handbook*. Such conduct also may violate local, state, or federal laws. The college's response to reports of bias incidents will depend on various factors including the nature of the complaint, whether the alleged violator can be

identified, the complainant's wishes as to how the matter should be handled, the college's obligations to the campus community as a whole, and the college's obligations under the law.

The following procedures will apply:

1. All reported bias incidents will be referred to the Bias Response Group (see below for membership and function). Referral to the Bias Response Group is appropriate even when the person(s) believed to have committed the act or acts in question cannot be identified, or in situations where the person or persons subjected to an act constituting a bias incident do not wish to pursue campus disciplinary or criminal charges.
2. Reports of a hate crime should be referred to Skidmore Campus Safety. If appropriate, Campus Safety will involve external law enforcement agencies with jurisdiction over the incident. Reports of a hate crime on campus also will be referred to the Bias Response Group.
3. Reports of unlawful discrimination or harassment\* alleging that a student or student organization has violated college policy should be referred to the dean of student affairs (or designee) for consideration and resolution pursuant to the Skidmore Judicial System.
4. Reports of unlawful discrimination or harassment\* alleging that a faculty member or staff member has violated college policy should be referred to the assistant director for EEO and workforce diversity for consideration and resolution pursuant to appropriate employment procedures.

## Bias Response Group Membership

The following individuals will serve on the College's Bias Response Group:

two students, one of whom will be the SGA VP of diversity affairs;

assistant director of human resources for EEO and workforce diversity;

director of student diversity programs;

director of intercultural studies or other academic leadership;

one faculty member appointed by the president with the concurrence of the Faculty Executive Committee;

one additional Student Affairs representative (at the level of associate dean or higher).

Each year, the president will name one member of the Bias Response Group to serve as the group's coordinator. The group is free to call upon other members of the community (e.g., faculty members who are knowledgeable about a particular field, Residence Life staff, counselors, Campus Safety or others) for assistance at any time. The Bias Response Group will work closely with a designated representative from the Office of the President and with other offices as appropriate to consider what response, if any, is appropriate to any report of a bias incident.

## The Function of the Bias Response Group

The members of the Bias Response Group are charged with two distinct but related responsibilities. First, they constitute the college's first-response team in dealing with reported bias incidents. Second, working with other appropriate individuals, offices, and organizations, they will play an educational role in helping to foster a climate of openness and inclusion on the Skidmore campus, a climate that is intolerant of harassment or discrimination directed against any member of the Skidmore community. Given the college's broad educational mission, it is important that the Bias Response Group involve representatives from both academic and cocurricular programs, members of the faculty and staff, and students in its ongoing, proactive efforts to sustain of the desired campus climate.

# Response Group for Bias Incidents

All reports of bias incidents will be referred to the Bias Response Group coordinator. The coordinator will confer with and/or convene the Bias Response Group expeditiously after receiving an incident report. In such instances, the role of the Bias Response Group will be as follows:

1. To ensure that appropriate College officials and other individuals, groups, or organizations are notified and consulted to provide the context necessary to consider the report of a bias incident.
2. To determine whether the reported act meets the definition of a “bias incident” as set forth in this document.
3. If the reported act is determined to be a bias incident, to consider appropriate educational measures to address the incident. Such measures, which must not interfere with any disciplinary proceedings that might be under way or contemplated, could include the following:

Notifying the community of the bias incident as appropriate. This notice might be distributed via email, website, posters, *Skidmore News*, and/or other means of communication. The notice might be made following a particular incident or as part of a periodic report to the campus community. In deciding what sort of notice is appropriate and from whom the notice should come, the Bias Response Group must consider the full context of the incident and may consult relevant constituencies. The nature of such communications will necessarily depend upon the nature and severity of a reported incident. In some cases, the nature of the incident will determine that the initial communication to the campus community comes from an administrator who is not a member of the group. Because of its close working relationship with all major administrative offices, the Bias Response Group will be able to nominate an appropriate spokesperson and expedite such communication, to ensure that the community is informed on a timely basis. The Bias Response Group also may determine that campuswide notification of an individual incident is not appropriate and that a

higher educational value would result by communicating about the incident in a different context, or that notification in a particular case would not serve any educational purpose.

Suggesting educational programming within the building(s) where the incident occurred or for the campus more broadly. In order to enhance the likelihood that such programming can be provided quickly in response to a bias incident, the Bias Response Group will develop a list of written resources as well as a list of individuals, including faculty members, staff members and students, who are willing to be consulted and involved when various types of incidents occur.

## Educational role in fostering a climate of inclusion, civility, and mutual respect

In addition to considering reports of bias incidents, the Bias Response Group will assume an educational role in fostering a climate of inclusion, civility, and mutual respect throughout the Skidmore community. In carrying out this responsibility, the role of the Bias Response Group will be as follows:

1. To make recommendations—to appropriate administrators, governance bodies, organizations, or other groups—as to how to best foster an inclusive campus climate characterized by civility and mutual respect.
2. To prepare an annual report describing the number and type of bias incidents reported and how the incidents were addressed.
3. To develop and distribute materials setting forth the definition of a bias incident and the Bias Response Protocol and to publicize these materials every year, most significantly with new students and employees.

\*This provisional document reflects the work of the Bias Response Group and incorporates comments from the Intercultural and Global Understanding Task Force (IGUTF), the Institutional Policy and Planning Committee and the President’s Cabinet. In fall 2007, the president will request that it also be reviewed by the Committee on Academic Freedom and Rights (CAFR). The terms of this document will be implemented immediately, with the understanding that the president and appropriate governance bodies will review it on an ongoing basis and will modify it as appropriate.

\* A “reasonable person,” for purposes of this section, is someone who is fair-minded and appropriately informed of college policies and applicable law.

\*Note that definitions of "unlawful discrimination" and "harassment" may be found in the college publications referred to at the beginning of this section.

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