

## Protocol for Bias-Related Incidents

Consistent with the Virginia Tech Principles of Community, it is our goal to create a campus climate that is inclusive and welcoming for all. Even with our efforts focused on good will, however, bias-related incidents will occur and university response must meet the following basic tenets. We will

- attempt to immediately get on top of the situation,
- be honest, and
- do what we say we will do.

Acts of intolerance require a response that asks all members of our community to uphold our shared values as outlined in the Virginia Tech Principles of Community. Since incidents often fall beyond the reach of policy and laws, it is imperative that we respond as a unified community to denounce such behavior.

Bias incidents are expressions of hostility against another person or group because of the person's or group's race, color, religion, ancestry, national origin, disability, gender, sexual orientation or because the perpetrator perceives that the other person or group has one or more of these characteristics.

## **University Policy:**

(from University Policies for Student Life)

Virginia Tech abhors behaviors that are racist, sexist, homophobic, or otherwise disrespectful or discriminating and strongly discourages these behaviors by any member of this community. Behaviors that violate the Student Code of Conduct are addressed through the student judicial system. Any behavior that is discriminating or otherwise hurtful to members of the community is addressed through educational interventions. Virginia Tech is committed to stopping these behaviors.

## **Free Speech**

Effective and appropriate response to bias incidents must honor legal and constitutional standards, especially those that protect freedom of expression. Virginia Tech is a place where the free exchange of ideas is valued and where every person is valued.

Free speech requirements protect many forms of "hateful" and intolerant statements and expressive conduct. In certain contexts, courts have found hate speech to be protected - speech that many in our community find repugnant. However, such speech may be inconsistent with our Principles of Community and may present an opportunity for better understanding related to protected speech and the role of tolerance in the VT Community.

Therefore, depending on the circumstances, a bias-related incident may not be a crime and may fall under protected speech. However, the conduct underlying some bias incidents may violate the Student Code of Conduct and may be adjudicated. Note: Virginia Tech cannot adjudicate matters that are protected speech.

## Level of Incident

It is always important not to label an incident too quickly. The following questions should be considered in determining the level of a bias incident:

- Is the incident bias-motivated?
- How visible is the incident?
- How many community members are affected by the incident?
- Are there legal consequences?
- Does the incident generate media interest?
- Can the incident be investigated as a hate crime?

Virginia Tech recognizes two categories of bias incidents: \*

### Contained Bias Incident:

- Seen or heard by few people,
- No violation of university policy,
- No interest from media,
- Cannot be investigated as a hate crime.

### Community Bias Incident:

- Seen or heard by many,
- Violates university policy,
- Media and/or interest from outside the university community,
- Can be investigated as a hate crime.

\* an incident does not need to meet all criteria listed

## Reporting:

The goal of reporting bias incidents is twofold:

- To provide accurate information,
- To dispel rumors within the community.

All incidents, regardless of level, should be reported using the following guidelines:

- Prompt reports are crucial.
- Reports can and should be submitted by any member of the university community.
- Reports should be submitted as soon as a community member is aware of the incident.
- Should a student not wish to report an incident the first professional on campus to see or hear of an incident should report it.

## Reporting Options:

- Online reports - anonymous or identified - can be filed at *safewatch.vt.edu*.
- Hard-copy reports may be filed in the following offices:
  - Vice President for Student Affairs, 112 Burruss
  - Vice President for Multicultural Affairs, 338 Burruss
  - Dean of Students Office, 152 Henderson Hall
  - Equal Opportunity Office - 336 Burruss
  - Residence Life Office, 107 E. Eggleston
  - VT Police Department, Sterett Center, Southgate Dr.
  - Women's Center, 206 Washington Street
  - Cranwell International Center, West Clay St, extended
- Direct reports in person, phone, or e-mail can go to
  - Dean of Students Office
    - Call - 231-3787
    - Visit - 152 Henderson Hall
    - E-mail - [deanofstudents@vt.edu](mailto:deanofstudents@vt.edu)

The Dean of Students staff will

- record the incident within the SafeWatch system.
- refer the incident for appropriate response:
  - Virginia Tech or Blacksburg Police Department,
  - Human Resources,
  - Equal Opportunity Office,
  - Judicial Affairs.
- Convene Response Team if appropriate.

A summary of incidents will be recorded in the Dean of Students Office. University response to incidents will be shared with the community in the following ways:

- SafeWatch site - *safewatch.vt.edu*
- Dean of Students site - *dos.vt.edu*
- CTads - monthly summary; following the monthly Campus Climate Team meeting
- monthly reports to administration.

## **Response**

Contained Bias Incident = Contained Response

Definition: Incidents that are contained within a limited area of campus - i.e., a residence hall bathroom stall.

- Administrator closest to the incident will handle it.
- Administrator will facilitate the response that resonates with the student or group of students.
- Administrator will issue community statement if appropriate by e-mail or flyers.

## Community Bias Incident = Community Response

Definition: Incidents that are widely known and/or violate policy will be processed by a Core Response Team.

- This Core Response Team will be called together as soon as feasible when any team member learns of an incident.
- The Core Response Team will be called upon for all such incidents.

The Core Response Team will consider these questions:

- Will the incident possibly rise to the level of a crime?
- Is a message from administration appropriate? President? Vice President?

### Core Response Team:

- Vice President for Student Affairs
- Vice President for Multicultural Affairs
- Vice President for Business Affairs
- Dean of Students Office
- Equal Opportunity Office
- University Relations
- Virginia Tech or Blacksburg Police Department

When needed, representatives will be called upon from the following departments to assist the Core Response Team:

- Judicial Affairs
- University Legal Counsel
- University Relations
- Multicultural Programs and Services
- Residence Life

- Related Department where incident occurred
- Student(s) victimized
- Student organization targeted

### Specific Response:

#### Graffiti and/or vandalism to university or personal property:

- Notify Virginia Tech Police Department
- Markings of a bias, graphic, vulgar, obscene, or threatening nature will be covered or concealed in a manner that does not interfere with the original composition of the site.
- During concealment, caution will be taken not to touch or handle any surrounding areas in order to preserve the area.
- Once VTPD arrives, it has authority over the incident.
- VTPD will make photographs and collect needed evidence.
- VTPD must give the OK to clean or clear the vandalism.

#### Verbal Harassment:

- Log details of the incident: time, location, etc.
- Determine if the incident was directed at an individual or intended victim.
- Record what exactly was said.
- Include bystander names.

## **Response Limitations:**

It is important to know that some incidents will not result in "public" follow-up. Limitations are possible due to

- wishes of the victim(s),
- wishes of a targeted organization,
- a case under police investigation,
- confidentiality due to situation,
- difficulty in identifying the perpetrator.

## **Victim Support:**

Regardless of whether incidents violate policy or are inappropriate or insensitive, it is imperative to respond to the victim(s) in a timely and consistent manner. Even when incident reports are not likely to result in action or change, the person making the complaint will be treated with respect, compassion, and concern.

Checklist of victim support:

- Determine the need for temporary or permanent change in housing.
- Additional referrals: counseling, judicial, etc.
- Provide phone numbers for victim to call in emergency.
- Discuss follow-up with victim.
- Determine if the victim is OK with a report.
- Media concerns.
- Investigation.
- Provide regular status reports to victim until case closed.
- Designate an administrator for follow-up.