California State University
SAN MARCOS

TIMELY PUBLIC INCIDENT RESPONSE TASKFORCE

FINAL RECOMMENDATION REPORT

MAY 2023

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EXECUTIVE SUMMARY

The Charge

On August 9, 2022, President Ellen J. Neufeldt charged the Timely Public Incident Response (TPIR) Taskforce to 1) Broadly review CSUSM's current policies and practices as they pertain to responding to public incidents of hate on campus; and 2) Recommend protocol for meaningful response following a public incident of hate on our campus while upholding First Amendment rights to freedom of speech and expression.

The Problem

Initiating this charge was inspired by the CSUSM community experiencing a disconnect between recent incidents of hate on campus and the university's response to these incidents. These concerns were heightened by an emergence in the frequency and publicizing of hate incidents reported regionally and nationally.

Core Assumptions

The TPIR Taskforce operated under the following two core assumptions: 1) incidents of publicly expressed insults, which demean a person or group of people based on attributes such as race, religion, ethnic origin, sexual orientation, disability, or gender undermine the mission of inclusion excellence and, 2) we must be prepared to provide a timely and effective response particularly when there is a perceived or real threat to safety

Taskforce Activity

From mid-September 2022 to mid-March 2023 the Taskforce met 17 times. Taskforce members were asked to review best practices at other institutions of higher education and solicit input from a broad range of campus experts and voices. During the Fall 2023 semester the TPIR Taskforce determined a need to use the Spring 2023 semester to complete the campus policy review, arrange for expert perspective, and research better practices.

The Process

CSUSM Students and employees were invited to provide input via in-person participation in dialogue and listening sessions regarding the campus administration's response to incidents of bias and hate. Various expert perspectives on a range of topics (see Table 2) were also incorporated into standing meeting times when possible.

Expert Input

Expert perspectives included in this process were CSU System-wide diversity officers, external and internal free speech subject matter experts, campus communication leaders, campus risk and safety experts, and regional "partner institution" representatives. Topics discussed included freedom of speech, integrated risk management, Clery Act compliance, campus climate safety data, CSUSM incident analysis and response systems, as well as best and better practices for addressing bias while upholding first amendment freedoms.

Listening Session Highlights & Key Findings

The most significant challenge throughout this process was identifying communication threshold determinants when a hate or bias incident *does not* rise to the level of a hate crime. Decisions thresholds for public communication in response to such incidents is unclear as determined by our research and expert input. However, it was communicated that the response to incidents should be less about one set

definition of what "is" hateful and more about the impact an incident may have on the campus community.

The findings also emphasized how the act of "not sharing" often is interpreted as hiding information. In addition, concerns of "magnifying messages of hate" compared to sharing were clearly overridden by the expressed need to be informed. Centering the lived experiences of those impacted in the incident was offered as a best practice for assisting the development and clarity in the response.

E-mail was the most frequently mentioned modality for how participants preferred to receive communication. Learning about incidents by word of mouth, social media, or various news outlets before hearing from the University, or a poor or non-response compounds feelings of concern, anger, and mistrust towards the university administration. In general, receiving basic details of an incident in a timely manner better positions the community to take appropriate actions for themselves and better support others across the community.

Challenges & Opportunities

The most significant challenge throughout this process was identifying communication threshold determinants when a hate or bias incident does not rise to the level of a hate crime. Decisions thresholds for public communication in response to such incidents is unclear as determined by our research and expert input. When asked about threshold determinants, Michelle Deutchman, Executive Director of the UC National Center for Free Speech and Civic Engagement, responded "There is no one universal 'answer' for how to respond to bias/hate incidents that don't rise to the level of a hate crime. Additionally, there is no such thing as 100% satisfaction to response – Universities must work through each scenario and establish a living, breathing process that evolves as they learn from each case."

Recommendations

I. Response
   a. Establish threat analysis methodology.
   b. Identify and align incident response threshold determinants. The process design will take into consideration various factors which would inform type/level of response level.
   c. Members of the CSUSM Critical Issues Team (CIT) may be considered as the institutional vehicle used for deciding communication protocol following a. and b. above (see APPENDIX C).
   d. Example considerations: The University of New Hampshire's Bias Response Protocol guidelines offer example considerations accounted for during a threat analysis (see APPENDIX D).
   e. Specific response recommendations:
      - It is suggested CIT Chairs review campus incidents within 24 hours. The below criteria will be applied within 24-hours of an incident to determine the type of communication disseminated.
        - Impact & Reach
        - Type of Incident
        - Location (Regional, California, National)
        - Impacted communities
        - Patterns of Incidents
      - CIT will recommend a response for the incident to PAT within 24-48 hours.
      - A basic communication (respecting privacy rights of parties involved) will then be sent to campus within 48 hours.
   f. Connect impacted individual(s) to student health and counseling services.

II. Post-Response
   a. Ensure the incident is documented for tracking, identifying patterns, and reporting purposes.
   b. Incorporate intentional debriefing by Critical Issues Team members after response has been carried out following incidents of bias and hate. Document team notes regarding strengths, learnings, and next steps to refine the response process.

III. Education & Prevention
- Establish a team consisting of staff, faculty, administrators, and students who are trained to proactively address issues of campus climate. The team will also serve as an entity to help contextualize an issue and serve as a liaison in our response. An example of a team building and training resource available is offered through the National Coalition Building Institute (NCBI) https://ncbi.wordpress.ncsu.edu/about-ncbi/.
- Develop a repository of comprehensive resources to include in bias or hate incident messages.
- The campus needs multiple points of education regarding free speech. At a minimum, the campus should communicate about free speech semesterly.
- A campus email should be shared with free speech information and "link" to the website.
- Develop a website to include the following:
    - Annual report summarizing data points and response guidelines regarding incidents of bias and hate that don't rise to the threshold of a hate crime.
    - Examples of guidelines and factors that inform the decision-making process for response.
    - Privacy rules, regulations, and limitations that exist related to university response.

As a result of a wide range of input, research, and discussion the following four (4) Key recommendations emerged:

1. Establish and operationalize a standard operating procedure and protocol
2. Institutionalize a Communication, Education, and Awareness Program
3. Engage the CSUSM community by launching an "anti-hate" methodology plan / campaign
4. Strategically arrange Culturally Relevant Supports

(see Table 4)

Future Considerations

In conclusion, response to incidents of hate or bias that do not rise to the level of a crime are experienced by some as a physical, mental, and / or emotional safety matter. Also, the practice of safety has become a central core value for many whether at work or home. Thinking forward, incorporating safety as a core value will essentially mean embracing the practice that we all have a responsibility not only for our own safety, but for those around us. Training to this Safety Core Value would include many of the recommendations we offer.

President's Timely Public Incident Response Task Force

THE REPORT

I. Taskforce Charge

CSUSM (California State University San Marcos) is committed to being a safe, welcoming, and inclusive campus for students, faculty, staff, and visitors from the broader community. We value the broad spectrum of human experience and believe strongly in our obligation to fight ignorance and intolerance, modeling inclusivity and the power of diversity.

Recently, various incidents of hate demonstrated on the CSUSM campus, expressed through sticker and graffiti propaganda, have elevated campus safety concerns. Incidents of hate and bias impede our mission of student success and undermine our commitment to inclusivity. While there is not a legal definition of hate speech, the term often refers to speech that insults or demeans a person or group of people based on attributes such as race, religion, ethnic origin, sexual orientation, disability, or gender. When such incidents occur, we must be prepared to provide a timely and effective response, particularly when there is a perceived or real threat to safety. Providing a timely response to such incidents can offer appropriate support, resulting in a restorative experience for those impacted.
.
The two-part charge of the President's Timely Incident Response Taskforce is as follows:

1. Broadly review CSUSM's current policies and practices as they pertain to responding to public incidents of hate on campus; and
2. Recommend protocol for meaningful response following a public incident of hate on our campus while upholding First Amendment rights to freedom of speech and expression.

It is expected that the taskforce will review best practices at other institutions of higher education and solicit input from a broad range of campus experts and voices.

II. Taskforce Members

Below is a list of taskforce members who were identified through Presidential designation or through the appropriate nomination procedure with Academic Senate for Faculty and the Staff Nominations and Elections Committee:

- Dr. Aswad Allen, Chief Diversity Office/Chair
- Dr. Bridget Blanshan, Associate Vice President for Student Affairs/Title IX Coordinator
- Margaret Chantung, Chief Communications Officer
- Dr. Gail Cole-Avent, Associate Vice President, Student Life
- Jesus Flores, Interim Chief of Police
- Lucia Gordon, Communications Lecturer/Academic Anti-Racism, Anti-Colonialism, and Social Justice Committee Representative
- Bibi Hernandez, Donor Relations Coordinator/Staff Representative
- Dr. Bongjoo Hwang, Executive Director, Student Health & Counseling Services/SH&C Representative
- Michelle Kinzel, GIS Specialist/Staff Representative
- Cheryl Landin, Assistant Director of Strategic Initiatives /Assistant to Chair
- Ryan Maxson, Director of Government Relations

- Dr. Alison Scheer-Cohen, Professor of Speech Language Pathology/Academic Senate Vice Chair
- Ilianna Ramirez, Student/ASI Diversity & Inclusion Representative
- Stephania Rey, Student/President's Inclusive Excellence Advisory Council Representative
- Jason Schreiber, Dean of Students
- Ariel Stevenson, Deputy Diversity Officer
- Dr. Lori Walkington, Professor of Sociology/Academic Anti-Racism, Anti-Colonialism, and Social Justice Committee Representative *(appointed Spr. '23)*

III. Context and Background

a. Incidents of Bias / Hate on College campuses

When an incident of hate or bias occurs on a college campus, a safe and healthy working and learning environment is interrupted. The article "Campus Educators Deploying Cultural and Social Capital: Critically Examining a Bias Response Team" in the *Journal of College Student Development* states:

> When college students experience incidents of bias based on social identities such as gender, race, and religion, these incidents reinforce the minoritized status of oppressed and underrepresented students (Harper, 2012; Renn, 2010; Royster, 2016; Schrage & Giacomini, 2009). We use the term *minoritized* concurrent with Harper's (2012) explanation that not all persons are minoritized in all contexts but are deemed minorities in particular institutional contexts that sustain hegemonic forces. These "acts of ignorance or hate" can create "a pervasive and hostile climate" that sustains systems of domination on college campuses (Schrage & Giacomini, 2009, p. 14).

Unfortunately, no campus is immune from incidents of bias or hate. However, research suggests that when these incidents are left unattended the trust required to promote learning and growth becomes eroded. Further, students who experience bias incidents may be less likely to persist to graduation (Chesler, Lewis, & Crowfoot, 2005). Bias-motivated threats at institutions of higher learning targeting students, staff, or faculty not only impair the educational mission but also deprive community members the chance to live and learn in an atmosphere free of fear and intimidation.

Over two decades ago, research performed by The Center for the Prevention of Hate Violence (2001) indicated bias incidents (acts of prejudice that are not accompanied by violence, the threat of violence property damage, or other illegal conduct) are far more common than hate crimes (p.3). Three primary sources of data are the Federal Bureau of Investigation (FBI) Uniform Crime Reports on hate crime statistics, the U.S. Department of Education Campus Security Statistics, and The International Association of College Law Enforcement Administrators (IACLEA) annual survey on campus crime statistics. Although the available data on the prevalence of hate crimes and bias incidents on college campuses are not comprehensive, particularly due to the fact they are based on information from relatively few reporting campuses, the pervasiveness of acts of prejudice in general continue to rise.

b. Contextualizing Response

Acknowledging and responding to unsafe incidents on college campuses and their potential impact may come in many forms (e.g., written, verbal, targeted communication, broad communication). Our learning suggests institutional response must consider the scope and breadth of the matter at hand, as well as the impact the incident is having on each subset of the broader community involved. It was also agreed that an effective response must be constructive, instructive, and informative.

Our research and learning concluded, typically, when institutions make decisions on how to respond to incidents of bias and hate, groups of people that comprise the community are considered. There may be variation in the scope and breadth, as well as the levels of communication. As the impact of an incident is determined to be more significant, the scope and scale of communication increases. In general, despite widespread agreement that the choice of decision threshold is a matter of policy rather than of science, we found no historical evidence indicating actual campus discussion regarding policy makers' choices.

c. History of Response at CSUSM

CSUSM has a history of activities that work to prevent incidents of hate and bias as well as responses to hate and bias. The response ranges from communication about hate or bias through direct messages and videos from the president, or other senior leaders, through resolutions that are student-led through ASI, and faculty-led through the Academic Senate. Response at CSUSM has also come in the form of advocacy and healing spaces per request from the campus community.

Several opportunities for students, faculty administrators, and staff to engage in conversations around bias have historically been offered by CSUSM. Over the years CSUSM has provided many co-curricular activities and educational awareness opportunities to engage in topics that are used as strategies to prevent bias and/or hate. The following efforts are not an exhaustive list but provide examples and descriptions of those activities:

Cougars in Solidarity
An initiative created in response to the Pulse shooting in Orlando sought to provide a healing space for all communities on campus. As the Student Life Centers developed stronger collaborative programs, the center adopted the adage to describe the centers' work with different communities, the nuances of its interconnectedness, and their intersectional approach. For example, after news broke that a CSUSM student had been the perpetrator of a bias-fueled fatal shooting, the CSUSM community quickly identified multiple forms of support for the campus community. In the week that followed, students within the Jewish community began organizing a healing space and asked if they could use the Cougars in Solidarity name for this space.

The Civility Campaign
An ongoing campus awareness program since 2011 that uses the civility dialogues and the café series to engage CSUSM students, faculty, and staff in learning opportunities to create a community that navigates social justice issues and multiple perspectives through self-reflection, care, respect, and empathy while acknowledging the culture and humanity of others. Resources are accessible to faculty to use the framework of civility in the classroom as a guide to broach difficulty topics including bias and/or hate.

Conversations that Matter Series
The series is designed to challenge assumptions, encourage the campus community to have conversations about difficult topics, and mobilize students' faculty to act by moving those topical conversations forward. The series was anchored by a quote from Dr. Martin Luther King Jr., "Our lives begin to end the day we become silent about things that matter." The series topics ranged from addressing hate as a public health issue, speech and the role of the university, and the pandemic and racism as experienced by racialized communities.

Beyond the Stereotype Campaign
The poster campaign began in 2015 and has had three poster series to date. The first poster series focused on cultural appropriation, stereotypes, and microaggressions. The second poster series focused

on gender and sexuality, intersectional identities, and allyship. The most current poster series challenges stereotypes surrounding religion, spirituality, faith, and life practices while investigating the various ways that belief/ and/or faith can inspire liberatory social action. The campaign is designed to educate the public and the campus community. Curriculum, resources, readings, and other information are available for the campus community and external partners.

The Election & Free Speech Campus Taskforce
Charged to identify gaps for potential educational programming and supporting activities to ensure CSUSM preserves the value of inclusion while also respecting free speech.

The Social Justice Summit (SJS)
Established in 2009, this initiative started as a three-day/two-night retreat for CSUSM undergraduate students to help educate students interested in a social justice framework. Students develop skills to become socially conscious leaders and community members, while forming relationships and support networks with other individuals committed to social justice. While SJS is normally a fall event a social justice symposium is held in the spring as a follow-up event to engage in action-oriented work for undergraduate and graduate students, faculty, staff, and the community.

The Student Life Centers for Identity, Inclusion & Empowerment
The directors of the Student Life Center spaces have a standing history of providing educational activity awareness and support for the campus community. Although they are focused on students when bias incidents occur, they often are the first points of contact notified about incidents and work alongside the entire campus community to help apply restorative practices that the campus can participate in. An example of this for CSUSM is healing spaces. Additionally, training and workshops like the Moving Beyond Bias program are offered. This program is a learning program that explores how bias works, and how campuses can reduce harmful effects for institutions of higher education. The California State University (CSU) and University of California (UC) systems strategies were introduced to equip participants to both recognize and disrupt attitudes and practices that are rooted in bias. Participants learned the connection between social group biases (whether positive or negative) and their potential impact on university policies, procedures, and outcomes. The CSU system training helped CSUSM develop its own implicit bias training and many variations of that training for the varied needs of the campus ranging from training new faculty through the New Faculty Institute (NFI), campus senior leadership, students leading campus organizations, community service officers, peer review committees and a college diversity committee workgroup.

The educational activities mentioned above provide opportunities to prevent incidents of bias or hate by sharing knowledge and information for the campus at large. However, incidents of bias or hate still occur on college campuses and many students, faculty, and staff members are unsure of what to report, when to report an incident, and to whom they should report an incident. When the TPIRT researched the ways that CSUSM engages or advises the campus community on topics of hate the following resources were identified:

Critical Issues Team (CIT): The CIT serves an advisory function to the President and President's Advisory Team on addressing campus concerns and issues (proactively and reactively). The Critical Issues Team also provides recommendations on types of response and communication regarding campus, regional, and world events. The CIT, chaired by the Chief Communications Officer and Dean of Students, is a cross-divisional team that meets every other week. This team also provides recommendations for campus communication and response about hate/bias incidents.

CARE/Threat Assessment Team: The campus CARE (Campus Assessment, Response, and

Education) / Threat Assessment Team promotes a safe and productive learning, living, and working environment. This is accomplished by identifying, discussing, investigating, evaluating, and working to address student behavior that poses a concern, potential threat, or actual threat to self or others. The CARE Team, co-chaired by the Dean of Students, CSUSM Chief of Police, and Associate Vice President for Student Affairs, is a cross-divisional team focused on providing support to students and other community members.

The Bias Assessment Team: A select group of campus professionals comprised of the Chief Diversity Officer, Dean of Students, Title IX/DHR Coordinator, and CSUSM Chief of Police. The team reviews reported incidents to determine if incidents rise to the level of a crime or Title IX/DHR violation. If the incident meets the evaluation criteria, the formal process for responding to a crime or Title/DHR incident will be followed. If the incident does not meet the criteria, the CDO and DoS will determine the care, support, and follow-up in response to the incident and parties involved.

Although the taskforce researched responses related to bias or hate for CSUSM and was able to identify prevention activity and some ways that CSUSM has responded, the greatest takeaway was that there was not one central location that contained the complete historical story for the CSUSM response. We must also note most CSUSM policies and practices are specific to laws connected to hate crimes with no clear relationship to incidents of bias. Our investigation additionally revealed campuses across the nation consistently work to balance their core values linked to inclusion and equity against the desire to uphold free speech while caring for communities impacted by incidents of bias.

IV. Taskforce Activity

a. Summary of Taskforce Process

1.Taskforce Structure

The taskforce convened in mid-September 2022 and has met 10 times during the Fall ‘22 semester and 7 times during the Spring ‘23 semester. Taskforce Chair Dr. Allen and Assistant to the Chair Cheryl Landin developed an outline for taskforce activities along with structured agendas. The Chair and Assistant also arranged for taskforce meetings with internal and external experts to provide key fundamental information, as well as insight into best practices related to institutional responses to incidents of bias and hate.

Workgroup meeting agendas, notes, and resources were stored in the SharePoint site located in a shared Microsoft Teams Channel. The Teams Channel was utilized as an ongoing communication tool throughout the taskforce responsibilities to allow members to ask questions, provide input, and draft recommendations in this report.

2. Sub-Workgroups

The elements of the charge were divided into three overarching focus areas. Taskforce members' interests and expertise were considered, and workgroup assignments were made accordingly. This organizing method was selected specifically to improve efficiency in information gathering and to improve the recommendations process. Workgroup members met periodically outside of the standing taskforce meetings as needed. The elements of the charge and workgroups were divided into the following three overarching areas.

Table 1

WORKGROUP 1 – *Ariel Stevenson, Jesus Flores, Dr. Alison Scheer-Cohen, Iliana Ramirez*	
CHARGE	Catalog and examine CSUSM's current policies and practices specific to responding to public incidents of hate on campus (pursue information regarding sufficient/non-sufficient and non-existent policy)
ACTIVITIES	Practice and policy review - UPD; Finance & Administration; Faculty Governance; Student Government
WORKGROUP 2 – *Dr. Bongjoo Hwang, Dr. Gail Cole-Avent, Stephania Rey, Ryan Maxson, Michelle Kinzel*	
CHARGE	Collect and consider best practices for responding to public incidents of hate in higher education (understanding threshold regarding emergency incidents vs campus concerns)
ACTIVITIES	Department of Justice Research: Hate Crime vs. Bias or Hate Incident
WORKGROUP 3 – *Margaret Chantung, Jason Schreiber, Lucia Gordon, Bibi Hernandez*	
CHARGE	Identify protocol elements that would create a strong and accurate response and communication to the campus community on public incidents of hate (identify protocol elements that will create a strong and accurate response)
ACTIVITIES	Research and review current communication protocols at other institutions

The findings compiled by each of the workgroups are integrated throughout this report. A list of examples of protocol from other institutions with elements considered in recommendations for "CSUSM protocol for response" was developed by Workgroup 3 (see APPENDIX A). In addition, recommended Model institutions were added to the list following subsequent Spring '23a taskforce meetings.

1. *Expert Perspectives & Best Practices*

The table below summarizes the various expert perspectives the taskforce had the opportunity to hear throughout the course of the Fall 2022 and Spring 2023 semesters. Main points of each discussion are summarized to highlight key learnings that surfaced in each conversation. Those key learnings were applied by taskforce members towards the development of recommendations.

Table 2

SUBJECT MATTER EXPERT NAME/TITLE	**TOPIC(S) OF DISCUSSION**	**MAIN POINTS**

Jason Schreiber
Dean of Students
CSUSM
	First Amendment rights to Freedom of Speech	• No hate speech exception in First Amendment except if:
		  ○ Speech expressed would be deemed a "true threat"
		  ○ Illegal activity is incited
		  ○ The line to targeted harassment is crossed

Erin Fullerton Director of Integrated Risk Management CSUSM	Time, Place, & Manner Policy & Integrated Risk Management	• The right to speak on campus is not a right to speak any time, at any place and in any manner that a person wishes • Campus can regulate where, when, and how speech occurs

		• The University is not allowed to block free speech, but the University does not have to be silent • University cannot criminalize "free speech" unless it is a hate crime
Candace Bebee Interim Clery Director CSUSM	Clery Act & Compliance	• CSUSM has established response procedures for Clery crimes, which include hate crimes committed within the Clery geography bounds • Clery geography consists of on-campus buildings, including student housing, public property within or immediately adjacent to the campus, and non-campus buildings or properties owned or controlled by the University
Cheryl Landin Assistant Director of Strategic Initiatives CSUSM Office of Inclusive Excellence	Campus Climate Survey Safety Data	• Regarding CSUSM's timeliness of response, 52% of student respondents were satisfied or very satisfied, 44% were neutral, and 4% were dissatisfied or very dissatisfied • Student respondents had similar satisfaction levels related to outcome response with 48% satisfied or very satisfied, 47% neutral, and 5% dissatisfied or very dissatisfied • The high percentage of neutral responses suggests an opportunity to increase awareness of the campus' protocols in responding to incidents of discrimination.
Margaret Chantung Chief Communications Officer CSUSM **Jason Schreiber** Dean of Students CSUSM	Critical Issues Team (CIT)	• Founded about 7-8 years ago, the CIT team was developed to be proactive and reactive to timely incidents on campus (not just those that involve bias/hate). • The team has come to understand how important it is to let students know when things are going on on-campus and that they are aware of how to engage or disengage appropriately. • CIT is considering adding signage around the free speech area indicating that speakers don't necessarily reflect the views of the University. • It is important to consider how to build the infrastructure to support bias response, which would include resource recommendations for staffing and training.
CSU Systemwide Diversity Officers	Bias/Hate Incident Response Across the CSU System	• No one standard practice exists across the CSU for responding to incidents of bias and hate.

Dr. Daria-Yvonne Graham Associate Vice President & Dean of Students Cal State San Bernardino **Dr. Cynthia Pickett** Presidential Associate for Inclusion & Chief Diversity Officer Cal Poly Pomona **Pearl Podgorniak** Confidential Administrative Support Cal Poly Humboldt (participated on behalf of Dr. Rosamel Benavides-Garb, Chief Diversity Officer) **Dr. Bobbie Porter** Chief Diversity Officer CSU Dominguez Hills		• Cal Poly Pomona has developed a "CPP Listens" tool for campus community members to submit campus climate successes and concerns to. The form is not meant to replace formal reporting through campus police or Title IX/DHR. They are considering adding a field for submitters to indicate what their desired response is. • Cal State San Bernardino makes intentional efforts to always center the experience of those impacted. Statements from the institution acknowledge events that are in opposition to campus values and how they impact campus feelings of safety. • If the incident involves specific identity groups with affinity groups on campus, Cal State Dominguez Hills sends messaging specifically to the affinity group and has them share it with their membership on their behalf.
Michelle Deutchman Executive Director UC National Center for Free Speech and Civic Engagement	Best Practices for Addressing Bias/Hate Incidents while Upholding Free Speech https://www.youtube.com/watch?v=FlkBE4mBUqQ	• Campuses should provide education about the First Amendment; the fact that hateful speech is protected is particularly important to clarify. • There is no legal definition of hate speech given that it is subjective. • There is no one universal "answer" for how to respond to bias/hate incidents that don't rise to the level of a hate crime. • There is no such thing as 100% satisfaction to response – Universities must work through each scenario and establish a living, breathing process that evolves as they learn from each case. • One approach to consider as Universities look further into details of a bias or hate incident is to send an email to the campus community acknowledging awareness that an incident occurred. The message may state that the incident is being investigated

		and further details, considerations for next steps, and / or an update will be in a follow-up email.
REGIONAL PARTNER INSTITUTIONS ***MiraCosta Bias Education Support Team*** **Kristen Huyck** Director, Public & Governmental Relations, Marketing & Communications **Kristina Londy** Program Manager, Student Success & Equity **Nick Mortaloni** Dean of Student Affairs **Hayley D. Schartzkopf** Director of Labor Relations & Title IX Coordinator **Dr. Wendy Stewart** Interim Chief, Inclusion, Diversity Equity, & Accessibility Officer ***Palomar College*** **Julie Lanthier Bandy** Communications Director **Christopher Moore** Chief of Police	Local Practices in Bias Response	• Assessing impact should include evaluating what the impact is on the people in our communities consistently outside of policy, practice procedure. ○ Questions to consider: What are the consequences when the institution doesn't act or when it is perceived by the community that the institution isn't doing enough? How are we engaging or assessing impact? • MiraCosta learned that you do have to "name it" when incidents occur; if not people may "catastrophize" what happened, and the communication tends to be less helpful; providing a brief explanation of what took place with basic details promotes transparency and trust. • It's important for the core group (eg. BEST at MC) to get together to debrief what took place to constantly improve process and practice (e.g., what did we do well, what could be improved, what was a blind spot, etc.). • Easy to focus on what we cannot do versus what we can do - we can talk about things without giving specifics, better to focus on what we can share. • There are things that we know we cannot do and cannot say that are hard to communicate to the community; sometimes leads to a sense that the institution is hiding information or not centering communities; being honest about what we can and cannot say but also expressing intentionality and care is crucial.

2. *Campus Input*

CSUSM Students and employees were invited to provide input via in-person participation in dialogue and listening sessions regarding the campus administration's response to incidents of bias and hate. An online feedback form, administered via Qualtrics, was offered to campus members interested but unavailable in-person. The table below summarizes participant group categories and the number of participants in each session. The number of session participants (below) does not include taskforce members who served as facilitators or note-takers.

Table 3

Participant Group	**Date of Session**	**# of Participants**
Employees (in-person)	2/20/23	11
Employees (virtual)	3/8/23	13
Cross-Cultural Center Students	3/8/23	5
Student Athletes	3/8/23	8
International Students	3/14/23	5
Black Student Center Students	3/16/23	11
Pride Center Students	3/28/23	21
American Indian Student Association	3/28/23	12
Latin@/x Center Students	3/29/23	6
TOTAL FOR ALL GROUPS		92

An additional feedback option via an on-line feedback form was offered at the end of each dialogue session to participants. This option was also made available as an alternative to campus members who did not attend dialogue sessions. Fourteen (14) feedback response forms were completed through this alternate feedback method.

b. Key Learnings from Taskforce Activities

Establishing Definitions

To distinguish the difference between hate crimes versus bias or hate incidents and clarify the focus of the Timely Public Incident Response (TPIR) Taskforce, the following definitions from the United States Department of Justice (2022) were identified by Workgroup 2:

- A **crime** is defined as a "violation of a law in which there is injury to the public or a member of the public and a term in jail or prison, and/or a fine as possible penalty.

- A **hate crime** is defined as a "crime motivated by bias against race, color, religion, national origin, sexual orientation, gender, gender identity, or disability."

- A **bias or hate incident** is defined as "acts of prejudice that are not crimes and do not involve violence, threats, or property damage."

Thus, the distinguishing factor between a hate crime in the legal sense and a hate or bias incident is a hate crime that results in physical injury or property damage.

Is it Hate Speech?

The taskforce contended with the question about how to know for certain that an incident was clearly a bias or hate incident if the intent of the perpetrator is unclear. As stated by Michelle Deutchman from the University of California National Center for Free Speech and Civic Engagement, there is no legal definition of hate speech in the U.S. given that it is so subjective. As stated by Dr. Ryan Miller, a Faculty Fellow with the Center, "I think it is less about how an administrator personally views how that is defined and more about how it is experienced by campus community members." (50:51 in this video). The guidance shared by experts and other institutional leaders the taskforce met with indicated the need to center the experiences of the communities feeling impacted by the incident over institutional interpretation. In essence, the response should be less about our definition of what "is" hateful and more about the fact that it had an impact on the campus community. By "centering" the lived experiences of those who have been marginalized in the incident and continually assessing response afterwards, decisions to respond publicly will be continually clarified and refined.

Best Practices in Bias Response

Conversations with external partners revealed that responding to incidents of bias and hate that do not rise to the level of a hate crime is a gray space, even for experts. Input collected from partner institutions indicated that members of the campus community have a preference for transparency from institutions when it came to bias and hate incident response. The act of "not sharing" information is often interpreted and / or misconstrued as hiding information, operating in secrecy, or a form of betrayal from university leadership.

CSUSM Campus Preferences for Response

Based on input collected from dialogue sessions and the online feedback form, the CSUSM campus community has expressed a clear preference for the University to approach communication following bias and hate incidents with as much transparency as possible in a timely manner. While individual definitions of "timely" varied, the majority of those who provided input indicated that impacted individuals and communities should be contacted within a day, with communication going out to the rest of the campus community within a few days.

During TPIR dialogue sessions participants frequently mentioned examples of recent events that were identified by campus members as incidents of bias or hate at CSUSM. Unprompted discussions regarding CSUSM's response to recent campus incidents and the relationship to feelings of concern, anger, and mistrust towards the University were a common theme. It was stated feelings of mistrust were directly related to incident information or response statements not being released in a timely manner, or not at all. It was also reported that when members of the campus community learned about various incidents of bias or hate by word of mouth, social media, or various news outlets before hearing from the University feelings of distrust were common. Participants emphasized that poor or no response compounds feelings of institutional secrecy.

Magnifying Messages of Hate

When asked whether widely communicating incidents that were only witnessed first-hand by a handful of people would magnify messages of hate, participants frequently indicated that the pervasiveness of social media would eventually provide a way for the campus community to find out anyway. These conversations in combination with the feedback forms indicated a strong preference for the campus to at least acknowledge such incidents by messaging the entire campus community as soon as possible,

preferably within a few days and no more than a week following the incident. It was suggested that an initial message could indicate "facts known at the time" along with a statement about the University's commitment to the values of equity and inclusivity. Resources available for support and information on how to find out about future updates were also commonly referenced as necessary components for effective campus-wide messaging. Another common theme was students' particular interest in knowing details of the incident (and the communities targeted). The explanations specific to this interest were to not only understand whether there is a direct impact, but also to be able to offer support to others amongst the campus community who may have been negatively impacted by such an incident.

E-mail was the most frequently mentioned modality for how participants preferred to receive communication regarding hate or bias incidents on campus. Students affirmed that they did pay attention to email, particularly those that were official in nature. The second most requested modality for receiving communication was through text via the University's ChatBot. The content of the text would need to be thoughtfully crafted, however, in order to provide necessary information but not cause undue alarm related to incidents of bias or hate that do not rise to the level of a hate crime. Social media was also frequently brought up as a way for the University to release a statement. Instagram was the most often mentioned form of social media mentioned, with participants indicating a preference for a permanently posted statement rather than a temporary story format.

V. RECOMMENDATIONS

Establishing Protocol

1. **Refine and implement Standard Operating Procedure (SOP) for responding to hate incidents and hate crimes.**
    a. Once proper protocol has been established, update the Bias/Hate Speech Incident flow chart to reflect current contacts in each respective response area and include in a comprehensive Standard Operating Procedure (SOP).
    b. Include the most recent date by which the SOP has been updated on the SOP document in anticipation of possible future changes / iterations.
    c. Identify a specific point person responsible for regularly auditing the SOP/flow chart for information accuracy and communicate updated versions to appropriate stakeholders.

2. **Implement best practices when updating response protocol.**
    a. Flexible approach: An ever-evolving world indicates ever evolving actions that require continuous revisions and attention of any response protocol we institutionally adopt.
    b. A threat analysis should be conducted to evaluate the incident and its impact upon our community. The process design, which would take into account various factors, would inform response level. The University of New Hampshire's Bias Response Protocol guidelines offer example considerations accounted for during a threat analysis (see APPENDIX D). For campus incidents, CIT (or the chairs) should review the incidents based on the criteria below within 24-hours of incident
        i. Impact & Reach
        ii. Type of Incident
        iii. Location (Regional, California, National)
        iv. Impacted communities
        v. Patterns of Incidents

    The CIT will recommend a response for the incident to PAT. The response and support

would be determined within 24-48 hours.

c. Ethical and legal distribution of information: The development of a protocol that institutionally and intrinsically integrates process with action will incorporate elements for a timely response to incidents of hate and bias at CSUSM, a culturally proper response, and a documenting vehicle for all reported incidents to maintain an institutional record. If we say that we institutionally care, we need to keep proper records of all incidents. These records will allow us to frame potential future actions, internal research, and institutional accountability.
d. Identify a permanent response team that can evaluate human and institutional harm, risk to self or others, cast a proper response, install remedial actions, propose continuous institutional education, address institutional and historical trauma, and to assess long term community at large harm. Harm to be considered includes physical, cultural, spiritual, mental (individual) and structural (institutional) harm.
e. The incident would be documented for tracking, identifying patterns, and reporting purposes. It is recommended to consult with IITS to implement a tracking system that allows the University to follow each case that enters the process, serves as categorizing and indexing tool, and house data to develop a public facing annual report about bias/hate incidents and inform campus climate.

3. Create communication and response guidelines.

a. Specify the populations to be communicated to within the response protocol
b. Aim to center the targeted community and promote/restore a sense of agency, belonging, and ability to succeed at CSUSM.
c. The protocol will seek to uphold the integrity of investigations and university processes and support goals of transparency while not causing additional harm to victims and/or communities.
d. CIT should develop a series of templated responses to increase responsiveness. However, each response should be tailored to the situation.
    i. With a communication response, the following principles should be considered: flexible approach, culturally appropriate, ethical and legal, effective communication, and minimize further harm/reduce amplification of hate.
    ii. Develop a list of potential resources.
    iii. Develop a model for talking circles/reflection opportunities
    iv. The process/protocol for communication should be posted on a website for transparency

4. Update signage for security and safety purposes on campus.

a. Conduct a security walk to educate and raise awareness among administration, campus liaisons, and partners regarding safety related strengths and opportunities.
b. Provide information and follow-up to our Executive Cabinet and campus liaisons after safety walk analysis.
c. Develop content for the signage as determined necessary.
d. Identify spaces in which signage should be updated.
e. Implement signage in designated free speech zone indicating views expressed by those in this area do not necessarily reflect the views of CSUSM.

5. **Adopt a continuous improvement response approach.**
    a. Incorporate intentional debriefing by Critical Issues Team members after response has been carried out following incidents of bias and hate. Document team notes regarding strengths, learnings, and next steps to refine the response process.
    b. Continue to meet with partner institutions in the region to align and share best practices related to institutional responses to incidents of bias and hate.
    c. Conduct a formalized annual review process of protocol to ensure information is up to date (e.g., areas responsible, key contacts, communication modes).
    d. Conduct an annual evaluation of data to inform educational opportunities as part of the annual campus reporting process.

Communication, Education & Awareness

1. **Proactively increase the awareness and education of our campus community on the topic of bias or hate incidents and how CSUSM responds (e.g., definitions of a hate crime/bias or hate incident, what is protected by freedom of speech, time, place, and manner policy, current CSUSM response practices etc.).**
    a. The campus needs multiple points of education regarding free speech. At a minimum, the campus should communicate about free speech semesterly.
    - Continue Safety Town Hall open forums.
    - A campus email should be shared with free speech information and "link" to the website.
    - The campus should consider developing a web training for students, faculty, and staff.
    - The campus should develop a free speech event during free speech week

    b. Develop a website to include the following:
    - Annual report summarizing data points and response guidelines regarding incidents of bias and hate that don't rise to the threshold of a hate crime.
    - Examples of guidelines and factors that inform the decision-making process for response.
    - Privacy rules, regulations, and limitations that exist related to university response.

    c. Create an outline including liaisons and relationships with specific groups (e.g., Faculty Governance Chairs, Staff Center Committee, ASI, etc.) who may serve as partners in education, awareness raising, and disseminating information to campus constituents.
    d. Implement a required training on freedom of speech and bias/hate incident protocol for all campus community members to take periodically. The module should include assessment checks to ensure full participant engagement.
    - The Election and Free Speech Taskforce should continue teaching and developing a supplement communication, on-going training and free speech event

2. **Following incidents, provide fact-based messaging within 48 hours (within 2 days) to members of the campus community.**
    a. Provide transparency in the processes of reporting and tracking biased incidents.
    b. Demonstrate responsibility and accountability is upheld to increase trust with those affected.
    c. Uphold Freedom of Speech and privacy laws when making information available.
    d. Provide information in a message about what the University does know and is able to share without infringing on privacy laws or Freedom of Speech.

e. Ideally inform all members of the campus community when incidents occur. Provide rationale in process development explaining specific reasoning for cases in which the entire campus community are not informed of incidents (e.g., privacy considerations as detailed at https://www.elon.edu/u/bias-response/info-sharing-privacy/)
f. Based on campus input from the feedback form and listening sessions, it is recommended to make as much information as reasonably possible available publicly within the parameters of the law. Similar to the example from Elon University cited above, protocol could be developed in which members of the campus community could email a designated contact on campus to request more information about specific incidents.

3. **When communicating campus-wide, intentionally implement messaging that shifts attention from the incident to what the University values (e.g., Inclusive Excellence).**
    a. Recognizing our position as an educational entity, incorporate opportunities and resources for the campus community to further their understanding of how to engage in civil dialogue about opposing viewpoints.
    b. Include specific mention of those populations impacted to center and validate their experiences while providing intentional support.

4. **Develop a repository of comprehensive resources to include in bias or hate incident messages.**
    a. When responding to incidents, intentionally include representatives and resources for the international community.
    b. Develop an advocacy toolkit for students to understand ways they can respond to hate and positively contribute to a more inclusive campus climate.

Community Engagement

1. **Build out an "anti-hate" methodology plan.**
    a. Develop a methodological approach to preventing and responding to hate crimes.
    b. Include concrete strategies, accountability measures, and timelines.
    c. Allocate role responsibility to different relevant areas on campus.

Culturally Relevant Supports

1. **Elevate, expand, and support existing structures to allow the campus to readily offer healing spaces as needed after incidents occur.**
    a. The Student Life Centers often provide space for impacted groups of bias or hate and often provide space for the entire campus community but because they are seen as student spaces what they offer and provide is not often elevated.
    b. Include a space for everyone to process.
    c. Document a list of key contacts/units/student organizations for identity groups to facilitate quick outreach as needed.
    d. Identify individuals to be trained as designated facilitators for healing spaces
    e. Consider minimizing further burden on individuals or groups who belong to the communities impacted by the bias/hate incident when coordinating a healing space through the development of a consistent support team trained in best practices for offering healing spaces (see recommendation 3 below).

2. **Highlight the importance of having the University walk with impacted communities' post-incident by showing accountability and actions taken by the institution as well as support for those targeted.**
    a. Provide resources.
    b. Connect impacted individual(s) to student health and counseling services.
    c. Ensure the community is provided with learning opportunities to create an environment where the impacted individual(s) feel supported.

3. **Develop a culturally responsive network with identified groups and contacts to consult with when incidents of bias or hate incidents that do not reach a level of a hate crime occur.**
    a. Establish a team consisting of staff, faculty, administrators, and students who are trained to proactively address issues of campus climate. The team will also serve as an entity to help contextualize an issue and serve as a liaison in our response. An example of a team building and training resource available is offered through the National Coalition Building Institute (NCBI) https://ncbi.wordpress.ncsu.edu/about-ncbi/.
    b. As part of the recruiting and onboarding process for this team, establish baseline understanding of why they have been identified (e.g., area of expertise) and how we are engaging with them as a network for this specific purpose.

Recommended Future Actions

The below guide details the areas responsible for operationalizing the recommendations proposed in this report:

Table 4

Category	Recommendation	Responsible Campus Areas
Establishing Protocol	1. Refine and implement Standard Operating Procedure (SOP) for responding to hate incidents and hate crimes.	Bias Assessment Team, University Communications
	2. Implement best practices when updating response protocol.	Bias Assessment Team, University Communications
	3. Create communication and response guidelines.	Bias Assessment Team, University Communications
	4. Update signage for security and safety purposes on campus.	UPD, University Communications
	5. Adopt a continuous improvement response approach.	Bias Assessment Team, University Communications, Office of Inclusive Excellence
Communication, Education, and Awareness	1. Proactively increase the awareness and education of our campus community on the topic of bias or hate incidents and how CSUSM responds (e.g., definitions of a hate crime/bias or hate incident, what is protected by freedom of speech, time, place, and manner policy, current CSUSM response practices etc.).	Office of Inclusive Excellence, Student Affairs, Academic Senate, Staff Center, Faculty Center, Election and Free Speech Taskforce

	2. Following incidents, provide transparent messaging within 48 hours to members of the campus community.	Bias Assessment Team, Critical Issues Team, University Communications
	3. When communicating campus-wide, intentionally implement messaging that shifts attention from the incident to what the University values (e.g., Inclusive Excellence).	University Communications
	4. Develop a repository of comprehensive resources to include in bias or hate incident messages.	Office of Inclusive Excellence, Bias Assessment Team, University Communications
Community Engagement	1. Build out an "anti-hate" methodology plan.	Office of Inclusive Excellence
Culturally Relevant Supports	1. Establish a structure to allow the campus to readily provide support when offering healing spaces as needed after incidents occur.	Office of Inclusive Excellence, Student Affairs
	2. Highlight the importance of having the University walk with impacted communities' post-incident by showing accountability and actions taken by the institution as well as support for those targeted.	Office of Inclusive Excellence, Bias Assessment Team, University Communications
	3. Develop a culturally responsive network with identified groups and contacts to consult with when incidents of bias or hate incidents that do not reach a level of a hate crime occur.	Office of Inclusive Excellence

VI. Future Considerations

Although the committee was tasked with recommending protocol for meaningful response following a public incident of hate at CSUSM while upholding First Amendment rights to freedom of speech and expression. There was a conversation about what it means for CSUSM to think intentionally about the communities impacted through a transformative justice framework.

Transformative Justice[1] (TJ) allows for examining the root causes of harm without creating additional harm or violence. The goal of TJ is to center and cultivate spaces at CSUSM that can imagine a campus that would not need to focus on recommendations and protocols for response

[1] YouTube. (2020). *What is Transformative Justice? Barnard Center for Research on Women.* Retrieved April 5, 2023, from https://www.youtube.com/watch?v=U-_BOFz5TXo.

to bias or hate but a campus that looks toward one another to deeply examine why incidents of bias and hate occur and what can be done as a collective to interrupt bias and hate at CSUSM.

The Department of Justice (DOJ) provides resources for bias and the following suggestions may be incorporated as CSUSM considers future work on bias and hate.

- Creating a process where campus groups can come together to collaborate on solutions for bias and hate at CSUSM, but also being aware that groups may not want to come together if they have not felt heard.
- Thinking about what it means to reduce the toll that bias and hate can have on the mental and physical well-being of impacted groups
- Opportunities for CSUSM to have a holistic approach on what it means to build capacity for organizational learning and improvement for safety, bias, and hate.

Lastly, providing opportunities for members of the campus community to co-create any guidelines, rubrics, or decisions trees when incidents of bias occur may create a sense of transparency and perhaps establish an understanding of the process for response at CSUSM.

VII. Concluding Remarks

While the taskforce processed revealed the belief that safety is everyone's responsibility and discovered campus safety as a priority for CSUSM, it was surprising to find no standard approach across the CSU system or regional institutions when responding to hate or bias incidents that are not classified as a crime. Given this clear opportunity gap, the task force recognizes CSUSM as a potential thought and implementation forerunner locally, systemwide, and a national conversation trailblazer. We extend our gratitude to the taskforce members for their unswerving commitment, precious time, and invaluable input throughout this process (e.g., student centers, employees who participated in the feedback sessions, etc.). We look forward to the opportunities to share the actions CSUSM will take in response to these recommendations, the ongoing progress, and related updates as the campus moves forward with next steps.

APPENDIX A

University		Interesting elements	Housed under
Elon University	https://www.elon.edu/u/bias-response/	Detailed privacy considerations. Designated specific contact to reply to inquiries for information on bias/hate incidents that occur. Recommended by Dr. Ryan Miller via Michelle Deutchman	Office of Inclusive Excellence Education & Development
University of Maryland	https://diversity.umd.edu/bias/response	The GRACE model for online bias response; recommended by Dr. Ryan Miller via Michelle Deutchman	Diversity and equity
Minnesota State University	https://www.mnsu.edu/university-life/diversity-equity-inclusion/bias-incident-support-advisory-team/bias-response-and-prevention-team/	Well-developed website. Not a one stop for all type but lists multiple places of contact for support and/or referral. Interesting multifaceted approach	University life Multiple entities.
University of the Pacific	https://www.pacific.edu/student-life/student-conduct/bias-discriminatory-harassment	A two-layered bias response team Electronic form with immediate	Student affairs: Code of conduct.
University of Wisconsin La Crosse	https://www.uwlax.edu/center/transformative-justice/bias-response/bias-support-team/#tab-180139	Recommended by Dr. Ryan Miller via Michelle Deutchman	Center for Transformative Justice
Whittier College	https://www.whittier.edu/policies/biasincident	User friendly bias assessment review process	Policies
CalState East Bay	https://www.csueastbay.edu/hr/dhr/what-dhr-is-not/report-a-bias-incident/index.html	Link to electronically report incident is not working	Human resources
Sonoma State University	https://studentaffairs.sonoma.edu/care-students-concern/bias-report	Electronic form to submit	Student affairs: Care team and students of concern. Articulated with the Red Folder initiative
CalPoly	https://birt.calpoly.edu/about https://deanofstudents.calpoly.edu/content/BIRT	BIRT (Bias Incident Response Team) Protocol	Office of the Dean of students and the office of diversity and inclusion. Focus on students.
CSU Northridge	https://www.csun.edu/stophate/report-incident	"Not on Our Campus"	Office of Equity & Diversity
Framingham University	https://www.framingham.edu/the-fsu-difference/inclusive-excellence/bias-education-response-team/bert-incident-communication-protocol/	BERT (Bias Education Response Team) protocol	The Division of Diversity, Inclusion and Community Engagement

APPENDIX B

California State University
SAN MARCOS

BIAS/HATE SPEECH INCIDENTS FLOW

INCIDENT OCCURS

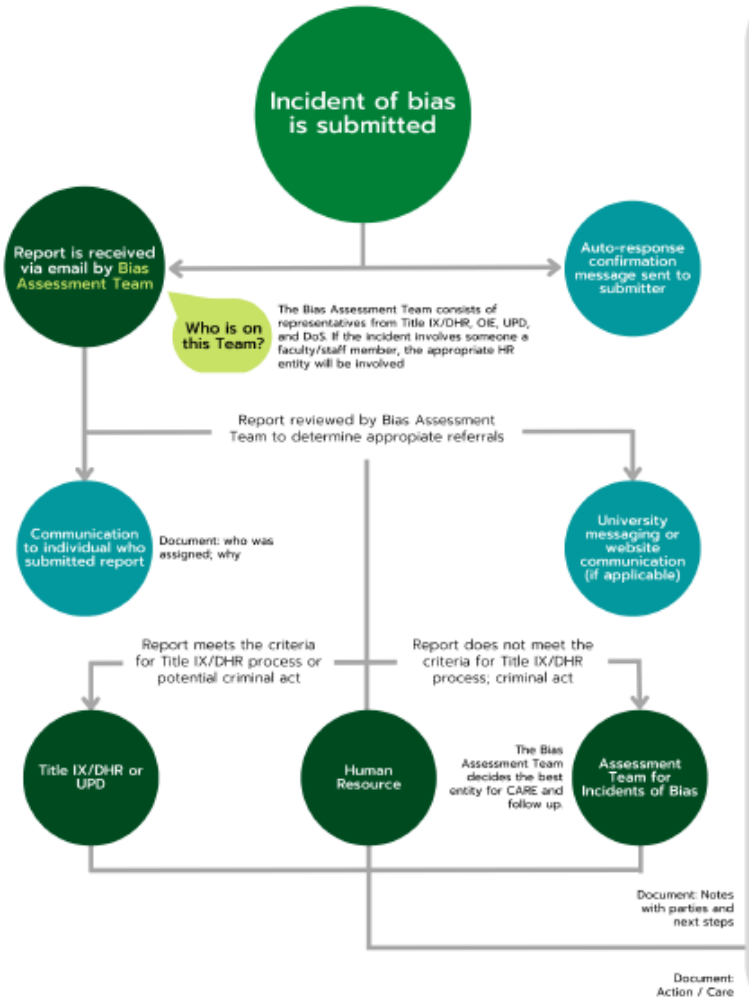
COMMUNICATIONS		ACTIONS
START		START
Who should be included in all reporting of incidents? Margaret, Lamine, Patricia, Gail, Jason, Bridget ↳ COLE AVANT	***Office of the President*** ▪ Lamine > Jennifer	**What does UPD need?** Most information possible, reporting party, picture, time, location
Secondary contacts: ▪ Margaret > Cathy ▪ Lamine > Neal ▪ Bridget & Gail > Lorena	***Involvement of OIE, Student Life Centers, and DHR*** *Who communicates to the Centers?* Gail to Centers *When does DHR need to take over?* Bridget would review when reported from the beginning	**Searching for additional posting; Removing postings** ▪ Margaret will contact Erin M-F 8-5; UPD otherwise **Coordinating with Facilities** ▪ Margaret/Lamine/Jason CALL ERIN FULLERTON CSU E
Who is the point person responding to the reporting party? Lamine or acknowledged by the person addressed in the original reporting	***Communication to Campus/Particular Groups & Remedies*** When would this happen? Who determines? Critical Issues will determine if more outreach is needed and recommend any particular groups for outreach. Consider Student Organizations, Campus Organizations, Departments, FSA, and Centers.	**Record Keeping** Maxient file (Jason asks Patty to create tag)
Circling back to reporting party of safety needs Student= Jason; Staff/Faculty=UPD; Margaret will contact Michelle Hunt if needed		**Tracking all of the incidents How? Who?** Maxient will track; Reviewed by Critical Issues quarterly; Margaret will work with Susan to add to the calendar

APPENDIX C

BIAS INCIDENT REPORTING FLOW CHART

Guiding Principles for Bias Incidents:

- Each incident is designated a point person for initial contact and follow-up as needed.
- In each incident, the facilitator acknowledges the harm or loss experienced by the individual(s) harmed, respect for participant's feelings, and offers an opportunity for the resulting needs to be considered and where possible met.
- Care and resources are offered to all individuals involved.
- Respect for the dignity of all participants at all times.
- Opportunity for all parties to participate in a restorative process if they agree to it and no further harm would take place.
- Timely communication and follow-up, either broadly or to groups and/or individuals.
- Facilitators are impartial/neutral.
- Document to understand and address trends.



Based on the unique factors of each bias situation reported (including whether there is a known impacted individual(s), what support that individual(s) needs, whether there is a known reported individual(s), whether a threat is present, etc.), a management plan is developed. These plans may involve university partners and resources, such as:

- DoS / CCN
- Student Life Centers
- UPD
- OIE
- University Housing
- Vice President of Student Affairs Office
- SHCS
- Student Legal Services
- Student Life
- DRO; Project Rebound; Specialized Program
- DSS
- Employee Assistance Program
- Ombuds

Follow-up, or accountability, for each bias incident is dependent on the unique factors of the situation. While the team moves as quickly as possible, the nuances of bias incidents require thoughtful planning and intentional actions, which take time. Follow-up may include:

- Assess Safety
- Engaging with the reported individual(s) or group(s) to gather additional information
- Educational in-person conversations with the reported individual(s) or group(s)
- Mediation or dialogue support for parties involved
- Additional trainings for the greater university community or specific units
- Policy change recommendations to divisions or units
- Listening sessions/Community Circles for the university community
- Additions or changes to the university, unit, or division's Diversity Strategic Plans
- Partnership with Student Life Centers
- Utilize External resources
- Engage FACES or Staff Center

APPENDIX D

Example of Threat Assessment considerations from University of New Hampshire's Bias Response Protocol document (pgs. 5-6)

FACTORS AND INTENSITY SCALES (To be considered in determining an appropriate response)

a. Bias incident (including hate crimes):

Factors to be considered in assessing the severity of an incident include: evidence of unprivileged or unwanted verbal or physical contact; unsolicited verbal or electronic contact; size and graphic nature of vandalism, graffiti, or display; egregiousness and persistence of behavior; interference with another person's right to education; academic or employment opportunities; evidence that behavior was motivated by bias, prejudice, or hate. (Adapted from "FIRE's Guide to Free Speech on Campus")

Examples from least to most intense

- Off-hand statement lacking any threat
- Offensive name called in the heat of an argument
- Offensive word written on memo board, not targeted, easily erased
- Offensive action that is disruptive or interferes with the benefits and entitlements of participation in the community (ex. yelling, pounding, slamming doors)
- Offensive word intended for members of a protected category, regardless of perceived intention
- Offensive word intended for members because of their actual or perceived protected category
- Symbol or slogan of violence (ex. swastika or cross burning, "wetbacks don't belong on our campus") targeted at a member of a protected class of people
- Confronting someone with offensive words or actions at or in a particularly inflammatory time or manner
- Destroying or vandalizing personal property of a member of a historically protected category of people, with offensive references
- Stalking and referencing a person's or group's protected category

• Physical violence

b. Threat to safety:

Specificity of method, time, place, target group or individual, detail of plan or thought. The

more specific, the more likely the threat may be real.

Examples from least to most intense

• Short verbal altercation that ends in apology

• Threatening words against a person or group within a protected class that are vague regarding time, place, or method

• Specific threats against a member or members' protected class status. This can include any single, combination, or all the following - time, place, method.

• Unprivileged or uninvited physical contact

• Violence

c. Public nature:

Buildings, sidewalks, throughways that are open and accessible to the public, websites that are not password protected, electronic communication that is mass distributed.

Examples from least to most intense

• Within a dorm or apartment room

• Between participants only

• In a lounge or hallway of a dorm

• In a classroom or academic building

• Outside, and/or with loud voices, or large graffiti

• In public areas where the voice or writing, or symbolism cannot be ignored

d. Appearance of pre-meditation:

Vandalism that is pervasive, incidents that lack evidence of spontaneity, violation of password protected electronic communications and websites, individuals or groups identified by name.

From least to most intense

- Impromptu, blurting out, or using non-permanent materials (pencil) to write or mark
- Writing an Instant Message
- Writing an email
- Posting to a blog or other social networks such as Facebook, MySpace, YouTube
- Waiting for someone to emerge from a class, dorm, or other facility
- Sending a letter
- Using visual aids and materials

APPENDIX E – DEFINITIONS

Transformative Justice. Transformative Justice (TJ) is a branch developed from Reformative Justice (RJ). While restorative justice programs seek interpersonal healing, they do not attend to the structural causes of oppression disrupting these communities (Kelly 2011; Morris 2000; Nocella 2014). While useful, restorative justice theories have varying definitions and implications and do not adequately address structural forms of harm. Key to transformative justice—in contrast to restorative justice—is the focus on structural forms of injustice, such as those that construct poverty and support state violence and connecting how past experiences relate to the present health of individuals, families, communities, and offenders in envisioning a better future (Kelly 2011; Mingus 2015; Morris 2000). Transformative justice moves beyond the immediate needs of all community members toward the structural oppressions that impact them in the present and impede their futures (Capeheart and Milovanovic 2007), while empowering communities to heal from violence and trauma without involving social services (Mingus 2015). This perspective recognizes harms at the economic, political, and social levels, while addressing imbalances of power (Mingus 2015; Nocella 2014; Walkington 2021).

APPENDIX F - REFERENCES

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