UNIVERSITY OF NEW HAMPSHIRE

EXECUTIVE SUMMARY OF THE BIAS RESPONSE PROTOCOL

PURPOSE/APPLICATION OF PROTOCOL

Every community member should be aware of our collective commitment to maintaining a safe and welcoming environment through periodic public reports on the outcomes of report of acts of hate or bias. The Bias Response Protocol provides an organized response to bias incidents (including hate crimes) when they occur, and a mechanism to inform the person or group harmed and the community about the outcomes. Offices such as Affirmative Action and Equity, UNH Police, Community Standards, etc. are designated to receive reports, and respond to incidents and complaints of alleged discrimination and discriminatory harassment. They will continue in this capacity. The Protocol is not meant to override the responsibilities of such offices. It will, however, complement the work of these offices and fill in a gap in response that currently exists for incidents that occur outside the MUB and campus residences.

Bias incident (including hate crimes): A bias incident is an act of a threat or act of harassment or intimidation, verbal, written or physical which is personally directed against or targets either an individual student/faculty/staff member or a group because of their actual or perceived race, color, religion, sex, age, national origin, sexual orientation, gender identity or expression, disability, veteran status or marital status or other category protected by law or UNH policy. Hypothetical examples depending on the totality of the circumstances: anonymous acts of vandalism to public posters by defacing them with bias-related symbols or slogans, targeted vandalism on a student’s door directed at his/her protected status by writing homophobic, ethnic, or racial epithets on dry-erase boards, directing slurs at a group or individual (whether in person or electronically) by telling derogatory gender- or ethnic-based jokes or making insulting comments about an individual’s traditional manner of dress or geographic origin, harassment that interferes with a person’s educational experience or employment by displaying sexually suggestive objects or pictures in the workplace or academic environment except as those items may be part of legitimate pedagogical pursuits.

STRUCTURE

The Bias Response Protocol consists of the Responders and the Affiliates.

Responders receive and examine reports of incidents of hate and bias, devise response strategies when appropriate, and report out the findings and responses. Responders are the Director & Title IX Coordinator, Affirmative Action and Equity Office; the Dean of Students or designee; and a representative of the UNH Police Department.

Responders are charged to receive and provide an initial review of reports of bias incidents that come in via the Report It! website or that come directly to any of them; determine if there is evidence of any criminal activity or activity that would trigger response under prevailing federal or state statutes, agency regulations and guidelines, or the UNH Code of Conduct or UNH Discrimination and Discriminatory Harassment Policy; expeditiously follow up with the person filing the report; consult with appropriate offices about action steps; devise response strategies when appropriate or collaborate with offices to respond; and report out the findings and responses as appropriate.

Affiliates are charged, if appropriate, with providing accurate information to their constituencies and/or devising educational response strategies and act proactively to address potential future incidents and issues of climate as appropriate.

Affiliates may include but are not limited to: President’s Commissions’ Chairs or designees; Associate Vice President for Community, Equity, and Diversity; Community Standards Programs; Residential Life and Housing representatives (CAs, RAs, RHDs and central staff); Office of Multicultural Student Affairs (OMSA); Chair of the Student Senate Community Change Council; Chair of the Diversity Support Coalition; Graduate Student Senate representative; Sexual Harassment and Rape Prevention Program (SHARPP) administrators; President’s Athletic Advisory Committee; Academic Support Services; Student Athletic Advisory Committee; Health Services; Counseling Center; UNH-Manchester representative; Disability Services for Students; Military & Veterans Services; Office of International Students and Scholars; and Facilities representatives (such as building managers for academic buildings) and Student and Academic Services (SAS) representatives for student facilities (for example the Directors of the MUB, Hamel Recreation, etc.). Inclusion of any Affiliate may depend on the location/severity of incident. (Dean’s Council is appropriate to suggest representation.)

First Amendment Note: Conduct that is protected by the First Amendment is not actionable under law, or the UNH Student Code of Conduct. However, there are limits to free speech, as well as consequences for protected, but threatening-sounding/offensive speech.

Hateful expression does not necessarily constitute an unlawful ‘threat.’ Many court opinions have defined the word ‘threat’ and they typically distinguish between provocative or boorish expression (typically protected by the First Amendment) and true threats, which may lawfully be punished. Additionally, courts have held that the perception of a threat must be ‘objective’ (that is from the standpoint of a ‘reasonable person’), not the subjective impression of a complainant. (Stop Hate CD, ACUI, 2003)
EXAMPLES OF RESPONSES AND ACTION STEPS

- Initiate an education campaign targeted to either a specific area, or the entire campus, that outlines what happened, why it is being investigated, how information about the incident can be reported and to whom.
- Provide support and information for the person or group harmed. Provide counseling and resources available on campus and in the community at large. Provide information about a safety plan, or programming on safety strategies.
- Reach out to the Deans and appropriate support staff to offer talking points for bringing up incidents that occur in academic buildings. Adapt talking points and share with other staff around campus.
- Provide classroom or group/individual based talking points for follow-up discussions.
- Conduct a threat assessment with UNH or Durham Police. Follow through with safety recommendations.
- Offer mediation through the Office of Conduct and Mediation.
- Establish direct contact with the person or group involved in the incident. This can happen with a member of the VPSAS staff, Associate Dean, Athletic staff, UNH Police, or other University office or authority, as appropriate.
- Write forum article or letter to The New Hampshire editor outlining the incident and campus/community response to it.
- Pursue disciplinary action or investigation by the Affirmative Action and Equity Office, the Director of Conduct and Mediation Programs, or Human Resources.

WHERE TO GO TO SEEK ADVICE OR REPORT A HATE OR BIAS INCIDENT

- reportIt! (http://reportit.unh.edu/)
- Office of Community Standards (603.862.3377) (http://www.unh.edu/ocm/)
- UNH Police (603.862.1427) (www.unh.edu/upd) or Durham Police (603.868.2324) (http://www.ci.durham.nh.us/police) for criminal investigation.
- Affirmative Action and Equity Office (603.862.2930 voice / 603.862.1527 TTY / 7-1-1 Relay NH) (http://www.unh.edu/affirmativeaction/index.html)
- Office of Vice President for Student and Academic Services (603.862.2053), Dean’s Offices, or other SAS offices. (http://www.unh.edu/vpsas/)
- Report to a Clery Act Campus Security Authority (www.unh.edu/upd/clery.pdf)
- SHARPP (Sexual Harassment & Rape Prevention Program) (603.862.3494 voice / 800.735.2964 tty / 603.822.SAFE [7233] 24-hour Hotline) (http://www.unh.edu/sharpp)
- Office of Multicultural Student Affairs (603.862.5204) (http://www.unh.edu/omsa)
- Office of International Students & Scholars (603.862.1288) (http://www.unh.edu/oiss/)
- Office of Human Resources (603.862.0501 voice / 603.862.3227 tty) (http://www.unh.edu/hr/)
- Residential Life or Housing (603.862.2268) (http://www.residential-life.unh.edu) (603.862.2120) (http://www.unh.edu/housing/)
- Disability Services for Students (603.862.2607 voice/tty) (http://www.unh.edu/disabilityservices/)
- The Graduate Student Senate (http://www.unh.edu/gss/welcome.html)
- The Office of Student Athlete Development (603.862.4051) (http://www.unhwildcats.com/lifeskills/index)
- Office of Student Involvement & Leadership (603.862.0303) (http://unhmu.com/involvement/)
- Counseling Center (603.862.2090) (http://www.unhcc.unh.edu)
- Health Services (603.862.9393) (http://www.unh.edu/health-services/)
- Office of President’s Commissions (603.862.1058) President’s Commission on the Status of Women (http://www.unh.edu/womens-commission/); President’s Commission on the Status of People of Color (http://www.unh.edu/cspc/); President’s Commission on the Status of Gay, Lesbian, Bisexual and Transgender Issues (http://www.unh.edu/glbt/); President’s Commission on the Status of People with Disabilities (http://www.unh.edu/cspd/)
- Military & Veterans Services (603.862.1595) (http://www.unh.edu/veterans/)
- Associate Vice President for Community, Equity, and Diversity (603.862.2450) (http://www.unh.edu/president/)
- Center for International Education (ICE) (603.862.2398) (http://www.unh.edu/cie/)

For the full Bias Response Protocol document, please click here