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Bias Related Incident Response Protocol: Practices & Procedures

Introduction

The reality for the Evergreen community is that hate crimes and bias incidents can occur in living communities, in classrooms, at co-curricular activities, in employment situations, and at off-campus college-related activities. The College already has policies, procedures and protocols in place to respond to different kinds of incidents, enabling it to attend to the health and safety of members of the College community, manage

individual complaints or grievances, and adjudicate possible violations of college policies or local, state or federal laws. Examples of such policies, procedures, and protocols include but are not limited to:

The Student Conduct Code, the Nondiscrimination Policy and Procedure, the Sexual Harassment and Sexual Misconduct Policy, the Work Place Violence Policy, the Housing Contract, Student Employment Agreements, Program Covenants as well as local, state or federal civil rights laws and regulations.

The Bias Incident Response Team's purpose is to help assess whether a behavior, event or action may be bias-related, to assist in insuring that appropriate policies, procedures and protocols are applied, to help the college take a timely and comprehensive approach to addressing incidents, and to aid in communication with the college community about incident-related concerns.

Protocol for Bias Incidents

The Bias Related Incident Response protocol will be implemented whenever a hate crime or bias incident is perceived to have occurred. This protocol is specific to addressing hate crimes or bias incidents directed at or affecting members of the Evergreen community. The protocol covers student, faculty, staff, visitors, vendors, and contractors. The protocol may apply to incidents off campus that could have the effect of unreasonably interfering with, limiting or denying someone the ability to participate in or benefit from the College's educational program or work environment. This protocol is not a substitute for and does not override established college or external complaint processes or investigation protocols and services available to members of the College community.

The College champions free expression. The ways in which we address bias incidents respect that value. Bias incidents often center around speech that many community members find offensive. Those who engage in the speech that offends others and those that respond to the speech may be protected by First Amendment rights. When the speech is protected, neither the student conduct system nor criminal justice system can be applied. It is through the speech of others including, the Bias Incident Team that bias incidents are best addressed. The College aspires to create an environment that is inclusive and safe for all members of the community.

Circumstances When the Protocol Is Initiated

The College has a zero tolerance for hate crimes and bias incidents and will act swiftly and effectively when such are reported. This protocol is specific to addressing hate crimes or bias incidents particularly those directed at persons identified as protected under the College's Non-Discrimination Policy and Procedures, and local, state or federal civil rights laws and regulations. Protected group status is afforded based on race, color, religion, creed, national origin, gender expression, sex, sexual orientation, gender identity, genetic information, marital status, age, disability, pregnancy, or status as a disabled veteran, a Vietnam era veteran or other covered veterans. The protocol response team will not typically be convened when an incident impacts only a small number of people, especially when victims are uncomfortable with a public response, but rather when more visible incidents occur that are likely to significantly affect the College community or subpopulations of the college.

A hate crime is an actual criminal offence motivated in whole or in part by the offender's bias towards the victim's protected group status. A bias incident is conduct, speech or expression that is motivated by bias based on the person's group status but which does not involve criminal behavior.

To constitute a hate crime or bias incident, sufficient objective facts must be present to lead a reasonable and prudent person to conclude that the actions in question are more likely than not motivated by bias toward the status of a targeted individual or a group. The Protocol will be initiated when an alleged hate crime or bias incident is reported.

Reporting of Bias Incidents

Students, staff, faculty members, visitors, vendors, and contractors who experience or become aware of a possible hate crime or bias incident are asked to report the crime or incident immediately to a designated college office or official:

- Vice President for Student Affairs [\(360\) 867-6296](tel:(360)867-6296)
- Police Services [\(360\) 867-6832](tel:(360)867-6832) (available 24/7)
- Director of Residential and Dining Services [\(360\) 867-6137](tel:(360)867-6137)
- Senior Student Conduct Code Officer [\(360\) 867-5113](tel:(360)867-5113)
- Dean of Student and Academic Support Services [\(360\) 867-6034](tel:(360)867-6034)
- Director of First Peoples' Advising Services [\(360\) 867-6467](tel:(360)867-6467)
- Civil Rights Officer [\(360\) 867-5371](tel:(360)867-5371)
- Provost's Office [\(360\) 867-6400](tel:(360)867-6400)

- Academic Deans (360) 867-6870
- Title IX Coordinator (360) 867-5100

Notification of the report will then be made to the Office of the Vice President for Student Affairs. The Vice President for Student Affairs will ensure that an investigation is initiated by the appropriate investigative official, will notify the appropriate vice president if the alleged incident did not occur in an area managed by Student Affairs and will decide whether to convene the Response Team.

Procedures

Initial Steps

Front-line respondents to the incident will (a) assess and determine the need for emergency services, which may include emergency medical or psychological treatment; (b) contact Police Services; (c) help determine if

there continues to be a threat to parties involved and provide appropriate protection to the targeted individual or group through Police Services.

The scene where hate crimes or bias incidents have occurred should not be disturbed prior to the arrival of Police Services. Any physical evidence of the incident (messages written on doors, physical objects, etc.) must be left in place when practical and secured for police to document and investigate.

Documentation of the incident will begin immediately. Police Services will be contacted to document possible hate crimes or bias incidents through such activities as photographing physical injuries, offensive graffiti and evidence of vandalism. Reports will include important details such as when and where the incident occurred and who was involved in or witnessed the incident.

In cases involving students, the Vice President for Student Affairs, or the vice President's designee, may assign a case-coordinator to ensure direct services and support to students in crisis, typically the student or students targeted in an incident. The case coordinator is a student affairs practitioner trained in crisis management and emergencies. The case-coordinator assists affected students in accessing College and local support services and resources and intervenes or facilitates in matters related to the students' academic, employment, or personal well-being.

The case coordinator is assigned to the student until the crisis is resolved. When requested by the student, the case coordinator will accompany the student to appointments, as well as advise the student regarding college policies. Students residing in the residence halls are assigned a case coordinator by the Director of Residential and Dining Services, and students living off campus are assigned a case coordinator by the Dean of Student and Academic Support Services.

If the student shows any signs of being distraught, contact with the Counseling Center should be made immediately. Based on interactions with the student, it may be appropriate to assign a case coordinator from the student's affinity group. If this is not possible, it may be valuable for the case coordinator to identify who within the college community could assist as additional support.

Faculty may access the type of assistance provided to students by contacting an academic dean, who will provide the assistance or help

secure it. Staff may obtain assistance or help identifying sources of assistance by contacting the Human Resources Office.

Investigative Responses

Intake investigation, fact finding and resolution of all complaints of hate crimes and bias incidents will be conducted by the appropriate authority (Police Services, Senior Student Conduct Officer, and/or Civil Rights Officer). Investigations will be conducted to determine possible violations of college policies and local, state or federal laws and regulations.

Students, faculty and/or staff who have committed a hate crime or bias incident may be accountable under the criminal justice system, the Student Conduct Code and/or the applicable College policy.

Knowingly making a false complaint against another member of the College community is also prohibited behavior, and may be subject to sanctions under the criminal justice system, applicable College policies, and the Student Conduct Code. A finding that a hate crime or bias incident was not substantiated is not in itself sufficient for a charge of a false accusation. (This section should not be construed as a warning against filing a complaint.)

Bias Incident Response Team

Once the most immediate needs have been addressed, the Vice President for Student Affairs or the Vice President's designee will convene the Bias Incident Response Team. The Response Team will be comprised of:

- Vice President for Student Affairs
 - Dean of Student and Academic Support Services
 - Director, Residential and Dining Services
 - Academic Dean (Provost will refer to the appropriate dean)
 - Faculty Agenda Committee Member/or Agenda Committee appointee
 - Director of First Peoples' Advising Services
 - Director of Police Services
 - Senior Student Conduct Code Officer
 - Civil Rights Officer
 - Title IX Coordinator
 - Director of College Relations or designee
 - Director of Access Services
 - President's Special Assistant for Diversity Affairs
 - Director of Student Activities
-
- Two students appointed by the Geoduck Student Union

The Vice President for Student Affairs may invite faculty and staff to serve as consultants to the team if they possess expertise that could add to the analyses in a special case.

The Response Team will be provided with progress reports of an investigation. Given that criminal and judicial investigations are confidential, the Team will be kept informed of the investigation's progress to the extent allowable. Whenever possible, the Team will provide assistance to ensure that all aspects of bias-related activities are examined and that the investigation is handled in a manner that is efficient, effective and culturally sensitive.

The Response Team will identify the needs of the affected individuals, as well as those of the larger Evergreen community. An email may be sent to the appropriate affected individuals describing the incident and the steps which are being taken, status of the investigation, and that the Response Team has been assembled. An update may follow once the Response Team has had an opportunity to assess the situation and determine next steps. The response team may inform the larger Evergreen community about what has transpired.

The response team may organize and hold open forums for affected

individuals as well as the larger community to provide details of the incident which can be revealed outside of the investigation, to gather suggestions, to denounce such incidents, to reaffirm Evergreen's values and standards and to educate about hate crimes and bias incidents.

The response team may also determine incident related topic program areas for additional trainings for students, staff and faculty. All efforts should be made to identify and provide opportunities for the community that will enhance and encourage inter-group dialogue that focuses on relevant issues of bias, hate crimes, hate groups (their profiles, agendas and patterns of behavior), discrimination, and effective strategies for enhancing individual and community safety and well-being and reinforcing community values.

Note: Permission granted by Syracuse University to adopt selected text from Syracuse's Bias Related Incidents Protocol.

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