

# 1.9 Bias-Related Incident Protocol

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## I. Scope

This Protocol applies to Bias-Related Incidents and retaliation by or against all Students in the University because of sex, gender, gender identity and expression, race, color, religion, national origin, ancestry, disability, age, sexual orientation, marital status, military status, veteran status, pregnancy, genetic information, or any other protected classification.

Where the Accused Party is an Employee, the investigative procedures outlined in the University's *Harassment Policy* will apply and the disciplinary action(s) and processes outlined in other University policies and/or *The Faculty Manual* may apply as appropriate.

Where the Accused Party is a Third Party or other non-University affiliated party, the University will take appropriate action and determine the appropriate manner of response consistent with the goals of this Protocol.

- This Protocol provides information related to:
- Saint Louis University Statement of Values
- Bias-Related Behavior
- Restorative Justice
- Reporting Options, Resources, and Accommodations
- Restorative Practices, and Community Engagement
- Investigation, Hearing, and Appeal Procedures

The definitions, reporting options, resources and statements of institutional values contained in this Protocol apply to all Students of the Saint Louis University community.

This Protocol applies to all acts where the conduct:

- Occurs on campus.
- Occurs in the context of a University program or activity.
- Occurs in the context of a University program or activity or occurs off campus and has continuing adverse effects on members of the University community.

The University will respond to reports of bias to ascertain the nature, severity and disposition of the report, as well as, take steps to eliminate the behavior, prevent its recurrence, and address any effects of the behavior on the Reporting Party or the University community.

## II. Purpose

This Protocol was originally established in response to actual campus incidents of bias. The campus community members involved in the development of this Protocol emphasize that in addition to providing necessary guidance for a proper educational and socially just response to such incidents, it must also engage the campus community in educational interventions that may prevent such incidents from occurring. This Protocol is also subject to reasonable interpretation and periodic revision to keep the language, scope, recommended actions, guiding principles, and other content current with all applicable legal, social, and cultural parameters.

This Protocol and the applicable procedures outlined are designed to achieve the following goals:

- Address acts of hate, bias, or other acts of intolerance that impact members of the University community.
- Provide prompt and compassionate support services.
- Create a campus environment that both facilitates and expedites the prompt reporting of Bias-Related Behavior.
- Appropriately document such incidents through the Bias Incident Report Log, and take additional measures to inform the community about such incidents, when appropriate.
- Take appropriate actions to demonstrate that Saint Louis University fosters a community of inclusivity and commits itself as an educational institution to address incidents of hate, bias, or other acts of intolerance that detract from the learning process and development of whole persons.
- Ensure that appropriate steps are followed when Bias-Related Behavior is reported.

Facilitate development of competencies in awareness, knowledge, and skills to prevent such incidents and facilitate a restorative justice process for the affected individuals and communities when and where acts of hate, bias, or other acts of intolerance have occurred.

### III. Statement of Values

Saint Louis University welcomes Students, faculty, and staff from diverse backgrounds and identities, and strives to create a sense of community that facilitates their development as individuals for and with others. Saint Louis University affirms that harassment because of sex, gender, gender identity and expression, race, color, religion, national origin, ancestry, disability, age, sexual orientation, marital status, military status, veteran status, pregnancy, genetic information, or any other protected classification is detrimental to its mission and values.

Saint Louis University considers acts of hate and bias unacceptable and antithetical to its commitment to an inclusive learning community that respects the fundamental dignity of all human beings and that is committed to excellence in teaching, research, health care, and service. The University values freedom of expression and the open exchange of ideas that may include expression of controversial ideas and differing viewpoints that are a vital part of the University discourse. This value of openness protects the expressions that may be offensive, inflammatory, or contrary to some, but it does not protect harassment or expressions of bias or hate that violate the *Community Standards* outlined in the *Student Handbook* or the University's *Harassment Policy*.

Members of the Saint Louis University community should seek to understand and appreciate the University's values and mission, including respect for the dignity of all persons, individual safety, and civil engagement within the community. Those community ideals apply both in person and in contributions through social media tools and forums in order to foster meaningful and global connections. Use of any social media or other technology to engage in uncivil or harmful conduct that is abusive, threatening, harassing, retaliatory or hateful will not be tolerated.

### IV. Oversight

**Director of the Office of Institutional Equity and Diversity:** The University has designated the Director of the Office of Institutional Equity and Diversity to oversee

all reports of Bias-Related Behavior and Harassment at the University. The Director of the Office of Institutional Equity and Diversity may delegate certain responsibilities to a designee. Questions about the applicability of this Protocol or the University's efforts to address and prevent Bias-Related Incidents may be directed to the University's Director of the Office of Institutional Equity and Diversity:

Justin Lacy

DuBourg Hall, Room 36

221 North Grand Blvd.

(314) 977-3065

justin.lacy@slu.edu

## V. Definitions

**Bias-Related Incident:** Just as our laws protect our community according to our society's standards, Saint Louis University defines the parameters of its learning enterprise with policies that support and complement those laws. In the criminal and legal system, not all hateful or biased behavior rises to the level of a crime, and not all crimes are hate crimes. A Bias-Related Incident is experienced by its impact, not its intent. Behavior may be defined by community standards to be inappropriate or disruptive without being a Bias-Related offense. Additional information clarifying this distinction for the University community is provided in this Protocol. Factors such as intent, context, and severity may be used to evaluate the impact of Bias-Related Incidents or Behaviors.

This Protocol uses the term "**Bias-Related Incident**" to define a form of harassment that may be a violation of the Community Standards outlined in the *Student Handbook* and/or the University's *Harassment Policy*. Specifically, a Bias-Related Incident is any act that may intimidate, mock, degrade, or threaten a member or group or property based upon real or perceived consideration of sex, gender, gender identity and expression, race, color, religion, national origin, ancestry, disability, age, sexual orientation, marital status, military status, veteran status, pregnancy, genetic information, or any other protected classification.

Examples of Bias-Related Incidents include, but are not limited to:

- epithets,
- slurs,
- negative stereotyping
- threats,
- intimidation, or
- hostile acts of communication in spoken, written, or electronic media that relate to the classifications protected by our laws and policies.

**Hate Crime:** In the United States, federal laws that inform responses to hate crimes include the Civil Rights Act of 1968 (18 U.S.C. § 245(b)(2)), the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. § 994), and the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009 (Division E of H.R. 2647). Additional laws that define and prohibit hate crimes have been enacted in various states and local jurisdictions.

Generally speaking, a hate crime (also known as a bias-motivated crime) is a criminal act that is motivated by actual or perceived membership in a social identity group such as sex, gender, gender identity and expression, race, color, religion, national origin, ancestry, disability, age, sexual orientation, marital status, military status, veteran status, pregnancy, genetic information, or any other protected classification.

The Jeanne Clery Disclosure of Campus Security Protocol and Campus Crime Statistics Act of 1990 (20 U.S.C. § 1092(f)) (also known as “The Clery Act”) defines hate crimes for the purposes of its reporting requirements. In compliance with this federal statute, annual statistics of criminal offenses, hate crimes, and violations of the *Community Standards* outlined in the *Student Handbook*, must be disclosed in a yearly report. Any criminal offense (such as murder, manslaughter, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, or arson); or any incident of larceny-

theft, simple assault, intimidation, or destruction/damage/vandalism of property that is motivated by bias; must also be reported as a hate crime.

**Restorative Justice:** Restorative Justice (sometimes known as “reparative justice”) is a philosophical approach to justice and a social movement that involves a process of correcting offenses committed against people (as opposed to correcting violations of laws, statutes, or policies, which may be perceived as abstract concepts and not real actions). Restorative Justice focuses on the actions of individuals and communities involved in situations that have caused hurt or harm. Restorative Justice seeks active understanding of each victim’s and each offender’s personhood. Utilizing a variety of peaceful conflict resolution practices that emphasize relationships between individuals and communities, Restorative Justice allows victims of offenses to be active participants and encourages offenders to take responsibility for their actions and repair the harm they have caused.

**Community Standards:** Community Standards refers to the University policies and standards of conduct for students in order to create a climate of student learning and development that is rooted in the Catholic, Jesuit tradition.

**Reporting Party:** Any person or entity who submits a report or complaint alleging a violation of University Protocol and/or *Community Standards*.

**Accused or Accused Party:** Accused or Accused Party refers to the Student, group of Students, or University affiliated organization alleged to have committed a violation of University policies and/or *Community Standards*.

**Bias-Incident Response Team (BIRT):** The BIRT is composed of three entities within the University community. Specifically, the Director of the Office of Institutional Equity and Diversity, the Vice President for Diversity and Innovative Community Engagement, and the Dean of Students, or their designees. The BIRT activates this protocol, provides guidance to the individuals or departments working with the Bias-Related Incident investigation, and adjudication process.

Equity and Diversity, in consultation with the Dean of Students Office (or the assembled BIRT), determines a bias-related incident may have occurred, a report of the hate crimes and bias-related incidents involving Students will be documented and tracked via an Incident Report Log facilitated by the Office of Institutional Equity and Diversity. The purpose of the Incident Report Log is to inform the campus community of all reports, allegations, investigative findings, or actions taken to address acts of hate, bias, or other acts of intolerance that impact members of our University community. The log will contain relevant information related to each report within the limitations of privacy laws. The reporting language used in the log should be clear and succinct with relevant details to inform the campus, without further causing hurt to individuals or damage to communities. The log will be posted online and available to all members of the University community. E-mail notification will be sent to the University community, in accordance with Clery requirements, and on a periodic basis with information regarding on campus resources, the Incident Report Log, and guidelines for reporting.

## VI. Privacy

The University will treat information that it receives in a manner that respects the privacy of both the Reporting Party and the Accused Party. Recognizing that some reports may include criminal acts that violate the security of the entire campus community, there may be instances where the University has a responsibility to investigate or disclose information regarding the circumstances related to a specific incident. Individual and community safety considerations will be balanced with the privacy interests of all involved, as well as the applicable legal requirements, when making decisions regarding such investigations and disclosures.

The University will evaluate a request for anonymity in the context of its responsibility to provide a safe, inclusive, and non-discriminatory environment for the campus community. The University will take reasonable steps to investigate and respond to the report consistent with the Reporting Party's request to maintain anonymity or to not pursue an investigation, but its ability to do so may be limited based on the nature of the request by the Reporting Party.



**Privacy:** Privacy generally means that information related to a report made under this Protocol will be shared only with a limited number of individuals who “need to know” in order to assist in the active review, investigation and determination of responsibility or restoration concerning the report. While not bound by confidentiality, these individuals are trained to be discreet and respect the privacy of all individuals involved in the process.

## VII. Reporting

The University has a strong interest in supporting individuals impacted by Bias-Related Incidents and promoting accountability for conduct that violates the University’s *Community Standards*. The University encourages all community members to promptly report a Bias-Related Incident as soon as possible in order to maximize the University’s ability to respond promptly and effectively. If the Accused Party is not a member of the University community at the time of the report, the University will not be able to take disciplinary action against the Accused Party. The University will, however, still seek to provide reasonably available support for the Reporting Party, identifying any information relevant to pattern or climate, and assisting a Reporting Party in identifying external reporting options. For more details regarding this support and available resources, please see Section 8.0.

A Reporting Party may choose to make a report to the University to pursue an investigation and determination under this Protocol and may choose to make a report to law enforcement. When making a report, a Reporting Party may pursue either or both of these options at the same time. When making a report, a Reporting Party need not know whether they wish to request any particular course of action, nor how to label what happened. Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. Upon receipt of a report of Prohibited Conduct, the University will provide the Reporting Party a written notice describing the options listed below. Before or during this decision-making process, a Reporting Party and other reporting persons are encouraged to seek support and information from the University Counseling Center or Employee Assistance Program.

## A. University Reporting Contacts

While an individual is encouraged to report an incident to a person of their choice, the University has designated the following Reporting Contacts to receive reports of Bias-Related Incidents. The designated Reporting Contacts have been trained to share available reporting options and resources with a Reporting Party.

The designated Reporting Contacts are:

### **Office of Institutional Equity and Diversity**

DuBourg Hall, Room 36

221 North Grand Blvd.

St. Louis, MO 63103

(314) 977-3838

### **Office of Diversity and Innovative Community Engagement**

DuBourg Hall, Room 201

221 North Grand Blvd.

St. Louis, MO 63103

(314) 977-4585

[dicevp@slu.edu](mailto:dicevp@slu.edu)

### **Dean of Students Office**

Busch Student Center, Suite 356

20 North Grand Blvd.

St. Louis, MO 63103

(314) 977-9378

[deanofstudents@slu.edu](mailto:deanofstudents@slu.edu)

**Department of Public Safety**

Wool Center, Room 114

3545 Lindell Blvd.

St. Louis, MO 63103

(314) 977-3000

[dps@slu.edu](mailto:dps@slu.edu)

**Department of Housing and Residence Life**

DuBourg Hall 157

221 North Grand Blvd.

St. Louis, MO 63103

(314) 977-2811

Professional Staff On-Call: (314) 486-4947 (*24 hours*)

[reslife@slu.edu](mailto:reslife@slu.edu)

**Office of Student Responsibility and Community Standards**

Wuller Hall, 2nd Floor, Room 234

3711 West Pine Mall

St. Louis, MO 63108

(314) 977-7326

[conduct@slu.edu](mailto:conduct@slu.edu)

A report may be filed with any of the Reporting Contacts described above. All of these Reporting Contacts will share the report with the University's Office of Institutional Equity and Diversity. When a report is received, the University will

respond to and evaluate the report of the Bias-Related Behavior pursuant to Section 2.0 of the University's *Community Standards* in the *Student Handbook*.

## **B. Law Enforcement Reporting Options**

A criminal report may be filed with the St. Louis Metropolitan Police Department or appropriate jurisdiction. The Department of Public Safety is also available to provide assistance with contacting the St. Louis Metropolitan Police Department, or other appropriate jurisdiction.

### **St. Louis Metropolitan Police Department**

**911 – *emergency***

(314) 231-1212 – *non emergency*

The University's Protocol, *Community Standards*, definitions and burden of proof may differ from Missouri criminal law. The Parties involved may seek recourse under this Protocol and/or pursue their rights under Missouri law. Neither law enforcement's determination whether or not to prosecute an Accused Party, nor the outcome of any criminal prosecution, are determinative of whether a Bias-Related Incident or violation of the University's *Community Standards* and/or policies has occurred. Proceedings under this Protocol may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

## **C. Bystanders**

The University encourages all members of the University community to take reasonable and prudent action to prevent or stop Bias-Related Incidents. Taking action may include direct intervention when safe to do so, enlisting the help of friends, contacting the Department of Public Safety or local law enforcement, or seeking assistance from a person in authority. Community members who choose to exercise this positive action will be supported by the University and protected from retaliation. More information regarding bystander action can be found in the Responsible Action Protocol in Section 1.17 of the University's *Community Standards* in the *Student Handbook*.

## **D. Statement Against Retaliation**

The University will not tolerate Retaliation against any Student, Employee or Third Party who reports a Bias-Related Incident, participates in an investigation related to a report of a Bias-Related Incident, or participates in a hearing or appeal process related to a report of a Bias-Related Incident. Any incidents of Retaliation should be reported to the Director of the Office of Institutional Equity and Diversity or a designated Reporting Contact and may be subject to the same investigation, hearing, and appeal process as set forth in Sections 1.9 and 2.0. The University will take prompt and corrective action against all acts of Retaliation.

# VIII. Resources

Any individual who has experienced physical or psychological impact or harm from a Bias-Related Incident is strongly encouraged to seek immediate emergency assistance from law enforcement, medical professionals or crisis counseling resources. The University recognizes that deciding whether to report a Bias-Related Incident and choosing how to proceed can be difficult decisions that evolve over time. The University encourages any individual who has questions or concerns to seek the support of campus and community resources. These professionals can provide information about available resources and procedural options and assistance to either Party in the event that a report and/or investigation under this Protocol are pursued. Individuals are encouraged to use all available resources, regardless of when or where the Bias-Related Incident occurred.

The University is committed to treating all members of the community with dignity, care, and respect. Any individual affected by a Bias-Related Incident, whether as a Reporting Party, Accused Party, witness, or a Third Party, will have equal access to support consistent with their needs and available University resources. This section provides contact information for University resources, resources in the Greater St. Louis community, and national resources.

## **A. Emergency Resources**

## **Saint Louis Metropolitan Police Department – 911**

### **Department of Public Safety**

Wool Center, Room 114

3545 Lindell Blvd.

St. Louis, MO 63103

(314) 977-3000 (*24-hours*)

### **Saint Louis University Hospital Emergency Department**

3635 Vista Grand Blvd.

St. Louis, MO 63110

(314) 577-6027

### **Student Health Center**

Marchetti Towers East

3518 Laclede Ave.

St. Louis, MO 63103

(314) 977-2323

### **University Counseling Center**

3711 West Pine Mall

Wuller Hall, 2nd Floor North

St. Louis, MO 63108

(314) 977-8255 (TALK) (*24-hours*)

The University also maintains a 24-hour toll free hotline available at (877) 525-5669 or (877) 525-KNOW. Bias-Related Incident reports may be submitted

anonymously through the hotline. Information submitted through the University hotline will be shared with the Office of Institutional Equity and Diversity.

## **B. Confidential Resources**

The *only* University resources that afford complete confidentiality (assuming no other conditions require mandatory disclosure, *i.e.*, imminent risk of harm to self or others) are the University Counseling Center and Student Health Center, which both provide a broad range of services and treatment for all Students, including full-time, part-time and graduate Students.

### **University Counseling Center**

3711 West Pine Mall

Wuller Hall, 2nd Floor North

St. Louis, MO 63108

(314) 977-8255 (TALK) (*24-hours*)

### **Student Health Center**

Marchetti Towers East

3518 Laclede Avenue

St. Louis, MO 63103

(314) 977-2323

## **C. Additional Campus Resource (Private, but not Confidential)**

In addition to the Reporting Contacts (Section 7.0), the following campus department can also provide resources, guidance and assistance to Students. This department is required to share all Bias-Related Incidents with the Director of the Office of Institutional Equity and Diversity.

### **Campus Ministry**

Eckelkamp Center for Campus Ministry, Wuller Hall

3711 West Pine Mall

St. Louis, MO 63108

(314) 977-2425

With a spirit of *cura personalis*, or “care for the whole person,” the Department of Campus Ministry offers opportunities for cultivating an informed faith, a commitment to social justice, and an integrated way of life. Guided by the Catholic Church and the Society of Jesus, they welcome and serve Students of all religious backgrounds and traditions.

## IX. Response Protocol

The University will respond to all Bias-Related Incident reports in a timely and effective manner consistent with this Protocol.

1. All Reporting Contacts who receive a Bias-Related Incident report will immediately share all known information with the Director of the Office of Institutional Equity and Diversity.
2. If a hate crime is being reported, the Reporting Party will have the option to file a criminal report with the St. Louis Metropolitan Police Department, or appropriate jurisdiction. Declining to notify the St. Louis Metropolitan Police Department, or other appropriate jurisdiction, at the time of the initial report does not preclude the Reporting Party from filing a criminal report at a later date provided the conduct is within Missouri’s applicable statute of limitations.
3. The Director of the Office of Institutional Equity and Diversity, or designee, will provide to the Reporting Party information describing available resources, remedial and protective measures and reporting options, including, but not limited to, pastoral care, academic assistance, alternative housing, or a “No Contact Order” from the University.
4. The Director of the Office of Institutional Equity and Diversity or designee, will document on the Incident Report Log that a Bias Incident Report has been



received and notify appropriate University officials. When possible, the Director of the Office of Institutional Equity and Diversity, or designee, will limit the information provided to University officials by taking the Reporting Party's preferences into consideration (consistent with the Section on Privacy and Confidentiality).

5. The Bias Incident Report Team (BIRT) --- the Director of the Office of Institutional Equity and Diversity, the Vice President for Diversity and Innovative Community Engagement, and the Dean of Students --- will conduct an initial review and may authorize investigation or dismiss a report, in whole or in part, if the contents of the report do not fall within the Bias Incident Protocol. The BIRT will communicate this initial disposition to the Reporting Party and the Director of the Office of Institutional Equity and Diversity, or designee, will update the Incident Report Log. The initial disposition by the BIRT is final and not subject to appeal.
6. In situations where the BIRT authorizes a formal investigation, the Director of the Office of Institutional Equity and Diversity, or designee, will assign a trained investigator to conduct a prompt, thorough and impartial investigation. The investigator will determine the relevance of any available information, and will not consider statements of personal opinion, rather than direct observations or reasonable inferences from the facts, or statements as to any party's general reputation for any character trait, including honesty. At the conclusion of the investigation, the investigator will prepare and provide to the BIRT a written report that summarizes the incident. The investigator's report indicates whether information is sufficient to substantiate a charge of Harassment and/or Bias. The report will make no other recommendations with respect to other potential violations of University Policy or *Community Standards*.
7. The Director of the Office of Institutional Equity and Diversity will update the Incident Report Log when the formal investigation is complete.
8. Upon receipt of the investigator's report, the BIRT will administer disposition of the report in one of the following ways:

1. If it is determined that sufficient information exists to support that a report of bias, hate or intolerance has likely occurred, the case is forwarded to the appropriate governance or administrative arm of the University. For Student cases, this would be the Office of Student Responsibility and *Community Standards*. The Reporting Party will be notified of completion and disposition of the investigation of the Bias Incident Report. This finalized investigative report, including the written recommendation, will be given to the Hearing Officer. This recommendation is non-binding on the Hearing Officer, who bears the ultimate responsibility of determining whether the Accused Party is responsible for committing a Bias-Related Incident or violation of *Community Standards* or other University Protocol.
2. If the BIRT determines that the allegations to persons or property merit consideration for Restorative Justice, it will be offered as an option to the Reporting Party as a reparative mechanism.
3. If, upon completion of the investigation, there is not sufficient information at the time for further disposition or action, the Bias Incident Report process ends.
9. The Director of the Office of Institutional Equity and Diversity, or designee, will update the Incident Report Log to reflect the fact that a BIRT review of the investigation is complete and the appropriate disposition of the report, if any, has been determined.

## X. Remedial and Protective Measures

The University may recommend or impose a wide range of remedial and protective measures for Students, whether as Reporting Parties or Accused Parties, to provide support and guidance throughout the University's response to a report of a Bias-Related Incident. These measures may be both remedial (designed to address a Reporting Party's safety, well-being and continued access to educational opportunities) or protective (involving action against an Accused Party). Remedial and protective measures may be imposed on an interim basis, or may be extended permanently.

# XI. Overview of Determination of Responsibility, Sanctions, and Appeal Procedures for Complaints Against Students

Saint Louis University's process for resolving Bias-Related Incident reports against Students will be prompt and equitable and conducted with the oversight of the Director of the Office of Institutional Equity and Diversity. In every report under this Protocol, the University will make an assessment of any risk of harm to the Reporting Party or to the broader campus community and will take steps necessary to address those risks. These steps may include remedial and/or protective measures to provide for the safety of the parties and the campus community. The initial assessment will consider the nature of the report, the Reporting Party's expressed preference whether to proceed with an investigation, and the appropriate course of action. The appropriate course of action may include remedial and/or protective measures that do not involve disciplinary action against an Accused Party or a formal investigation and determination as to whether there has been a Protocol violation, and if so, whether sanctions are warranted. In determining whether this University's *Community Standards* or policies have been violated, the University will apply the preponderance of the evidence standard (more likely than not).

## A. Determination of Responsibility and Sanctions

The Hearing Officer is an administrator designated by the University to determine responsibility whether a Bias-Related Incident occurred that violates the University's *Community Standards* or other relevant Protocol(s) and impose, as appropriate, any sanctions. At the conclusion of the individual meetings, or upon receipt of additional written comment, the Hearing Officer will make a determination as to whether, based on the preponderance of the evidence standard, the Accused Party committed a Bias-Related Incident that violates the University's *Community Standards* or other Protocol(s).

If the Hearing Officer determines that the Accused Party is responsible for one or more Bias-Related Incidents that violate the University's *Community Standards* or

other applicable Protocol(s), the Hearing Officer will determine the appropriate sanctions. A determination of sanctions will be based on the facts and circumstances of each case and will be designed to eliminate the Bias-Related Incident and prevent any recurrence of such Bias-Related Incidents. Any determination for sanctions will be rooted in the University's educational mission, institutional values and restorative practices. Sanctions for Employees and University Contractors are found in the University's *Harassment Policy* and *Faculty Manual*.

## B. Appeals

The Accused Party may appeal the decision of the Hearing Officer. All appeals are due, in writing, to the Director of the Office of Institutional Equity and Diversity, or designee, within three (3) University business days following delivery of the Notice of Outcome. If a request is not received within three (3) business days, the Hearing Officer's determination is final. The appeal shall consist of a written statement outlining the basis for appeal and all relevant information to substantiate the grounds. The appeal will be decided by a panel of three members of the University community.

The grounds for appeal may only be one or more of the following:

- There was a material deviation from the procedures set forth in this Protocol or applicable provisions of the *Student Handbook* that would significantly impact the outcome of the case or may have resulted in a different finding;
- New or relevant information, not available at the time of the investigation or determination of responsibility, has arisen that would significantly impact the outcome of the case.

Dissatisfaction with the outcome of the investigation, and failure of a Party or witness to attend or participate in the investigation or hearing process, are not grounds for appeal.

Appeals are not intended to be a full rehearing of the report (de novo). In most cases, appeals are limited to a review of the written documentation and pertinent

documentation regarding the grounds for appeal. Absent extraordinary circumstances the Appeal Panel will not meet with either Party. The decision of the Appeal Panel is a final determination.

## XII. Restorative Practices and Community Engagement

When communities have been harmed by Bias-Related Incidents of misconduct, restorative practices place the Reporting Party and/or Reporting Party, as well as the Accused Party (and the affected communities) at the center of the reconciliation and healing process. Bias-Related Incidents involve individuals and communities and affect us so deeply because they are incidents that confront our various social identities. The Bias-Incident Response Team proposes that restorative practices are an appropriate method for addressing Bias-Related Incidents. As restorative practices and community engagement is applied, the Director of the Office of Institutional Equity and Diversity will initiate and maintain ongoing contact to communicate information about the resources, supports, Protocol and applicable policies and procedures.