



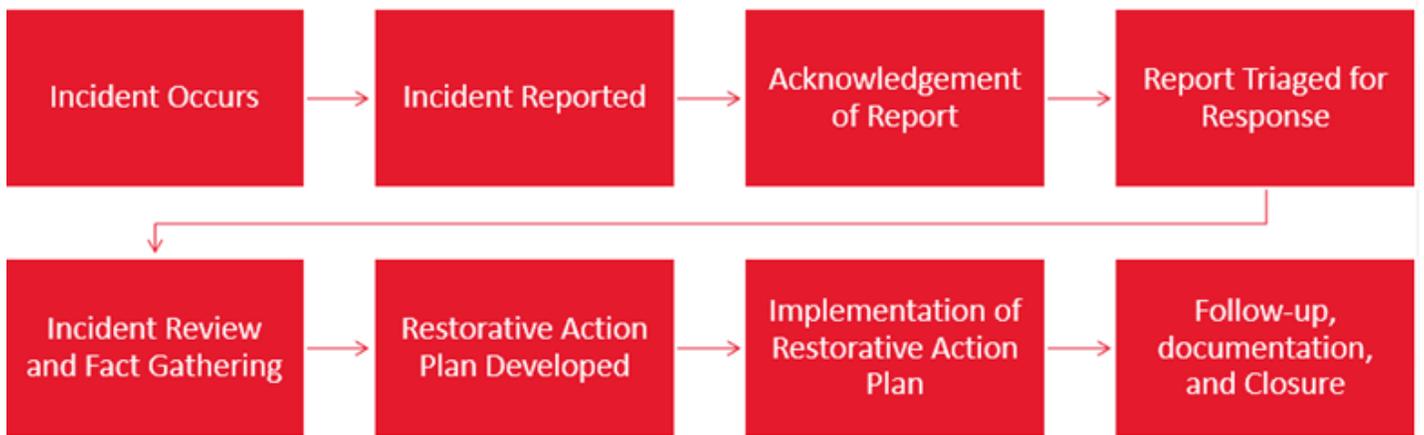
# Bias Incident Reporting

## Bias Incident Reporting Procedures

Clark University values diversity, inclusion, and an environment free from discriminatory conduct. The University embraces diversity of all kinds and is committed to providing a safe, respectful, educational, and work environment that is free of harassment and intimidation for all members of the Clark community. Clark’s Bias Incident Response Protocol is designed to provide information about reporting bias incidents and/or hate crimes and to outline the procedures the University will follow in response to reported incident.

Clark takes seriously all acts of bias and/or hate of which it becomes aware. To that end, the University will respond appropriately by supporting the target(s) of such acts. The response includes assessing reports; conducting an investigation; refer to appropriate department(s) that may initiate a conduct process; and advising the Clark community of the occurrence when appropriate.

## Bias Incident Report Process



## Definitions

### Bias Incident Response Team



The Bias Incident Response Team is a team of administrators and faculty who are committed to creating a proactive response to bias incidents. Clark's Bias Incident Response Team includes the Dean of Students; Director for Residential Life and Housing; Director for Diversity and Inclusive Excellence; Director of Human Resources; Chief of University Police; and Dean of the College.

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## Bias Incident

Any conduct or communication motivated by hatred or prejudice that demeans, degrades, or harasses an individual or group based upon membership in a protected category as recognized by law or Clark University policy, including race, color, national or ethnic origin, ancestry, religion, sex, sexual orientation, gender identity, gender expression, age, genetics, physical or mental disability, and veteran or other protected status. Examples include targeting a group or individual, in person or electronically, with hateful conduct that interferes with a person's educational experience or employment, as well as acts of vandalism or graffiti. A bias incident may or may not involve violations of University policies or state or federal law.

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## Discrimination

Discrimination is an act or communication that unlawfully interferes with an individual's or group's ability to participate fully in the Clark University community on the basis of (1) age, (2) race, (3) color, (4) national origin, (5) religion, (6) sex, (7) sexual orientation, (8) gender identity and/or expression, (9) marital status, (10) disability, (11) veteran status, (12) pregnancy, (13) genetic information or other legally protected status.

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## Hate Crimes

Acts constituting hate crimes, as defined by Massachusetts General Laws Chapter 22C, Section 32, include "any criminal act coupled with overt actions motivated by bigotry and bias including, but not limited to, a threatened, attempted or completed overt act motivated at least in part by racial, religious, ethnic, handicap, gender or sexual orientation prejudice, or which otherwise deprives another person of his constitutional rights by threats, intimidation or coercion, or which seek to interfere with or disrupt a person's exercise of constitutional rights through harassment or intimidation." For purposes of this protocol, all hate crimes are considered a form of bias incident.

Chapter 265 Crimes Against the Person – Section 39 states in relevant part that it is illegal to commit a crime against one's person or property with the intent to intimidate such person because of such person's race, color, religion, national origin, sexual orientation, or disability.

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## Target Person(s)

Individuals or groups, who believe or perceive that they have been the victim of a bias incident and/or hate crime. Any individual or group can be targeted.

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## Clark University Harassment and Discrimination Prevention Policy

Clark University prohibits harassment/discrimination based on (but not limited to) age, race, color, national origin, religion, gender, sexual orientation, marital status, disability, and veteran status. This policy extends to all programs and activities, including admission, education, employment, and athletics.

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# Frequently Asked Questions (FAQs)

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## What is the role of the Bias Incident Response Team (BIRT)?

The Bias Incident Response Team is a team of administrators and faculty who are committed to creating a proactive response to bias incidents.

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## Who are the members of the BIRT?

While specific individuals may change, there will consistently be at least one representative from the Dean of the College (DOC), the Division of Student Success (DSS), Human Resources (HR), and University Police (UP).

Based on the incident, the report will be triaged to the appropriate member(s) of the BIRT to act as the lead for response.

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## Who should report a bias incident?

Any member of the Clark community who witnesses, experiences, or has information regarding a bias incident should immediately report the incident. In the incident of a hate crime (see definition in section

above), university police may be involved in accordance with Massachusetts general law.

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## Why should I report?

Reporting is important even if the offending party or parties cannot be identified. The BIRT utilizes the data received to inform policies throughout the Clark community. Each semester, the BIRT will assess and analyze the incidents reported in order to strategize on how to better serve the needs of bias and discrimination impacting the Clark community. Any trends that are evident could prompt recommendations on education, programming, and/or changes in university policies.

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## What will I be asked to provide in the report?

You will be asked to provide a detailed account of the incident.

The following are often included:

- Date, time and location
  - Name(s) or a detailed description of each person involved, including witnesses
  - Description of what you observed and what was said, to the best of your recollection. This should include any specific language or terms that were used.
  - Other pertinent information that may assist Clark University in responding to the incident.
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## What is the BIRT process? How long will the process take?

The Process:

- Alleged Incident Occurs
- Incident Reported
- Acknowledgement of Report
- Report Triage for Response
- Incident Review and Fact Gathering
- Restorative Action Plan Developed
- Implementation of Restorative Action Plan
- Relevant Follow-up, Documentation and Case Closure
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Generally, the BIRT strives to find a resolution within  $\approx$  30 days after a report has been submitted. While you may not know the outcome, you will be notified once a case has been closed.

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## Can I make an anonymous report? What about confidentiality?

Those submitting a report do have the option to remain anonymous, or to report solely for informational purposes.

Clark is committed to protecting the privacy of all individuals involved in a report of a bias incident. Every effort will be made to protect the confidentiality of individuals targeted and to maintain the confidentiality requested by the reporting party. The outcome of any reported incident will take into account the confidentiality of the involved parties.

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## What are possible responses utilized by the BIRT to resolve an incident?

In all instances where bias incidents are alleged, the totality of the circumstances will be evaluated. The BIRT will take into consideration the nature, severity, and impact on the Clark community, along with any legal obligations, among other things.

Responses to an incident could include the following:

- Utilization of restorative process to rectify institutional, interpersonal, and/or intergroup conflict
- Providing education and resources to mitigate chances of reoccurrence
- Facilitating a space for the parties involved to engage in a dialogue/conversation
- Recommendation of a policy change
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## Will my report lead to a disciplinary response?

The Bias Incident Response Team has no authority to discipline any student or employee. However, if during this process it is discovered that a university policy was violated or a law was broken, a bias incident report could indirectly result in further action being taken. Bias incidents that violate the University's Student Code of Conduct will be referred to and addressed through the University's student judicial process. Reports of bias incidents involving staff or faculty will be referred to Human Resources or Office of the Provost as appropriate. The University may refer to the criminal courts any bias incident that violates Massachusetts law.

## What happens if a report is determined not to be a bias incident?



There are times when a bias incident report could be found not to have been a bias incident. Often, this occurs due to the inability to censor or punish people for comments that are protected speech. In these cases, the BIRT is open to providing resources and spaces to help facilitate any subsequent difficult conversations.

### BIAS INCIDENT REPORTING FORM

#### CONTACT INFORMATION

Emergency Management and Campus  
Assistance

**OFFICE LOCATION**

- ① University Police  
Bullock Hall, Basement  
[1-508-793-7575](tel:1-508-793-7575)
- ① Health Services  
501 Park Avenue  
[1-508-793-7467](tel:1-508-793-7467)
- ① Facilities Management  
501 Park Avenue  
[1-508-793-7566](tel:1-508-793-7566)

**OTHER RESOURCES**

- ① Environmental Health and Safety  
Arthur M. Sackler Sciences Center  
[1-508-793-7280](tel:1-508-793-7280)
- ① Campus Ambassadors  
[1-508-450-5584](tel:1-508-450-5584)  
7 Days a week: 7 a.m. – 9 p.m.
- ① Center for Counseling and Personal Growth  
114 Woodland Street  
[1-508-793-7678](tel:1-508-793-7678)

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