



POLICY STATEMENT

UNIVERSITY RESPONSE TEAM POLICY

SU Policy Number: 701-005.0

ORIGINATING OFFICE

Office of Equity, Inclusion, and Compliance

PURPOSE

The purpose of the Shippensburg **University Community Response Team** ("Response Team") is to review reports involving conduct or expressions that impact students, faculty, and employees, disrupt the university's mission of creating an inclusive community where everyone feels a sense of belonging, and to recommend an appropriate response to such conduct or expression of hate and intolerance and discrimination.

SCOPE

Shippensburg University ("University") remains dedicated to addressing expression or acts that may be motivated by hostility while fostering free speech in an environment where members of our community can learn from one another and where all are treated with dignity and respect.

OBJECTIVE

The Response Team will provide support to those individuals who are targeted by hostile conduct or expression by offering them appropriate resources. Where the Response Team suspects there may be a physical threat, criminal activity, or the nature of the incident rises to the level of a hate crime, the team will immediately forward the report to the [Shippensburg University Police Department](#), (717) 477-1444. Members of the Response Team shall include the person named or their designee: The Chief of the Shippensburg University Police; the Chief Diversity Officer; the Director of the Office of Multicultural Student Affairs; the Chief Student Affairs Officer; the Director of Communications and Marketing; and, one faculty representative from the Association of Pennsylvania State Colleges and University Faculties ("APSCUF") bargaining unit. All members of the response team are required to keep all information confidential and only disseminated pursuant to this Policy.

DEFINITIONS

Discriminatory Intimidation: A violation committed intentionally and motivated by hatred toward another individual or group of individuals based on race, color, sex, ethnicity, national origin, age, disability, religion, sexual orientation, gender identity, gender expression, or veteran status.

Disorderly Behavior: Conduct that:

- (a) intentionally or recklessly creates a hazardous or physically offensive condition;
- (b) causes reasonable persons to fear for their safety or the safety of another; or
- (c) disrupts the normal practices, processes, and functions of the University or the local municipalities.

Employee: All those personnel who are employed by Shippensburg University, including all personnel and contractors who operate on university property or in a capacity that serves university functions.

Faculty: All employees assigned teaching and instructional duties, including those faculty as defined by the Collective Bargaining Agreement between APSCUF and the Pennsylvania State System of Higher Education ("PASSHE").

Non-sexual Harassment: Engaging in repeated, severe, or pervasive actions directed towards a specific individual, group, or entity with the intent or effect to disturb or alarm. This includes, but is not limited to, conduct in person or delivered by indirect means including notes, phone calls, and use of social media, or other electronic media.

Harming Behavior: Engaging in any act which results in the infliction of pain, injury, or damage to any person or property by willful and deliberate means. This offense includes:

- (a) assault;
- (b) attempted assault; or
- (c) behavior which may result in injuries to oneself or others.

Harming Behavior toward University Official: Harassment, threatening conduct, or harming behavior toward a University employee related to the performance of their job.

Hate Crime: According the Federal Bureau of Investigation ("FBI"), a hate crime is a "criminal offense against a person or property motivated in whole or in part by an offender's bias against" another individual or group of individuals based on race, color, sex, ethnicity, national origin, age, disability, religion, sexual orientation, gender identity, gender expression, or veteran status. Hate itself is not a crime and Shippensburg University, as a state government agency, protects the First Amendment's freedom of speech and expression.

Inclusive Community: A place where each person shares a sense of belonging with each other to create a community where everyone feels safe, respected, and comfortable in being themselves and in expressing all aspects of their identities.

Retaliation: Any action, directly or through others, which is aimed to deter a reasonable person from reporting misconduct or participating in an investigation or hearing or action that is done in response to such activities. This includes but is not limited to intimidation, threats, coercion, or discrimination against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Policy. A finding of retaliation under this Policy is not dependent on a finding that the underlying misconduct occurred.

Student: Persons, who on the date of the alleged incident:

- (a) are registered for course(s);
- (b) enrolled in course(s);
- (c) have confirmed their intent to enroll in programs; or
- (d) are active but not enrolled at the University.

Threatening Conduct: Engaging in conduct that is reasonably understood to intimidate or create fear of the infliction of pain, injury, or damage to property. This includes, but is not limited to, conduct in person or delivered by indirect means including notes, phone calls, use of technology, and social media, or other electronic media.

POLICY

The University expects all members of the campus community including employees, students, and faculty, to conduct themselves within the campus community in a manner consistent with not engaging in harming behavior toward campus community individuals including University Officials, non-sexual harassment, disorderly behavior, discriminatory intimidation, and threatening conduct or conduct that otherwise threatens or intimidates members of Shippensburg University's inclusive community. Acts defined by applicable state or federal law as a hate crime or which otherwise pose a threat to the wellbeing and safety of the campus community will be reported to law enforcement authorities for investigation.

If facts exist to support advancing notice of a violation of this policy, the University Response Team will refer that matter to the campus or PASSHE investigator for fact determination.

Unfounded Report- No Violation. If the supervising Dean, Vice President, or University President determine the matter as unfounded after the conclusion of an investigation, they will issue a letter to that effect to the Reporting and Responding Individuals and the matter will be deemed closed.

Founded Report- Violation. If the supervising Dean, Vice President, or University President determines the matter to be founded, they will assess sanction(s) and will inform the Reporting Individual via letter that appropriate action has been taken, but will generally not list specific disciplinary actions, which may be a part of the Responding Individual's personnel file, except where the sanction directly relates to the discriminated or harassed individual.

Sanctions

Students who fail to comply with this Policy will be subject to sanctions, including sanctions defined by the University Student Code of Conduct.

In all instances for employees, the supervising Dean, Vice President, or University President retain the sole authority and discretion to take formal disciplinary action against an employee. Individuals who are found to have violated this Policy will be subject to disciplinary action(s), as set forth by the applicable Collective Bargaining Agreement ("CBA"), Board of Governors Policy, or other University Policy. Such action(s) against employees could include, but are not limited to, an informal oral reprimand, a written reprimand, required training, suspension or other disciplinary action up to and including termination of employment.

RESPONSIBILITIES

Members of the Shippensburg University campus community (excluding those who are cloaked by the bounds of professional confidentiality) who becomes aware of behavior that disrupts Shippensburg University's inclusive community should notify the Response Team by filing a [Violation of Our Inclusive Community Report Form](#). While reports involving conduct or expressions that impact students, faculty, and employees, disrupt the University's mission of creating an inclusive community may be received anonymously, the due process protections guaranteed by the U.S. Constitution may prohibit adjudication and sanction without an identified signatory.

PROCEDURES

This protocol outlines the steps the **University Community Response Team** (at least four out of six who can meet) will take within 24 hours of receiving a report of an incident that disrupts our inclusive community on our campus.

1. Assess

- a. Assess threat to safety.
- b. Confer with Shippensburg University Police Department to conduct threat assessments and reach out, as required, to Pennsylvania State Police, and the FBI, Residence Life personnel, assistant and associate deans, to determine whether there are credible threats of imminent harm.

2. Investigate

- a. Consider the incident pursuant to the Code of Student Conduct and other policies and applicable laws to determine whether an investigation and referral are warranted. That process is:
 - i. Conduct a fair and impartial investigation to determine if the alleged violation, if true, would rise to the level of a Student Code of Conduct or University Anti-harassment and Anti-discrimination policy violation.

3. Educate and Restore

- a. Engage with offending individual through administrators, department faculty, chairs, assistant and associate deans and deans, to assess harm caused, and then work with the individual on voluntary restorative justice/restitution solutions.

4. Support

- a. Support alleged victims and concerned community through clear, direct messaging and communication condemning all acts that disrupt our inclusive community.
- b. Announce an immediate investigation and plans for an educational response.
- c. Identify campus resources.
- d. Provide supportive measures to be accessed at the discretion of those involved.
- e. Consider programming to counter the incident.

5. Communicate

- a. Upon learning about an incident, send separate messages tailored to students, employees, alumni, trustees, chancellor, and the wider community.
- b. Condemn all hate.
- c. Announce an immediate investigation of the matter.

- d. Share resources for students affected by the incident.
- e. Send regular updates to various stakeholders.

RECISSION

Upon approval, this policy will be read in conjunction with the University's Anti-Discrimination & Anti-Harassment policy, SU Policy # 701.001.1.

APPROVALS

Executive Management Team, May 4, 2021
Forum, May 11, 2021

FILENAME

701-005.0 University Community Response Team

DATE

5/18/2021

DISTRIBUTION

Public