



STUDENT CLAIM OF FACULTY BIAS

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Preamble:

Lake Forest College is committed to providing a safe and inclusive campus environment for all students, faculty, and staff. We value the diversity of our community, including but not limited to our community members' ethnic, gender, religious, racial and cultural backgrounds.

As a community of learners, we also believe that the expression of differing views and controversial ideas is vital to the educational process. Our commitment to academic freedom and educational excellence supports many instances of such expression.

At the same time, we believe that bias and discrimination have no place in our community. For this reason, we cannot support expressions of bias or discrimination that can harm the legitimate well-being and safety of others.

State and federal laws protect people against discrimination, including harassment. Although expressions of bias may not be legally actionable, in contrast, they can still inflict harm and violate our values. With this in mind, the College has established this Bias Incident Response Process ("BIR Process") to support and assist students who believe they have experienced bias from faculty members.

A key goal of the BIR Process is education. Expressions of bias may not be intentional, and the College believes the BIR Process will help students and faculty learn to avoid biased expressions or actions. A further goal is to address the concerns of the student who feels harmed and files a bias claim involving a faculty member. Through facilitated conversation between student and faculty member, mediation, or other appropriate steps, the BIR Process can either (i) affirm the student's concern and lead to positive change on the part of the faculty member, or (ii) help reframe the reported incident in a fair way that mitigates the student's concern and restores the sense of safety and well-being that students deserve.

The College encourages any student who feels harmed by a perceived expression of bias by a faculty member to consider direct communication with that faculty member. Direct conversation can often result in reconciliation and healing without requiring a more extended process. The College recognizes, however, that students may find it challenging to initiate such communication, given the different levels of power they and faculty possess. A student who feels unable to directly communicate with a faculty member – or who feels unsatisfied after such direct communication – may invoke this BIR Process.

REVIEW PROCESS FOR A STUDENT CLAIM OF FACULTY BIAS

Purpose: The BIR Process is designed to respond to reported incidents of potential faculty bias directed toward or perceived by one or more students.

Definition: A bias incident involves expression (speech, writing, or physical behavior) that is directed at an individual's actual or perceived membership in a particular identity group; has the effect of interfering with an individual's safety, security, emotional and/or psychological wellbeing; and lacks a reasonable and responsible relationship to an educational or artistic goal.

Who is covered: The relevant identity groups covered by this definition include sex, pregnancy, gender identity or expression, race, color, creed, national or ethnic origin, religion or religious affiliation, sexual orientation or sexuality, age, marital or family status, disability, socioeconomic identity, political/ideological identity, legal status, or veteran status, to list a few.

What is not covered: The term "bias incident" is often used in an overarching manner and includes incidents that are *more accurately* defined as hate crimes, discrimination, or harassment. However, as noted above, there are laws that protect against discrimination and hate crimes. In addition, College policies and procedures governing hate crimes, discrimination, and sexual harassment are already covered elsewhere, as noted in the Faculty Handbook: Equal Employment Opportunity (I, A, 2, p.6), Standards of Conduct (Appendix F), Sexual Misconduct Policy (I, C, 4, p. 36), Protection Against Improper Academic Evaluation (Appendix G)]. Therefore, the Bias Incident Response Process outlined here explicitly focuses on reported claims of bias that are not covered by these other policies.

Academic Freedom: The College intends this process to operate consistently with – and never in opposition to – the principles of academic freedom to which the College has been historically committed. Rigorous discussion and debate are fundamental to the College's educational mission, and neither this BIR Process nor any other College policy or process is intended to determine teaching methods, course content, or the processes of intellectual inquiry and debate.

I. The First Step

The first step every student should consider is direct engagement with their faculty member.

When a student feels uneasy about something that has happened in the classroom, their faculty member will want to know and will also want the opportunity to discuss the matter with the student. If the student is not comfortable going to the faculty member, the student may also consider contacting the department chair to discuss the matter. The chair could bring a student concern to the faculty member anonymously, offer to mediate with the faculty member, or advise a student to move on to the next step in the process, which is to file a bias incident report.

II. Initial Review

The Initial Review: Any student who experiences or witnesses a potential bias incident

and has considered Step 1, described above, may decide to report the incident using the linked [Bias Incident Report Form](#). A student claimant should report a potential bias incident as soon as they are able after it occurs, because the passing of time makes a review of the incident more arduous and might make any meaningful healing between parties difficult. In any case, a bias claim must be filed no later than 10 weekdays, exclusive of College recognized holidays, two weeks before the end of the term semester following the term semester in which the incident occurred.

Information Gathering: Once a Bias Incident Report is filed, the Director for the Office of Intercultural Relations (OIR) will notify the Dean of Faculty and the faculty respondent of the nature of the complaint within 72 hours of the report's submission.

The Director for the OIR and the Dean of Faculty serve as a "Coordination Team." They collaborate to determine and coordinate the next steps.

The overall goal at this stage is to understand what happened and determine if further action under the policy, including mediation, is warranted, and to determine if the incident should be referred to another office on campus (such as the Title IX Coordinator).

The Coordination Team contacts the student claimant and the faculty respondent. The aim of the contact with the student claimant, preferably conducted via an in-person meeting, is to gain additional information regarding the incident, such as the possible number of students affected and other contextual components. The Dean of Faculty will contact the faculty respondent identified by the student claimant, also to gain additional information regarding the incident.

At the request of the faculty respondent, the Dean of Faculty will consult with a faculty member with disciplinary knowledge, such as the faculty member's department chair, about the reported incident. The faculty member may offer a perspective on the incident from the standpoint of the faculty member's academic discipline.

After consultation with the student claimant and the faculty respondent, if the Coordination Team concludes that the incident does not involve bias, then the OIR Director will contact the student claimant, explain the conclusion reached by the Director and the Dean, and offer the student appropriate support. The Dean of Faculty will contact the faculty member and explain the conclusion.

If the Coordination Team concludes that the reported incident involves potential bias, they will determine the scope and timing of further action based upon several factors, including but not limited to whether the student claimant is willing to participate in a meeting; whether the student claimant requests anonymity or confidentiality; and whether the College has an obligation to proceed with an investigation based on the nature of the alleged expression, regardless of the student claimant's wishes.

Potential Outcomes: Following this Initial Review, which will be generally completed within 10 weekdays, exclusive of College recognized holidays, the Coordination Team will determine the next steps that could include one or more of the following:

1. Referring the student claimant to another office on campus, for incidents that might meet definitions of sexual misconduct or discrimination.
2. Mediation
 - Coordinating a meeting between the student claimant and faculty respondent with a mediator chosen by the Coordination Team. Mediators will be chosen from a group of administrative staff and faculty who have received professional mediation training.
 - Coordinating submission of an impact statement from student claimant to the faculty respondent, in appropriate cases, and a faculty respondent's response statement to the student claimant. This may be warranted when a student claimant wishes to remain anonymous.
3. Professional Development Opportunity
 - Advising the faculty respondent and/or student claimant to participate in an educational program about bias or similar professional development opportunity, such as a web-based tutorial or a structured meeting with the Associate Dean for the Office of Faculty Development.
4. Conducting an In-Depth Examination (see below)

Resolution of the Initial Review: Should the Coordination Team recommend options #1 or #3 above, the review process will conclude, and the team will issue a determination report.

Should option #2 be recommended, the Initial Review will conclude, and the team will issue a determination report after mediation, indicating whether mediation was successful and, if not, any follow-up recommendations such as those described in option #3.

III. In-Depth Examination

When the Coordination Team determines that a bias incident report is sufficiently complex (such may be the case when the incident involves multiple campus members or repetitive behavior over a period of time), they can initiate an In-Depth Examination.

In-Depth Examination Process: The examination process is directed by the Coordination Team, which will designate an Examiner to solicit, collect, review, and summarize all information relevant to the student claimant's report. The Coordination Team may also designate more than one Examiner if requested by the student claimant or faculty respondent, or if otherwise deemed necessary by the Coordination Team. The Examiner(s) can be a faculty member, a member of the College Title IX staff, or an OIR staff member, but must not be a current member of the Bias Advisory Council. The Examiner(s) must be experienced in gathering information in relevant contexts, and may come from the group of faculty or staff who receive the mediation training described in II(2) above. The Coordination Team determines when the examination process is to be concluded, in consultation with the Examiner(s).

The Examiner(s) will seek further information from the student claimant, faculty respondent, corroborating witnesses, and/or other information sources, including a faculty member with disciplinary knowledge if requested by the faculty respondent. Such information could be requested to be provided in writing or via in-person meeting, as circumstances warrant.

The Examiner(s) will provide the Coordination Team with regular status reports. Once the Coordination Team determines that sufficient information has been collected, the Examiner(s) will prepare a final written summary report.

In-Depth Examination meetings are not to be recorded by the College and may not be recorded by any participant. Claimants, respondents, and witnesses may take notes during these meetings. Generally, the Examiner(s) will meet with each party and each witness separately. The Examiner(s) may interview the parties and/or witnesses more than once, as circumstances dictate. All who meet with the Examiner(s) may submit additional materials or information to the Examiner(s) following their interview(s). In all cases, both the student claimant and faculty respondent will have equal opportunities to share information and have their information considered.

The In-Depth Examination will be conducted in a prompt, thorough and impartial manner. The process is to commence as soon as possible following the Initial Review process described above. In-Depth Examinations are expected to be completed within 20 weekdays, exclusive of College recognized holidays, though this may vary based on the availability of parties and witnesses, breaks in the academic calendar, the scope of the investigation or unforeseen or exigent circumstances. In instances when an In-Depth Examination investigation exceeds 20 weekdays, the Coordination Team is to notify both the student claimant and faculty respondent as to an approximate completion date.

All parties involved in the examination are expected to cooperate and provide truthful information throughout the examination process.

Resolution of the In-Depth Examination: Based upon the Examiner's summary report, the Coordination Team will issue an official determination that includes a) a determination as to whether a bias incident has indeed occurred, b) if so, the specific bias involved, c) a summary of the factors that led to their determination, and d) what, if any, follow-up actions are recommended. Follow-up actions must support the goals of the BIR Process, i.e., educating the faculty respondent or student claimant, addressing the concerns of a student claimant who has suffered harm, and minimizing the likelihood of future bias incidents. Illustrative follow-up actions are described above in II(2) (Mediation).

IV. Guidelines for the Initial Review and In-Depth Examination

Support person: Student claimants and faculty respondents may be accompanied by one advisor throughout the process, provided that the involvement of the advisor does not result in an undue delay of the process. It is the responsibility of each party to coordinate scheduling with their advisor for any meetings. An advisor's purpose is to provide support to the student claimant or faculty respondent during the examination process. An advisor

may not speak, write or otherwise communicate about the incident with an Examiner or with any individuals involved in this process. Advisors may not engage in behavior or advocacy that harasses, abuses, or intimidates either claimant, respondent, Examiner, witnesses, or individuals involved in addressing the complaint. Advisors who do not abide by these guidelines may be excluded from the process at the discretion of the Coordination Team. An advisor cannot be a witness or party in the matter or a related matter, or a family member of the claimant or respondent.

Privacy and sharing of information: All participants in a BIR Process will be informed that confidentiality helps enhance the integrity of the entire process, protects the privacy interests of the parties, and protects the participants from statements that might be interpreted to be retaliatory or defamatory. For these reasons, claimants, respondents, and witnesses will be encouraged to keep the bias examination process confidential unless any applicable law directs otherwise.

However, Lake Forest College cannot promise complete confidentiality or privacy in its handling of bias complaints. The College makes every reasonable effort to handle inquiries, complaints and related proceedings in a manner that protects the privacy of all parties. Each situation is reviewed as discreetly as possible, with information shared only with those who need to know about it in order to examine and resolve the matter.

In certain circumstances, and upon explicit request, the College may be able to address bias reports without revealing to the alleged faculty respondent the identity of the student claimant and/or the individuals involved in the examination. However, this is not possible in the majority of matters, as situations typically require the disclosure of the student claimant's identity in order to fully review the matter and/or to enable the faculty respondent the ability to fully respond to the allegations against them. When student claimants report allegations of bias to the College and do not consent to the disclosure of their names and/or do not disclose the identity of the alleged respondents, the College's ability to respond to the complaints may be limited.

Throughout its proceedings, Lake Forest College will be sensitive to the wishes of the student claimant. Nevertheless, the College has a compelling interest to address allegations of bias brought to its attention. Lake Forest College reserves the right to take appropriate action in such circumstances, even in cases when the student claimant is reluctant to proceed with an in-depth examination or requests anonymity.

V. Resolution

The Coordination Team directs the BIR Process toward the resolutions described in sections I, II, III and IV above.

The Bias Incident Report review process concludes either after the Initial Review or after completion of an In-Depth Examination. The process requires the team to reach a consensus opinion as described in the preceding sections. In a rare instance, if the DOF and OIR Director cannot reach consensus, then each member of the team will render their

individual opinion to the Bias Advisory Council¹. The Coordination Team will meet with the Council, present the perspectives, and invite feedback from the Council.

Following consultation with the BAC, the Coordination Team will complete the resolution report as described above. If consensus has still not been achieved, the matter will be referred to the President, who will then arbitrate, with a resolution report following this arbitration.

The final determination report (including addendums) is to be provided to the student claimant and the faculty respondent within 10 weekdays, exclusive of College recognized holidays, from its completion.

All final determination reports and addendums will be maintained in a confidential password protected repository housed within the Office of Intercultural Relations. The Promotion and Tenure Subcommittee (PTS) will be provided reports involving faculty candidates for tenure or promotion. The reports will help PTS assess student course evaluations, particularly any negative evaluations suggesting bias on the part of a faculty candidate. PTS would be able to discount such evaluations if final BIR reports cleared the candidate of bias claims. OIR will destroy all reports six years following their filing.

The OIR Director and the Dean of the Faculty will annually provide the campus with a statistical report on bias incidents and their outcomes. The report will not reveal the names of student claimants, faculty respondents, or witnesses.

Appeals: The student claimant or faculty respondent may appeal the determination of a case to the President in instances where they are dissatisfied with the outcome. The appeal must be made within 10 weekdays, exclusive of College recognized holidays, of their receipt of a final report from the Coordination Team. An appeal must be in writing and specify the basis for the appeal.

The only grounds for appeal are as follows:

- New information discovered after the examination that could not have reasonably been available at its outset and is of a nature that could materially change the determination;
- Procedural errors within the examination or resolution process that may have substantially affected the fairness of the process;
- An outcome (finding or follow up action) that was manifestly contrary to the weight of the information presented (i.e., obviously unreasonable and unsupported by the great weight of information).

The decision on an appeal will be issued as expeditiously as possible, usually within 45

¹ Approved by College Council in May 2021 as a pilot initiative to strengthen fairness and equity at the College, the Bias Advisory Council (BAC) includes two faculty, two staff, and three students. BAC members receive training to recognize, understand, and respond to forms of bias. College officials may consult with the BAC to gain perspective and recommendations in resolving bias incidents on campus.

weekdays, exclusive of College holidays, though this may vary based on the scope of the appeal or unforeseen circumstances. The President may review the full case, beyond the aspects of the case outlined in the request for appeal. The President may exercise discretion to stay, during an appeal, any follow-up actions specified in the final report under appeal. If the President does not find that any of the three grounds for appeal are present in the case, the outcome will be upheld. If the President finds that any of the grounds for appeal are present in the case, then the President may amend the outcome, may issue a new outcome or may refer the matter back to the Coordination Team for further consideration. A final outcome on an appeal is not subject to further appeal.

VI. Role of the Bias Advisory Council

In addition to the annual statistical report on bias incidents noted in section V above, the Director for the OIR is to provide a general status report to the Bias Advisory Council annually. The report will include summaries of all reported bias incidents without revealing the identities of claimants, respondents, or witnesses. In addition, the Coordination Team may consult with the Council on a case-by-case basis with respect to any aspect of the BIR process, at their discretion.

VII. Retaliation

Lake Forest College strictly prohibits retaliation against anyone for making a complaint of bias or for participating in an examination of bias. Retaliation is any attempt to seek retribution against an individual or group of individuals who engaged in protected activities. Action in response to protected activities is retaliatory if (i) it has a materially adverse effect on the working, academic, or other College-controlled environment of an individual; and (ii) it would not have occurred in the absence of the protected activities.

Anyone experiencing any conduct that they believe to be retaliatory should report it to The Director for the Office of Intercultural Relations or Dean of Faculty immediately.

VIII. Conflicts of interest

Any participant in an examination who has a complaint regarding the conduct of the investigator or who believes the investigator has a conflict of interest should contact a member of the Coordination Team. If a participant has a concern regarding one of the members of the Coordination Team, the participant should contact the President.

IX. Bias Incident Report Process Biennial Review

Every two years this process will be reviewed for clarity, procedural updates, and to ensure it best serves the campus community. The review will include a survey of students and faculty to determine their satisfaction with the BIR Process. The Director

for the OIR and the Dean of the Faculty, in consultation with the Bias Advisory Group, will complete the review.

X. Summary of Timeline for BIR Submission and Investigation

Action	Timing
Student claimant submits a potential bias report	As soon as claimant is able to do so after the alleged incident, but no later than 10 weekdays, exclusive of College recognized holidays, before the end of the term following the term in which the incident occurred
Director for the Office of Intercultural Relations (OIR) notifies the Dean of Faculty and the faculty respondent of the nature of the complaint	Within 72 hours of the BIR report's submission to the OIR
Completion of Initial Review by Coordination Team	Within 10 weekdays, exclusive of College recognized holidays, of the BIR report's submission
Completion of In-Depth Examination	Within 20 weekdays, exclusive of College recognized holidays, of the completion of the Initial Review
Final determination report (including addendums) provided to the student claimant and the faculty respondent	Within 10 weekdays, exclusive of College recognized holidays, of the completion of the In-Depth Examination
Appeal of final report	Within 10 weekdays, exclusive of College recognized holidays, of the receipt of a final report from the Coordination Team
Decision on appeal	Within 45 weekdays, exclusive of College recognized holidays, of receipt of the Appeal