



BIAS RESPONSE LINE

improving our community through
awareness, accountability & education

Summary Report on the Bias Response Line

Pilot Phase

February 2018

Background

The [Bias Response Line \(BRL\)](#) pilot launched in April 2016 to address concerns expressed during the [November 2015 Diversity and Inclusion Listening Session](#) that students often didn't know where to turn when they believed that other members of the NYU community had discriminated against them. The BRL, which is housed in the [Office of Equal Opportunity \(OEO\)](#), provides a centralized mechanism for reporting concerns and collecting data related to perceived instances of bias-based behavior that may occur at NYU.

Purpose

The [Bias Response Line \(BRL\)](#) provides a single, central mechanism through which members of NYU's community can report experiences and concerns of bias, discrimination, or harassing behavior that may occur within our community. When contemplating a name for the service, the BRL team conducted a thorough review of similar programs and reporting systems at other colleges and universities across the U.S. The overwhelming majority of the reviewed schools include the word "bias" in their names to clarify their purpose.

Experienced administrators in the [Office of Equal Opportunity \(OEO\)](#) receive and assess reports, and then help facilitate responses, which may include referral to another NYU school or unit, or investigation if warranted according to the University's existing [Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Employees](#), [Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Students](#), and/or [Sexual Misconduct, Relationship Violence and Stalking Policy](#) (collectively "OEO policies"). As in the case of all of NYU's processes involving reports or complaints concerning NYU employees and students, the BRL's handling of reports is conducted with impartiality and the expectation of fair, dignified treatment for all involved.

This report seeks to examine the BRL's pilot phase and explore next steps.

Process

When someone contacts the BRL to report an incident (“Reporter”), the BRL staff makes an initial assessment regarding whether the report is within the purview of the OEO or whether the responsibility to address the report lies elsewhere (e.g., the [Office of Student Conduct and Community Standards](#), a school dean, or an administrative unit leader). A BRL staff member may follow up with the Reporter in person, by video conference, or on the telephone if necessary to gather enough information to determine the appropriate BRL contact to address the report.

Reports to the BRL during the pilot phase fell into three general categories:

- **Category 1:** Concerns that fall within the scope of the University’s [Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Employees, Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Students](#), and/or [Sexual Misconduct, Relationship Violence, and Stalking Policy](#). For example, if a Reporter makes allegations of sexual harassment, then the BRL team will refer the case to the University’s [Executive Director of the Office of Equal Opportunity/Title IX Coordinator](#).
- **Category 2:** Concerns that relate to being a member of a protected class¹ but that after initial review, do not fall within the scope of the OEO policies as listed above. For example, if a Reporter raises concerns about a culturally-insensitive comment but the remarks do not fall within the scope of the OEO policies, the BRL team will refer the case to the appropriate [BRL contact](#) (e.g., appropriate dean, human resources officer, or other administrative unit manager) and may advise on next steps.

¹ As per the University's Non-Discrimination and Anti-Harassment Policy, NYU prohibits discrimination based on the following protected classes: “*race, gender and/or gender identity or expression, color, creed, religion, age, national origin, ethnicity, disability, veteran or military status, sex, sexual orientation, pregnancy, genetic information, marital status, citizenship status, or on any other legally prohibited basis...*”

- **Category 3:** Reports outside of the purview of the BRL and/or OEO, as determined by the OEO. For example, if a Reporter believes that a professor is treating them unfairly because of their major, the BRL team will refer the case to the school.

Category 1

The BRL staff brings matters that potentially violate OEO policies to the attention of the appropriate OEO staff member immediately for assessment, follow-up, and investigation (if necessary). The BRL staff notifies the Reporter of such action. The subject of the report is notified as well.

At the conclusion of an OEO investigation related to the [Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Employees](#), all parties are notified whether or not the incident is deemed a violation of the University's [Non-Discrimination and Anti-Harassment Policy](#). If there is a violation, the matter is referred to the dean or appropriate administrative unit supervisor for follow up. In accordance with existing University policies and practices relating to the privacy of employee files, the Reporter is not notified of any subsequent sanctions or personnel actions that may be implemented.

The [Office of Student Conduct and Community Standards](#) investigates allegations related to the [Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Students](#). If disciplinary action is appropriate, the matter is handled in accordance with the [Student Disciplinary Procedures](#). In accordance with those procedures, if the final determination includes any remedial or disciplinary action, both parties are notified in writing, where consistent with FERPA.

At the conclusion of a Title IX investigation involving employees, all parties are notified of the outcome (violation or no violation of the University's [Sexual Misconduct, Relationship Violence, and Stalking Policy](#)). If there is a violation, the matter is referred to the dean and designated official in the Office of the Provost (for faculty respondents) or designated administrator (for non-faculty employee respondents) to determine sanctions. The Reporter is not notified of any sanctions or personnel decisions unless the outcome involves a protective measure such as a

persona non grata order, meaning that a person is restricted from access to designated University areas or University events), no-contact directive, etc. At the conclusion of a Title IX investigation involving students, if there is sufficient evidence to move forward, the case is referred to the [Office of Student Conduct and Community Standards](#) for adjudication. Pursuant to guidance from the U.S. Department of Education, after adjudication both parties are notified about the outcome and sanctions, if any.

Category 2

For matters that relate to being a member of a protected class but that after initial review, do not fall within the scope of the OEO policies as listed above, the BRL staff gathers detailed information about the concerns. If the Reporter wishes to take further action, the BRL staff may refer the matter to the appropriate [BRL contact](#). If the Reporter wants to log the concern for informational purposes only, then the BRL staff will do so and take no further action at that time. When the BRL refers reports to an appropriate [BRL contact](#), the staff follows up to learn how the matter was resolved, to track resolutions in the BRL database, and to analyze trends. If, for example, a Reporter expresses concerns that marketing materials displayed on campus do not accurately represent the University's diverse population, the BRL staff may refer the matter to the appropriate administrative office to determine ameliorative measures. These matters may end up being resolved informally and commonsensically through discussions between the parties or through discussions facilitated by a dean or unit head.

Category 3

The BRL staff refers all matters that do not fall within the purview of the BRL and/or the OEO, as determined by the OEO, directly to the appropriate [BRL contact](#). If, for example, a student has concerns about an unfair grade, the BRL staff refers the student to the appropriate grade appeal process at their school.

Pilot Phase Statistics and Analysis

From its start in April 2016 through mid-January 2018, the BRL has received 187 reports (refer to the “BRL Usage” chart below). Of the total reports, 114 (61%) fall into Category 2, described above as concerns that relate to being a member of a protected class but that after initial review, do not fall within the scope of the OEO policies as listed above.

Thirty-five reports (19%) fall into Category 1, described above as concerns that fall within the scope of the University’s [Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Employees](#), [Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Students](#), and/or [Sexual Misconduct, Relationship Violence, and Stalking Policy](#).

Thirty-eight reports (20%) fall into Category 3, described above as being outside the purview of either the BRL or OEO, as determined by the OEO.

Although a majority of the reports fall squarely into the category for which the BRL was designed, it is useful to note that the BRL is also able to route members of the NYU community to other resources as appropriate.

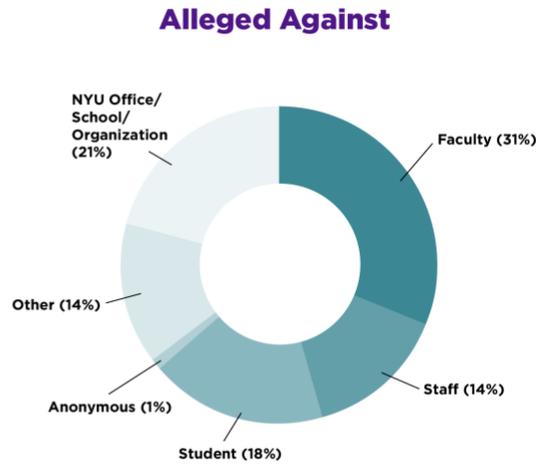
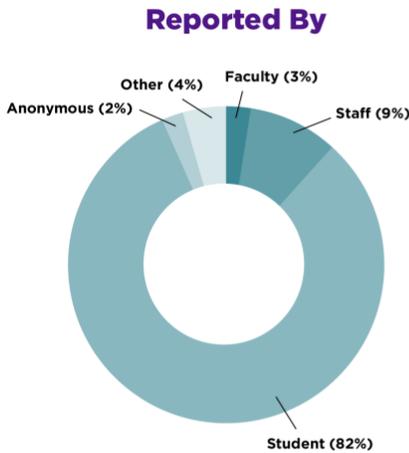
The overwhelmingly majority of Reporters were students, and most of the reported incidents took place within the classroom or learning environment. Race/color/ethnicity was the most commonly-reported category.

BRL Usage

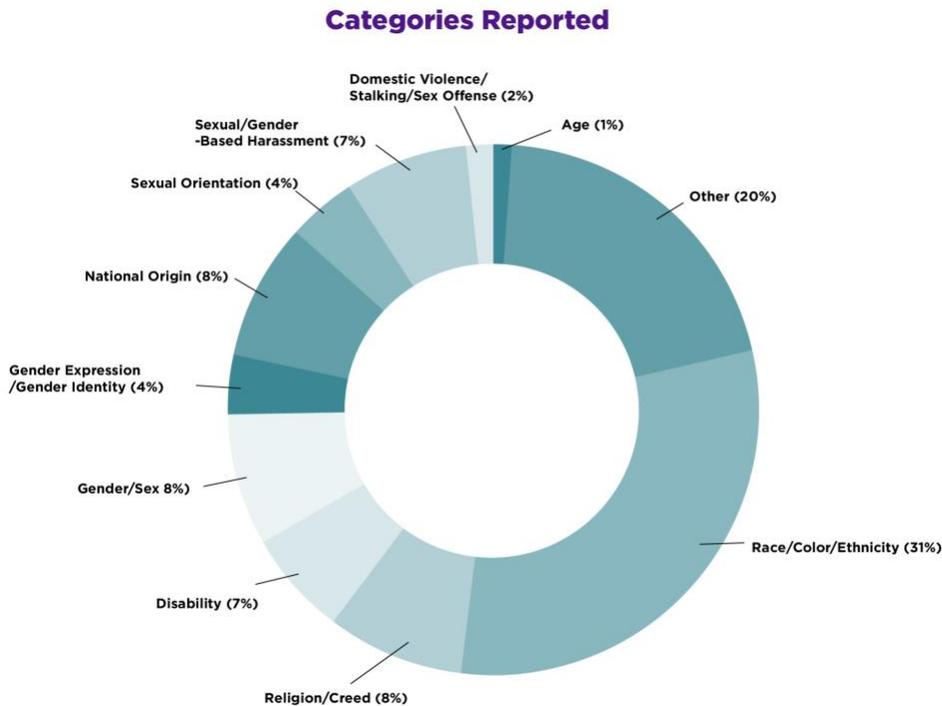
The chart below summarizes the numbers of all reports to the BRL, including Categories 1, 2, and 3 above.

Semester	Number of Reports	% Increase from previous semester
Spring 2016 (May 1, 2016 - August 27, 2016)	11	
Fall 2016 (August 28, 2016 - December 31, 2016)	44	300% increase
Spring 2017 (January 1, 2017 - August 26, 2017)	55	25% increase
Fall 2017 (August 27, 2017 - December 31, 2017)	74	35% increase
Through mid-January 2018	3	

A Fall '16 to Fall '17 comparison reveals a 68% increase in reports. Although a Spring '16 to Spring '17 comparison reveals a 400% increase over the two semesters, such a comparison is misleading because the BRL launched in April 2016, near the end of the semester. We surmise that the increase between the Spring '16 and Fall '16 semesters is attributable to the comprehensive BRL marketing campaign that launched in Fall '16.



The BRL received 187 unique reports between May 1, 2016, and mid-January 2018. Although the total number of Reporters is 187, one Reporter reported two separate individuals, resulting in a total of 188 people in the “Alleged Against” chart.



The BRL received 187 unique reports between May 1, 2016, and mid-January 2018. Because some Reporters reported instances based on multiple factors, the “Categories Reported” total is 242.

Learnings and Next Steps

The BRL offers NYU students and employees a mechanism to report concerns related to perceived bias-related incidents. The BRL also provides a central data-collection function, which will allow the University to track trends.

Some members of the NYU community have raised concerns that the BRL may compromise academic freedom or chill freedom of speech. Other NYU community members have raised concerns that the BRL has not taken meaningful action related to certain reports, and have called for increased transparency about the outcome of cases. Others still have expressed appreciation for the BRL, and see it as a tool for positive change at NYU.

Even as the BRL team continues to work to extend awareness of its existence and to clarify its purpose, it should be understood that the BRL's primary role is to be an easy-to-remember intake resource for reports of perceived bias-related incidents. In addressing these reports, it relies on existing, approved NYU policies and procedures that take account of core University values, such as academic freedom and personal privacy. The team welcomes feedback in all forms from all members of the NYU community, and is also available to participate in school, unit, and organization meetings.

The BRL now also partners closely with Dr. Lisa Coleman, NYU's inaugural Senior Vice President for Global Inclusion, Diversity, and Strategic Innovation and Chief Diversity Officer, who joined NYU in September 2017. Dr. Coleman's office will continue to analyze trends and design appropriate interventions at both the micro level (e.g., individual schools, departments, administrative units) and the University-wide level to advance the goal of making NYU a more equitable and inclusive community. Dr. Coleman's team will include experts who have demonstrated success in designing programs and other interventions that seek to address the types of concerns that have arisen from BRL reports.

The BRL will also continue to collaborate with its [contacts](#) as well as other offices, schools, administrative units, and organizations across the University. Throughout the year, the OEO offers [education and awareness workshops](#) for the University community. These sessions focus on topics including: preventing discrimination and harassment on campus; providing reasonable workplace accommodations for employees with disabilities; responding to sexual

misconduct and complying with Title IX; and understanding affirmative consent. The OEO also offers tailored and custom workshops upon request.