

**Student-Faculty Bias/Discrimination Reporting Policy**  
**Division of Academic Affairs and Division of Student Affairs**

**INTRODUCTION**

Augsburg University is committed to cultivating an intentionally diverse community: as part of that commitment, we honor the dignity, worth and unique gifts of each member of our community. We believe that a welcoming and inclusive environment supports our commitment to 21st-century transformative learning. We thus take very seriously incidents in which members of our community experience bias or discrimination. When such incidents occur, the University offers support to those who experience bias and/or discrimination, seeks outcomes that protect the rights of all involved, and attempts to identify opportunities for learning and growth.

A joint policy of Academic Affairs and Student Affairs, the Student-Faculty Bias/Discrimination Reporting Policy focuses on student-faculty relationships and the unique character of teaching and learning. It recognizes that bias and discrimination can operate invisibly in the assumptions and decisions that individuals or organizations make every day. In the broader society as well as within our institution, bias and discrimination can be at work in what has come to seem normal, reasonable, and/or acceptable in some contexts. Whether conscious or unconscious, bias and discrimination can deepen inequalities and inequities that undermine Augsburg's core commitments.

The Policy also acknowledges our shared commitment to academic freedom, which lies at the heart of Augsburg's educational mission. Academic freedom ensures that faculty and students have the right and responsibility, in the classroom as well as in their research, to pursue knowledge and truth fully and freely: this freedom to pursue truth contributes to the public good in democratic societies. It also ensures each member of our community is free to hold, explore, or express ideas, however unpopular, without censorship or fear. Honoring such freedom requires conditions for teaching and learning that support diverse perspectives and ideas—even when those ideas challenge, disturb or offend, as they inevitably will in diverse communities.

While the commitment to academic freedom and the commitment to the dignity of each member of our community do not contradict, there are times when these commitments may create tension or conflict in the context of relationships rooted in teaching and learning. Academic freedom may be important to consider in the context of student reports of bias or discrimination, for not every upsetting idea constitutes bias or discrimination. Yet, academic freedom is not an excuse for behavior that inflicts harm, undermines student learning, or denies a student's humanity: it is a right that comes with responsibilities, perhaps most especially when there are power differences that structurally inform relationships, such as those between faculty and students.

This policy offers remedies to students when they experience what they perceive to be bias and/or discrimination in the classroom or in their work with faculty. It is used to track institutional data and to initiate conversations that lead to learning through the restoration of relationship and dialogue. It is important to note that other policies exist for grade grievances, harassment and hate speech, and other conflicts best resolved through more formal processes. The Student-Faculty Bias/Discrimination Reporting policy is not intended to substitute for any of

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these. Please see the Augsburg Student Guide, the Faculty Handbook, and the Employee Handbook for information on these formal processes.

All incidents reported through the Bias/Discrimination system are tracked for statistical purposes: these statistics (with identities of parties redacted) are shared with University leadership and used to inform our ongoing work to create an inclusive community.

Depending upon the nature of an incident, its seriousness (degree of harm, as determined by University leadership), and the type of report (named, confidential, or anonymous—as described below), the actions the University takes may differ. Whenever the University's response results in disciplinary action or documentation, the faculty member has the right to respond in writing.

In especially egregious situations, where formal disciplinary or corrective action may be necessary to achieve resolution, students may be encouraged by the Dean of Students or the academic Dean to use the University's formal grievance policies. These policies are designed to protect rights of due process in the formal resolution of complaints, disagreements, and disputes. It should be noted that these grievance policies do not allow for anonymous reports. Hate crimes, sexual misconduct, and other violations of the Student Code of Conduct are handled through these separate processes as well.

### **STUDENT/FACULTY BIAS/DISCRIMINATION POLICY**

Augsburg faculty value working directly with students, and whenever possible, students are encouraged to talk with faculty directly about any behavior on the part of faculty that they find hurtful or insensitive. For many faculty, in fact, this can be the most effective response—and an important learning opportunity for them as well as the student. The University recognizes, however, and respects the fact that there are times when a student may not wish to approach a faculty member directly, nor find direct communication respectful and/or appropriate from their cultural perspective.

#### **Definitions**

We assume the following shared definitions, though we recognize that not all incidents reported through this system will meet these definitions of bias or discrimination.

1. Bias is an inclination or prejudice, whether conscious or unconscious, in favor of or against one person, or group compared with another, usually in a way considered to be unjust, whether on the basis of race, creed, color, religion, gender, age, national or ethnic origin, disability, military service, protected veteran status, genetic information, sexual orientation, gender identity or expression, marital status, familial status, status with regard to public assistance, or citizenship.
2. Discrimination is the unequal treatment of parties who are similarly situated or the unjust or prejudicial treatment of people based on their demographic characteristics.

This policy is designed to ensure that, to the best of the University's ability:

1. the process for addressing student complaints of bias or discrimination are transparent and clear, yet flexible enough to allow responses tailored to a particular situation;

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2. all parties are treated respectfully;
3. intervention and attempts at resolution occur promptly and without delay, unless the student requests that University leadership wait until that semester's grades have been posted or a similar point in time when the faculty member ceases to have power or authority over the student; and
4. opportunities for the restoration of relationships and dialogue are identified and explored.

Three types of complaints are possible--named, confidential, or anonymous. Each generates a different institutional response, the parameters of which are described below.

### Named reports

- 1) A report is **named** if the student submitting a report chooses to be identified to the faculty member alleged to have acted with bias or discriminated against the student filing the report.
- 2) Named reports are received by the Dean of Students. The student submitting the report will be invited to meet with the Dean of Students to discuss the incident in more detail.
- 3) The Dean of Students will inform the faculty member's academic Dean of the report and any additional information the student has provided. Under ordinary circumstances, the academic Dean will determine an appropriate response, in consultation with others as necessary, within 14 business days of receiving the report from the Dean of Students.
- 4) The faculty member's academic Dean will consider appropriate responses, which may vary, depending upon the seriousness of the allegations, any documented pattern of similar behavior over time, and/or opportunities to support the faculty member's learning, personal growth, and/or professional development. It is the academic Dean's responsibility to develop a plan of action that is appropriate to the allegations in the report and ensures the faculty member has the opportunity to respond. In some cases, including a specific request by the student that a conversation with the faculty member be delayed until after the end of the term, the academic Dean may wait until after grades have been posted (or some other agreed-upon time in the future) before initiating a conversation with the faculty member. In such cases, the academic Dean will alert the Dean of Student Affairs and the Provost that a decision to wait to initiate a conversation has been made. The academic Dean will keep any notes--on the student's report and the faculty member's response--in a confidential supervisor's file, which is not part of the faculty member's official Academic Affairs (or Human Resources) personnel file.
  - a) The academic Dean may invite the student to meet to discuss the report in more detail. The purpose of this meeting is to gather additional information and to reach a deeper understanding of the student's experience and the academic context (if any). It is also to consider whether--or under what conditions--the student may wish to share their experience directly with the faculty member and/or the chair of the faculty member's department. Agreeing to meet once--or at any point in the process--does not obligate the student to participate in subsequent meetings, even if the faculty member or academic Dean deems additional meetings necessary or helpful. A student's unwillingness to meet to provide additional information may, however, limit the responses or remedies available to the academic Dean.

- b) The student may bring someone to meetings between the student and the the academic Dean or the student and the faculty member. The faculty member may invite a colleague to attend as well. In some situations, the academic Dean may also wish to invite an impartial observer. Any summary of the meeting, and its effects (positive or negative) provided by the student will be filed in the academic Dean's supervisory file. If a student provides a written report on the meeting, the academic Dean may also seek a written summary from the faculty member's perspective (or keep notes from any meeting with the faculty member at which the situation or the meeting with the student is discussed).
- c) If the student asks that someone talk with the faculty without the student present, and the academic Dean agrees that such a conversation is warranted, the academic Dean will meet to discuss the report with the faculty member without the student present. In such cases,
  - i) A written summary of the student's report will be provided to the faculty member.
  - ii) The faculty member will have the opportunity to respond, verbally and/or in writing, to the report.
  - iii) Depending on the nature of the report and its resolution, the academic Dean may choose to share the report and resolution with the Department Chair or the Provost.
  - iv) The academic Dean may keep notes on the matter in a supervisory file that is not part of the faculty member's personnel file.
  - v) If warranted, the academic Dean and Department Chair (or Program Director) will consult to determine an effective response to the complaint and meet with the faculty member to discuss the response. In some cases, the Provost may be consulted as well.

Should a pattern of complaints exist--or, in the case of a named report, should the process result in substantive concerns on the part of the academic Dean and/or Department Chair (or Program Director), the academic Dean may initiate discussion of a professional development plan for the faculty member. Such a plan is intended to be an opportunity for personal and professional growth. The plan--and reflections from the faculty member following its completion--will be kept in the dean's supervisory file. Only when a professional development plan fails after a reasonable period of time (or the behavior is so egregious as to require further steps) will the academic Dean, in consultation with the Provost, pursue more formal action, such as placing a letter in the faculty member's Academic Affairs personnel file or seeking to address the matter through the provision of the Code of Conduct or appropriate sections of the Faculty Handbook.

### Confidential reports

- 1) A report is **confidential** if the student submitting a report does not want their name to be revealed to the faculty member alleged to have acted with bias or discriminated against the student submitting the report.
- 2) Confidential complaints are received by the Dean of Students. The student submitting a report will be invited to meet with the Dean of Students to discuss the incident.
- 3) The Dean of Students informs the faculty member's academic Dean of the report and any additional information provided by the student. Under ordinary circumstances, the academic Dean will determine an appropriate response, in consultation with others as necessary, within 14 business days of receiving the report from the Dean of Students.
- 4) The academic Dean is responsible for determining how best to proceed, honoring the principles governing the bias/discrimination reporting process, and taking into consideration the student's choice not to reveal their identity.
- 5) The steps the academic Dean takes in response to a confidential report will necessarily vary, depending upon--in the academic Dean's judgment--the seriousness of the allegation(s), the need to honor confidentiality, any documented patterns of similar behavior over time, and/or opportunities to support the faculty member's learning, personal growth, or professional development. It is the academic Dean's responsibility to develop an appropriate and timely response in the context of the intentions framed by this policy--which may include taking no additional action at all, waiting until after grades have been posted (or some other agreed-upon time in the future) to discuss the report, or determining whether the conduct reported constitutes a potential breach of the code of conduct that, as described in the Faculty Handbook, should be pursued through means provided by the Handbook. The academic Dean may keep a written record of confidential reports in a confidential supervisory file, which is not part of the faculty member's official Academic Affairs (or Human Resources) personnel file.

Should a pattern of complaints exist--or, in the case of a named report, should the process result in substantive concerns on the part of the academic Dean and/or Department Chair (or Program Director), the academic Dean may initiate discussion of a professional development plan for the faculty member. Such a plan is intended to be an opportunity for personal and professional growth. The plan--and reflections from the faculty member following its completion--will be kept in the dean's confidential supervisory file.

### Anonymous reports

- 1) A report is considered/defined as **anonymous** rather than confidential if the student submitting a report prefers not to provide their name. In such cases, the University assumes that the student filing the complaint wishes to make University leadership aware of an incident but does not expect any specific action(s) or follow-up with the faculty member.
- 2) Anonymous reports will have all names or identifying information (course, faculty member) redacted, and be maintained by the Dean of Students ONLY for inclusion in summary statistical reports.

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- 3) In rare cases, the Dean of Students may alert the academic Dean to a concerning number of (clearly/verifiably) independent anonymous reports about the same faculty member, or to an anonymous report of behavior that seems objectively egregious enough to require some good-faith inquiry. In such cases, the academic Dean will determine whether an off-the-record conversation with the faculty member, maintaining strict student anonymity, is appropriate. Unless the circumstances clearly require another response (e.g., involve mandated reporting) such conversations will be non-punitive, focusing primarily on opportunities for the faculty member's learning, growth, and professional development.

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### **Notes, definitions, clarifications.**

#### **HR Personnel Files**

HR maintains a file that includes offer letters, resumes/CVs, faculty contracts, performance reviews, wage and salary history, documentation of corrective action, job status changes (titles, promotions) etc.

#### **Academic Affairs Personnel Files**

The Office of Academic Affairs maintains a file that includes (in written or electronic form) the original application (letter, CV, transcripts), all subsequent letters of appointment, faculty review letters (as well as any follow-up letter from the dean or provost), documentation of leaves (sabbatical or non-academic), recognitions and awards, formal documentation of any disciplinary actions, warnings or sanctions (including responses from the individual involved), and formal notices of retirement or resignation.

#### **Confidential supervisory files:**

University administrators involved in informal or formal conflicts, disputes, or grievances keep notes on relevant details and conversations in a confidential supervisory file. Administrators are advised by University legal counsel to keep such notes for six years following the date on which the faculty member leaves Augsburg.

#### **Bias/discrimination reports and faculty reviews/annual reports:**

As noted above, the bias/discrimination reporting process aims to create learning opportunities for both students and faculty. The University expects that when student perceptions of bias are brought to faculty members' attention, through the processes described above, faculty will use these moments as opportunities to learn and grow. To the degree that repeated patterns of complaints are brought to the attention of the department chair, program director, academic dean, and provost—and to the degree that persons occupying these positions find the complaints sufficiently concerning, the reports may be raised in the context of faculty reviews or responses to faculty annual reports.

#### **Statistical summaries of bias/discrimination reports**

Each year, the Dean of Students shares with the Provost a statistical summary of bias/discrimination reports filed by students. Student reports of bias filed with the Dean of Students may name faculty, staff, or fellow students in their complaints. Trends in these reports inform broader university strategies for advancing inclusiveness and belonging.