

# **Towson University Procedures for Responding to Hate/Bias Incidents or Crimes**

The essential nature of the University requires an atmosphere of tolerance and understanding of diverse groups, ideas, and opinions. Acts of destruction or violence which are racially, ethnically, religiously, and/or otherwise motivated against the person or property of others and which infringe on the rights and freedom of others will not be tolerated at Towson University.

It is the intent of Towson University to take an active role in promoting peace and harmony among diverse groups living, working, and studying within our campus community and to the extent possible to protect students, faculty, staff, and visitors against incidents or criminal acts that would constitute hate/bias incidents or crimes.

The University will investigate all reported hate/bias incidents or crimes, as defined in Appendix A. In those cases where a criminal law is violated, the person(s) responsible may be charged and recommended for prosecution to the fullest extent of the law. If the offender is an employee or student of Towson University, they may also face administrative disciplinary action in accordance with University policy and procedures. Other cases that may violate the student code of conduct or employment policies will be handled according to established procedures (refer to the Student Code of Conduct or Towson University Policies Prohibiting Discrimination on the Basis of Race, Color, Religion, Age, National Origin, Sex, Disability and Sexual Orientation).

Due to their unique nature, these incidents require a coordinated response from appropriate University administrators based on the nature of the incident and the status of the individuals involved (e.g. Student, Faculty, Staff, Visitor, etc.). In addition to prompt and thorough criminal and/or administrative investigations there may, in some instances, be a need to provide support for the victim(s) due to the emotional trauma that can result from these types of behavior, and/or, in some instances, there will be a need to communicate with the campus community to provide accurate and timely information, avoid rumors, and describe the University's response to the incident.

## **Reporting Hate/Bias Incidents:**

The University requires a hate/bias incident or crime (see Appendix A) to be reported, investigated, and referred for any appropriate criminal and/or administrative sanctions. The Office of Diversity and Equal Opportunity will maintain current policies and procedures for responding to such complaints, as well as a file of reported incidents/crimes and responding actions.

Anyone who is a victim of or learns of a hate/bias incident can report this to any of the following offices on campus:

University Police	410-704-2133 (emergency) 410-704-2134 (non-emergency)
Center for Student Diversity	410-704-2051
Office of Diversity and Equal Opportunity	410-704-2360
Office of Fair Practices	410-704-2361

September 29, 2011

## **Towson University Procedures for Responding to Hate/Bias Incidents or Crimes**

For those cases reported to the Office of Diversity and Equal Opportunity or the Office of Human Resources, the receiving department will notify the University Police who will conduct an initial investigation and assessment to determine if the matter should be handled by police or another campus office. Regardless of who actually handles the case, the University will bring to bear its available resources as necessary to appropriately respond to the incident.

University faculty or staff taking action in response to a reported hate incident/crime shall provide written documentation (not e-mail) of the action taken to the Office of Diversity and Equal Opportunity. The Office of Diversity and Equal Opportunity will maintain a file on each reported hate crime/incident. The file shall include all documentation received from responding faculty and/or staff. The Assistant to the President for Diversity will verify that the appropriate campus authorities have responded to the incident/crime.

Reports received in on-campus housing by the Housing & Residence Life staff will be investigated by the staff who will contact Towson University Police if a crime is suspected and/or further investigation is needed. University faculty or staff (Counseling Center staff exempted) receiving complaints of hate/bias incidents should notify the University Police who will determine if a police investigation is necessary. The police will respond to and investigate those potential hate/bias incidents that have been committed with apparent intent to:

1. Intimidate;
2. Threaten;
3. Retaliate;
4. Create a conflict; or
5. Cause injury or harm.

If no police investigation is required, the Office of Diversity and Equal Opportunity, the Office of Fair Practices, the Office of Human Resources, and/or the Division of Student Affairs will be contacted, as determined by the status of the individuals involved, (e.g. Student, Faculty, Staff, Visitor, etc.), so that appropriate administrative action, if warranted, can be taken.

**Towson University**  
**Procedures for Responding to Hate/Bias Incidents or Crimes**

**Communication with the University Administration:**

The University Police, Division of Student Affairs, or Office of Diversity and Equal Opportunity responding to the complaint will communicate information about the incident promptly to the Hate/Bias Response Team and the Office of the President.

The nature of the incident will dictate the appropriate courses of action:

**Criminal Behavior:**

If the incident is determined to be a crime, the Towson University Police Department will conduct a criminal investigation and offer support services to the victim. University police will make the appropriate notifications of an incident to other University administrators. If the person responsible is a student, faculty, or staff member, in addition to criminal prosecution, appropriate referrals will also be made to the Office of Diversity and Equal Opportunity and/or the Office of Human Resources, and/or the Division of Student Affairs for necessary action.

**Violation of Residence Hall Rules and Contract:**

The Department of Housing and Residence Life will determine if an incident is in violation of residence hall rules and if so, determine appropriate disciplinary action.

**Violation of Towson University Personnel Policies and Procedures:**

An incident occurring in the work environment will be subject to review and action by the Office of Human Resources and/or the Office of Diversity and Equal Opportunity.

**Violation of the Towson University Code of Student Conduct:**

The Office of Judicial Affairs administers the Code of Student Conduct. Incidents found to be in violation of the code will be subject to disciplinary action up to and including dismissal from the University.

**Ongoing Educational Programs:**

The Office of Diversity and Equal Opportunity is charged with designing and implementing educational programs and cross cultural activities designed to promote tolerance and an appreciation of diversity for faculty and staff. The Center for Student Diversity is charged with designing and implementing educational programs and multicultural activities for students.

**Towson University**  
**Procedures for Responding to Hate/Bias Incidents or Crimes**

**Hate/Bias Response Team:**

The University has established a Hate/Bias Response Team. The purpose of the team is to provide a coordinated multi-disciplinary response to acts of hate/bias. The Hate/Bias Response Team shall meet on a periodic “as needed basis” to review and respond appropriately to reported hate/bias incidents.

The composition of the response team is as follows:

**Core Hate/Bias Response Team:**

- *Assistant Vice President, Office of Public Safety & Chief of Police*
- *Assistant Vice President of Student Affairs for Diversity*
- *Assistant to the President for Diversity*
- *University Counsel or designee*
- *Director, University Relations*

It is the responsibility of the Core Hate/Bias Response Team to identify any patterns, trends, or upsurges in hate/bias activity. The Assistant to the President for Diversity will bring these patterns to the attention of the Diversity Coordinating Council, and work with the group to develop action-oriented steps to address identified patterns.

**Auxiliary Members of Hate/Bias Response Team:**

Party Involved

<i>Faculty:</i>	<i>Director, Institute for Academic Diversity &amp; Inclusion, Academic Affairs</i>
<i>Staff:</i>	<i>Associate Vice President, and Director of Human Resources</i>
<i>Faculty, Staff, Student:</i>	<i>Fair Practice Officer, Office of Fair Practices</i>
<i>Resident Student:</i>	<i>Assistant Vice President of Student Affairs, Housing &amp; Residence Life</i>
<i>Student:</i>	<i>Special Assistant to the Vice President of Student Affairs &amp; Director of Counseling Center</i>
	<i>President, Student Government Association</i>
	<i>Assistant Director, Student Conduct and Civility Education</i>

Auxiliary members of the Core Hate/Bias Response Team will be called upon on an “as-needed” basis depending upon the nature of the incident and the parties involved.

**Towson University**  
**Procedures for Responding to Hate/Bias Incidents or Crimes**

**Appendix A**  
**BIAS REPORTING DEFINITIONS:**

**Race/Ethnicity, Color, Religion, Age, National Origin, Sex, Disability, Gender Identity or Sexual Orientation Incident: (Bias Incidents)**

A reported act which appears to be motivated or is perceived by the victim to be motivated all or in part by race/ethnicity, color, religion, age, national origin, sex, disability, gender identity, sexual orientation, or because another is homeless. To be considered an incident, the act is not required to be a crime under any federal, state or local statutes.

**Bias:**

A preformed negative opinion or attitude toward a group of persons based on their race/ethnicity, color, religion, age, national origin, sex, disability, gender identity or sexual orientation.

**Racial Bias:**

A preformed negative opinion or attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes and/or hair; facial features’ etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, African Americans, Caucasians, etc.).

**Ethnic Bias:**

A preformed negative opinion or attitude toward a group or person of the same race or national origin who share common or similar traits, languages, customs, and traditions (e.g. Arabs, Hispanics, Asians, etc.).

**Color Bias:**

A preformed negative opinion or attitude toward a person based upon skin color.

**Religious Bias:**

A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, theists, etc.).

**Age Bias:**

A preformed negative opinion or attitude toward a person based upon age. Protected class includes individuals who are forty years of age or older.

**Homelessness Bias:**

Lacking a fixed, regular and adequate nighttime residence; or having a primary nighttime residence that is (i) a supervised publicly or privately operated shelter designed to provide temporary living accommodations; or (ii) a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

**Appendix A**  
**BIAS REPORTING DEFINITIONS: (continued)**

**National Origin Bias:**

A preformed negative opinion or attitude toward a group or person of the same national origin who share common or similar traits, languages, customs, and traditions (e.g. Arabs, Hispanics, Asians, etc.).

**Sex Bias:**

A preformed negative opinion or attitude toward a person based upon gender.

**Disability Bias:**

A preformed negative opinion or attitude toward a person based upon disability or perceived disability.

**Gender Identity/Expression Bias:**

A preformed negative opinion or attitude toward an individual based on gender identity/expression or perceived gender identity/expression.

**Sexual Orientation Bias:**

A preformed negative opinion or attitude toward an individual or group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex especially, gays, lesbians, heterosexuals and bisexuals.

## **CRITERIA FOR IDENTIFYING INCIDENTS:**

The following criteria should be used in determining if an incident is of a bias nature. Some incidents may not clearly fit a specific definition.

- A. In determining whether an incident is to be reported as a bias act, any or all of the following criteria shall be applied:
- \* A review of the totality of the circumstances
  - \* Motive
  - \* Display or expression of symbols, words or acts which are known to the victim, institution or group to represent a hate group or represent bias against the victim or institution
  - \* Victim's perception.
  - \* Statements of any suspects or witnesses.
  - \* Prior history of similar incidents in the same geographic area or against the same victim/s.
  - \* The demographics of the area.
  - \* As a law enforcement officer, what you know about the community where the incident occurred.

### **B. MOTIVATION**

Experience has shown that determining motivation is the most important factor when attempting to decide if an act is apparently directed toward members of protected classes. The motivation for someone to carry out bias acts can be influenced by many variables. As such, it is possible for there to be more than one motive for a perpetrator to commit such acts.

- Is the motive known?
- If the motive is not known, the following questions should be considered to aid in the determination of a verified incident:
  1. Is the victim a member of a targeted racial, religious, ethnic/national origin, age, sex, disability, sexual orientation or gender identity/expression group or is the victim homeless?
  2. Were the offender and the victim of different racial, religious, ethnic/national origin, age, sex, disability, sexual orientation gender identity/expression group?
  3. Would the incident have taken place if the victim and offender were of the same race, religion, ethnic/national origin, age, sex, disability group, sexual orientation or gender identity/expression group or homelessness status?
  4. Were biased oral comments, written statements, or gestures made by the offender which indicate his/her bias?  
For example the offender shouted a racial slur at the victim.

**CRITERIA FOR IDENTIFYING INCIDENTS: (continued)**

5. Were bias related drawings, markings, symbols, or graffiti left at the crime scene? For example, a swastika was painted on the door of a synagogue.

6. Were certain objects, items, or things which indicated bias used (e.g., the offenders wore white sheets with hoods covering their faces) or left behind by the offender(s) (e.g., a burning cross was left in front of the victim's residence)?

7. Is the victim a member of a racial, religious, ethnic/national origin, age, sex, disability, sexual orientation or gender identity/expression group which is overwhelmingly outnumbered by members of another group in the neighborhood where the victim lives and the incident took place or is the victim homeless? This factor loses significance with the passage of time, e.g., it is most significant when the victim first moved into the neighborhood and becomes less significant as time passes without incident.

8. Was the victim visiting a neighborhood where previous hate crimes had been committed against other members of his/her racial, religious, ethnic/national origin, age, sex, disability, sexual orientation or gender identity/expression racial, group and where tensions remain high against his/her group or is the victim homeless?

9. Have several incidents occurred in the same locality, at or about the same time, and are the victims all of the same racial, religious, ethnic/national origin, age, sex, disability, sexual orientation or gender identity/expression group or are the victims all homeless?

10. Does a substantial portion of the community where the crime occurred perceive that the incident was motivated by bias?

11. Was the victim engaged in activities promoting his/her racial, religious, ethnic/national origin, age, sex, disability, sexual orientation or gender identity/expression group or homeless status? For example, the victim is a member of the NAACP, was participating in a gay rights demonstration, etc.

12. Did the incident coincide with a holiday relating to, or a date of particular significance to, a racial, religious,

ethnic/national origin, age, sex, disability, sexual orientation or gender identity/expression group (e.g., Martin Luther King Day, Rosh Hashanah, etc.)?

**Towson University**  
**Procedures for Responding to Hate/Bias Incidents or Crimes**  
**Appendix A (continued)**

**CRITERIA FOR IDENTIFYING INCIDENTS: (continued)**

13. Was the offender previously involved in a similar hate crime or is he/she a member of a hate group?

14. Were there indications that a hate group was involved? For example, a hate group claimed responsibility for the crime or was active in the neighborhood.

15. Does a historically established animosity exist between the victim's group and the offender's group?

16. Is this incident similar to other known and documented cases of bias, particularly in this area? Does it fit a similar modus operandi to these other incidents?

17. Has this victim been previously involved in similar situations?

18. Are the other explanations for the incident unreasonable such as a childish prank, unrelated vandalism, etc.?

19. Did the offender have some understanding of the impact his/her actions would have on the victim?

For those incidents reported to the University Police, the final classifications will be made by the police who will then report the incidents to the Maryland State Police on a monthly basis as required by law. The incidents will also be documented on the Police Department's web site as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

Approved March 2004, updated January 2008.

September 29, 2011