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Bias Incident Response

Saint Mary's College of California

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Bias Incident Response

We at Saint Mary's College seek to create a safe living and learning environment where civility and respect are fostered and where people can express themselves without fear. The College respects the individual's right to speak freely and openly while acknowledging the responsibility that comes with this freedom. We encourage all College community members to seek appropriate campus forums, at appropriate times and places, to engage in meaningful dialogue to better understand each other's experiences and values. The ability to disagree or to offer an alternate belief articulated passionately, yet respectfully, will continue to be a cornerstone of meaningful dialogue. Bias incidents, however, which degrade the identity, needs, and beliefs of others are not acceptable and are inconsistent with the fundamental values of Saint Mary's.

What is a bias incident?

Generally, a harmful act motivated by bias towards a category of people or an individual based on actual or perceived social identification is a bias incident. These social categories include, but are not limited to, the following:

- Disability
- Ethnicity
- Gender Identity
- National origin
- Race
- Religion
- Sex
- Sexual orientation
- Association With

Bias incidents can include criminal and otherwise illegal conduct, but they may also include violations of College policy(s) regarding civility, professionalism, and/or harassment.

Why is it important to report bias incidents?

Uncivil, hateful, and/or harassing conduct towards others at Saint Mary's is unacceptable. We strongly encourage members of our community to report all bias incidents, no matter how insignificant they may seem. In order to improve the overall campus climate, we need the involvement of every community member. We need to know what happens and how often so that we can take steps to stop hateful and/or harassing behavior and to support those who are targeted.

- Bias incidents, such as name calling, may seem minor at first, but they can escalate. If unchecked, individuals may be emboldened to continue or exacerbate their actions.
- Bias incidents send a negative message not only to the individual(s) on the receiving end but also to all members of the targeted group and to the broader campus community.
- Even if the person engaged in the conduct is unknown or action available to address the incident is limited, reporting allows BIRT to better assess the campus climate and implement appropriate measures. Non-reporting can lead to an environment where bias and prejudice are widely accepted and tolerated.

What is the difference between a bias incident and a hate crime?

Some bias incidents may rise to the level of a hate crime. Under California law, a hate crime is a criminal act committed, in whole or in part, because of the actual or perceived characteristics of the victim(s). Hate crimes are motivated by the offender's bias. They do not only involve offenses against persons, but also include offenses involving damage to property, such as breaking windows of religious institutions, spray painting walls with offensive words and/or symbols, and defacing or burning property. It is a violation of both California law and College policy to commit a hate crime. Incidents determined to be hate crimes are also reported in the Annual Security & Fire Safety Report as required by federal law.

The conduct underlying some bias incidents may violate College policy, even if the conduct does not rise to the level of a hate crime. For example, although some bias incidents may involve protected speech, they are still inconsistent with the College's community values, and in those circumstances, the College may elect to respond through educational and/or disciplinary sanctions.

What is the College's Bias Incident Response Team (BIRT)?

The Bias Incident Response Team (BIRT) was established to promote a safe, hate-free environment where all people can live, work, and learn. BIRT's primary roles are to recommend preventative education as well as report and respond to bias incidents and hate crimes. The responsibilities of BIRT are to:

- Educate the Saint Mary's community about the protocol for reporting bias incidents and hate crimes and determine whether reports are bias-related.
- Support target(s) of bias incidents and hate crimes, including those who are directly involved as well as social identity groups that may be affected.
- Collect and share all bias incidents and hate crime reports with the Saint Mary's community, including BIRT's response to each report without revealing confidential and personal information.
- Monitor the campus climate around issues of diversity and civility.
- Recommend appropriate actions and educational programs (ex. trainings, restorative justice practices, mediations) that are both preventative and responsive to bias incidents and hate crimes.

What should I do if I witness or am the target of a bias incident?

The College encourages prompt reporting of all bias incidents. Bias incidents should never be written off as "pranks" or "harmless behavior." This type of behavior should not be tolerated in the classroom, residence halls, offices, study areas, social spaces, or anywhere else on campus, online, or as part of any College activity. There are several reporting options:

- **Call Public Safety at 925-631-4282.**

Preserve all evidence and document the incident as thoroughly as possible (graffiti, voicemail, email, letter, etc.) by taking pictures, videotaping, and writing down everything you can remember and keeping the contact information of the target(s) and any other witness(es).

- **Report the incident online at www.stmarys-ca.edu/BIRT , which can be done confidentially and anonymously.**
- **Report the incident to any of the following administrators:**

For bias incidents committed by a student, contact:

Evette Castillo Clark, Ed.D.
Dean of Students
Ferroggiaro Center 200
Phone: 925-631-4238

For bias incidents committed by an administrator or staff member, contact:

Peter Chen
Interim Director - Chief Human Resources Officer
Filippi Hall 123
Phone: 925-631-4212

For bias incidents committed by a faculty member, contact the respective Dean:

Sheila Hassell Hughes, Ph.D.

Dean, School of Liberal Arts
Dante Hall 109A
Phone: 925-631-4609

Roy Wensley, Ph.D.
Dean, School of Science
Galileo Hall 102A
Phone: 925-631-4409

Zhan Li, Ph.D.
Dean, School of Economics and Business Administration
Galileo Hall 308/309
Phone: 925-631-4743

Mary Moskall, Ph.D.
Interim Dean, School of Education
Filippi Academic Hall 200-4
Phone: 925-631-4726

What will happen once I report the incident?

The College will respond to reported bias incidents in a professional and appropriate manner, taking into consideration the impact on the target and on the Saint Mary's community.

When a report is submitted, BIRT receives and reviews the report, coordinates the College's response and/or referral to the appropriate office and/or administrator for investigation/resolution, and provides support for those individuals involved. BIRT updates report statistics for monitoring campus climate and patterns of bias incidents as well as recommends opportunities for systemic action. All incidents reported to BIRT and actions taken as a result will be listed on the BIRT website without any personal identifying information.

If a reported incident is one that the College has a duty to formally investigate consistent with specific College policies and/or applicable laws (e.g. discrimination, harassment, or sexual harassment policy), all parties will be notified of this obligation and an investigator will be assigned in line with College protocol. In addition, depending upon the nature of the incident, the report may trigger external reporting requirements (e.g. law enforcement and Annual Clery Report).

Under certain circumstances, the College may have an obligation to act upon the information provided even if there is a request that the College take no action. For example, the College will need to investigate situations that may threaten the safety of anyone mentioned in the report, or that appear to violate the provision of Title IX. Alternatively, if the report is not completed fully or if it is submitted anonymously, the College may be limited in its ability to take action.

The College will respond in accordance with current College policies and procedures. If known, the person who filed the report will be advised of actions taken, unless doing so is prohibited by FERPA or other applicable law.

What happens if someone is found responsible for committing a bias incident?

For students who are found responsible for committing bias incidents, there may be an immediate local and/or educational response in addition to the College response (e.g. residence hall floor meeting, campus program, removal of graffiti, etc.). These students will be subject to the student discipline process as outlined in the Code of Conduct, and sanctions may be imposed. Sanctions are determined in response to the specific conduct and the student's discipline history. The assessment of sanctions, up to and including expulsion, is itself part of the College's educational mission and process.

What are some available resources?

- Dean of Students 925-631-4238
- Community Life 925-631-4238
- Counseling Center 925-631-4364
- Intercultural Center 925-631-8317
- Public Safety 925-631-4282
- Residential Experience 925-631-4236
- Women's Resource Center 925-631-4171