

**Division of Student Affairs**  
**Protocol for Responding to Bias-Related Incidents**

**A. Statement of Purpose:**

Syracuse University seeks to provide all students with a safe and secure learning environment that is free of crime and/or policy violations motivated by discrimination, sexual and bias-related harassment, and other violations of rights.

The Division of Student Affairs recognizes and values the similarities and differences among students and recognized student organizations at Syracuse University. Discrimination, sexual and bias-related harassment, and other violations of rights disrupt the educational process and will not be tolerated. As members of the University community, students can reasonably expect that the following rights will be respected by all University offices, programs, employees, and organizations.

**B. Statement of Student Rights:**

**NON-DISCRIMINATION**

Students have the right not to be discriminated against by any agent or organization of Syracuse University for reasons of age, creed, ethnic or national origin, gender, disability, marital status, political or social affiliation, race, religion, or sexual orientation. Students who feel they have been discriminated against for any of the above reasons may contact the Office of Judicial Affairs at 443-3728, 310 Steele Hall, or Dean of Students Office at 443-4424, 301 Steele Hall.

For more information regarding the Statement of Student Rights and Responsibilities and/or the Syracuse University Sexual Harassment Policy see the Office of Judicial Affairs web page at [students.syr.edu/depts/judicial](http://students.syr.edu/depts/judicial), or the Syracuse University Student Handbook.

**C. Definitions:**

Hate crimes and bias-related incidents involve behavior that is motivated by race, religion, sexual orientation, ethnicity, national origin, gender, age, or disability. Bias-related incidents include those actions that are motivated by bias, but do not meet the necessary elements required to prove a crime. Hate crimes are also motivated by bias, however accompany crime, such as: threats of violence, property damage, personal injury and other illegal conduct.

Bias-related incidents are defined as behavior, which constitutes an expression of hostility, against the person or property of another because of the targeted person's race,

religion, sexual orientation, ethnicity, national origin, gender, age, or disability. Bias-related incidents include, but are not limited to: non-threatening<sup>1</sup> name calling and using degrading language or slurs directed toward a person because of his or her membership (or perceived membership) in a protected class.

A person commits a hate crime when he or she commits a specified criminal offense and either:

(1) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or

(2) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

See New York Penal Law 485.05

Examples of hate crimes may include, but are not limited to: threatening phone calls, hate mail (including electronic mail), physical assaults, vandalism, destruction of property, and fire bombings.

#### **D. Procedures for Responding to Bias-Related Incidents:**

These procedures apply, to the extent reasonably practicable under the circumstances, during both business and non-business hours. When a Student Affairs staff member becomes aware of a bias-related incident, the following procedures are to be applied:

1. Determine whether emergency medical treatment for physical injury is needed. If medical attention is needed, contact the Department of Public Safety and Syracuse University Ambulance (or other emergency transport service) for assistance.

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<sup>1</sup> There have been many court opinions defining the word "threat" in the context of free speech. Those court opinions, often arising out of Vietnam and civil rights era protests, have distinguished between "provocative" or "boorish" expression (generally protected by the First Amendment) and "true threats" (which may lawfully be punished). A "true threat" was summarized by one federal appellate court as requiring "a serious expression of intent to harm or assault." United States v. Orozco-Santillan, 903 F. 2nd 1262 (9th Cir. 1990). The perception of such a threat must be "objective" from the standpoint of a "reasonable person," not the subjective impressions of a complainant. See Synfax Weekly Report September 18, 2000.

2. If medical attention is NOT needed, contact the Department of Public Safety to report the incident if it has not already been reported.

3. Immediately document what happened. Where reasonable, complete an incident report form and include as much detail as possible. Record where and when the incident occurred and document the names of witnesses if applicable. In addition, document detailed information about the perpetrator(s) if applicable. Retain any physical evidence of the incident (e.g., messages written on doors, physical objects, etc.)

4. If possible, ensure the responding Public Safety Officer documents the incident as a bias-related activity and photographs physical injuries, offensive graffiti and evidence of vandalism. This can be accomplished by providing the Public Safety Officer with a copy of your completed incident report form. All documented incidents of bias-related activity will be retained in the Dean of Students Office, which should be provided with a copy of your written report.

5. The targeted person should be engaged in a discussion to determine what role he or she would like to play in responding to the incident. A targeted person may feel uncomfortable about cooperating with an investigation due to fear of retaliation by the perpetrator(s). Assure the targeted person that his or her personal safety and security is important; that special requests, such as relocation and/or anonymous reporting can be utilized to minimize foreseeable threats; and, that any retaliatory behavior by the perpetrator or his or her supporters may constitute an independent violation of University policy.

6. If the targeted person is distraught, contact the Counseling Center on call system at 443-4715, and explain the situation. The counselor on call may want to speak with the student over the telephone to conduct an initial assessment. If the student does not wish to speak with a counselor, suggest contacting someone that the student knows for emotional support. Additional resources to offer include, but are not limited to:

- Hendricks Chapel 443-2901
- Office of Greek Life 443-2635
- Office of Judicial Affairs 443-3728
- Office of Multicultural Affairs 443-9676
- Office of Residence Life 443-3637
- Student Legal Services 443-4532
- Dean of Students Office 443-4424
- LGBT Resource Center 443-7273
- University R.A.P.E. Center 443-7273
- Slutzker Center for International Services 443-2457
- Department of Public Safety 443-2224
- Counseling Center 443-4715

7. Parents and/or guardians of students should be notified only at the request of the student or if the student has been injured. Every effort should be made to facilitate the student in making the decision to contact a parent and/or guardian.
8. Following a complete investigation of the incident, it may be necessary to contact FIXIT at 443-4948 to clean and/or repair any damage to, or graffiti on, University property.
9. Contact the Dean of Students Office to assure the TAB (Team Against Bias) is notified of the incident. TAB will immediately respond to the needs of the University community (or affected community) related to the incident. TAB will function as a trained crisis response team during events that escalate to a larger scale. TAB will hold open forums and encourage group dialogue to allow the community an opportunity to express concerns and suggestions. TAB will reiterate the Non-Discrimination Policy and discourage tolerance for harassment, discrimination and other violations of rights that disrupt the educational process. The TAB will be comprised of representatives from the unit handling the crisis and other trained staff members, along with trained students and directly affected students (if those directly affected so desire).
10. The Division of Student Affairs will act to facilitate the investigation of all complaints of bias-related incidents and/or hate crimes by taking appropriate action to identify any University community member who is found to have violated applicable law or University policy, as well as to respond in a sensitive manner to the targeted person, his or her family, and the broader community.
11. All bias-related incidents shall be considered confidential. Any personal information obtained during the investigation or adjudication of the matter will be subject to disclosure only to the extent required by law.