

Hate Crimes and Bias-Incident Protocol

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Hate Crimes and Bias-Related Incident Protocol

What is a Hate Crime?

A hate crime is a criminal act that is committed against the person or property of another because of the other person's actual or perceived race, color, religion, ancestry, national origin, disability, gender identity or expression and sexual orientation.

Hate crimes also include any such crimes committed against the property of a public agency or private institution - including educational facilities and advocacy groups - because the property of the agency or institution is identified or associated with a person or group of an identifiable race, color, religion, ancestry, national origin, disability, gender or sexual orientation.

Some hate crimes may violate California and/or federal law, and the conduct underlying them may violate Pomona College's policies, including provisions of the Student Code and the Harassment and Discrimination Policy.

What is a Bias-Related Incident?

Bias-related incidents are expressions of hostility against another individual (or group) because of the other person's (or group's) race, color, religion, ancestry, national origin, disability, gender identity or expression and sexual orientation, or because the perpetrator perceives that the other person (or group) has one or more of these characteristics. Depending on the circumstances, a bias-related incident may not be a crime, and may be protected speech. The conduct underlying some bias-related incidents may violate the College's policies, including provisions of the Student Code and the Harassment and Discrimination Policy.

How Do Free Speech Requirements Impact Bias-Related Incidents / Hate Crimes?

Free Speech requirements protect many forms of "hateful" and intolerant speech and expressive conduct, including that which occurs during such common College activities as debates, speeches, arguments, conversations, classroom discussions, lectures, distribution of flyers and displaying of posters. In certain contexts, courts have found speech and expressive conduct to be protected that many in our community would find repugnant, including such things as display of the confederate flag, nazi symbols, cross burning, and flag burning. Such speech and expressive conduct, however, may be inconsistent with the College's community values and it may present an opportunity for open dialogue, debate and better understanding other scope of protected speech and the role of tolerance in a community.

Guidelines for Responding to Hate Crimes and Bias-Related Incidents

These guidelines do not alter any College policies - such as the Student Code and Harassment and Discrimination Policy - and are designed to address incidents that violate such policies as well as those which do not. It envisions instances of protected (but hateful or intolerant) speech that may generate harm requiring intervention without discipline. Bias-related incidents need to be addressed because they harm individuals, undermine civility and understanding in the Pomona community, or impede the educational process. Public discussion and education can promote awareness of prejudice and examination of the values that underlie the Pomona community.

What Should a Student Do If They have been the Target of a Hate Crime or a Bias-Related Incident?

All hate crimes and bias-related incidents should be immediately reported to the Dean on-call. We also encourage reporting such incidents to Campus Safety and Law Enforcement Agencies. Students who have been the target of such an incident can also get support and assistance from Student Affairs offices.

Although hateful messages on such things as flyers, posters, e-mail, answering machines, dry erase boards, and graffiti are often obnoxious or worse, it is helpful to preserve them as evidence and not to disturb or remove anything that could help identify the source and/or targets or other affected persons.

How Will Pomona College Respond in Such Cases?

The College believes it is important to respond to a hate crime or bias-related incident with concern for the student who has been targeted and the community as a whole.

If a particular student has been targeted, the on-call Dean will assist the student in documenting the event and will explain the options for addressing what has occurred. If the incident is a crime, the student will be assisted in contacting the police. If the incident involves the violation of a College policy, the procedures for investigation and resolution under that policy will be undertaken.

A wide range of assistance is available to students who are targeted. The on-call Dean will assist with referrals to the counseling center, a chaplain, or the head of the relevant mentor group or support center. The Housing & Residence Life Office will try to ensure that the affected student feels safe in their residential environment and will, if appropriate, adjust campus housing and/or change course schedules. The on-call Dean will also offer help documenting the event (e.g., taking photos of dry erase boards or items placed on the student's door); help in talking with/filing a complaint with Campus Safety and/or the police; give advice about initiating disciplinary action against the offender; assistance in arranging counseling or other forms of support, including campus escort service or help in initiating mediation between the affected student and the offender.

When hate crimes and bias-related incidents occur on campus, they can strain the fabric of the community. The Dean of Students Office will consider what sort of communication about the incident is appropriate, taking into account various interests such as personal safety and confidentiality.

In some cases, public discussion about the incident can serve to educate the community and promote awareness of prejudice. Programs that address bias-related incidents can change a hateful incident into an opportunity for increased understanding and personal growth. The targeted student may elect to participate in such a College-sponsored discussion of the incident. In some cases, the Dean of Students Office may, in collaboration with other offices on campus and with students, offer programs that include one or more of the following: residence hall discussions, open forums, panels, films, speakers, and other educational programming. Among other things, these events may serve to help the community understand, process, and address what has occurred. The RA and Sponsor staff within each residence hall are also prepared to provide leadership in responding to such events.

What Guidelines Will Govern the College's Response? (Incident Response Team)

The College has established an Incident Response Team (IRT) to address issues relating to hate crimes and bias-related incidents. The IRT is composed of the Dean of Students or their designee, one or two staff members in Student Affairs, one or two members of the faculty, and student representatives chosen from the campus community. All members of the IRT must be Pomona faculty, students, or staff.

Student members of the IRT will be selected from the general student population. When deemed applicable, students may be chosen from among specific student mentoring and support groups. Representatives from specific organizations may be invited to participate in the IRT if hate crimes or bias related incidents occur on campus that affect their members. The Dean of Students or their designee, a Student Affairs Staff member, and two students selected from IRT may function each year as a Steering Committee. The Steering Committee may respond to hate incidents, work on publicity, plan events, and

schedule meetings of the full IRT as required. Campus Safety may work with the IRT in order to improve communication about incidents. The Claremont Police Department may also be invited for discussion of campus hate and bias-related incidents and may be asked to meet with the IRT from time to time.

When a hate crime or a bias-related incident is reported to the Dean of Students Office, the Dean of Students will inform the President, the Director of Campus Safety, the Vice President of Academic Affairs, and the IRT. However, a student may request a confidential conversation with the Dean, in which case the IRT and other offices will not receive a report of the case. A student may also ask an RA, Mentor, or Sponsor to report an incident to the Dean or the IRT on their behalf.

Goals of the Incident Response Team

The IRT will meet periodically to:

- Develop recommendations to help the Dean of Students determine when and how the community should be informed of a hate crime or bias-related incident that has occurred at Pomona, recognizing that in every case the Dean will need to make that determination according to the circumstances of the case. For example, in some cases a senior officer of the College may write to all faculty, students and staff. In other cases, a communication from the IRT itself may be appropriate. In still other cases, the Dean may determine that no communication is necessary or appropriate.
- Discuss the types of effective programming that might be undertaken in response to hate crimes and bias-related incidents after they occur.
- Undertake education of the community about hate crimes and bias-related incidents, so that students have access to information about the issues and how incidents can be reported. For example, the IRT may be asked to advise on a poster or a sticker that can be visible on campus and on a more detailed pamphlet discussing hate crimes and bias-related incidents.

When an incident occurs, the full team or the Steering Committee will gather to review what has occurred and to make recommendations to the Dean of Students about the necessity and the nature of a public response, on the information that will be released in a public statement, and on effective educational programming.

The recommendation of the IRT will govern the College's response to the incident. However, the Dean of Students may decline to follow the IRT's recommendations when, in the Dean's judgment, the action proposed is inappropriate or harmful.

If a majority of the IRT disagrees with the Dean's decision, that decision may be appealed to the Vice President and Dean of the College, whose decision in the matter will be final.

Members of the IRT are required to keep strictly confidential all information about incidents on campus that they obtain as a result of their participation in the IRT, and to publicly discuss only such information that has already been made publicly available by the Office of Student Affairs.