

What is Bias?

The University of Tennessee is committed to maintaining a safe environment grounded in civility and respect for all members within the campus community. The University adheres to following definitions when reviewing bias incidents:

Bias

A “bias” is defined as any act that is motivated, in whole or in part, due to an individual’s age, race, ethnicity, disability, gender, gender identity or expression, immigration or citizenship status, marital status, national origin, veteran status, religion and/or religious practice, sexual orientation, socioeconomic status, weight, political affiliation, medical condition, mental health, or any combination of these or related factors.

Bias-Related Incidents

Bias related-incidents are incidents that occur on campus or within an area that impacts the campus community, and are directed at a member or a group of the UT community due to that individual’s or group’s actual or perceived age, race, ethnicity, disability, gender, gender identity or expression, immigration or citizenship status, marital status, national origin, veteran status, religion and/or religious practice, sexual orientation, socioeconomic status, weight, political affiliation, medical condition, mental health, or any combination of these or related factors.

➤ **Examples of Bias-Related Incidents ([#custom-collapse-0-0](#))**

Bias Incident Hilltopics (<https://hilltopics.utk.edu/campus-policies-procedures/>)

Any act of bigotry, harassment, intimidation, coercion, or damage to property by known or unknown perpetrators that occurs on UT’s campus or within an area that impacts the UT community and that one could reasonably conclude is directed at a member or a group of the UT community because of that individual’s or group’s actual or perceived age, color, creed, disability, ethnicity, gender, gender identity or expression, marital status, national origin, race, religion, sexual orientation, veteran status, or any combination of these or related factors.

Bias/Hate Crime Hilltopics (<https://hilltopics.utk.edu/campus-policies-procedures/>)

Is defined as any criminal offense or attempted criminal offense that one could reasonably and prudently conclude is motivated, in whole or in part, by the alleged offender's bias against an individual's actual or perceived age, ancestry or ethnicity, color, creed, disability, gender, gender identity or expression, height, immigration or citizenship status, marital status, national origin, race, religion, religious practice, sexual orientation, socioeconomic status, or weight.

Harassment

Harassment, which is defined as unwelcome conduct that is so severe or pervasive, and objectively offensive, that it substantially interferes with the ability of a person to work, learn, live, or participate in or benefit from the services, activities, or privileges provided by the University. In no event shall this rule be construed to discipline a student for speech protected by the First Amendment to the United States Constitution (e.g., mere insulting or offensive speech).

Hate Crimes/Speech

Technically there is no such thing as a hate crime/speech. Certain crimes may be *motivated* by hate/bias, and designated as such (mostly for purposes of sentencing). So, we may have a vandalism (just an example) that is *motivated* by bias, but the criminal offense is still vandalism. When we enter the crime in our reporting system, we will note that it appears to be motivated by bias/hate. That fact may be used in the sentencing phase of a trial, but the actual criminal charge is still the same. We would note any crime that appears to be motivated by hate/bias as such. The Clery Act notes certain crimes that we must count as hate/bias if we have evidence to support this, and they are counted both for the crime at issue and the hate/bias. Our Annual Security Report would be the only location we would actually double count these numbers.

The state of TN does not have a law regarding hate crime/speech. There is no statute that makes it criminal to hate or perceive bias against someone else. Only when another crime is committed, and it is motivated by that hate or bias, is that factored in. Even then, it is predominantly factored into sentencing (or possibly considered for setting a bond amount).

The only reference of Hate Crime in LexisNexis is ***T.C.A. § 49-7-137. Instruction to raise awareness and prevent hate crimes and sexual offenses.*** *The board of regents and the University of Tennessee board of trustees are strongly encouraged to offer instruction aimed at increasing the awareness and prevention of hate crime offenses, sexual battery, sexual harassment and date rape to all entering freshmen during orientation or introductory studies.*

Clery Reporting of Crimes Motivated by Bias/Hate (<http://clery.utk.edu/> (<http://clery.utk.edu/>))

Crimes motivated by bias are reportable to Clery. Clery would count a hate/bias crime in both the category it fits (ex. Assault) and in the Hate/Bias category. It is important as well to note that Tennessee Law and Clery have nothing to do with one another. However, like TN law, incidents of hate/bias would only be reported to Clery if they were first deemed a crime under Clery. Hate or bias itself is not a crime. In order for a “hate crime” to be reportable to Clery....

1. It has to have occurred on UT owned or controlled property
2. It has to involve one of the Clery Act reportable crimes* which are:
 - Murder and non-negligent manslaughter, negligent manslaughter
 - Rape
 - Fondling
 - Incest & Statutory Rape
 - Robbery
 - Aggravated Assault
 - Burglary
 - Motor Vehicle Theft
 - Arson
 - Dating Violence
 - Domestic Violence
 - Stalking
3. The “bias” must be motivated by one of these categories:
 - Race
 - Gender
 - Religion
 - Gender identity
 - Sexual orientation
 - Ethnicity
 - Disability
 - National origin
4. In order for one of these crimes to be categorized as hate crime, there needs to be some sort of evidence that proves the act of violence was done as a result of some sort of hate or bias.

*In addition to the crimes listed above, there are four additional crimes that can be motivated by bias and be reported to Clery (these four offenses are not reportable to Clery if they are not motivated by bias), they are:

- Simple assault
- Larceny – Theft
- Intimidation
- Destruction/damage/vandalism of property

Please visit Hilltopics <http://hilltopics.utk.edu/> (<http://hilltopics.utk.edu/>) to learn more about the violations of our University's Standards of Conduct.

REPORT AN INCIDENT

Have you witnessed or been the recipient of an bias-based incident? **Report it now.**

STUDENT RESOURCES

Bias Incident Definitions

UT Police Department (non-emergency): 865-974-3114

Bias Based Crimes (UTPD)

Office of Dean of Students: 865-974-3179

Multicultural Student Life: 865-974-6861

Pride Center: 865-974-7803

Office of Equity & Diversity: 865-974-2498

Student Counseling Center: 865-974-2196

Student Health Center: 865-974-3135

Office of Title IX: 865-974-9600

974-HELP: Office of the Dean of Students: 865-974-5725

STUDENT LIFE LINKS

[Complaints and Feedback](#)

[Employment Opportunities](#)

[Free Speech at UT](#)

[Student Handbook \(Hilltopics\)](#)

[Title IX \(Sexual Misconduct, Relationship Violence, Stalking, and Retaliation\)](#)

Bias Education and Referral



The University of Tennessee, Knoxville

Knoxville, Tennessee 37996

[865-974-1000](tel:865-974-1000)

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