



# Bias Incident and Bias Crime Policy

Webb Institute strives to provide educational, working, and living environments free from discrimination, harassment, intolerance, and hate. Such behavior will not be tolerated. The purpose of bias incident and hate crime protocol is to provide information about responding to bias incidents or hate crimes that occur on campus and to outline the procedures and resources available to the Webb Institute community. It is not the purpose or the intent of this policy to define whether an act may violate Webb Institute's regulations or state or federal law.

**New York State Hate Crimes Act of 2000 (Article 485):** Federal and state statutes on hate crime vary in terms of the acts and categories of bias that are covered. Under New York State law, a hate crime is committed when a person commits a specified offense and either (1) intentionally selects the person against whom the offense is committed or intended to be committed, or (2) intentionally commits the act or acts because of a belief or perception of the person's or group's race, color, national origin, ancestry, sex, religion, religious practice, age, disability, or sexual orientation, regardless of whether the belief or perception is correct. When a person is convicted of a hate crime pursuant to Article 485, the law provides for the level of a hate crime to be deemed one category higher than the specified offense, when that specified offense is a misdemeanor or class C, D, or E felony. When the specified offense is a class B or A-1 felony, the term of sentence is enhanced.

## What is a Bias Incident or Hate Crime?

**Bias Incident** is characterized as a behavior or act—verbal, written, or physical—which is personally directed against or targets an individual or group based on perceived or actual characteristics such as race, color, religious belief, sex, marital status, sexual orientation, gender identity or expression, national or ethnic origin, disability, veteran status, or age. Behavior reflecting bias may constitute a violation of Webb Institute's Code of Conduct. The kinds of incidents that may constitute a bias incident, include but are not limited to: threatening telephone calls, mail, or emails, graffiti, physical assault, sexual assault or abuse, stalking, vandalism, destruction of personal property, harassment, coercion or the use of oral or written expression of bias involving degrading language or stereotypes. Webb Institute strongly encourages the reporting of all hate crimes and bias incidents that occur on campus or at college sponsored events and activities occurring off campus.

The expression of an idea or point of view some may find offensive or charged is not necessarily a bias-related incident. Webb Institute values freedom of expression and the open exchange of ideas. The expression of controversial ideas and differing views is a vital part of the campus community. While this value of openness protects controversial ideas, it does not protect harassment or expressions of bias or hate aimed at individuals or groups that violate Webb Institute policies.

**Hate Crimes** vary in terms of the acts and categories of bias that are covered by federal and state statutes. Under New York State law, a hate crime is committed when a person commits a specified offense and (1) either intentionally selects the person against whom the offense is committed or intended to be committed, or (2) intentionally commits the act or acts because of a belief or perception of the person's or group's race, color, national origin, ancestry, sex, religion, religious practice, age, disability, or sexual orientation, regardless of whether the belief or perception is correct.

## Bias-Motivated Incidents

- Include Criminal and Non-Criminal Conduct
- Motivated by hatred, prejudice, or bigotry
- Maybe directed at: individuals, group of individuals, structured group, property, non-members who associate with or advocate on behalf of members of a structured group.

## Bias-Motivated Action is not Necessarily a Hate Crime

- Hate Speech
- Displaying offensive materials on one's own property
- Distributing hate literature
- Posting hate materials that do not cause property damage

## Reporting a Bias Incident or Hate Crime

Webb Institute strongly encourages the reporting of all hate crimes and bias incidents that occur on campus or at college-sponsored events or activities occurring off campus.

1. **Call the Director of Security at 516-641-2763 if you are dealing with an emergency situation or to report a crime in progress.** Webb Institute considers personal safety and wellbeing to be of the utmost importance in the handling of all bias incidents and hate crime reports. Incidents that threaten, result in, or potentially could result in physical harm or violence should be reported immediately to the Director of Security.
2. **Privacy:** Every effort will be made to protect the identity of individuals involved and to maintain the level of privacy requested by the reporting party. Persons reporting an incident may self-identify or remain anonymous. Anonymous reporting, however, may impact the college's ability to respond or pursue appropriate action against the alleged perpetrators. Information about an incident may be disclosed (*i.e.*, nature of the incident, location of incident, etc.) in the form of safety announcements, summary report updates, or as required by law.
3. **Documenting the Incident:** Target person(s) or witnesses should immediately document what happened and report the incident as soon as possible. When documenting the incident:
  - a. Provide a detailed account of the incident including date, time, and location.
  - b. Do not remove or tamper with physical evidence. Contact the Director of Security to document and collect physical evidence.
  - c. If the incident involves a verbal act, write down exactly what was said to the best of your recollection.
  - d. Identify the perpetrator(s) if known or provide a detailed description of the individual(s) involved.
  - e. List all witnesses including their names and contact information.
  - f. Include other pertinent information that may assist Webb Institute in responding to the incident.
4. **Documenting Graffiti, Vandalism, Telephone, Email, or Public Postings:** Take the following actions, depending on the form of the incident:
  - a. Graffiti, vandalism, or public postings: Webb's Security Department will document it for evidence and take responsibility for ensuring its prompt removal.
  - b. Email: Keep the email in your inbox. Do not delete, alter, or forward the message. Contact the Director of Security, 516-641-2763, to inform him of the email. The Director of Security will contact appropriate campus officials to investigate the source.
  - c. Telephone Call: Do not engage in or encourage conversation. Report all harassing calls to the Director of Security, 516-641-2763. Record the time and date of the call and keep a record of the telephone number if you have caller ID. Security will work with the IT department to trace the call. Do not leave identifying information, such as your name and phone number, on your answering machine or cell voice message. If you have received repeated calls, record a message similar to: "I'm sorry we cannot take your call right now. We are receiving harassing calls and the phone company has a tap on the line."
5. **Filing a Report:** You may file a written report with the Director of Security or the Webb Department of Admissions and Student Affairs. These offices and officers of the college are required to report all bias complaints that come to their attention. Individuals may still request that the complaint be anonymous. For more information about bias crimes or on or off campus resources, please contact the Department of Admissions and Student Affairs at 516-403-5900.