

06-01.20 – Policy and Procedures for the Reporting of Hate Crimes and Bias Incidents

I. Policy Statement:

Towson University (“University”) prohibits all students, staff, and faculty from committing or engaging in any hate crimes as defined under state and federal law, or any acts of bias, hate, or prejudice exhibited in conduct that is in violation of another University policy on campus, on University property, at University-sponsored events, or when engaged in University activities and business on or off campus. This Policy provides guidance for those who may have witnessed or experienced such acts and who wish to report them.

II. Reason for Policy:

Our educational mission requires that the University foster a campus environment that is free from hate crimes and acts of bias, hate, or prejudice. In setting forth this policy, we appreciate the potential tensions between this policy and concerns about academic freedom and freedom of speech. This policy outlines and affirms the University's commitment to providing a welcoming educational environment that fosters critical evaluations of the intersections of individual and community identities and values, while at the same time safeguarding individual freedom in the exchange of ideas and viewpoints.

III. Procedures:

These Procedures identify the University's administrative response when students, staff, or faculty are alleged to have committed a hate crime or bias incident. The University takes steps to prevent the occurrence of hate crimes and bias incidents, investigate allegations of Policy violations, and remedy discriminatory effects that may occur. The University is required to report hate crimes and hate/bias motivated crime incidents by the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (the “Clery Act”) and the Higher Education Opportunity Act (“HEOA”). This policy contains definitions for the terms “hate crimes,” “bias incidents,” and “protected classes” and will identify reporting options/requirements and University responses. This policy supplements and does not supersede the University's Student Code of Student Accountability, TU 06-01.00 Policy Prohibiting Discrimination, and faculty and staff policies and procedures.

iv. Definitions:

A. “Hate Crime” is a criminal offense defined under Title 10, subtitle 3, of the Maryland Criminal Article and as defined under federal law. Hate crimes are criminal offenses committed against a person(s) or property which are motivated, in whole or in part, by the offender's bias towards the actual or perceived group membership(s).

B. “Hate Speech” is speech that is intended to insult or offend another person because of their actual or perceived identity or group membership(s). Hate speech by itself does not constitute a hate crime. The University is mindful of protecting freedom of speech and other civil liberties. Generally speaking, the First Amendment to the U.S. Constitution protects all speech, including speech that expresses ideas that are hateful or offensive. However, certain types of speech are not necessarily protected by the First Amendment. Examples include: speech involving a serious expression of intent to commit an act of unlawful violence to a particular individual or group of individuals (“true threats”); vandalizing and defacing public or private property; or use of symbols or speech likely to incite an imminent lawless action or are accompanied by evidence of violence such as fighting or challenging another to fight (“fighting words”).

C. “Bias Incidents” are incidents involving verbal, written, or physical behaviors which are not criminal offenses, but target a person because of their actual or perceived identity or group membership(s).

As a public institution, the University must consider free speech and academic freedom when assessing each alleged bias incident. While the expression of an idea or point of view may be hateful, offensive, or inflammatory, it may not be an actionable bias-related incident. While University policies do not prohibit such speech, the University encourages members of our community to engage in respectful and civil dialogue.

The University values freedom of expression and the open exchange of ideas and, in particular, the expression of controversial ideas and differing views is a vital part of the University discourse. While this value of openness protects controversial ideas and points of view, it does not protect harassment or conduct towards individuals that violates other University policies such as the Policy Prohibiting Discrimination (TU Policy: 06-01.00), the Code of Student Accountability, or the University Policy on Time Place and Manner for Expressive Activities (TU Policy: 06-04.11). Thus, if a reported bias incident includes conduct that is a potential violation of another University policy, the conduct will be reported to the appropriate University office responsible for investigating those policy violations in accordance with the applicable policy.

D. “Protected Class” is a characteristic of a person which cannot be targeted for Discrimination. For the purpose of the University's Policies and Procedures, Protected Classes include race, color, national origin, religion, disability, age, veteran status, sexual orientation, and gender expression.

v. Responsible Executive and Office:

Responsible Executive:

Vice President of Inclusion and Institutional Equity

Vice President for Student Affairs

Provost and Executive Vice President for Academic and Student Affairs
Director of Public Safety and Chief of Police

Responsible Office:

Office of Inclusion and Institutional Equity ("OIIE")

Office of Student Affairs

Office of the Provost

Office of Public Safety

vi. Entities Affected by this Policy:

University Community

vii. Reporting Hate Crimes or Bias Incidents:

The University must receive notice to respond effectively to alleged Hate Crimes or Bias Incidents in the University Community. Please report or file a complaint of a Hate Crime or Bias Incident in the following ways:

A. Report to University Police: Towson University's Police Department ("TUPD") will determine if incidents are criminal in nature. In cases of hate crimes, individuals can be punished with fines and/or imprisonment. Felony offenses demonstrated to be motivated by bias are subject to enhanced penalties.

B. Contact the Office of Inclusion & Institutional Equity:

1. Online at: <https://towson.edu/notattu>
2. Email at: OIIE@towson.edu
3. Telephone
4. In-person or via regular mail

viii. Reporting Where Perpetrator is Unknown:

The University is committed to keeping accurate records of all alleged Hate Crimes and Bias Incidents. As such, the University encourages reporting of all potential Hate Crimes or Bias Incidents, even if the perpetrator is unknown and unlikely to be known. Depending on the circumstances, the University may need to move forward with further investigation regardless of the target's wishes.

ix. Immediate and/or Educational Response:

A. Housing Residence Life

If the incident occurred within University Housing, the Department of Housing & Residence Life ("HRL") will respond to the immediate needs of the involved parties/community. This includes providing interim measures for living arrangements and offering educational or restorative interventions as outlined in the HRL protocol for responding to Hate Crimes or Bias Incidents.

B. Other Campus Communities

If the incident occurred outside of University Housing, OIIE will respond to the immediate needs of the involved parties/community. This includes providing interim measures and offering educational or restorative interventions where appropriate.

x. Frame for Response

The University strives to resolve complaints within a reasonable period of time. The University should document circumstances which impact its ability to complete an investigation or issue a decision.

xi. Outreach to the Reporting Party

Upon receipt of a report or complaint, OIIE will ensure that the Reporting Party is provided with a copy of the Hate Crime and Bias Incident Complaint Procedures, informed of their rights and responsibilities, and given the opportunity to participate in an Intake Meeting with the AVP of Equity and Compliance or designee to discuss available options and resources.

xii. Initial Review of Report

Upon receipt of a report or complaint of a Hate Crime or Bias Incident, the AVP of Equity and Compliance or designee will conduct an Initial Review of the reported information. The Initial Review will determine whether further action is warranted based on the reported conduct, and whether the University has jurisdiction over the parties.

Factors considered during an Initial Review include, but are not limited to:

- A.** The nature and circumstances reported in the complaint;
- B.** The safety of the Reporting Party and of the University Community;
- C.** Patterns of evidence or conduct as relevant to a safety assessment;
- D.** A Reporting Party's expressed preference, if known, regarding forward action, including any request that no further action be taken;
- E.** A Reporting Party's request for privacy or anonymity; and
- F.** Assess conduct for possible referral to TUPD for a timely warning under the Clery Act.

At the conclusion of the Initial Review and, if applicable, the Intake Meeting, the AVP of Equity and Compliance or designee will identify the appropriate next steps, including but not limited to, a determination that:

- G.** The alleged conduct may constitute a Hate Crime and should be referred to TUPD; and/or
- H.** The alleged conduct may violate the Code of Student Accountability and should be referred to the Office of Student Accountability and Restorative Practices ("SARP") as a potential student conduct violation; and/or
- I.** The alleged conduct may violate the Policy Prohibiting Discrimination (TU 06-01.00) and further investigation by OIIE is warranted; and/or
- J.** Interim Measures should be provided as appropriate, and/or the reported incident should be considered for further Investigation, consistent with the factors described above; or
- K.** Consistent with the information available and the request of the Reporting Party, no further Investigation proceed and a request for Interim Measures be considered; or
- L.** The alleged conduct does not constitute a potential Hate Crime or violation of another University policy, and no further action should be taken.

A description of the alleged conduct and OIIE's initial review determination will be shared in writing with the Reporting Party and the individual(s) alleged to have engaged in the reported conduct, if those individual(s) are known.

xiii. Investigatory Process

If OIIE determines that the alleged conduct may constitute a Hate Crime, the matter will be referred to TUPD for investigation into potential criminal violations, and referred to the appropriate University office responsible for determining whether the alleged conduct violates another University policy. TUPD may investigate allegations of a Hate Crime separate and apart from the University's investigation into potential violations of another University policy. If OIIE determines the alleged conduct does not rise to the level of a potential Hate Crime, but may violate another University policy, the matter will be referred to the appropriate University office responsible for enforcement of the relevant University policy. Notice of a referral for further investigation will be provided to all parties and included in OIIE's written initial review determination.

The extent of any further investigation and notice of potential violation(s) of another University policy (e.g., Code of Student Accountability, TU 06-01.00 Policy Prohibiting Discrimination, etc.) will be determined by and at the discretion of the appropriate University office (e.g., SARP, OIIE, etc.). As appropriate, the AVP of Equity and Compliance and relevant University staff and administration will determine whether the University's response to a report, including, without limitation, an investigation of a violation of another University policy, will proceed regardless of the participation by one or both parties. A lack of participation by a party does not necessarily preclude a finding of the violation of another University policy or the imposition of appropriate disciplinary action under another University policy.

Possible outcomes of any further investigation by the University may include (1) a finding that a violation of another University policy occurred but that the individual responsible cannot be identified, with appropriate remedial measures; (2) a finding that a violation of another University policy occurred and that responsible party can be identified, with the issuance of an appropriate sanction; or (3) a finding that there is insufficient evidence of a violation of another University. Possible outcomes of further investigation by TUPD could result in criminal charges.

xiv. Records Retention

OIIE will maintain records of all reports/complaints, Initial Reviews, Interim Measures, and Investigations arising under the Code of Student Accountability or another University policy. SARP will maintain disciplinary records for all student cases that result in a finding of a Code of Student Accountability violation (including appeals). All records are maintained consistent with University policy and state and federal law regarding student education records and employee records.

Related Policies:

[USM Policy VI-1.00, Policy on Non-Discrimination and Equal Opportunity](#)

[TU Policy 02-01.00, Appointment, Rank and Tenure of Faculty](#)

[TU Policy 05-01.30, Chalking Policy](#)

[TU Policy 06-01.00, Policy Prohibiting Discrimination](#)

[TU Policy 06-01.10, Policy on Threats and Violence](#)

[TU Policy 06-04.11, Policy on Time Place and Manner for Expressive Activities](#)

[TU Code of Student Accountability](#)

Approval Date: September 12, 2019

Effective Date: September 12, 2019

Approved By: President's Council

Signed By: President's Council

HOW TO REQUEST THE POLICY PDF

This online version of the policy may include updated links and names of departments. To request a PDF of the original, signed version of this policy, email the Office of the General Counsel, generalcounsel@towson.edu.

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