

**UCSC
APPENDIX M
HATE/BIAS INCIDENT POLICY**

I. STATEMENT OF COMMUNITY

This statement of expectations is for the benefit of all members of the University community. The University of California, Santa Cruz is a community, which cherishes the free and open exchange of ideas and opportunities in the pursuit of knowledge. Maintaining this freedom and openness requires objectivity, civility, and confidence; it requires the absence of coercion, intimidation, or exploitation. Actions of disrespect, intolerance, or any behavior (spoken, written or physical) which maligns another individual or group of individuals on the basis of age, creed, ethnicity, race, gender, gender identity, physical ability, religion, sexual orientation, or socio-economic status will not go unchallenged. Freedom of expression does not mean freedom to violate others' rights or to cause harm to any individual or group verbal or written abuse, threats, harassment, intimidation, or violence against any member or group will not be tolerated.

II. HATE/BIAS INCIDENT POLICY AND PROCEDURE

A. Policy

The primary objective of this policy is to help sustain a campus climate of tolerance and civility and to assure that there are appropriate responses available to maintain the University's commitment to the free and open exchange of ideas (*see Appendix I*). Further policies and procedures are available in the Student Policies and Regulations Handbook, Section 105.062 designed to help protect the community from threats to its commitment to provide safety from harassment, and to provide relief for those who have been targeted. Each of the colleges also publishes a statement of community standards, consistent with this policy.

All members of the campus community share responsibility for maintaining civility and openness. However, principal responsibility rests with university officials, especially staff, faculty, managers, and student life staff, whose job duties include helping to maintain a healthy campus climate.

The vice chancellor, Student Affairs or designee is ultimately responsible for responding to hate/bias incidents involving students. That responsibility is delegated to the College Administrative Officer or designee of the targeted student's affiliated college, or the manager or designee of the unit, in which the student is a resident, for students who reside at Family Student Housing, Graduate Student Housing, the Village, or University Town Center and the director, Student Judicial Affairs Office for Graduate, Extension or Summer Session students, or those students enrolled or participating in University activities and not otherwise affiliated with a college. The CAO, unit manager, director, Student Judicial Affairs or designee will coordinate a response to this incident and will take immediate steps to provide support and a sense of security and control for the target(s). Once that is done, the coordinator may give a report to the University Police; may ask facilities staff to clean any building or grounds damage; may consult with faculty or staff who have information or responsibility for issues related to the incident; may contact the Public Information Office to discuss strategies for a media response; and may arrange for a community meeting to share information about the incident and help plan a response.

B. Hate/Bias Incident Advisory Board

Board Functions: The Board is advisory to the vice chancellor, Student Affairs for hate/bias education, prevention and response. As such, the Board may advise the vice chancellor on related policies and procedures. The Board shall meet routinely, at least once each quarter to review any reported instances of hate/bias-related incidents.

The Board functions are to provide leadership for a prevention and education program that stresses diversity and tolerance; to monitor the climate of tolerance on campus; and to annually report hate/bias incidents and responses. The Board's role is to insure that responses to incidents of hate/bias are consistent with campus policy and the university's commitment to freedom of expression and respect for individual rights and dignity.

Response/Education Team: The Board shall coordinate the selection and training of a group of volunteer peer educators, including one representative from student government (SUA and GSA) and each college. This group should receive training to serve as both prevention consultants and supporters to targets or witnesses. These peer educators, along with other interested persons, should help the Board develop an outreach program that helps communicate each year's educational and free speech forums, leadership for college programming, and orientation, etc. The coordination of this group should be a specific responsibility of the executive director, Student Life or designee.

Campus Climate: The director, Student Judicial Affairs will provide a quarterly summary report to the Board of all hate/bias incidents and responses regardless of whether or not the incident rises to the level of a violation of the Code of Student Conduct or the law. Current knowledge of hate/bias incidents should help the Board in making recommendations. The Board may also serve as a forum for presenting concerns for general climate issues. Board members shall also be available proactively to advise campus units/groups with concerns/questions about campus climate issues.

Annual Report: The Board shall issue an annual campus report on the number and types of cases reported, with a summary of policies and procedures, proposed recommendations/sanctions, and the number and types of campus prevention/educational/training programs or workshops conducted.

C. Reporting Incidents/Time Frame

A target(s) should use the *Hate/Bias-Incident Report Form*, available online at <https://students.ucsc.edu/judicial/incident.cfm> to make a written report of any incident as soon as possible after it occurs, at least within thirty (30) calendar days after the target(s) would reasonably be expected to have received knowledge of the incident.

A target may also report the violation to any university official. University officials must forward complaints to the director, Student Judicial Affairs within two working days.

The director, Student Judicial Affairs will investigate reported incidents and

make findings available within thirty (30) working days from the receipt of the complaint, and may extend time limits for good cause.

The office of Student Judicial Affairs is the office of record for any hate/bias incident reports.

¹ University officials include members of the Student Affairs professional staff, university police, provosts and academic preceptors. **University officials include but are not limited to: Vice Chancellors, Deans, Dean of University Extension, Director of Summer Session, Provosts, Department Chairs, Department Undergraduate/Graduate Adviser, Department Assistant/Manager, College Administrative Officers, Manager of Family Student Housing, Manager of Graduate Housing and Camper Park, Housing Officers, Unit Heads, Program Directors, Supervisors, University Police, Ombudsman, Rape Prevention and Education Coordinator, Academic Preceptors, Director Student Judicial Affairs, Community Safety Officers, and Coordinators for Residential Education.**

D. Procedure

Investigation: The director, Student Judicial Affairs shall begin an investigation any time a hate/bias incident is reported. The investigation shall determine whether or not the facts point to a violation of the Code of Student Conduct.

If there is:

An identified perpetrator and the incident is in violation of the Code of Student Conduct, the student will be subject to disciplinary procedures, which may include enhanced sanctions (see Section 105.062, Enhanced Sanctions) for violations motivated by hate/bias.

An identified perpetrator, but the incident is not in violation of the Code of Student Conduct, or there is no identified perpetrator and the incident is or is not in violation of the Code of Student Conduct, the director, Student Judicial Affairs may recommend an educational intervention at the appropriate level.

A gender-based incident, the complaint will be forwarded to the Title IX Sexual Harassment Officer for resolution under the *University Sex Offense Policy* (see *Appendix F*).

E. Confidentiality

All reports shall be considered confidential. Any private personal information gathered during the investigation or adjudication of a hate/bias-related incident will be treated as confidential, subject to disclosure only to the extent required for purposes of the investigation, any disciplinary action, or as required by law.

F. Safety of Person(s) Targeted

The director, Student Judicial Affairs, in collaboration with appropriate university officials, shall make reasonable interim arrangements during the course of the investigation to try to assure protection from retaliation to those involved. A target may also request special arrangements, which can involve a variety of measures, from university officials in order to minimize possible threats. For example, students in university residence may be relocated in order

to physically separate the accused from the target(s) or witness(es). (*see Appendix N*)

University Police may assist in any manner consistent with the responsibilities of law enforcement officers on a university campus.

University Police are in charge of the scene of a reported incident and will conduct an investigation to determine if the incident is a 'crime' according to provisions of the California Penal Code.

G. Due Process

The university incorporates due process protection provided by state and federal constitutions into its policies and procedures. If the university intends to take disciplinary action against an individual based on a finding of violation(s) of the Code of Student Conduct, the accused individual has a right to understand the nature of the allegations, including who made the allegations, and has the right to respond to those allegations.

Please Note:
This policy is
currently
under review