



**KECK GRADUATE INSTITUTE**

*A Member of The Claremont Colleges*

# **Bias-related Incidents – Protocol for Bias-related Incidents**

## **Statement of Purpose**

This Communications Protocol, which has been adopted by each of the members of The Claremont Colleges, is intended to provide a framework for inter-collegiate responses to bias related incidents.

Bias related incidents are expressions of hostility against another person (or group) because of that person's (or group's) race, color, religion, ancestry, age, national origin, disability, gender identity, or sexual orientation, or because the perpetrator perceives that the other person (or group) has one or more of those characteristics. As used in this Protocol, the term "bias related incident" is limited to conduct that violates one or more of The Claremont Colleges' disciplinary codes and which is not protected by the First Amendment of the United States Constitution or by analogous provisions of state law. A hate crime is an especially severe form of bias related incident, and such crimes fall far beyond the bounds of constitutional protection. However, the category of bias related incidents extends beyond hate crimes and other actions that would constitute criminal offenses under relevant penal codes.

In the event that a bias related incident occurs on one of the campuses and/or on The Claremont Colleges Services (TCCS) premises, this Protocol shall govern communication among The Claremont Colleges' chief student-affairs and administrative officers.

## **California Law Regarding Hate Crimes**

California law prohibits hate crimes. Section 422.6 of the California Penal Code defines a hate crime as follows:

"Hate crime" means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- Disability
- Gender
- Nationality
- Race or ethnicity
- Religion
- Sexual orientation
- Association with a person or group with one or more of these actual or perceived characteristics. "Hate crime" includes, but is not limited to, a violation of Penal Code Section 422.6.

## **California Penal Code § 422.6:**

No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States in whole or in part because of one or more of the actual or perceived characteristics of the victim listed in subdivision (a) of Section 422.55.

No person, whether or not acting under color of law, shall knowingly deface, damage, or destroy the real or personal property of any other person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege secured to the other person by the Constitution or laws of this state or by the Constitution or laws of the United States, in whole or in part because of one or more of the actual or perceived characteristics of the victim listed in subdivision (a) of Section 422.55.

Any person convicted of violating subdivision (a) or (b) shall be punished by imprisonment in a county jail not to exceed one year, or by a fine not to exceed five thousand dollars (\$5,000), or by both the above imprisonment and fine, and the court shall order the defendant to perform a minimum of community service, not to exceed 400 hours, to be performed over a period not to exceed 350 days, during a time other than his or her hours of employment or school attendance. However, no person may be convicted of violating subdivision (a) based upon speech alone, except upon a showing that the speech itself threatened violence against a specific person or group of persons and that the defendant had the apparent ability to carry out the threat.

Conduct that violates this and any other provision of law, including, but not limited to, an offense described in Article 4.5 (commencing with Section 11410) of Chapter 3 of Title 1 of Part 4, may be charged under all applicable provisions. However, an act or omission punishable in different ways by this section and other provisions of law shall not be punished under more than one provision, and the penalty to be imposed shall be determined as set forth in Section 654.

### **Responding to Incidents**

- Any person, including faculty, staff, students, and visitors to the colleges, observing an incident or evidence of possible bias incident and/or hate crime shall notify college staff and/or campus safety before taking any action (such as disposing or removing evidence, altering scene, etc.). College staff and/or campus safety shall follow protocol of college where the incident occurred and with student(s) immediately involved in notifying appropriate on-call staff.
- Campus safety and the on-call dean(s) will consult on bias related incidents that may rise to the level of a crime. If either suspects that a crime may have been committed, Campus Safety shall notify Claremont Police Department.
- Campus Safety and/or college personnel shall document the incident or evidence by appropriate means, e.g.: photograph(s), incident reports, statements from witnesses, etc.
- The Division of Student Affairs and/or VP of Academic Affairs shall preserve the copies of evidence. In incidents of a criminal nature, or where otherwise deemed appropriate, campus safety shall also maintain records of the incident. Communication among the colleges will pass from the Chief Student Affairs Officer or the Chief Administrative Officer of the institution where the incident occurred to the Chief Student Affairs Officers on other campuses and Chief Administrative Officer at TCCS. In the event that the Chief Student Affairs or Administrative Officer is unavailable, she or he will have designated a second in command to whom the communication will be directed. The second in command is then responsible for both implementing the below protocol and informing the Chief Student Affairs or Administrative Officer as quickly as possible. The communication between offices should:
  - o Provide a brief description of the incident;
  - o List any information about initial steps that have been taken to address the incident

- o Provide instructions about how to report information about the incident; and
- o Conclude with a standard paragraph on steps community members should take in the event they see a bias related incident.
- o Each school and TCCS shall create and/or follow an established internal policy to communicate information regarding the incident. A campus might choose to include one or more of the following:
  - o Notification procedures for personnel responsible for the handling the incident are in place, including communications officers
  - o Email/and or web dissemination of the notification to all faculty, staff, and students;
  - o Paper mail dissemination of the notification to all faculty, staff, and students; •
  - o Posting of notices in locations on the campus in areas in which members of that campus are most likely to read them;
  - o Utilizing RAs, proctors, college councils or senates, and other student leaders in ways consistent with their position description and responsibilities;
  - o Notifying any other appropriate college-specific body at that institution that may be charged with handling matters of this nature—Diversity Coordinating Committee at Scripps, IRT at Pomona, Emergency Operations Committee(s) (EOC) of college, etc.
  - o Utilizing informational sessions for community members to receive information in person, ask questions, and generally discuss incident.
- Each institution will ensure that residence life staff members are instructed about response protocols for such incidents.
- Each institution will provide information to its community about reporting protocols.
- KGI Campus Safety will insure that campus safety officers and dispatchers are instructed about response protocols for such incidents.
- The chief student affairs and administrative officer will keep a log of incident communications originating from their institution. The log shall include a description of each incident, and the institutional and/ or police response to the incident. This log maybe kept in the format appropriate to the campus culture (paper, web-based, etc.) The log will be made available to students, faculty, and/or staff upon request. *This protocol was drafted and adopted by the Student Affairs Committee of The Claremont Colleges, PASA (Pan-African Student Association), Scripps College Wan awake Weusi, Hillel Student Board, and Pitzer Black Student Union (BSU) in spring 2005.*