

# Bias Acts, Policy Prohibiting

## Introduction

Union College is committed to providing a safe living and learning environment in which every person is valued and respected, inclusion is assured, and free expression and debate are encouraged. The College accepts the task of educating the next generation of leaders to understand and appreciate the ideas and opinions generated by an increasingly global community. The Policy Prohibiting Bias Acts establishes a mechanism for addressing situations involving a real or perceived bias act. In such an instance, the College desires to proceed thoughtfully, providing support to all of those affected, while also affirming that Union values differences, free expression, and debate as sources of strength for the College community.

## Purpose

This policy outlines the guidelines for reports and responding to bias acts for students, the Student Affairs Office, and others in the College community. With this policy in place, administrators and staff will be better prepared to provide leadership in effectively addressing bias acts. The goal of the policy is to set forth the procedures to be followed when bias acts (or perceived bias acts) occur and to promote a climate of respect. This policy is not intended to be used as a means of censorship or to limit in any way dialogue and the free expression of opinions and ideas. Specifically, this policy establishes:

- A reporting process for any student who believes that he/she has experienced or observed a bias act.
- Mechanisms for delivering a rapid response to reported bias acts.
- A clearly defined consultation process to ensure broad collaboration for assessing incidents and allegations.
- A statement conveying Union College's commitment to creating a respectful and civil environment.

## Definitions of Bias Acts

### What is an Incident of Bias at Union College?

Under Union's specific definition, a bias incident is action taken that one could reasonably and prudently conclude is motivated, in whole or in part, by the alleged offender's bias against an actual or perceived aspect of diversity, including, but not limited to, 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.

### What is a Hate Crime?

Under federal, state, and local laws, a hate crime 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. Union College may respond to bias acts through education. Bias acts (or perceived bias acts) will be addressed by the College on a case-by-case basis.

## Guiding Principles for Responding to Reported Bias Acts

### Students with Disabilities

If a student with a disability needs reasonable accommodation in order to participate in any aspect of the student conduct process, then the student must submit a request through the Disability Services & International Advising Office located in Reamer 303.

### Attention to the complainant and community impacted by a bias act:

When a bias act (real or perceived) has occurred, immediate attention will focus on the well-being of the complainant and the College community members impacted by the incident.

### Attention to the respondent:

When a bias act has occurred and a student has been identified as the respondent, they will be treated fairly.

### If referred to Law Enforcement Agency:

If the matter has been referred to a law enforcement agency (e.g., Schenectady Police Department), Union College will adhere to its cooperation policy. Referral to a law enforcement agency will not preclude Union College from following its own policies and procedures to address student conduct.

## Procedures for reporting

The following procedures, to the extent reasonably practicable under the circumstances, are to be applied upon an incident occurring:

- Determine whether emergency medical treatment is necessary. If medical attention is necessary, immediately contact 911 and Campus Safety (518.388.6911 or 518.388.6178) for assistance.
- The Campus Safety Officer responding to the bias-related activity is to, if possible, photograph physical injuries, offensive graffiti, and evidence of vandalism. In addition, he/she should record where and when the activity occurred and document names of witnesses if applicable. Further, the Campus Safety Officer should document detailed information about the perpetrator(s), if available. They should also retain any physical evidence of the incident, if possible, or, in the case of a crime, turn the incident over to public law enforcement officials. Any and all reports of this nature will be retained in the Dean of Students Office.

- Campus Safety Officers should also, if they suspect that a bias-related crime has occurred, report the crime to the appropriate law enforcement officials and cooperate with those officials in its investigation of the incident(s).
- All bias-related activity shall be considered confidential, to the extent permitted by law. Every reasonable effort will be made by Union College to preserve any personal information obtained during the investigation or adjudication of the matter. However, maintaining full confidentiality may be challenging in this context.

## Union College's response after a Bias Act has been reported

All reported bias acts will be responded to in an efficient and professional manner taking into account the impact on the target and the Union College community. An incident response will incorporate, to the extent appropriate, input from the target on their needs and thoughts on how to best address the matter.

### Addressing the Needs of the Complainant:

The Director of Community Standards (or designee) will take the primary responsibility for addressing the needs of the target(s). The Director of Community Standards (or designee) will make referrals to helpful College resources.

### Addressing the Needs of the Respondent:

The Director of Community Standards (or designee) will address the needs of the respondent. He/she will make referrals to appropriate College resources.

### Addressing the Needs of the Union College Community:

The Bias Response Team will work closely with the Dean of Students, the residential staff, and relevant staff throughout Student Affairs to assess the needs of the community affected most directly by the bias act. Determination of what educational response is appropriate (e.g., engaging students in peer dialogue and reflection on issues regarding inclusiveness and civility) will be addressed.

## Investigation of Bias Acts

### By a Law Enforcement Agency

If an incident has been referred to a law enforcement agency (e.g., Schenectady Police Department, District Attorney, etc.), it will be assumed that an investigation by that agency will be conducted and Union will follow its non-interference policy and allow the independent investigation to occur.

### By Union College:

Independent of a law enforcement investigation (if any), the Dean of Students, in consultation with other Student Affairs staff, will determine if an investigation is appropriate. If an investigation is appropriate, a

Union College staff member will be appointed to conduct the investigation and will report back in a timely fashion to the Dean of Students. Based upon the investigation, the Dean of Students may invoke either Informal Resolution procedures (see below) or Student Conduct Code procedures, as appropriate.

## Informal Resolution Procedures

Informal procedures are designed to assist the parties to reach a mutually agreeable resolution.

### Mediation:

Mediation sessions will be held only if the complainant and the respondent both agree to mediate and if the Dean of Students determines that mediation is appropriate under the circumstances. The Dean of Students will act as mediator or will designate another person to act as mediator. The goal of mediation is to facilitate the parties' discussions with each other such that a mutually acceptable resolution can be reached. At any point in the process, or if no mutual resolution is reached, the complainant may move the complaint to the formal adjudication process described below.

### Contractual Agreement:

In certain situations, a formal understanding is reached between the parties. This agreement is formalized in writing and is subject to approval by the Dean of Students or their designee. The terms may include a pledge that the parties will have no further contact with each other, known as a "No Contact Agreement." Once a student has signed a contractual agreement, it may not be revoked, and the terms may not be appealed. A student's failure to adhere to any term of the agreement may result in referral to the Dean of Students (or designee) as set forth under the Student Conduct Code, Reporting and Procedures.

## Formal Conduct Code Procedures

Formal procedures are designed to determine the merits of the allegations through adjudication and, where appropriate, to determine a disciplinary consequence for the respondent and are outlined in the Student Conduct Code.

## Appeal Process

The appeal process is the same as that described in the Student Conduct Code.

## At the Discretion of the Dean of Students

At any point, the Dean of Students, or any other official referred to in this policy, may designate their authority to another, more appropriate person. Further, the Dean of Students may determine that a particular complaint or situation is best addressed pursuant to another of the College's policies. In those cases, the matter will be handled pursuant to the policy the Dean of Students determines is most appropriate.