



Hate Crime or Bias Incident Response Policy

HATE CRIME OR BIAS INCIDENT RESPONSE POLICY

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SECTION I Introduction

Westchester Community College values and respects the self-worth of all individuals in our community and affirms their right to have a safe, nonthreatening, and respectful environment. The College is committed to a campus environment that supports diversity, equity and inclusion and will provide support to individuals who report incidents of bias or hate. Westchester Community College has a Memorandum of Understanding with the Westchester County Department of Public Safety for the prompt investigation of violent crimes and reports (including hate crimes).

The College has charged the Office of Diversity, Equity & Inclusion with the responsibility to receive and coordinate the College's response to reported bias incidents and, if necessary, issue recommendations to the appropriate College officials.

SECTION II POLICY STATEMENT

Westchester Community College will enforce violations of the federal Hate Crime Act and the federal Bias Act, as well as violations of any state and local hate crime and bias laws that occur within the jurisdiction of SUNY Westchester Community College. The College will refer reports of such violations to the Westchester County Department of Public Safety. The College will enforce all applicable sanctions for proven violations, in harmony with the Student Code of Conduct and Human Resources policies, as applicable. SUNY WCC's Chief Diversity Officer is responsible for the enforcement and oversight of these policies and procedures.

SECTION III Definitions

- **Hate Crime:** Per New York State Penal Law § 485.05: A person commits a hate crime when they commits a specified criminal offense and either intentionally commits the act or intentionally selects the person against whom the offense is committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.
- **Bias Act:** A bias act is conduct that adversely and unfairly targets an individual or group based on the social identity categories of national origin, ethnicity, race, age, religion, gender, gender identity and expression, sexual orientation, disability, veteran status, color, creed, marital status, any combination of these characteristics or any other group protected by law.

The perpetrators may be known or unknown. The act may be verbal, written or physical, and occur on a WCC campus or within an area that affects the campus community. Activities protected by the First Amendment will not constitute bias acts.

SECTION IV

Procedures for Reporting a Hate Crime or Bias Incident

WCC encourages all students, faculty, staff or community members who experiences or witnesses a bias act or hate crime to report it using the Hate or Bias Related Incident Form which can be found at www.sunywcc.edu/incidentreport.

Individuals can report any bias-related incident, even if it isn't a crime or a direct violation of the Student Code of Conduct, College policy or any other institutional policy. It is important that these incidents are recognized, reported, investigated, and reconciled.

Reports received are sent to the Office of the Diversity, Equity & Inclusion for review. The Chief Diversity Officer must inform Campus Security. The Chief Diversity Officer and/or Campus Security will notify Westchester County Police Department of any crimes that are reported to them.

Confidentiality

Confidentiality and community trust are critical to this process. SUNY WCC will make every effort to respect individual privacy. Individuals can submit reports anonymously. However, in certain circumstances involving safety or criminal action, the College may not be able to guarantee anonymity. Additionally, the actions WCC may take in response to a complaint may be limited if the complaint is submitted anonymously.

Regardless of the situation, matters are handled discreetly and in conformity with SUNY WCC privacy practices and applicable policies, and information about individuals or situations will be shared only with those who have a legitimate need to know.

SUNY WCC also has strong anti-retaliation policies that protect members of the campus community who, in good faith, report incidents and/or cooperate in an investigation.

Emergencies

In the event of an emergency, on the Valhalla Campus, individuals should immediately contact Campus Security at x6911 from any campus phone or 914-606-6911. In the event of an emergency, at an Extension Center, individuals should immediately dial 911. Individuals should not use the Hate or Bias Related Incident Form to report emergency situations.

SECTION V
Bias Incident Response Team

The Bias Incident Response Team comprises members from relevant College divisions and departments, including, but not limited to: The President's Office, Student Life, Campus Security, Human Resources, Academic Affairs, and Strategic Marketing & Communications. The Chief Diversity Officer chairs the Bias Incident Response Team. The Chief Diversity Officer may convene the College's Bias Incident Response Team to address an incident report.

The CDO coordinates the College's response to reported bias incidents and, if necessary, issues recommendations to the appropriate College officials.

The work of the Bias Incident Response Team will not replace or override existing campus or external complaint processes or investigation protocols and services available to the College community.

SECTION VI

Procedures After a Report is Received

1. The Office of Diversity, Equity & Inclusion will receive reports from faculty, staff, students, visitors, vendors and contractors if they have experienced or witnessed an incident of bias or hate while on campus or at off-campus facilities, activities or events.
2. The Chief Diversity Officer may call upon the Bias Incident Response Team to assist with the campus response. The team will be chaired by the Chief Diversity Officer and be comprised of members from relevant College Departments, including, but not limited to: Student Affairs, Campus Security, Human Resources, the President's Office, Academic Affairs, and Marketing & Communications. The work of the Bias Incident Response Team will not substitute, replace or override existing campus or external complaint processes, investigation protocols and services available to the College community, including those listed in this document.
3. The Office of Diversity, Equity, and Inclusion (with the Bias Response Team, as appropriate) will review the report, determine an appropriate course of action and proceed accordingly. Some actions may require forwarding the information contained in the report to other appropriate campus units for additional action or the opening of a formal college investigation by the Office of Diversity, Equity & Inclusion. Please note that the Office of Diversity, Equity, and Inclusion must inform Campus Security and the Westchester County Police Department of any crimes that are reported.
If the reporting individual provided their name and contact information, they will, via the Office of Diversity, Equity & Inclusion, be offered support and resources (which may include possible Interim Administrative Actions as detailed in the Student Code of Conduct) and, when appropriate, notified of any action taken.
4. The Office of Diversity, Equity and Inclusion will monitor all cases, provide a summary of the report to the College President and their Cabinet and participate in any community response, as necessary.
5. The Office of Diversity, Equity and Inclusion will analyze and detect any trends or emerging areas of concern so they can be incorporated into strategic planning.

SECTION VII

Investigative Procedures

Reports Made Through The Hate Or Bias Related Incident Form

Upon receipt of a Hate or Bias Related Incident Form, the Office of Diversity, Equity & Inclusion may take the following actions after reviewing the initial report:

1. If the report details an incident that may potentially fall under the category of a hate crime: the Office of Diversity, Equity & Inclusion will notify the WCC Security Department who will immediately contact the Westchester County Police Department to conduct further investigation*. WCC Security will request copies of final investigative reports from the Westchester County Police Department. The Office of Diversity, Equity & Inclusion will ensure appropriate supports and interim measures are provided to the reporting individual and other affected parties. The Office of Diversity, Equity & Inclusion will also assign a trained investigator to review the WCC Security Incident Report, meet with relevant parties, collect and examine evidence and compile a WCC investigative report.
2. If the initial investigation determines that the incident does not rise to the level of a crime: the Office of Diversity, Equity & Inclusion will assign a trained investigator to review the WCC Security Incident Report, meet with relevant parties, collect and examine evidence, and compile an investigative report. The Office of Diversity, Equity & Inclusion will also ensure appropriate supports and interim measures are provided to the reporting individual and other affected parties.

Procedure For Reports Made to WCC Security

Upon receiving a report of an incident involving a report of a hate crime or biased incident, the WCC Security Department will adhere to the following guidelines for an initial investigation:

- Notification will be made to the on-duty security supervisor.
- Notification will be made to the Director of Security and/or the on-duty Assistant Director of Security.
- The reporting individual(s) will be interviewed immediately or as soon as is reasonably practicable to determine if the incident is classified as a hate crime or a bias incident.
- An incident report will be prepared.

If the initial investigation determines that the incident may potentially fall under the category of a hate crime, the Westchester County Police Department will be contacted immediately for further investigation. WCC Security will request copies of final investigative reports from the Westchester County Police Department. Notification will also be made to the Office of Diversity, Equity & Inclusion to ensure appropriate supports and interim measures are provided to the reporting individual and other affected parties. The Office of Diversity, Equity & Inclusion may also elect to assign a trained investigator to review the WCC Security Incident Report, meet with relevant parties, collect and examine evidence and compile a WCC investigative report.

If the initial investigation determines that the incident does not rise to the level of a crime, the matter will be referred to the Office of Diversity, Equity & Inclusion for further investigation. The Office of Diversity, Equity & Inclusion will assign a trained investigator to review the WCC Security Incident Report, meet with relevant parties, collect and examine evidence, and compile an investigative report. The Office of Diversity, Equity & Inclusion will also ensure appropriate supports and interim measures are provided to the reporting individual and other affected parties.

Investigative Report Referrals

All final investigative reports, regardless of their origin (either written internally through a WCC Department or via the Westchester County Police Department), that may allege a violation of college policy, will be referred to Student Life for possible college disciplinary proceedings as detailed in the Student Code of Conduct (www.sunywcc.edu/codeofconduct) or to Human Resources.

SECTION VIII

Possible Outcomes

Depending on the nature of the reported incident, the Office of Diversity, Equity, & Inclusion may, through appropriate College officials:

1. Offer support, as well as information, about available resources
2. Provide the reporting individual with information and resources regarding the investigative and resolution process, in accordance with applicable College policies
3. Inform College officials, including the Board of Trustees on a quarterly basis, and, if applicable, consult on the institutional response,
4. Conduct a formal college investigation and/or refer the report to the Westchester County Police Department if a crime is reported.
 - a. If violations to college policies are detailed in investigative reports, referrals may be made to Student Life, for possible student disciplinary proceedings as detailed in the Student Code of Conduct (www.sunywcc.edu/codeofconduct) or to Human Resources for possible employee disciplinary proceedings.
5. Recommend or provide resources for community healing and outreach
6. Assess avenues for minimizing or eliminating future bias incidents
7. Institutional responses may include:
 - a. Removing offending graffiti or flyers, consistent with campus policy and the First Amendment
 - b. Reaching out individually to those affected
 - c. Offering resources and support to the individuals and communities affected.
 - d. Organizing educational workshops or seminars
 - e. Notifying the campus community about the incident, if warranted by the circumstances

SECTION IX

Resources for Victims of Hate Crimes or Bias Incidents

Persons who are victims of hate crimes or bias incidents may feel confused, overwhelmed, vulnerable, out of control, embarrassed, angry, distrustful, or depressed. The College provides a variety of resources for support and advocacy to assist individuals who have experienced these types of crimes or incidents. Individuals can reach out to any of the below offices to discuss available resources:

- Diversity, Equity & Inclusion Office
www.sunywcc.edu/diversity
914-606-6313; DEI@sunywcc.edu

- Department of Mental Health & Counseling Services
Student Center 181
www.sunywcc.edu/mentalhealth
914-606-7784; MentalHealthServices@sunywcc.edu

- Security Department
Student Center 118
www.sunywcc.edu/security
914-606-6911 (available 24 hours); security@sunywc.edu

SECTION X

Student Onboarding and Ongoing Education

The College believes that training and education to prevent hate crimes and bias incidents cannot be accomplished via a single day or a single method of training. The College will continue to educate all new and current students using a variety of best practices aimed at educating the entire College community in a way that decreases hate crimes and bias related incidents, promotes discussion, and encourages reporting.

During the course of their onboarding to the College, all new first-year and transfer students will receive training on the following topics:

1. Applicable laws, ordinances, and regulations on bias related crime, including the provisions and coverage of the hate crimes act of 2000 codified in article four hundred eighty-five of the penal law.
2. the penalties for commission of bias related and hate crimes.
3. the procedures in effect at the college for dealing with bias related and hate crimes.
4. the availability of counseling and other support services for the victims of bias related and hate crimes.
5. the nature of and common circumstances relating to bias related and hate crimes on college campuses; and
6. the methods the college employs to advise and to update students about security procedures.