



**POLICY ON BIAS INCIDENTS AND HATE CRIMES**

**RESPONSIBLE ADMINISTRATORS:** VICE PRESIDENT FOR STUDENT AFFAIRS, CHIEF OF POLICE, VICE PRESIDENT FOR DIVERSITY & INCLUSION (JOINT RESPONSIBILITY)

**RESPONSIBLE OFFICE(S):** (IN ORDER OF REFERENCE IN THE POLICY)  
OFFICE OF THE VICE PRESIDENT FOR STUDENT AFFAIRS  
DEPARTMENT OF POLICE SERVICES  
OFFICE OF THE VICE PRESIDENT FOR DIVERSITY AND INCLUSION  
EEO/AA OFFICER  
OFFICE OF HUMAN RESOURCES  
OFFICE OF STUDENT CONDUCT  
CONFLICT RESOLUTION NETWORK  
INSTITUTE FOR MULTICULTURAL EDUCATION AND DIVERSITY TRAINING

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**APPROVALS:** APPROVED BY:

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*(Vice President for Student Affairs)* *Date*

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*(Vice President for Diversity and Inclusion)* *Date*

APPROVED BY THE PRESIDENT:

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*David B. Ashley* *Date*

**REVISION DATE:** TBD

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**EXECUTIVE SUMMARY**

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Purpose

To establish a policy for preventing, responding to, investigating, and resolving incidents and crimes motivated by bias and hatred against individuals, groups, organizations, businesses, or institutions on the basis of actual or perceived group membership.

Clarification of Purpose

Preventing bias incidents and hate crimes is the key objective of this policy. This policy’s prevention cornerstone focuses on educating the campus community to differentiate bias incidents from hate crimes in theory, and then responding appropriately when actual incidents or crimes emerge.

This policy:

- is *not* a speech code;
- does not “criminalize” biased behavior;
- does not impinge upon or police freedoms;
- requires uniform implementation *regardless of group membership*;

- *protects everyone and holds everyone accountable*, whoever they are and regardless of their thoughts, avenues of inquiry, and expression of ideas or perspectives, both in classroom and workplace contexts;
- seeks to diffuse conflict at the local level, not escalate it to a police matter; and,
- is designed to facilitate community building through the practice of direct communication, especially on controversial issues or concerns.

#### Relationship to Freedom of Expression and Academic Freedom

This policy recognizes the particular importance that the University, as an institution of learning, places on the free exchange of ideas, and, thus, its commitment to open speech and vigorous dialogue, discussion, and debate. As a result, this policy compels each member of the campus community to promote free expression.

#### Reporting and Resolution of Bias Incidents and Hate Crimes

This policy outlines informal and formal options related to the reporting and resolution of bias incidents and hate crimes. Where there is no perceived or actual threat, this policy encourages all members of the campus community to take advantage of the informal options first. Doing so in no way precludes access to the formal options at a later point.

#### Informal Process

The University encourages prompt **informal** resolution of bias incident(s) by providing *a mechanism to open dialogue*—between the targeted individual and the perceived agent, without or with the assistance of a fair third party—*as follows*:

1. The target of a perceived or actual bias incident will engage the perceived or actual agent of the bias incident in direct discussion of the incident with the intent to informally resolve it; **OR**,
2. The target of a perceived or actual bias incident, with assistance from a fair third party of their choosing, will engage the perceived or actual agent of the bias incident in direct discussion of the incident with the intent to informally resolve it; **OR**,
3. The target of a perceived or actual bias incident will report the incident to the lowest level supervisor above (and incrementally thereafter as is necessary) the perceived or actual agent of the bias incident with the intent to informally resolve it; **OR**,
4. The target of a perceived or actual bias incident will report the incident to the most appropriate (based on the nature of the incident) individual/office listed under the **CONTACTS AND RELATED RESOURCES** heading in the Policy with the intent to informally resolve it—making an informal report to these contacts/resources does not automatically mandate that a formal report be made. It is important to note that access to these contacts/resources is not predicated on making a report, informal or formal. Questions or concerns related to the areas of responsibility for each contact/resource are welcomed, and information will be provided without any expectation that a report be made.

#### Formal Process

The University encourages prompt **formal** reporting of bias incident(s) and hate crime(s) *in the following manner* so that it can investigate the alleged facts of a report for possible violation(s) of

University policy, including UNLV employee and student codes of conduct, and determine whether an independent investigation for violation(s) of criminal law is warranted.

1. All reports of bias incidents or hate crimes made to UNLV Police Services shall be *initially* responded to by a UNLV police officer.
2. A UNLV police officer shall be dispatched either to the person making the report and/or to a reported location of an *alleged* incident or crime.
3. A UNLV police field supervisor shall be notified when it is determined that a potential or actual bias incident or hate crime is suspected. The field supervisor shall immediately notify the Chief of Police, or designee.
4. The UNLV police responding officer will complete and file a report on the bias incident or hate crime for review by the shift supervisor.
5. The shift supervisor will determine if the report constitutes a hate crime:
  - *If it does not warrant independent investigation*, the report will be referred to the appropriate non-police University administrator for follow up based on the nature of the bias incident *and the police involvement with the report will be officially closed* (see Policy for additional details on the **formal non-police** process from this point).
  - *If it does warrant independent investigation*, a UNLV police detective, with training to investigate bias incidents and hate crimes, will be assigned to the investigation (see Policy for additional details on the **formal police** process from this point).

#### False Reports

Because bias incidents and hate crimes frequently involve interactions between persons that are not witnessed by others, reports of bias and hate cannot always be substantiated by additional evidence. Lack of corroborating evidence or "proof" should not discourage individuals from reporting bias incidents or hate crimes under this policy. However, individuals who make reports that are later found to have been intentionally false or made maliciously without regard for truth, may be subject to disciplinary action under the applicable University and Board of Regents disciplinary procedures. This provision does not apply to reports made in good faith, even if the facts alleged in the report cannot be substantiated by subsequent investigation.

#### Definitions

A. "Bias Incidents" refers to verbal, written, or physical acts of intimidation, coercion, interference, frivolous claims, discrimination, and sexual or other harassment motivated, in whole or in part, by bias based on actual or perceived race, ethnicity, color, religion, creed, sex (including gender identity or expression, or a pregnancy related condition), sexual orientation, national origin, military status or military obligations, disability (including veterans with service-connected disabilities), age, marital status, physical appearance, political affiliation, or on the basis of exercise of rights secured by the First Amendment of the United States Constitution. Such acts, although in violation of applicable University codes of employee and/or student conduct may or may not violate state or federal statutes. Bias incidents do not include statements made on controversial issues that serve to promote intellectual inquiry into those issues. While such statements and related discussion can cause feelings of discomfort, a "reasonable person" can and must differentiate these statements from bias incidents.

B. "Hate Crime" refers to any criminal offense committed against a person or property that is motivated, in whole or in part, by an offender's bias against actual or perceived race, religion, disability, ethnic/national origin identity or sexual orientation identity.

#### A Final Note About Training

All police and non-police personnel with formal responsibility for responding to bias incidents and/or hate crimes in accordance with this policy have received specialized training to ensure that they maintain the educational mission of the University in the process of preventing, responding to, investigating, and resolving incidents and crimes motivated by bias and hatred. This training emphasizes the need for freedom, the right to think the unthinkable, discuss the unmentionable, and challenge the unchallengeable—in short, the right to dissent. For more information about available training on "Understanding and Preventing Bias Incidents and Hate Crimes," including to request training, please contact the Office of the Vice President for Diversity and Inclusion at 702.895.5580 or <http://diversity.unlv.edu/training>.

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### STATEMENT OF PURPOSE

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To establish a policy for preventing, responding to, investigating, and resolving incidents and crimes motivated by bias and hatred against individuals, groups, organizations, businesses, or institutions on the basis of actual or perceived race, ethnicity, color, religion, creed, sex (including gender identity or expression, or a pregnancy related condition), sexual orientation, national origin, military status or military obligations, disability (including veterans with service-connected disabilities), age, marital status, physical appearance<sup>1</sup>, political affiliation, or on the basis of exercise of rights secured by the First Amendment of the United States Constitution.

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### CLARIFICATION OF PURPOSE

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This policy is *not* a speech code. Further, this policy is not intended to and does not police freedom or change what is "right" and "wrong."

This policy requires uniform implementation *regardless of group membership* in the context of a bias incident or hate crime. In so doing, this policy *protects everyone and holds everyone accountable*, whoever they are and regardless of their thoughts, avenues of inquiry, and expression of ideas or perspectives, both in classroom and workplace contexts.

Most of this policy pulls out and names as a bias incident or hate crime what already exists elsewhere in policy, inclusive of employee and student codes of conduct, and law. So while the reporting protocols this policy articulates are already in place, corresponding oversight mechanisms to ensure that these protocols are appropriately undertaken are not. Thus, the policy actually mitigates the potential for abuse of authority that exists without it by requiring collective oversight and multiple levels of checks and balances.

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<sup>1</sup>Personal appearance means the outward appearance of any person, irrespective of sex, with regard to bodily condition or characteristics, manner or style of dress, and manner or style of personal grooming, including, but not limited to, hair style and beards. It shall not relate, however, to the requirement of cleanliness, uniforms, or prescribed standards, when uniformly applied to a class of employees, or when such bodily conditions or characteristics, or manner of style of dress or personal grooming presents a danger to the health, welfare, or safety of any individual.

This policy does not “criminalize” bias incidents. Rather, this policy codifies bias incidents as a hate crimes prevention measure. Bias incidents are often the first sign of an escalating set of circumstances that, if not addressed – where appropriate – through student or employee conduct codes, can lead to hate crimes.

This policy also provides the campus community with a roadmap for how to “get back on track” when an incident or crime occurs. It does this by explicitly overriding unwritten rules (whether or not these rules operate via unwritten customs or are unconsciously embedded in other policy and law), and by providing protection from intimidation, coercion, interference, frivolous claims, and violence.

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### ENTITIES AFFECTED BY THIS POLICY

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This policy impacts all members of the campus community – students, faculty, and staff at all levels and in all types of roles. This policy also impacts University contractors and visitors.

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### WHO SHOULD READ THIS POLICY

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This policy should be read by all members of the campus community, all entities that do business with the University, as well as periodic and one-time visitors to UNLV.

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### POLICY<sup>2</sup>

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### RELATIONSHIP OF THIS POLICY TO A SENSE OF COMMUNITY, FREEDOM OF EXPRESSION, ACADEMIC FREEDOM, DISCRIMINATION, AND SEXUAL HARASSMENT

#### Sense of Community

The University of Nevada, Las Vegas (“UNLV” or “University”) is working very hard to make itself a place that is welcoming and affirming to everyone. In the process of this work, it is clear that what is welcoming and affirming to one person, may have the opposite impact on another. Thus, members of the UNLV community must work together to develop a kind of “third space” where everyone is provided what they need to feel supported enough to stay in our community, at the same time that they are challenged enough to grow and develop without becoming isolated or alienated to the point of pre-maturely departing from the campus. This is a difficult balance to establish and maintain – it is, by definition, constantly shifting. Thus, to shape this balance in an overall positive direction for everyone in our community requires our collective persistent and focused engagement and attention. Campus climate is indeed a community responsibility.

There are times when policy or law is so forthright that it permits the “victim” or *target* of a relatively mild offense to completely disregard the intent of the “perpetrator” or *agent*. On the other hand, there are times when law or policy is so broad or vague, that it enables the agent of an even particularly hostile offense to act with indifference to the impact of their actions on the target. As a community of peoples dedicated to building a dynamically supportive and challenging educational

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<sup>2</sup>References to policy, inclusive of codes of conduct, and law, etc., herein are to current/existing ones and will be updated accordingly.

and workplace community, we need to develop the capacity to think beyond what policy or law permits and do what we—as educated and engaged citizens—come to know will continually grow and develop our community.

While policy and law afford us the freedom to express ourselves in myriad ways, the spirit of community asks us to at least consider why we would choose forms of expression that inhibit community building.

### Freedom of Expression

This policy recognizes the particular importance that the University, as an institution of learning, places on the free exchange of ideas, and, thus, its commitment to open speech and vigorous dialogue, discussion, and debate. As a result, this policy compels each member of the campus community to promote free expression. While members of the campus community are free to deplore what they find unacceptable, offensive, even inflammatory, and those responsible may be urged to change, this policy maintains that the educational mission of the University requires the need for freedom, the right to think the unthinkable, discuss the unmentionable, and challenge the unchallengeable—in short, the right to dissent.

At the same time, this policy asks us to consider the hurt that may result from the use of controversial language and expression of related ideas, but it does not prohibit or sanction violations of this ethical consideration so long as they do not contravene University policy, employee or student codes of conduct, or law. In considering this hurt, this policy asks us to acknowledge that while the legal construct of freedom extends equally to everyone, in practice it is clear that some members of our campus, as well as of our larger society, are afforded greater latitude to, in fact, freely express themselves than are others. This latitude derives, in varied measure, from an individual's formal power within the University, as well as from their membership in, and/or special affiliation with, particular groups in the larger society that have historically had greater access to full participation in democracy than others. In acknowledging this, we ask that all members of the University community make a constant effort to recognize the profound complexities associated with the actual realization of free expression for members of our community who are the least institutionally empowered by their roles and/or functions on campus and/or because of their actual or perceived race, ethnicity, color, religion, creed, sex (including gender identity or expression, or a pregnancy related condition), sexual orientation, national origin, military status or military obligations, disability (including veterans with service-connected disabilities), age, marital status, physical appearance, political affiliation, or on the basis of exercise of rights secured by the First Amendment of the United States Constitution.

While freedom of expression protects controversial ideas and views, it does not protect threats of or actual misconduct that violate University policy, inclusive of employee and student codes of conduct, or criminal law.

### Academic Freedom

In the public higher education community, we are fortunate to have the intellectual latitude—the academic freedom—to be able to meaningfully explore controversial issues across a range of subject areas and in a variety of curricular, co-curricular, and community-based contexts. In the exploration of what are often politically complex and emotionally charged topics, it is often necessary to examine terminology and concepts, even behaviors, that, on occasion, may be vulgar, offensive, inflammatory, derogatory, or in other ways make us uncomfortable. Engaging in these explorations, especially when

they are well structured and facilitated, can help us to come to critical and comprehensive understandings of the manifestations of bias, discrimination, sexual harassment, and hate so that, subsequently, we can learn how to debunk and assuage them if we so choose. Thus, while the expression of an idea or point of view may be vulgar, offensive, inflammatory, or derogatory to some, it is not necessarily a violation of University policy or of law.

UNLV values and embraces the ideals of freedom of thought, inquiry, and expression that undergird academic freedom and, thus, must be vitally sustained in a community of scholars. This is particularly important to note given that the main purpose of centers of higher learning is to foster inquiry, especially into ideas that challenge prevailing perceptions.

Accordingly, this policy is not intended to and does not infringe upon academic freedom in teaching or research as established in the Nevada System of Higher Education (“NSHE”) Code, Title 2, Chapter 2. No claim of bias may be sustained if the alleged bias constitutes one or more expressions of academic freedom as defined in the Code. This shall inure to all members of the academic community by accreditation requirements. When there is doubt, all presumptions should favor plausible claims of academic freedom.

#### Discrimination and Sexual Harassment

UNLV is committed to providing a place of work and learning free of discrimination on the basis of race, ethnicity, color, religion, creed, sex (including gender identity or expression, or a pregnancy related condition), sexual orientation, national origin, military status or military obligations, disability (including veterans with service-connected disabilities), age, marital status, physical appearance, political affiliation, or on the basis of exercise of rights secured by the First Amendment of the United States Constitution. Where discrimination or sexual harassment is found to have occurred, UNLV will act to stop it, to prevent its recurrence, and to educate, remediate, and/or discipline up to and including termination and/or expulsion, as is appropriate depending on the circumstances, those responsible in accordance with the NSHE Code or, in the case of classified employees, the Nevada Administrative Code (NAC).

Discrimination is illegal. See the Policy Against Sexual Harassment, Board of Regents Handbook, Title 4, Chapter 8, Section 14.

Sexual harassment is a form of discrimination; it is illegal. See the Policy Against Discrimination, Board of Regents Handbook, Title 4, Chapter 8, Section 10.

No employee or student, either in the workplace or in the academic environment, should be subject to unwelcome or unwanted verbal or physical conduct that is discriminatory or sexually harassing in nature.

UNLV is committed to creating and sustaining a sense of community that values the principles of free expression and academic freedom, broadly considered. Vigorous dialogue, discussion, and debate on the most controversial of issues are fundamental rights and this policy is not intended to stifle them. Discrimination and sexual harassment, however, are neither legally protected expression nor the proper exercise of these freedoms; they compromise the integrity of institutions, the tradition of intellectual freedom, and the trust placed in the institutions by their members and external stakeholders.

#### **INFORMAL AND FORMAL REPORTING AND RESOLUTION PROCESSES**

This policy outlines informal and formal options related to the reporting and resolution of bias incidents and hate crimes. Where there is no perceived or actual threat, this policy encourages all members of the campus community to take advantage of the informal options first. Doing so in no way precludes access to the formal options at a later point. Violations of the law, including violence or threats of violence, should be immediately reported to the police by dialing 911 (if you dial 911 from campus but from a non-campus telephone, be sure to let the police dispatcher know that you are calling from UNLV).

**INFORMAL RESOLUTION OR INFORMAL REPORTING AND RESOLUTION (IR): BIAS INCIDENTS**

As an educational community we are committed to:

- understanding and embracing diversity and inclusion challenges as opportunities for education or training first, and situations requiring discipline or punishment second;
- teaching empowerment, not fomenting victimization, at the same time that we are mindful that no one can “know” another person’s experience and, thus, their current capacity for self-advocacy;
- creating a campus climate that encourages face-to-face dialogue and conflict negotiation.



With these commitments in mind, where the target of a perceived or actual bias incident feels/is comfortable/safe doing so, the University encourages prompt informal resolution or reporting of bias incident(s) in the following manner:

- 1<sup>IR</sup>. The target of a perceived or actual bias incident will engage the perceived or actual agent of the bias incident in direct discussion of the incident with the intent to informally resolve it; **OR**,
- 2<sup>IR</sup>. The target of a perceived or actual bias incident, with assistance from a fair third party of their choosing, will engage the perceived or actual agent of the bias incident in direct discussion of the incident with the intent to informally resolve it; **OR**,
- 3<sup>IR</sup>. The target of a perceived or actual bias incident will report the incident to the lowest level supervisor above (and incrementally thereafter as is necessary) the perceived or actual agent of the bias incident with the intent to informally resolve it; **OR**,
- 4<sup>IR</sup>. The target of a perceived or actual bias incident will report the incident to the most appropriate (based on the nature of the incident) individual/office listed under the **CONTACTS AND RELATED RESOURCES** heading below with the intent to informally resolve it – making an informal report to these contacts/resources does not automatically mandate that a formal report be made. It is important to note that access to these contacts/resources is not predicated on making a report, informal or formal. Questions or concerns related to the areas of responsibility for each contact/resource are welcomed, and information will be provided without any expectation that a report be made.

### **UNIVERSAL FORMAL REPORTING<sup>3</sup> (FR): HATE CRIMES AND BIAS INCIDENTS**

The University encourages prompt formal reporting of bias incident(s) and hate crime(s) in the following manner so that it can investigate the alleged facts of a report for possible violation(s) of University policy, including UNLV employee and student codes of conduct, and determine whether an independent investigation for violation(s) of criminal law is warranted:

- 1<sup>FR</sup>. All reports of bias incidents or hate crimes made to UNLV Police Services shall be *initially* responded to by a UNLV police officer.
- 2<sup>FR</sup>. A UNLV police officer shall be dispatched either to the person making the report and/or to a reported location of an *alleged* incident or crime.
- 3<sup>FR</sup>. A UNLV police field supervisor shall be notified when it is determined that a potential or actual bias incident or hate crime is suspected. The field supervisor shall immediately notify the Chief of Police, or designee.
- 4<sup>FR</sup>. The UNLV police responding officer will complete and file a report on the bias incident or hate crime for review by the shift supervisor.
- 5<sup>FR</sup>. The shift supervisor will determine if the report constitutes a hate crime.

### **DIFFERENTIATED FORMAL REPORTING, RESPONSE, INVESTIGATION, FOLLOW UP, AND RESOLUTION: HATE CRIMES (HC)**

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<sup>3</sup>Research suggests that while there will be an increase in reports of bias incidents and hate crimes as this policy is introduced to the campus community, this increase will normalize over time. Reporting trends will be monitored accordingly.

The University encourages prompt formal reporting of, response to, investigation of, follow up on, and resolution of hate crime(s) in the following manner so that it can investigate the alleged facts of a report for possible violation(s) of University policy, including UNLV employee and student codes of conduct, and determine whether an independent investigation for violation(s) of criminal law is warranted:

5<sup>HC</sup>. [Continued from 5<sup>FR</sup> above] The shift supervisor will determine if the report constitutes a hate crime; *if it does* a UNLV police detective, with training to investigate bias incidents and hate crimes, will be assigned to the investigation. This detective will contact the reporting person, as well as other targets and/or witnesses, to:

- a) check in on their well-being (and, where indicated, make referrals to appropriate University and/or community personnel who can provide additional and/or specialized support or guidance);
- b) reiterate that the report is being taken seriously; and,
- c) secure any additional details about the crime that might be pertinent to their investigation; this individual(s) will be kept abreast of the progress of the investigation and its final disposition to the extent allowed and/or desired.

6<sup>HC</sup>. Every investigation will be carried out to the fullest extent possible, including referral to the appropriate authorities for criminal prosecution, given available and ascertainable information and evidence.

7<sup>HC</sup>. Details on hate crimes shall be documented on and disseminated through the Public Safety website (Daily Log), Jeanne Clery Act reports, and other reporting vehicles/venues.

8<sup>HC</sup>. All hate crimes shall be specially reported to the Office of the Vice President for Student Affairs and the Office of the Vice President for Diversity and Inclusion. They shall, in turn, notify the Conflict Resolution Network and the Institute for Multicultural Education and Diversity Training for intervention- and prevention-based follow up attention.

**DIFFERENTIATED FORMAL REPORTING, RESPONSE, INVESTIGATION, FOLLOW UP, AND RESOLUTION:  
BIAS INCIDENTS (BI)**

The University encourages prompt formal reporting of, response to, investigation of, follow up on, and resolution of bias incident(s) in the following manner so that it can investigate the alleged facts of a report for possible violation(s) of University policy, including UNLV employee and student codes of conduct:

5<sup>BI</sup>. [Continued from 5<sup>FR</sup> above] The shift supervisor will determine if the report constitutes a hate crime; *if it does not*, the report will be referred to the appropriate non-police University administrator for follow up based on the nature of the bias incident *and the police involvement with the report will be officially closed*. This administrator will contact the reporting person, as well as other targets and/or witnesses, to:

- a) check in on their well-being (and, where indicated, make referrals to appropriate University and/or community personnel who can provide additional and/or specialized support or guidance);
- b) reiterate that the report is being taken seriously; and,

c) secure any additional details about the incident that might be pertinent to their investigation; this individual(s) will be kept abreast of the progress of the investigation and its final disposition to the extent allowed and/or desired.

6<sup>BI</sup>. Every investigation will be carried out to the fullest extent possible, given available and ascertainable information and evidence, as follows:

a) where discretion is afforded, in a manner that affords the target of the incident the greatest opportunity to be “made whole” again;

b) where discretion is afforded, in a manner that enables the agent of the incident to learn from her or his mistakes, as opposed to being punished without regard to his or her understanding of wrongdoing;

c) where discretion is afforded and willingness exists, in a manner that encourages dialogue between the target and the agent to encourage reconciliation;

d) where discretion is not afforded, in a manner consistent with University policy, inclusive of employee and student codes of conduct.

7<sup>BI</sup>. Details on bias incidents that do not violate student or employee confidentiality shall be documented on the Conflict Resolution Network website.

8<sup>BI</sup>. All bias incidents shall be specially reported to the Office of the Vice President for Student Affairs and the Office of the Vice President for Diversity and Inclusion. They shall, in turn, notify the Conflict Resolution Network and the Institute for Multicultural Education and Diversity Training for intervention- and prevention-based follow up attention.

## **RETALIATION**

Retaliation against an individual who in good faith complains of alleged bias or hate or provides information in an investigation about behavior that may violate this policy is against the law, will not be tolerated, and may be grounds for education, remediation, or discipline. Retaliation, as defined below, as in violation of this policy may result in discipline up to and including termination and/or expulsion. Any student or employee reporting a bias incident or hate crime or assisting in the investigation of such incident or crime will not be adversely affected in terms and conditions of academic standing and/or employment, nor discriminated against, harassed, expelled, or terminated because of their actions in this regard.

“Retaliation” may include, but is not limited to, such conduct as:

an unfair grade;

an unfavorable reference letter;

the denial of adequate personnel to perform duties;

frequent replacement of members of the staff;

frequent and undesirable changes in the location of an office;

the refusal to assign meaningful work;

unwarranted disciplinary action;

unfair work performance evaluations;

a reduction in pay;

the denial of a promotion;  
a dismissal;  
a transfer;  
frequent changes in working hours or workdays.

### **FALSE REPORTS**

Because bias incidents and hate crimes frequently involve interactions between persons that are not witnessed by others, reports of bias and hate cannot always be substantiated by additional evidence. Lack of corroborating evidence or "proof" should not discourage individuals from reporting bias incidents or hate crimes under this policy. However, individuals who make reports that are later found to have been intentionally false or made maliciously without regard for truth, may be subject to disciplinary action under the applicable University and Board of Regents disciplinary procedures. This provision does not apply to reports made in good faith, even if the facts alleged in the report cannot be substantiated by subsequent investigation.

### **TRAINING AND PREVENTION**

1. Police and non-police "first responders" (as delineated herein under the **CONTACTS AND RELATED RESOURCES** heading below) to bias incidents and hate crimes will receive specialized training in bias incident/hate crime response, investigation, resolution, and prevention.
2. A Conflict Resolution Network, comprised of all of the individuals on campus with formal responsibility for some aspect of conflict resolution, has been established to publicize the range of options available to students, faculty, and staff to resolve conflict on campus, and to coordinate the provision of conflict resolution services across campus to maximize their effectiveness. Because coordinating responsibility for different aspects of conflict resolution is shared by the Office of the Vice President for Planning and the Office of the Vice President for Diversity and Inclusion, both offices are co-coordinating the Network's efforts. These efforts include, but are not limited to:
  - a) supporting current NSHE and UNLV bias incidents/hate crimes prevention, response, and resolution protocols;
  - b) promoting intergroup relations;
  - c) sharing, as is appropriate (with respect to confidentiality), information about potentially volatile situations in order to respond to and, ultimately, resolve them in the most effective manner possible for all involved; and,
  - d) facilitating conversations with individuals involved in conflict, with the purpose of opening communication and allowing understanding of the situation from all perspectives, with the process evolving into negotiation and finally, resolution.
3. University police and diversity personnel will integrate a prevention education component on bias incidents and hate crimes (recognition of, response to, and reporting of) in all orientation sessions with new employees and students.
4. This policy will be published on the University's police, diversity, human resources, and policy websites, and, on an annual basis, in printed employee and student orientation manuals, catalogues, and other major information dissemination vehicles.

5. Along with information regarding the prevention, response, and resolution protocols related to discrimination and sexual harassment, the President will electronically disseminate this policy to the campus community on an annual basis.
6. Copies of this policy will be posted on kiosks, bulletin boards, and in graffiti-prone locations across campus on an annual basis.

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### **RELATED DOCUMENTS**

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#### **BACKGROUND ON EXISTING POLICY AND LAW PERTAINING TO BIAS INCIDENTS AND HATE CRIMES AND IMPETUS FOR THE ESTABLISHMENT OF THIS POLICY ON BIAS INCIDENTS AND HATE CRIMES**

The Board of Regents requires that all NSHE institutions adopt specific policies and procedures regarding hate crimes and that such policies and procedures must describe the manner in which the institution and/or its police services will respond to and investigate any report of a hate crime because hate crimes are particularly repugnant to the mission of the Nevada System of Higher Education (NSHE) and detrimental to the responsibility of NSHE to provide a safe environment for education, research and service for the NSHE community.

There is no specific statute entitled "Hate Crime" under Nevada law. There is a penalty-enhancement statute, NRS 193.1675. This provision addresses certain crimes, including, but not limited to, mayhem (NRS 200.280), kidnapping (NRS 200.310), sexual assault (NRS 200.366), robbery (NRS 200.380), and battery with intent to commit a crime (NRS 200.400). In the event an individual is convicted of any of the listed crimes in NRS 193.1675, there is the possibility of a sentence enhancement if it is determined by a Court that the crime was committed "because the actual or perceived race, color, religion, national origin, physical or mental disability or sexual orientation of the victim was different from that characteristic of the perpetrator." However, NRS 193.1675 specifically states that this section does not create a separate offense but provides an additional penalty for the primary offense.

NRS 207.185 makes certain unlawful acts a gross misdemeanor if it is determined that the unlawful act was committed "by reason of the actual or perceived race, color, religion, national origin, physical or mental disability or sexual orientation of another person or group of persons."

NRS 207.185 provides, "Unless a greater penalty is provided by law, a person who, by reason of the actual or perceived race, color, religion, national origin, physical or mental disability or sexual orientation of another person or group of persons, willfully violates any provision of assault (NRS 200.471), battery (NRS 200.481), older person as victim (NRS 200.5099), harassment (NRS 200.571), stalking (NRS 200.575), breach of peace (NRS 203.010), assembling to disturb peace or commit unlawful act (203.020), provoking commission of breach of peace (NRS 203.030), unlawful assembly (NRS 203.060), armed association (NRS 203.080), disturbing meeting (NRS 203.090), offenses in public conveyances (NRS 203.100), criminal anarchy (NRS 203.110), commission of act in public building or area interfering with peaceful conduct of activities (NRS 203.119), destruction or damage of property by unlawful assembly (NRS 206.010), entering property with intention to damage or destroy property (NRS 206.040), nuisance in building; trespass upon grounds; disturbing assembly (NRS 206.140), posting of bills, signs or posters unlawful (NRS 206.200), injury to other property (NRS 206.310), threatening or obscene letters or writings (NRS 207.180), unlawful trespass upon land; warning against trespassing (NRS 207.200) or penalty for not closing gates (NRS 207.210), is guilty of a gross misdemeanor."

NRS 179A.175 requires the Director of the State of Nevada Department of Public Safety to establish within the Central Repository for Nevada Records of Criminal History, a program for reporting crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability or sexual orientation.

NRS 41.690 affords a civil cause of action for damages resulting from specific criminal violations if the perpetrator was motivated by certain characteristics of the victim.

The University's definition of a "bias incident" is broader than the state and federal laws governing hate crimes. For information on federal hate crime legislation and the FBI's enforcement of it, go to:

<http://www.fbi.gov/hq/cid/civilrights/hate.htm>

#### **STANDARDS OF CONDUCT**

The NSHE Code and the UNLV Student Conduct Code list acts, which are prohibited and that may result in conduct sanctions, some of which, depending on the facts, may apply to incidents of bias.

The behavior of all members of the University community is governed by the Nevada System of Higher Education (NSHE) Code. The behavior of University students is also governed by the UNLV Student Conduct Code.

For more information on the NSHE Code and relevant procedure go to T2-CH06-Rules and Disciplinary Procedures for Members of the University Community, Except DRI located at:

<http://system.nevada.edu/Board-of-R/Handbook/TITLE-2---/index.htm>

For more information on the UNLV Student Conduct Code and relevant procedure, go to:

<http://studentlife.unlv.edu/judicial/StudentConductCode.pdf>

### **COMPLAINTS OF DISCRIMINATION AND SEXUAL HARASSMENT**

The University EEO/AA Officer enforces the University's policies against discrimination and sexual harassment. Students, prospective students, employees and applicants are protected from intimidation, coercion, interference, discrimination, or sexual harassment for filing complaints or assisting in the investigation of such complaints under all applicable federal and state laws and regulations. The EEO/AA Officer is the "front door" for all complaints of discrimination and sexual harassment. If after conducting an investigation of the charges disciplinary action is warranted, the case is referred to the appropriate administrative officer for disciplinary action. For more information on the EEO/AA Officer and discrimination or sexual harassment complaint process, go to:

<http://hr.unlv.edu/Diversity/complaints.html>

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### **CONTACTS AND RELATED RESOURCES**

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#### Contacts

Vice President for Student Affairs  
Chief of Police  
Vice President for Diversity and Inclusion

#### List of Relevant UNLV Resources (referenced in this Policy)

Conflict Resolution Network  
Department of Police Services  
EEO/AA (Equal Employment/Educational Opportunity/Affirmative Action) Officer  
Office of Human Resources  
Office of Student Conduct  
Office of the Vice President for Student Affairs  
Office of the Vice President for Diversity and Inclusion  
Institute for Multicultural Education and Diversity Training

#### Additional Relevant UNLV Resources

CSUN Diversity Council  
CSUN Senate  
Disability Resource Center  
Equity Compliance and Education Council

Faculty Senate  
First Year Programs and Transition Services  
Jean Nidetch Women’s Center  
Graduate and Professional Student Association  
Office of the General Counsel  
Office of the Senior Vice President for Academic Affairs and Provost  
Professional Staff Committee  
Classified Staff Council  
Representative to the NSHE Equity, Diversity, and Inclusion Council (EDIC)  
Saltman Center for Conflict Resolution  
Staff Development and Employee Relations  
Student Counseling and Psychological Services  
Student Diversity Programs and Services  
Student Health Center  
UNLV CSUN Student Government

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## **DEFINITIONS AND RELATED EXAMPLES**

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### **DEFINITIONS**

For the purposes of this policy (and embedded procedure) only:

A. “Bias Incidents” refers to verbal, written, or physical acts of intimidation, coercion, interference, frivolous claims, discrimination, and sexual or other harassment motivated, in whole or in part, by bias based on actual or perceived race, ethnicity, color, religion, creed, sex (including gender identity or expression, or a pregnancy related condition), sexual orientation, national origin, military status or military obligations, disability (including veterans with service-connected disabilities), age, marital status, physical appearance, political affiliation, or on the basis of exercise of rights secured by the First Amendment of the United States Constitution. Such acts, although in violation of applicable University codes of employee and/or student conduct may or may not violate state or federal statutes. Bias incidents do not include statements made on controversial issues that serve to promote intellectual inquiry into those issues. While such statements and related discussion can cause feelings of discomfort, a “reasonable person” can and must differentiate these statements from bias incidents.

B. “Hate Crime” refers to any criminal offense committed against a person or property that is motivated, in whole or in part, by an offender’s bias against actual or perceived race, religion, disability, ethnic/national origin identity or sexual orientation identity.

### **EXAMPLES**

A few examples of bias incidents and hate crimes are listed below. These examples are illustrative, not all-inclusive. If an incident or crime appears to be motivated by bias, prejudice, bigotry, or hatred, it will be handled as a bias incident, hate crime, or both as is appropriate, unless or until other motives are identified, or the intent to threaten, harass, or intimidate on the basis of bias or hate can not be substantiated.

1. Phone calls or e-mails that are intended to threaten, harass, or intimidate on the basis of bias or hate.



2. Graffiti or physical property vandalism demonstrating the intent to threaten, harass, or intimidate on the basis of bias or hate.
3. Vandalism to property identified with a particular group—for example, a place of worship, or the known meeting facilities of an ethnic or sexual orientation organization—in the absence of evidence of other motives, and if there is intent to threaten, harass, or intimidate on the basis of bias or hate.
4. A threat or actual assault, in the absence of other apparent motivation, accompanied by epithets relating to bias or hate.