

# The Hate Crimes and Bias Motivated Offensive Conduct Protocol Annual Report

September 1, 2007 – August 31, 2008

## **1. Introduction**

August 31, 2008 marked the end of the first full year of operation of The Boston College Hate Crimes and Bias Motivated Offensive Conduct Protocol. The Protocol was “developed to provide members of the Boston College community with information on the process for reporting a hate crime or bias-motivated offensive conduct and on the resources available to those who have been the targets of hate.” The Protocol was the product of a community-wide effort led by the Office of the Vice President of Student Affairs and the Office for Institutional Diversity; in the wake of disturbing campus hate incidents during the 2006-2007 academic year. Those incidents and a concern that our response processes were not well understood helped galvanize a commitment in the community to develop the Protocol. The Protocol text and information about associated resources are now available to the BC community on the Office for Institutional Diversity web site at [http://www.bc.edu/offices/diversity/hate\\_crimes\\_protocol.html](http://www.bc.edu/offices/diversity/hate_crimes_protocol.html).

Fulfilling its obligation under the Protocol to report annually on hate crimes and bias motivated offensive conduct impacting the BC community, the Office for Institutional Diversity maintains a database that tallies reported incidents and tracks a standard set of details related to them. The purpose of the mandated report is to:

- provide community members information about campus safety
- identify the nature of incidents that have occurred so that steps can be taken (e.g. education and training) to prevent and better respond to incidents motivated by hate in the future, and
- reassure all members of the community that campus authorities are attentive to all reports of bias-motivated incidents

A preliminary report will be submitted to the Diversity Steering Committee for its review early in the 2008-2009 academic year followed by the issuance of a final report to the Boston College community as soon thereafter as possible.

## **2. Reporting and Maintaining Data**

The Protocol identifies the Boston College Police as the organization primarily responsible for receiving reports of hate crimes and bias motivated offensive conduct. Department administrators, faculty, staff, or students who receive reports of these incidents are required to report them to the BCPD for investigation and referral. The Police and others receiving reports must in turn report them to the Office for Institutional Diversity so that they may be recorded in the database.

## **3. Determining whether reported incidents meet Protocol criteria**

The Protocol defines “hate crime” and “bias motivated offensive conduct,” the two types of conduct that the Protocol seeks to address. The Executive Director for Institutional Diversity is responsible for deciding whether conduct reported for inclusion in the

database in fact meets the criteria provided by the definitions. If they do not they will not be included in the final reported tally. The definitions are as follows:

### Hate Crimes

Hate crimes are not separate, distinct crimes, but rather traditional criminal offenses under federal or state law that are motivated in whole or in part by the offender's bias toward the victim's race, religion, disability, sexual orientation, nationality, gender or ethnicity. Because there is always an "underlying" criminal offense involved in a hate crime, the perpetrator is subject to criminal prosecution. It can be difficult to ascertain an offender's subjective motivation, so characterizing a criminal act as a hate crime may sometimes require a detailed investigation to uncover objective facts to lead a reasonable and prudent person to conclude that the offender's actions were motivated by bias. Hate crimes may include threatened, attempted, or actual crimes; and may include assault and battery, vandalism, or other destruction of property, or verbal threats of physical harm. Harassment or intimidation may also be a hate crime when used to deprive or interfere with a person's exercise of civil rights.

### Bias-Motivated Offensive Conduct

Not all hateful behavior rises to the level of a crime for which the offender may be prosecuted, and not all reported hate crimes are actually prosecuted. This Protocol uses the term "bias-motivated offensive conduct" to refer to behavior that, whether or not criminal, constitutes a violation of behavioral standards and policies listed in the Student Guide and Professional Standards of Boston College, and that is motivated in whole or in part by the offender's bias toward the victim's race, religion, disability, sexual orientation, nationality, gender or ethnicity. Because these policies prohibit criminal as well as some noncriminal behavior, the definitions of and the University response to "hate crime" and "bias-motivated offensive conduct" will overlap. Students accused of bias-motivated offensive conduct are subject to discipline in accordance with the procedures established by the Office of the Dean for Student Development (ODSD), and if found responsible may face sanctions up to and including suspension or dismissal from the University. Faculty and staff accused of bias-motivated offensive conduct are subject to disciplinary action in accordance with the Boston College Employee Handbook, the Policy on Discriminatory Harassment, the University Statutes, and other appropriate policies.

One incident reported to OID for inclusion in the tally for the 2007-2008 academic year was ultimately not included because, in the judgment of the Executive Director for Institutional Diversity, it appeared not to have been motivated by bias as required by the bias motivated offensive conduct definition.

## **4. Reporting and maintaining data**

Data is reported and maintained by OID as follows:

Most reports come into OID via email and may include:

- Police reports
- Residence Life Incident report forms
- Other text documents

- Photographs

Reports are maintained in both paper and electronic formats

- Each incident is maintained electronically, in a separate folder having a unique identifying folder name on a secure department server
- A separate paper folder is maintained on each incident that essentially duplicates the electronic folder content
- Each incident is tracked and categorized in an excel database that employs a standard set of data elements

Elements tracked in the database include:

- Control number (a unique identifier assigned to each incident)
- Is this a new or updated report
- Name of the person reporting incident to database
- Status of person reporting incident (student, faculty, staff etc.)
- Number of persons targeted by the reported conduct
- Status of targets (student, faculty, staff etc.)
- Identity targeted (race, gender/transgender status, sexual orientation etc.)
- Status of perpetrator (student, faculty, staff, unknown etc.)
- Form incident took - written/verbal, vandalism, physical assault, other
- Date reported to database
- Incident date
- Approximate time
- Type of location where incident happened (residence hall, classroom, off campus etc.)
- Other location information (specific location of incident if known)
- Was incident reported (was incident reported to BC Police or other authority before it was reported to OID for recording in the database-this anticipates the ability to make a report to OID only via an online form that will be discussed below)
- Was a trained advocate requested (this will be an option available via the online form)
- Comments (primarily used to capture a brief narrative description of the incident or other information related to it such as follow-up undertaken.)

##### **5. Snapshot of Activity for the 2007-2008 year**

During the reporting period (September 1, 2007 to August 31, 2008) 10 incidents that were reported to OID were ultimately recorded in the database. None of the incidents reported during the period were prosecuted as crimes, therefore all fall under the category of bias motivated offensive conduct. These incidents displayed the following characteristics:

###### ***Person or office reporting the incident***

Reports came from three separate sources.

- 6 from Boston College Police
- 3 from Residence Life

- 1 from ODSD

***Number of people targeted***

- 5 incidents had non-specific targets. (e.g. graffiti not aimed at a particular person)
- 5 incidents targeted at one or more individuals. (e.g. assaults)

***Status of Target***

- 3 BC Staff were targets
- 6 BC students were targets (graffiti in dorms is included in this group)
- 1 incident targeted students, faculty and staff using the women's bathroom in one administrative/academic building

***Type of identity targeted***

- 4 race
- 2 sexual Orientation
- 2 religion
- 1 sexual orientation & gender/transgender identity
- 1 gender/transgender identity

***Status of perpetrator***

- 2 BC Students
- 1 not Affiliated with BC
- 7 unknown

***Form incident took***

- 2 verbal
- 1 verbal conduct & assault w/o weapon
- 4 graffiti in or near living space
- 1 graffiti in an administrative or academic building
- 1 verbal conduct and vandalism involving personal property
- 1 vandalism of personal property

***Approximate time of incident***

- no particular pattern
- frequently unknown

***Type of location***

- 5 residence halls
- 1 Shuttle Bus
- 1 administrative or academic building
- 3 other on campus locations

***Was incident reported (to authorities outside of OID)?***

- All of these incidents were reported (This may change once the online reporting form is in place.).

***Was a trained advocate requested?***

- No one had asked for the assistance of a trained advocate (This too may change once the reporting form is available on line.)

**6. What We Learned**

- Because of the secretive nature of some of this conduct, the perpetrators have often not been identified nor are they likely to be.
- Half of the incidents took place in residence halls involving vandalism and graffiti. These incidents were motivated by race, religious, and sexual orientation and gender bias. A perpetrator has not been apprehended in any of these incidents. Continued focus on respectful behavior and encouraging people to report incidents right away are needed. Members of the community need encouragement to come forward in the event that they have information about an incident. Resources also need to be put in place to support students who may be impacted by these incidents.
- There is a need to keep working on making sure that standard follow-up procedures are consistently employed once an incident is discovered in the residence halls.
  - Cover graffiti
  - Call BCPD to have them file a report and take pictures
  - Hold a floor meeting where incident happened
  - Send email to entire residence hall community
- Offices reporting incidents to OID for recording need to be certain to provide status updates. In particular it will be important to know about how cases are ultimately resolved, including whether a perpetrator has been identified. This year OID will follow up with all departments reporting incidents to get any follow-up information.
- Unlike in residence halls, there is currently no agreed upon process to follow when incidents occur in an academic or administrative building. An appropriate team needs to be convened to develop such a process. Presumably Human Resources, the Provost Office and Facilities Services should play a key role in the process.
- Boston College Police officers were targets in two out of the 10 incidents. The nature of police work often exposes officers to abusive and provocative situations. In each case, as a result of their training, these officers responded admirably in difficulty situations. We need to continue to prepare our offices to work in stressful environment such as these and provide them with the same kind of support that we provide students and others in our community when they become targets of such abuse in the line of duty.

## **7. Next Steps**

The one remaining major task envisioned in the original Protocol design is implementation of an online recording form. The form will capture the same data element as the database, and will enable members of the community who are not aware of the reporting process, or who do not wish to report an incident to Boston College Police or other authorities, to nonetheless have it recorded as an incident that happened on campus. Typically, these incidents will not be investigated or responded to. This will most likely give us information on the community impact of an incident because many people may witness the same incident. A checks and balances process will insure accuracy of recording. Having this information will help fill in the picture concerning the frequency and nature of hate conduct in our community. There are at least a couple of exceptions to this rule. Incidents will be investigated in the event that a criminal act may have been committed, and a response will be provided if one is specifically requested as in the case where the reporter requests the assistance of a trained advocate. To militate against the possibility of abuse, reporters will have to be authenticated as an authorized Boston College user before they will be able to access the form online.

We currently have a strong working draft of the form. In its current configuration the form will be downloaded, filled out electronically, and emailed to OID. OID will take the data, categorize it, check it against other reports and add it to the database of recorded incidents. This approach, as opposed to a more sophisticated one, is practical given the current volume of incidents. Implementation of the online form has been delayed pending a determination of whether we are currently capturing the correct data in our database. Analyzing the previous year's data will allow us to complete this analysis and have the form online early in the current academic year.