



**Hate and Bias Incidents Policy  
Handbook of Operating Procedures 9-1810  
Frequently Asked Questions for STUDENTS**

## **BACKGROUND**

The University of Texas at Austin (the “university”) embraces and encourages diversity in many forms and strives to create an inclusive community that fosters an open and supportive learning, teaching and working environment. Our strength as a university draws from our wide range of perspectives and experiences, and we support a free exchange of ideas alongside thoughtful consideration of our differences.

Maintaining such an environment at times involves the balancing of competing interests and the consideration of issues that may be complicated, dynamic and contextual. These FAQs were developed to support a common understanding in this area.

## **GENERAL INFORMATION**

**Does this policy replace the policy titled “Student Policy on Race Relations” (HOP 9-1340-PM)?**

Yes.

**Who is covered by this policy?**

All university students, faculty and staff as well as visitors, applicants for admission to or employment with the university, [university affiliates](#) and others conducting business on campus.

**What does the university do to promote a safe and inclusive campus climate?**

The university develops and leads many different outreach and educational programs throughout the year including events at student orientation, First-Year Interest Groups, Ladders of Risk training for sororities and fraternities, Leadership Education And Progress, LeaderShape, and Project LEAD, etc.

## **HATE AND BIAS INCIDENT ALLEGATIONS**

**What resources are readily available to students who believe they’ve experienced a hate or bias incident?**

Any member of the campus community is encouraged to report potential campus climate, hate or bias incidents to the university’s Campus Climate Response Team by clicking on the “Report a Bias Incident Campus Climate Response Team” button, available at <http://diversity.utexas.edu/ccrt/reporting/>.

Other reporting and resource options include:

**Behavior Concerns Advice Line (BCAL)**

[\(512\) 232-5050](tel:(512)232-5050)

Allows members of the university community to discuss their concerns about an individual's behavior (available 24-hours a day)

<https://operations.utexas.edu/units/csas/bcal.php>

**Counseling and Mental Health Center**

[\(512\) 471-3515](tel:(512)471-3515)

24-hour telephone counseling service at (512) 471-CALL (2255)

<http://cmhc.utexas.edu>

**Office of the Student Ombuds**

[\(512\) 471-3825](tel:(512)471-3825)

Provides students with information about university resources and processes

<https://ombuds.utexas.edu/student>

**Student Emergency Services in the Office of the Dean of Students**

[\(512\) 471-5017](tel:(512)471-5017)

Provides referrals within the university and in the Austin area when necessary

[deanofstudents.utexas.edu/emergency](http://deanofstudents.utexas.edu/emergency)

**University of Texas Police Department (UTPD)**

Emergencies: 911

Non-emergencies: [\(512\) 471-4441](tel:(512)471-4441), enter "9"

<http://www.utexas.edu/police/>

**What is a hate or bias incident that "incites or attempts to incite" a violation of the law?**

An incident of this kind is when a person makes, distributes or displays on the campus statements directed to inciting or producing imminent violations of law under circumstances where the statements are likely to actually and imminently incite or produce violations of law. One example is the use of derogatory or offensive language for the purpose of encouraging violence (e.g., trying to start a fight) or encouraging any other type of response that would violate the law or university policy.

**UNIVERSITY RESPONSE**

**What is the difference between a criminal matter (investigations initiated by local, state or federal law enforcement) and the university's discipline process?**

A criminal matter and the university's discipline process are separate, independent processes. The university's discipline process reflects the needs of our educational environment and does not replace, supersede or hold in abeyance any criminal action

brought by local, state or federal officials against a university student. An incident may violate a university policy while not meeting the definition of a crime. An incident could also be considered a violation of both university policy and criminal law, resulting in both university discipline and criminal processes being initiated against a university student, member of the faculty or staff, or visitor. The fact that a university student, member of the faculty or staff, or visitor is or may be subject to a criminal investigation and/or legal hearing relating to his or her conduct does not stop the university's discipline process.

**Can the university take disciplinary action against students if conduct prohibited under this policy occurs either on- or off-campus?**

Yes. The university may take disciplinary action in response to incidents that take place during official functions of the university or functions sponsored by registered student organizations or incidents that have a substantial connection to the interests of the university regardless of the location in which the incident(s) occur.

**When the Office of the Dean of Students receives an allegation that this policy was violated, what will the Office of the Dean of Students do?**

Upon receiving an allegation that this policy has been violated, the Office of the Dean of Students will investigate the allegation in a prompt and fair manner, and in accordance with the University's Institutional Rules on Student Services and Activities as well as federal and state due process requirements. For allegations related to hate or bias incidents, in general, the process will take place as follows:

1. Office of the Dean of Students receives an allegation of a hate or bias incident;
2. Office of the Dean of Students begins fact-finding (including interviewing witnesses);
3. Office of the Dean of Students either proceeds administratively under the Institutional Rules on Student Services and Activities or dismisses the allegation if it is deemed to be unfounded;
4. Student opportunity to appeal finding(s) and/or sanction(s);
5. Resolution of the conduct process related to the allegation.

**What are the primary factors considered for disciplinary action resulting from a finding that a student or student organization violated this policy?**

The Office of the Dean of Students considers the responsible party's behavior (including his/her/their intent), the context of the incident and the totality of the circumstances (e.g., the severity, pervasiveness or persistence of the conduct).

**What disciplinary action can be expected to result from a violation of this policy?**

Each instance and case is unique, and any disciplinary action is determined based on all relevant factors. Sanctions can range from a warning to expulsion for individual students and from conditional registration to permanent suspension for student organizations.

**What is the expected timeframe to resolve an alleged violation of this policy?**

Once the Office of the Dean of Students receives a report that this policy may have been violated, a resolution typically can be expected in about 60 days, although in some circumstances, additional time may be required.

## **Does the university track and record allegations of bias or hate incidents occurring on or related to the campus?**

Yes. The university's Campus Climate Response Team tracks and records such allegations.

## **When a hate or bias incident is resolved, will that resolution be shared with the campus?**

In some cases, yes. The Family Educational Rights and Privacy Act (FERPA) generally prohibits colleges and universities from releasing personally identifiable information about students, including information relating to disciplinary matters. However, FERPA does permit the release of final results of a disciplinary proceeding if the college or university determines that (1) the student perpetrated a crime of violence (defined as arson, assault offenses, burglary, criminal homicide--manslaughter by negligence, criminal homicide--murder and nonnegligent manslaughter, destruction/damage/vandalism of property, kidnapping/abduction, robbery, forcible sex offenses), and (2) such conduct violated the institution's rules or policies.

"Final results" include the name of the student, the violation committed and the sanction imposed by the institution against the student.

"Sanction imposed" means a description of the disciplinary action taken by the institution, the date of its imposition and its duration.

## **Does this policy cover derogatory graffiti or vandalism?**

Yes, certain types of derogatory graffiti or vandalism may violate this policy. Any student, visitor or employee is advised to do the following when encountering graffiti or vandalism that may be derogatory or have a negative impact on the campus climate for diversity and inclusion:

- Do not attempt to alter or remove the graffiti/vandalism.
- If possible, document the graffiti/vandalism by taking a picture or writing down the content of the graffiti/vandalism.
- Report the graffiti/vandalism to UTPD by calling 512-471-4441.
- Notify the Campus Climate Response Team of the graffiti/vandalism so that it can be documented and follow up can take place. Please share any documentation you have recorded of the graffiti/vandalism. Information about how to make a report to the Campus Climate Response Team is available at <http://diversity.utexas.edu/ccrt/reporting>.

## **FREEDOM OF SPEECH**

### **What does the First Amendment protect?**

Generally, the First Amendment to the U.S. Constitution protects all speech, although the following forms of speech enjoy varying degrees of lesser protection, as originally published in a resource guide by the University of California, Davis:

- Obscenity (e.g., child pornography)
- Defamation/libel

- Involving illegal conduct. Examples:
  - Criminal threat
  - Hanging a noose on a college campus for the purpose of terrorizing members of the campus community with the knowledge that a noose is a symbol representing a threat to life
  - Obstruction of a police officer
  - Fighting or challenging another to fight in a public place
  - Use of offensive words in a public place that are inherently likely to provoke an immediate violent reaction (e.g., “fighting words”)
  - Inciting illegal activity
  - Willful disturbance of any lawful meeting
  - Unlawful assembly and refusal to disperse
  - Vandalism and defacing property of another
  - Disturbance by loud and unreasonable noise
  - Trespass