

**Hate and Bias Incident Policy
Handbook of Operating Procedures 9-1810
FAQs for EMPLOYEES**

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.

How often is this policy revised?

All HOP policies are reviewed by the policy owner on a periodic basis.

Who is covered by this policy?

All university students, faculty, and staff, as well as [university affiliates](#), visitors, applicants for admission to or employment with the university, 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. For university employees, programs and services are offered through a number of campus units including UTLearn, Gender and Sexuality Center, Diversity Education Initiatives, University Resource Groups, and the Office for Inclusion and Equity.

BIAS INCIDENT ALLEGATIONS

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

University employees who believe they have experienced a bias incident should report the alleged violation to the Office for Inclusion and Equity (<https://equity.utexas.edu>). Allegations of discrimination, harassment, sexual assault, sexual misconduct, interpersonal violence, stalking, or retaliation against university employees, including, faculty, staff, and student-employees, university affiliates, visitors, or contractors should be submitted to the Office for Inclusion and Equity and/or the university’s Title IX Coordinator as soon after the offending conduct as possible. Allegations of this nature against university students (non-employees) should be submitted to the university Title IX Coordinator and/or the Office of the Dean of Students as soon after the offending conduct as possible.

Other Reporting and Resource Options Include:

Behavior Concerns Advice Line (BCAL)

(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>

Campus Climate Response Team (CCRT)

Any member of the university community can report bias incidents to the university's Campus Climate Response Team (CCRT) by clicking on the "Report a Bias Incident Campus Climate Response Team" button.

<http://diversity.utexas.edu/ccrt/reporting/>

Employee Assistance Program (EAP)

(512) 471-3366

Provides faculty and staff brief counseling and consultation services, crisis intervention, assessment and referral, educational and training programs, and supervisory consultation. After normal business hours, the EAP provides crisis counseling (512) 471-3399.

<https://hr.utexas.edu/eap/>

Ombuds - Faculty

(512) 471-5866

Provides faculty with information about university resources and processes.

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

Ombuds - Staff

(512) 232-8010

Provides staff with information about university resources and processes

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

University of Texas Police Department

Emergencies: 911

Non-emergencies: (512) 471-4441, enter "9"

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

What is a 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 (initiated by the state or federal government) 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 government against a university employee. 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 a criminal law, resulting in both discipline and criminal processes being initiated against a university employee, university student, university affiliate, or visitor. The fact that a university employee, university student, university affiliate, 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 employees 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 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 for Inclusion and Equity receives an allegation that this policy was violated, what will the Office for Inclusion and Equity do?

Upon receiving a report that this policy has been violated, the Office for Inclusion and Equity will investigate the allegation in a prompt and fair manner, and in accordance with the university's *Handbook of Operating Procedures 3-3020* and federal and state due process requirements.

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. Disciplinary actions can include, but are not limited to, written reprimands, the imposition of conditions, reassignment, suspension without pay, and termination.

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

The Office for Inclusion and Equity facilitates resolution in a timely manner, dependent upon nature of complaint and process followed.

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 (CCRT) tracks and records allegations that are reported to CCRT.

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

Yes, for all cases where it is lawful to do so, the university will share such information with the larger university campus.

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 CCRT 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 by the University of California, Davis):

- Obscenity (e.g., child pornography)
- Defamation/libel
- Involving illegal conduct. Examples:
 - Criminal threat: Any person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. The threat must be, on its face and under the circumstances in which it is made, so unequivocal, unconditional, immediate and specific as to cause the person threatened to reasonably fear for his or her own safety or for his or her immediate family's safety.
 - 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

Does this policy cover social media?

Yes.

What options are available to faculty and staff confronted with offensive, but protected, speech?

The best response to insensitive, offensive or demeaning speech often is more speech. Just as the First Amendment protects insensitive, offensive or demeaning speech, it also protects the freedom to respond to such speech. There are a number of reporting and resource options related to this policy, as indicated above.