

# Bias-Motivated Incident Student Protocol and Guidelines

## I. Introduction

In accordance with its mission, Loyola Marymount University (LMU) welcomes and respects the fundamental dignity of Students, faculty and staff from all backgrounds and identities, strives to create a community that does the same and facilitates the education and development of Students as people for and with others. Bias-Motivated Incidents and Hate Crimes are antithetical to these goals and send a powerful message of intolerance and discrimination, disrupt the community and educational environment and erode standards of civility.

In addition, LMU values freedom of expression and the open exchange of ideas, as the expression of controversial ideas and differing views is a vital part of discourse at a university. While the expression of a controversial and/or unpopular idea or point of view may be offensive or inflammatory to some, absent other facts, it may not constitute a hate crime or bias-related incident. While the First Amendment and this value of openness protects the expression of controversial ideas, it does not protect or condone harassment or other prohibited acts that are expressions of bias or hate aimed at individuals or groups in violation of the Student Conduct Code.

## II. Definitions

**“Bias-Motivated Incidents”** are acts, which do not violate the State Penal Code, but originate in bias against someone’s actual or perceived sex, gender, gender identity and expression, race, color, religion, national origin, ancestry, disability, age, sexual orientation, marital status, military status, veteran status, pregnancy, genetic information or any other protected classification.

**“Bias Incident Response Team (BIRT)”** ensures the coordination of University-wide communication and response protocols for incidents where bias may be a motivating factor for prohibited conduct. BIRT does not preempt nor replace existing procedures and BIRT does not conduct its own investigations.

**“Complainant”** means any person or organization who submits a report or complaint alleging that a University policy has been violated.

**“Hate Crimes”** are acts of physical force, threats or intimidation that are willfully or knowingly committed because of the victim’s actual or perceived disability, gender, nationality, race or ethnicity, religion or sexual orientation. Hate crimes are expressed in several ways, sometimes

physical violence and sometimes violence against property. (California Penal Code, §§422.55 and 422.6).

**“Privacy”** means, in general, the information related to a report made under this protocol will be shared only with a limited number of individuals who “need to know” in order to assist in the active review, investigation and determination of responsibility or restoration concerning the report. While not bound by confidentiality, these individuals are trained to be discreet and respect the privacy of all individuals involved in the process.

**“Respondent”** means the Student, group of Students or Registered Student Organization alleged to have committed a violation of University policies.

## III. BIRT’s Role

BIRT’s responsibility is to ensure that all appropriate University department, policies and protocols respond to reported incidents of misconduct where bias may be a motivating factor. BIRT operates transparently and communicates to the community if appropriate. BIRT serves as an oversight agency to ensure that all policies, procedures, and protocols are effectively employed. BIRT does not conduct its own investigations.

Depending on the specific details of an incident, the responsible University departments will handle and resolve the matter in accordance with their established processes. These departments will often include, but are not limited to, the Department of Public Safety (DPS), the Division of Student Affairs, Office of Student Conduct & Community Responsibility and Human Resources. In discharge of their official responsibilities, these departments, not BIRT, will be in direct contact with affected individuals.

## IV. Reporting

As a resource coordinator, BIRT ensures that the University supports Students impacted by Bias-Motivated Incidents. Students who experience or witness any form of Bias-Motivated Incident or Hate Crime are encouraged to report the incident as soon as possible in order to maximize the University’s ability to promptly and efficiently respond. Even in situations where the reported actor(s) is not a member of the University community at the time of the report, the University will seek to provide appropriate institutional support to the Complainant, identifying any information relevant to pattern or climate and assisting the Complainant in identifying external reporting options.

Reports may be made to DPS:

- In Person: Foley Annex
- By phone: 310.338.2893 or -222 from an LMU phone
- [Via online portal.](#)

Issues or concerns about the process may be directed to [BIRT](#).

For more reporting options, [click here](#).

A Complainant may choose to make a report to the University to pursue an investigation and determination under the protocol and may additionally choose to make a report to law enforcement.

## **V. What will LMU Do When It Receives a Student Report of an Alleged Hate Crime or Bias-Motivated Incident?**

A. LMU takes reports of alleged Hate Crimes or Bias-Motivated Incidents seriously. When a Student report of an alleged Hate Crime or Bias-Motivated Incident is received, DPS will work in collaboration with the Student Affairs Bias-Motivated Incident Point Person, the Office of Student Conduct and Community Responsibility and/or the University's Title IX Coordinator and EEO Specialist in Human Resources (HR), as needed, to investigate the allegation, determine the appropriate course of action and provide support and resources as appropriate. In the case of a bias report involving a Student respondent, DPS will work with the Student Affairs Bias-Motivated Incident Point Person and Office of Student Conduct and Community Responsibility. For cases involving a faculty or staff respondent, DPS will refer the bias report to the University's Title IX Coordinator and EEO Specialist in Human Resources (HR).

B. If the respondent, or target of the complaint, is a Student, DPS will notify the Senior Vice President for Student Affairs, or designee. If the respondent, or target of the complaint, is a faculty or staff member, DPS will also notify the University's Title IX Coordinator and EEO Specialist in Human Resources (HR). The matter will be referred to BIRT, if appropriate.

C. The Senior Vice President for Student Affairs will notify the Student Affairs Bias-Motivated Incident Point Person, or designee.

D. If an alleged Hate Crime is reported, DPS will make a corresponding report with the Los Angeles Police Department (LAPD), or the appropriate law enforcement jurisdiction.

E. DPS investigates campus related allegation(s) that involve

a Student. If the allegations involve a faculty, staff member or contract service provider, Human Resources would conduct the investigation.

F. DPS will keep the Student Affairs Bias-Motivated Incident Point Person, or designee, updated on the status of the investigation.

G. In complaints involving a Student Respondent, the Student Affairs Bias-Motivated Incident Point Person, or designee, may coordinate any follow-up if appropriate with the Complainant, Respondent and/or any witnesses. With a faculty or staff Respondent, the University's Title IX Coordinator and EEO Specialist, or designee, will follow up with the Complainant, Respondent and/or any witnesses.

H. The Student Affairs Bias-Motivated Incident Point Person, or designee, may provide supportive resources and may refer affected Students to other individuals, when appropriate.

I. The Office of Student Conduct and Community Responsibility, the Student Affairs Bias-Motivated Incident Point Person, or designee, will review the results of the investigation in a matter involving a Student or Registered Student Organization respondent and, in accordance with existing policies and protocols, determine appropriate future courses of action.

## **VI. Retaliation**

Retaliation is strictly prohibited. All persons, including University faculty and staff, are prohibited from taking any retaliatory action against any other member of the University Community including, but not limited to, the Complainant, Respondent or Witnesses to an alleged Bias-Motivated Incident or Hate Crime.

Any Student engaging in any retaliatory action(s) will be subject to discipline under the Student Conduct Code and appropriate sanctions for determined violations may include dismissal from the University. Retaliation by non-students will be adjudicated and determined in accordance with the LMU Discriminatory Harassment and Complaint Process.

Any Student who believes that they have been retaliated against for having filed, or being named in, a complaint for a hate crime or Bias-Motivated Incident or having participated in the investigation of such a complaint, should promptly notify DPS at 310.338.2893.

## **VII. Resources**

LMU recognizes that deciding whether to report a Bias-Motivated Incident and choosing how to proceed can be a difficult decision that evolves over time. The University

encourages any individual who has questions or concerns to seek the support of campus and community resources. Individuals are encouraged to use all available resources, regardless of when or where the Bias-Motivated Incident occurred.

## **LMU Resources**

### **Campus Ministry**

Malone Student Center 210  
Phone: 310.338.2860  
Email: [ministry@lmu.edu](mailto:ministry@lmu.edu)

Jewish Student Life  
Malone Student Center 201  
Phone: (310) 568-6131  
Email: [zachary.zysman@lmu.edu](mailto:zachary.zysman@lmu.edu)

Muslim Student Life  
Malone Student Center 210C  
Phone: (310) 338-5390  
Email: [mssl@lmu.edu](mailto:mssl@lmu.edu)

### **Community of Care**

Malone Student Center 301  
Phone: 310.338.3756

### **Department of Public Safety**

Foley Annex  
Phone: 310.338.2893  
222 On-Campus Emergency Line  
Email: [public.safety@lmu.edu](mailto:public.safety@lmu.edu)

### **Ethnic & Intercultural Services**

Malone Student Center 201  
Phone: 310.338.5808  
Email: [eis@lmu.edu](mailto:eis@lmu.edu)

### **LGBT Student Services**

Malone 201  
Phone: 310.258.5482  
Email: [lgbtss@lmu.edu](mailto:lgbtss@lmu.edu)

### **LMU CARES**

Malone Student Center 301  
Phone: 310.258.4381  
Email: [LMUCARES@lmu.edu](mailto:LMUCARES@lmu.edu)

### **Office for International Students & Scholars**

Malone Student Center 201  
Phone: 310.338.2937

### **Office of Student Conduct & Community Responsibility**

Malone Student Center 355  
Phone: 310.338.1821

### **Student Health Services**

Burns Recreation Center, North Side, First Floor  
Phone: 310.338.2881

### **Student Psychological Services**

Burns Recreation Center, North Side,  
Second Floor  
Phone: 310.338.2868

### **Title IX Coordinator**

Sara Trivedi  
University Hall 1900  
Phone: 310.568.6105  
Email: [Sara.Trivedi@lmu.edu](mailto:Sara.Trivedi@lmu.edu)

## **Community Resources**

### **International SOS**

(Study Abroad)  
LMU's Intl. SOS member number: 11BCAS392729  
Domestic: 1-215-942-8226

### **Legal Aid Foundation of Los Angeles**

1640 5th St., Suite 124  
Santa Monica, CA 90401  
Phone: 310.899.6200

### **Superior Court of Los Angeles Temporary Restraining Order**