

Widener University Delaware Law School

Understanding, Reporting, and Preventing Bias Incidents and Hate Crimes

As a university, Widener celebrates diversity, embraces multiculturalism, and strives to maintain an inclusive and welcoming campus community. Similarly, Delaware Law seeks to create an inclusive, equitable, culturally competent, and supportive environment where students, faculty and staff model behavior that enriches our community. We encourage all students, faculty, staff and guests on campus to interact in a manner of human respect at all times. But we are also aware that incidents of bias and hate crimes have increased on college campuses around the country, disrupting that sense of community. Widener University and the Delaware Law School condemn such acts and encourage all members of our community to do the same.

The following clarifications of definitions are meant to help students, faculty, and staff understand the serious offenses that may grow out of intolerance. Our policies, handbooks, and practices—as well as the laws—are provided or referenced here to help everyone understand where we stand as a community and how we pursue violations and help those affected. As always, we encourage exploration and dialogue about diversity through the guidance provided by numerous Widener and Delaware Law School professionals.

What are hate crimes?

The Federal Bureau of Investigation (FBI), defines a **hate crime** as a “criminal offense against a person or property motivated in whole or in part by an offender’s bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.” See <https://www.fbi.gov/investigate/civil-rights/hate-crimes>. In addition, any writing, including graffiti, email, or even an anonymous letter, that threatens or encourages violence toward an individual or group of people may also constitute a hate crime.

What do I do if I think a hate crime has been committed within the Delaware Law School community?

1. Call Campus Safety immediately at **302-477-2200** (or extension **2200**, if on campus) or 911.
 - a. Do not disturb a crime scene or remove/destroy evidence such as graffiti.
 - b. Campus Safety officers or the police may have a chance of finding whoever committed the act only if they can gather evidence.
2. Hate crimes should also be reported using Widener’s ***Discrimination, Harassment, and Sexual Misconduct Reporting Form*** available here: https://cm.maxient.com/reportingform.php?WidenerUniv&layout_id=40.
3. In addition, students on the Delaware campus may contact any of the below listed individuals.
 - **Associate Dean for Student Affairs (Dean of Students)**, (302)477-2215, Alice Eakin, (aeekin@widener.edu);
 - **Assistant Dean for Diversity, Equity and Inclusion (Dean of DEI)**, (302) 477-2135, Joseph Farris, Esq., (jdfarris@widener.edu); or
 - **Title IX Coordinator and Equal Opportunity Officer**, (610) 499-4553, Kiara Allison, (kfallison@widener.edu).

What are bias incidents?

A **bias incident** is conduct, speech, or expression that is *motivated by bias or prejudice* but doesn't involve a criminal act. In some circumstances, bias incidents may violate campus disciplinary or harassment policies. According to the US Department of Justice, for example, a bias incident is the use of degrading language and slurs directed toward people of color, women, members of the gay, lesbian, bisexual, and transgendered community, people with disabilities, members of religious groups, and others who belong to groups that have traditionally been marginalized. (*"Hate Crimes on Campus: The Problem and Efforts to Confront It,"* 2001).

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Additionally, pursuant to Widener's Nondiscrimination Policy (EOHN), all University employees who become aware of alleged bias incidents or hate crimes are required to report all known details about the incident including names, dates, times, and locations to the Title IX Coordinator. This includes becoming aware of events to which the employee was not a direct witness. University employees, please use the Discrimination, Harassment, and Sexual Misconduct Reporting Form (linked above) to fulfill your required reporting obligations.

How will the university respond to a report of a hate crime or bias incident?

1. For a hate crime, after Campus Safety receives an initial call, an officer or officers will be dispatched to the scene to talk with you, gather evidence and begin an investigation.
 - a. The officers may ask you to provide the item of evidence (message board, note, or other item), if such exists.
2. For other incidents (not hate crimes), a professional staff member will meet with you to learn the specifics of the incident and gain a better understanding of your reactions and wishes. At your request, a university staff member from Student Affairs, and/or other relevant law school/university area will be contacted to provide additional assistance.
3. After gathering all pertinent information from you, the professional completes a written report that will be shared with appropriate offices and personnel.
4. Considering your personal feelings, reactions, and wishes, the professional may implement or recommend that others implement activities responding to the incident. These activities may include, but are not limited to, educational programming, communications with the law school community, and/or adjudicatory proceedings.

What is done to help the victim of a hate crime or bias incident?

The university provides help and support in coping with problems that result from bias incidents or hate crimes.

What happens if someone is found guilty of committing a hate crime?

Alleged perpetrators involved in the incident will be adjudicated according to Delaware Law School's Student Code of Conduct and/or Widener's EOHN Policy. A student found guilty of committing such an act could receive a penalty ranging from a disciplinary warning to expulsion from the law school. Actions taken regarding any employees found responsible will be handled in accordance with university policy. Alleged perpetrators may also be subject to state civil and criminal penalties. Moreover, many states¹ as well as the federal government, have special statutes allowing any crime motivated by hate toward the actual or perceived race, color, religion, national origin, ancestry, mental or physical disability, sexual orientation, gender or gender identity of an individual or group to carry criminal charges in addition to those of the original crime. Consequently, the person found guilty of a hate crime may also face criminal penalties that may include fines or even jail.

What happens if someone is found to have committed a bias incident?

Alleged perpetrators involved in the incident will be adjudicated according to Delaware Law School's Student Code of Conduct and/or the Widener's EOHN Policy as appropriate. A student found responsible for committing such an act could receive a penalty ranging from a disciplinary warning to expulsion from the law school. Actions taken regarding any employees found responsible will be handled in accordance with university policy. In the likelihood that a reported event is not a specific violation of Widener's EOHN Policy or Delaware Law School's Student Code of Conduct, the law school will consider a range of appropriate responses that could include offering the following: (i) support, (ii) individual or broad-based education, (iii) mediations, (iv) restorative practices, and (v) other such non-adjudicative measures.

What can I do to help prevent these kinds of things from happening?

All students are encouraged to access the resources offered by Delaware Law's Student Affairs Office. Additionally, all students, faculty and staff are encouraged to access the Diversity, Equity & Inclusion resources available on the website and offered by the Asst. Dean for DEI, the DEI Committee, and the DEI-related resources available through Widener University, including those on the DEI Hub along with university-accessible DEI resources available through LinkedIn Learning. Through Student Affairs and these other resources, students can learn about opportunities to participate in events and programs and/or join or support student groups whose members work to educate, dispel myths, and sensitize the university community to the value of our differences. The Asst. Dean of DEI promotes and coordinates a range of diversity activities and programs at Delaware Law School. Remember, by working together, all members of Delaware Law School (and the broader Widener community) can help to create a more inclusive and welcoming campus for everyone.

Delaware Law School

¹ See, e.g. 11 Del. C. § 1304 (defining hate crimes under the Delaware Criminal Code).