

Bias-Related Incident. An offender may not be a student, may not be identified, may not be found responsible, etc. It is no less important to recognize, report, investigate and reconcile such incidents. Reported bias incidents that are not violations under this policy will be referred to Bias Incident Response Team.

Policy Violations

This policy prohibits the following forms of misconduct, and considers them violations of the Code of Conduct:

Discrimination - Causing physical harm, verbally abusing, intimidating or engaging in other conduct that threatens the health or safety of any member of the University community based on his or her actual or perceived Protected Characteristics. These acts include but are not limited to hazing, bullying, verbal abuse, assault, etc.

Bias-Related Harassment - Any unwelcome verbal or physical conduct directed against a person that occurs as a result of that person's actual or perceived Protected Characteristics, that is sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the University's educational program, employment, and/or activities, and/or results in the creation of a hostile educational or work environment. Bias-related retaliation would also be considered a form of Bias-

(a) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or

(b) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

2. Proof of race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of the defendant, the victim or of both the defendant and the victim does not, by itself, constitute legally sufficient evidence satisfying the people's burden under paragraph (a) or (b) of subdivision one of this section.

3. A "specified offense" is an offense defined by any of the following provisions of this chapter: [section 120.00](#) (assault in the third degree); [section 120.05](#) (assault in the second degree); [section 120.10](#) (assault in the first degree); [section 120.12](#) (aggravated assault upon a person less than eleven years old); [section 120.13](#) (menacing in the first degree); [section 120.14](#) (menacing in the second degree); [section 120.15](#) (menacing in the third degree); [section 120.20](#) (reckless endangerment in the second degree); [section 120.25](#) (reckless endangerment in the first degree); [section 121.12](#) (strangulation in the second degree); [section 121.13](#) (strangulation in the first degree); [subdivision one of section 125.15](#) (manslaughter in the second degree); [subdivision one, two or four of section 125.20](#) (manslaughter in the first degree); [section 125.25](#) (murder in the second degree); [section 120.45](#) (stalking in the fourth degree); [section 120.50](#) (stalking in the third degree); [section 120.55](#) (stalking in the third degree).

violent felony offense, as defined in [section 70.02](#) of this chapter, the hate crime shall be deemed a violent felony offense.

2. When a person is convicted of a hate crime pursuant to this article and the specified offense is a misdemeanor or a class C, D or E felony, the hate crime shall be deemed to be one category higher than the specified offense the defendant committed, or one category higher than the offense level applicable to the defendant's conviction for an attempt or conspiracy to commit a specified offense, whichever is applicable.

3. Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class B felony:

(a) the maximum term of the indeterminate sentence must be at least six years if the defendant is sentenced pursuant to [section 70.00](#) of this chapter;

(b) the term of the determinate sentence must be at least eight years if the defendant is sentenced pursuant to [section 70.02](#) of this chapter;

(c) the term of the determinate sentence must be at least twelve years if the defendant is sentenced pursuant to [section 70.04](#) of this chapter;

(d) the maximum term of the indeterminate sentence must be at least four years if the defendant is sentenced pursuant to [section 70.05](#) of this chapter; and

(e) the maximum term of the indeterminate sentence or the term of the determinate sentence must be at least ten years if the defendant is sentenced pursuant to [section 70.06](#) of this chapter.

(f) Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class A-1 felony, the minimum period of the indeterminate sentence shall be not less than twenty years.

4. In addition to any of the dispositions authorized by this chapter, the court may require as part of the sentence imposed upon a person convicted of a hate crime pursuant to this article, that the defendant