

Quinsigamond Community College

MEMORANDUM *Office of the President*

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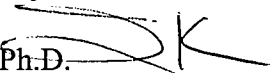
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Date: September 24, 2001

To: The College Community

From: Sandra L. Kurtinitis, Ph.D.
President



Re: Advisory on Hate Crimes

Attached is a document which I ask all members of the College Community to read. Chancellor Gill has forwarded a copy of the advisory bulletin prepared by the Governor's Task Force on hate crimes with instruction to distribute to all faculty, staff and students.

Although I am not aware that inappropriate or hostile public reaction has yet taken place on our campus, I ask you to be vigilant and attentive to the possibility and responsive should such occur. As an academic institution, home to reason, rationality, and tolerance, we offer the one trustable environment that should be secure for those minorities now targeted for abuse or discrimination by their dress, manner, skin color, or language. This is a good time to test both our understanding and interpretation of the premise, "Diversity is everybody's business," ensuring that the phrase supports all those who would come to us believing that we live what we say.

Our English as a Second Language students have asked that we consider holding a session or forum on the campus about tolerance. I think that is an excellent idea and would appreciate someone bringing leadership to this effort.

p.k.
Attachment

Advisory Bulletin
September 18, 2001

The Governor's Task Force on Hate Crimes is issuing this Advisory Bulletin to alert Massachusetts law enforcement, educators, and community stakeholders to the danger of heightened anti-Arab and anti-Islamic hate crimes, in the aftermath of the September 11, 2001 attacks on New York City and Washington. Anti-Arab and anti-Islamic bias are prohibited motives for violence, threats, harassment, and vandalism under Massachusetts hate crimes laws. Commonwealth law enforcement officials, educators, and citizens should be aware of the increased risk of hate crimes targeting Arab and Islamic Americans, and be prepared to respond appropriately. It is the policy of the Commonwealth that hate crimes laws should be vigorously applied to protect the Arab-American and Islamic communities of the Bay State.

The most basic elements of hate crimes law enforcement and prevention call for

- 1) Reporting of hate crimes by victims and witnesses to police via 911 numbers statewide;**
- 2) Careful police attention to bias indicator evidence;**
- 3) Careful investigation of potential hate crimes according to standing law enforcement guidelines;**
- 4) Appropriate charging and prosecution of hate crimes; and**
- 5) Citizen initiative and responsibility to join efforts to "stop the hate" in schools and communities.**

According to CNN, reports of hate crimes against Muslims and south Asians have risen "exponentially" across the US in the wake of Tuesday's terror attacks. The FBI has announced that it is investigating some 40 potential anti-Arab hate crimes nationwide. The Council on American-Islamic Relations reports having received more than 300 reports of harassment and abuse from last Tuesday through Thursday, almost half the total number received for all of 2000. Cases range from episodes of verbal abuse to two potentially race-motivated murders.

Examples include the case of a Pakistani woman in Huntington, N.Y. who was nearly run down by a man threatening to kill her for "destroying my country." In Bridgeview, Ill., about 300 demonstrators tried to march on a mosque before being turned back by police.

Episodes of possible anti-Arab or Islamic bias have occurred in Massachusetts. In Palmer, Massachusetts, fliers were distributed calling for boycotts of businesses thought to be owned by Americans of Middle-Eastern descent. In Weymouth on Wednesday, September 12, a gas pump at a Lebanese-owned station was set on fire. In Quincy, the window at Almaeedah Market convenience store was smashed Thursday, September 13.

At the same time, the hijackings and destruction of September 11th stand out as "hate crimes" against Americans, and illustrate the similarity between acts of terrorism and hate crimes. In both instances perpetrators are seeking to place a whole group, a whole people in fear because of who they are. We must reject racial and cultural hatred, to remain free ourselves of the evil that propelled the terrorists of September 11th.

Speaking on Friday, September 14, Governor Jane Swift called on citizens to remember the difference between American values and the hatred that motivated last Tuesday's terrorists. "[D]iversity is our most important asset. Intolerance is repugnant to our way of life. We must not in anger turn on our neighbors of a different skin color or a different faith or a different place of birth. There is no heroism or patriotism in such acts, just a cowardice that reopens the wounds of this and other tragedies."

Massachusetts has some of the toughest hate crimes laws in the country. Both the U.S. and the Massachusetts Attorneys General have warned would-be perpetrators of hate crimes against retaliatory attacks against Arabs and Muslims.

A "hate crime" is a crime in which the perpetrator's conduct is motivated, in whole or in part, by hatred, bias, or prejudice, based on the actual or perceived race, color, religion, national origin, gender, disability, or sexual orientation of another group or individual. "Anti-Arab" bias is defined under Massachusetts law to constitute "racial, ethnic, [or] national origin" prejudice, while "anti-Islamic" bias constitutes "religious" bigotry under Massachusetts law.

Hate crimes are characterized by bias indicators: "objective facts, circumstances or patterns attending a criminal act(s) which, standing alone or in conjunction with other facts and circumstances, suggest that

03/21/2001 03:37 617-727-6636 BOARD OF HIGHER ED PAGE 03/00

an offender's actions were motivated, in whole or in part, by any [prohibited] form of bias..." The most common bias indicators are verbal slurs, epithets, and bigoted language, written or spoken. Careful attention to bias indicator evidence is essential to appropriate investigation and charging of these offenses.

Massachusetts hate crimes laws increase the penalty that applies to crimes of violence, threats and harassment, and property damage whenever a prohibited bias motive is found to have existed. For example, the hate crimes statutes increase the penalty applicable to a simple assault and battery, which causes even minor injury to its victim, from a mere two and one-half years, to as much as seventeen and one-half years incarceration. Hate-motivated activity also exposes perpetrators to the risk of being subjected to a civil rights injunction.

More extensive information about hate crimes laws, resources, and contacts are available at the web sites of the Governor's Task Force on Hate Crimes: www.stopthehate.org and www.state.ma.us/stophate. The Task Force stands ready to assist police, schools, and community groups with technical information, training, and referrals. If you require further assistance, please contact the Task Force at either 617-727-6300 ext. 25339 (law enforcement & community groups) or 617-727-6300 ext. 25359 (schools). There are also opportunities for greater involvement: a series of Stop the Hate vigils are being planned for early October across the state. (More information will appear at www.stopthehate.org.) The Task Force also provides for on-line hate crimes reporting at www.stopthehate.org, for Massachusetts students.

Included with this bulletin is basic information on charging hate crimes, for the use of law enforcement officers and District Attorneys. Also included is a flier with basic information for Arab-American families discussing civil rights issues, and addressing the current climate.

INFORMATION ON CHARGING HATE CRIMES UNDER MASSACHUSETTS LAW

Hate Violence Should Be Charged Under At Least 3 Statutes:

- ⇒ Hate Crimes Penalties Act, G.L. c.265, Sec. 39;
- ⇒ Civil Rights Criminal Statute, G.L. c.265, Sec. 37; and a
- ⇒ Generic Criminal Statute, most usually,
 - ▶ Simple Assault or Assault and Battery, G.L. c.265, Sec. 13A
 - ▶ Assault and Battery with Dangerous Weapon, G.L. c.265, Sec. 15A(b)
 - ▶ Mayhem, G.L. c.265, Sec. 14
 - ▶ Assault with Intent to Murder or Maim, G.L. c.265, Sec. 15
 - ▶ Assault with Dangerous Weapon, G.L. 15B(b)

Property Damage With A Bias Motive Violates At Least Two Statutes:

- ⇒ Hate Crimes Penalties Act, G.L. c.265, Sec. 39; and
- ⇒ One of the Statutes Against Malicious Vandalism:
 - ▶ Vandalism of Real or Personal Property of Another, G.L. c. 266, Sec. 126A
 - ▶ Vandalism of Houses of Worship, Cemeteries, Memorials, and Schools, G.L. c.266, Sec. 127A
 - ▶ Other Vandalism of Intangible or Tangible Personal Property, Residence, or Building of Another, G.L. c.266, Sec. 127

Threats and Harassment Implicate 2 or More Statutes

- ⇒ Civil Rights Criminal Statute, G.L. c.265, Sec. 37

- ⇒ Civil Action by Attorney General for Injunction, G.L. c.12, Sec. 11H
- ⇒ Civil Action by Victim for Injunction and Damages, G.L. c. 12, Sec. 11I
- ⇒ Criminal Violation of Civil Rights Injunction or Restraining Order, G.L. c.12, Sec. 11J
- ⇒ Crime of Stalking, G.L. c.265, Sec. 43
- ⇒ Criminal Harassment, G.L. c.265, Sec. 43A

Governor's Task Force on Hate Crimes Advice for Arab-American, Muslim and South Asian Families

Arab-American and Islamic families should strive to continue daily routines as much as normal. Citizens and residents of the United States have a right to exercise their faith, live according to their cultural traditions, and wear religiously-distinctive clothing. As a practical matter, if you feel the need, you should do things that make you feel safer, like changing your routes and traveling in numbers. Pro-actively, you can become an educator about your religion and culture to schools, community groups, and colleges.

The leaders of the United States and Governor Swift have made strong statements cautioning against anti-Arab or anti-Muslim violence. Know that hate crimes are un-American, and the criminal justice system is obligated and bound to punish them. Report any hate-motivated activity, whether violence, threats, harassment, property damage, to your local police. Make a point of describing "bias indicator" evidence to police, so they know to investigate and charge the matter as a hate crime. Challenge your friends and neighbors to stand against anti-Arab and anti-Islamic hate crimes.

You should discuss the events of September 11, 2001 with your children, and tell them about prejudice and discrimination. Go to www.stopthehate.org for more resources and information about hate crimes.

Suggestions for Parents

Check into your child's school policies on harassment and bullying

Ask your school to explain its response plan for racially motivated bullying or harassment

Join or help found a Parents' Task Force on school safety

With smaller children, explain the concepts of bullying and teasing

Be very honest and answer all your teenager/child's questions

Warn children of potential harassment

Develop a plan of action to get to your child to safety if attacked, and encourage your child to report any incident to a teacher, administrator, or safety officer