

Policy: **Bias-Related Crime Prevention**

Policy Number: **D-4**

Responsible for Policy: Student Affairs; Campus Safety

Approval Date: May 2010

Most recent review: Fall 2012

Date of most recent revision (*if applicable*): N/A

### **Policy Statement**

In compliance with NYS Education Law Section 6436 and the Hate Crimes Act of 2000, NYS Penal Law Article 485, Finger Lakes Community College shall inform incoming students about bias-related crime prevention measures. Programs should include, but not be limited to, the following subjects:

- the applicable state laws, ordinances, and regulations on bias-related crime, including the provisions and coverage of the Hate Crimes Act of 2000;
- the penalties under state law for commission of bias-related crimes as well as on-campus disciplinary sanctions for the same;
- the procedures in effect at the College for dealing with bias-related crime;
- the availability of counseling and other support services for the victims of bias-related crime on-campus and off-campus;
- the nature of and common circumstances relating to bias-related crime on college campuses; and
- the methods the campus employs to advise and to update students about security procedures.

### **Reason for Policy**

This policy is intended to ensure that the College complies with applicable provisions of the New York State Education and Penal Law.

### **Applicability of Policy**

All members of the campus community should be familiar with this policy.

### **Definitions**

Bias-Related Crime - when a person commits a Specified Offense and either: **(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.

Specified Offense - an offense defined by any of the following sections of the New York State Penal Law, or any attempt or conspiracy to commit any such offense: 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); 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 second degree); section 120.60 (stalking in the first degree); subdivision one of section 130.35 (rape in the first degree); subdivision one of section 130.50 (criminal sexual act in the first degree); subdivision one of section 130.65 (sexual abuse in the

first degree); paragraph (a) of subdivision one of section 130.67 (aggravated sexual abuse in the second degree); paragraph (a) of subdivision one of section 130.70 (aggravated sexual abuse in the first degree); section 135.05 (unlawful imprisonment in the second degree); section 135.10 (unlawful imprisonment in the first degree); section 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in the first degree); section 135.60 (coercion in the second degree); section 135.65 (coercion in the first degree); section 140.10 (criminal trespass in the third degree); section 140.15 (criminal trespass in the second degree); section 140.17 (criminal trespass in the first degree); section 140.20 (burglary in the third degree); section 140.25 (burglary in the second degree); section 140.30 (burglary in the first degree); section 145.00 (criminal mischief in the fourth degree); section 145.05 (criminal mischief in the third degree); section 145.10 (criminal mischief in the second degree); section 145.12 (criminal mischief in the first degree); section 150.05 (arson in the fourth degree); section 150.10 (arson in the third degree); section 150.15 (arson in the second degree); section 150.20 (arson in the first degree); section 155.25 (petit larceny); section 155.30 (grand larceny in the fourth degree); section 155.35 (grand larceny in the third degree); section 155.40 (grand larceny in the second degree); section 155.42 (grand larceny in the first degree); section 160.05 (robbery in the third degree); section 160.10 (robbery in the second degree); section 160.15 (robbery in the first degree); section 240.25 (harassment in the first degree); subdivision one, two or four of section 240.30 (aggravated harassment in the second degree).

### **Related Documents**

- NYS Education Law Section 6436
- Hate Crimes Act of 2000
- New York State Penal Law Article 485

Procedure: **Bias Related Crime Prevention**

Procedure Number: **D-4**

Responsible for Procedure: Student Affairs; Campus Safety

Effective Date: May 2010

Most recent review: Fall 2012

Date of most recent revision (*if applicable*): N/A

### **Procedures**

The College is required by law to file a report with the New York State Education Department not later than 90 days after the approval of any amendment or change to the College's policies regarding Bias-Related Crime.

Victims of a bias-related crime on-campus should immediately report the incident to the Office of Campus Safety. Off-campus incidents should immediately be reported to the local police agency. Reporting a crime to the police or to an on-campus office does not obligate a victim to follow through with criminal prosecution.

In instances of physical assault, the victim should seek treatment at a hospital emergency room as soon as possible. Incidents of sexual harassment should be reported to the Affirmative Action Officer in the Human Resources Office. Victims of a sex crime should report the offense to any of the following offices or agencies:

- Director of Student Health
- Athletic Director
- AVP of Student Affairs
- Director of the Center for Advisement
- Campus Safety Officer
- Director, Geneva Campus Center
- Director, Newark Campus Center
- Director, Victor Campus Center
- Ontario County Sheriff's Office
- Newark Police Department
- Geneva City Police
- Victor Police Department

Bias-related crimes occurring off-campus should be reported to the city police department, the Ontario County Sheriff's Office, or the NY State Troopers. Every effort will be made to ensure the confidentiality of all reports, except as necessary and required to investigate the offenses. College authorities may issue a safety alert to those areas of the campus community affected by the crime. The issuance of this alert will depend upon the particular circumstances of the crime.

Victims can provide information to the Office of Campus Safety and choose either criminal prosecution and/or a referral to the on-campus judicial system. Procedures and possible sanctions related to on-campus discipline are as follows: written warning, failing grade, disciplinary probation, loss of privileges, fines, restitution, voluntary service, disciplinary file, suspension, and expulsion. It is important to note that the accuser and the accused are entitled to the same opportunities to have others present during a disciplinary hearing, suspension, and expulsion.

Persons who have been subjected to a bias-related crime have the right to choose counseling and medical treatment, and to prosecute and report their case through the college's judicial system and/or the off-campus legal system. Victims also have the right to refuse all the stated options without reproach from any College personnel. Victims have the right to be treated with dignity and seriousness by campus

personnel, and to be reasonably free from intimidation and harm. Victims are entitled to the same support opportunities available to the accused in a campus disciplinary proceeding.

The victim will be notified if the accused is prohibited from contacting the victim or entering the victim's residence. College personnel are encouraged to inform all persons who have suffered from a bias-related crime, including a sexual crime that they are not responsible for the crimes committed against them, persons who find themselves unwittingly in untoward circumstances and become the victims of sexual crime do not assume the risk of a crime, and they should always report crimes committed against them, despite the possibility of adverse publicity for the College.

Any person who does not wish to remain in his/her present residence hall or class section following a sexual assault may be granted a transfer to other housing or another class section, if available. The victim has the right to ongoing information regarding the status of his or her case.

### **Forms/Online Processes**

- None

### **Appendix**

- None