

# HATE CRIMES

Bronx Community College and the Department of Public Safety are committed to full compliance of all applicable laws governing hate crimes, to promoting the health and safety of its campus community, and to making a significant and continual difference in the fight to end violence and hate crimes on campus. Accordingly, the safety and security of its students, staff, faculty, affiliates and visitors, along with its premises and property, is not a peripheral factor but central to the achievement of the college's educational, research, and cultural mission. We are also committed to respecting the dignity of all members of our community, seek to maintain an inclusive and mutually respectful environment, reject all acts of hatred and reaffirm our commitment to community members of all ages, races, nationalities, religions, genders and sexual identities.

## **HATE CRIMES**

A hate crime is a traditional criminal offense that is motivated by bias. A person commits a hate crime when one of a specified set of crimes is committed targeting a victim because of a perception or belief about their race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation, or when such an act is committed as a result of that type of perception or belief. These crimes can target an individual, a group of individuals or public or private property. New York State's Hate Crime Law (Penal Law Article 485) designates 53 Penal Law crimes as hate crimes: 39 felonies and 13 misdemeanors ranging from third degree criminal mischief to second degree murder. In addition, any attempt to commit – or conspiracy to commit – any of those felonies or misdemeanors is also designated as a hate crime.

Examples of hate crimes may include, but are not limited to threatening phone calls, hate mail (including electronic mail), physical assaults, vandalism and destruction of property. Penalties for bias-related crimes are very serious and range from fines to imprisonment for lengthy periods, depending on the nature of the underlying criminal offense, the use of violence or previous conviction of the offender. Students, staff or faculty who

commit bias crimes are also subject to University disciplinary procedures and a range of sanctions up to and including suspension, expulsion or termination of employment. To effectively manage incidents of bias related crimes and prevent future occurrences of such crimes, victims or witnesses of a hate crime are encouraged to immediately report the incident to the Public Safety Department Loew Hall 5<sup>th</sup>, email [Public.Safety@bcc.cuny.edu](mailto:Public.Safety@bcc.cuny.edu) or via telephone at 718-289-5390

### **NYS HATE CRIMES REPORTING BILL**

On July 11, 2023, Governor Kathy Hochul signed legislation (S.2060-A/A.3694A) to strengthen investigation and reporting requirements for hate crime incidents occurring on college campuses. The new law supplements the NYS Education Law Article 129-A and supplements CUNY's responsibilities under the Clery Act.

### **WHY YOU SHOULD REPORT HATE CRIME**

Hate crimes have a broader effect than most other kinds of crime. Hate crime victims include not only the crime's immediate target but also others like them. Hate crimes affect families, communities, and at times, the entire nation. Like many other types of crime, there is a disparity between hate crimes that actually occur and those reported to law enforcement. It is critical to report hate crimes not only to show support and get help for victims, but also to send a clear message that the community will not tolerate these kinds of crimes. Reporting hate crimes allows communities and law enforcement to fully understand the scope of the problem in a community and put resources toward preventing and addressing attacks based on bias and hate.

### **PROTOCOL FOR RESPONDING TO HATE CRIME INCIDENTS**

All students, staff and faculty are encouraged to notify Public Safety or a Campus Security Authority (CSA) as defined by the Clery Act if they experience or witness a hate crime incident. Once Public Safety or a CSA has been informed that a hate crime incident has occurred on campus, the protocol below must be followed to ensure that the incident is properly logged and investigated. Additionally, the college must inform the victim how they might receive proper support and assistance throughout the

investigative process. Public Safety and/or the CSA will work collaboratively and take the following actions once informed of a hate crimes incident:

- Inform the victim of the resources available to them;
- Prepare a hate crimes incident report that will be noted on the Public Safety Crime Log;
- Notify the college President or Dean;
- Contact NYPD within 24 hours of receiving the report of a hate crimes incident; and
- Update the college’s Public Safety Crime Log once NYPD or NYSP Hate Crimes Task Force has determined that the conduct qualifies as a “hate crime” under NYS Penal Law 485.05.

**SPECIFIED OFFENSES AND PENALTIES**

The following types of conduct qualify as a “specified offence.” Note: The college’s Department of Public Safety will continue to use the FBI Uniform Crime Reporting (UCR) Program’s definition of “hate crime” for Clery Act reporting purposes.

<b>SPECIFIC OFFENSE</b>	<b>PENAL LAW SECTION</b>	<b>DEGREE</b>	<b>CLASS OF FELONY OR MISDEMEANOR *</b>	<b>IMPRISONMENT IN YEARS</b>
<b>Assault</b>	§120.10	1	B	6 to 25
	§120.05	2	C	1 to 15
	§120.00	3	E	1 to 4
<b>Aggravated Assault Upon Person less than 11 years old</b>	§120.12		E	1 to 7

<b>SPECIFIC OFFENSE</b>	<b>PENAL LAW SECTION</b>	<b>DEGREE</b>	<b>CLASS OF FELONY OR MISDEMEANOR *</b>	<b>IMPRISONMENT IN YEARS</b>
	§120.13	1	D	1 to 7
<b>Menacing</b>	§120.14	2	E	1 to 4
	§120.15	3	A*	To 1 year
<b>Reckless Endangerment</b>	§120.25	1	C	1 to 15
	§120.20	2	E	1 to 4
<b>Manslaughter</b>	§125.20	1	B	6 to 25
	§125.15	2	C	1 to 15
<b>Murder</b>	§125.25	2	A-II	3 to life
	§120.60	1	C	1 to 15
<b>Stalking</b>	§120.55	2	D	1 to 7
	§120.50	3	E	1 to 4
	§120.45	4	A*	To 1 year
<b>Rape</b>	§130.35	1	A-II	3 to life
<b>Criminal Sexual Act</b>	§130.50	1	A-II	3 to life
<b>Sexual Abuse</b>	§130.65	1	C	1 to 15
<b>Aggravated Sexual Abuse</b>	§130.70	1	A-II	3 to life
	§130.67	1	B	6 to 25
<b>Unlawful Imprisonment</b>	§135.10	1	D	1 to 7
	§135.05	2	E	1 to 4

<b>SPECIFIC OFFENSE</b>	<b>PENAL LAW SECTION</b>	<b>DEGREE</b>	<b>CLASS OF FELONY OR MISDEMEANOR *</b>	<b>IMPRISONMENT IN YEARS</b>
<b>Kidnapping</b>	§135.25	1	A-I	20 to life
	§135.20	2	A-II	3 to life
<b>Coercion</b>	§135.65	1	C	1 to 15
	§135.60	2	E	1 to 4
<b>Criminal Trespass</b>	§140.17	1	C	1 to 15
	§140.15	2	E	1 to 4
	§140.10	3	A*	To 1 year
<b>Burglary</b>	§140.30	1	A-II	3 to life
	§140.25	2	B	6 to 25
	§140.20	3	C	1 to 15
<b>Criminal Mischief</b>	§145.12	1	A-II	3 to life
	§145.10	2	C	1 to 15
	§145.05	3	D	1 to 7

### **FINAL DISPOSITION OF A HATE CRIME**

The determinations and final dispositions of incidents initially reported to the college as a “hate crime” will ultimately be made by the NYPD or the NYSPP Hate Crimes Task Force. The college’s Public Safety Crime Log will be updated accordingly.

## **DISTRIBUTION OF HATE CRIME STATISTICS**

The college will report and post on its website separate, clearly designated data on hate crime offenses occurring at or on the college grounds. This data will be based on the NYS Penal Law 485.05 hate crime definition. The college will also provide the address for the U.S Department of Education's (US DOE) campus crime statistics and the link to the US DOE statistics for the college. In addition, the college will continue to provide a webpage with a link to the Annual Security Report. The Annual Security Report contains statistics regarding crimes that are compiled from campus incident reports, reports from designated Campus Security Authorities (CSAs) and reports/statistics from local NYPD precincts.

- US DOE Crime Statistics Webpage- [Campus Safety and Security \(ed.gov\)](https://www.ed.gov/campus-safety-and-security)

For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. The Office of Public Safety also submits the annual crime statistics published in this report to the U.S. Department of Education. The statistical information gathered by the Department of Education is available to the public through the Department of Education website at Campus Safety and Security (ed.gov). Click "Get Data for One School". Then follow Step 1- Search Institution / Campus and enter "Bronx Community College." Step 2 – Search Results, click "Continue," then click "Bronx Community College – Main Campus" and click "Continue" again to get to the statistics page. Step 3 - View Data.

## **Bronx Community College - HATE CRIME STATISTICS**

There have been no reported Hate Crimes.

## **PREVENTION AND EDUCATION EFFORTS**

Incoming students will receive training on hate crime prevention measures through programs that promote discussion, encourage reporting and facilitate prevention of such incidents. Incoming students will also be informed of campus crime statistics and campus safety policies and procedures during the onboarding process. The College's Advisory Committee

on Campus Security will continue to review campus security policies and procedures for educating students, staff and faculty about reporting and preventing hate crimes.

## **COUNSELING AND SUPPORT SERVICES**

Anyone who is a victim of a bias-related crime is encouraged to seek counseling from a trained mental health professional. Experienced counselors, trained to assist with the consequences of bias-related crime and/or bias-related crime trauma, are available through the Office of Personal Counseling (OPC) Loew Hall Room 419, 718-289-5223 or via email [personal.counseling@bcc.cuny.edu](mailto:personal.counseling@bcc.cuny.edu). Website: <https://www.bcc.cuny.edu/campus-resources/personal-counseling-services/>

Faculty and Staff can get free short term counseling assistance through the CUNY Work/Life program (800-833-8707, [www.myccaonline.com](http://www.myccaonline.com), Company Code: CUNY).

If you believe you are experiencing or have experienced discrimination or harassment, as defined in CUNY's Equal Opportunity and Non-Discrimination Policy, please feel free to report this conduct through the University's Discrimination and Retaliation Reporting Portal. If you have any concerns about your safety, please contact BCC Public Safety.

## **ADDITIONAL RESOURCES**

- CUNY Diversity, Equity and inclusion Hub – Diversity, Equity and Inclusion Hub – The City University of New York (cuny.edu)
- BCC Affirmative Action, Compliance and Diversity Webpage – Compliance and Diversity | CUNY Bronx Community College
- BCC Human Resources Webpage – Human Resources | CUNY Bronx Community College
- BCC Public Safety Website – BCC Public Safety
- BCC Office of Personal Counseling Webpage– Bronx Community College OPC
- Bronx District Attorney's Office – Bronx DA Public Site (nyc.gov)Hate Crimes Unit

- Kings County District Attorney's Office (Brooklyn) – [Hate Crimes Bureau](#)
- New York County District Attorney's Office – [Hate Crimes](#)
- Queens District Attorney's Office – [Hate Crimes Bureau](#)
- Richmond County District Attorney's Office (Staten Island) – [Trials Bureau](#)(which also prosecutes hate crimes)
- NYC Office for the Prevention of Hate Crime Website – [Office for the Prevention of Hate Crimes \(nyc.gov\)](#)
- NYPD Hate Crime Webpage – [Services – Hate Crimes – NYPD \(nyc.gov\)](#)
- NYPD 46<sup>th</sup> Precinct – [46<sup>th</sup> pct NYPD \(nyc.gov\)](#)
- NYPD 52<sup>nd</sup> Precinct – [52<sup>nd</sup> pct. – NYPD \(nyc.gov\)](#)
- NYS Anti-Hate Resource Guide – [New York State Anti-Hate Crime Resource Guide \(ny.gov\)](#)
- NYS Hate Crime Task Force – [Hate Crimes Task Force \(ny.gov\)](#)
- US Department of Justice Hate Crime Website – [Hate Crimes | United States Department of Justice | Hate Crimes](#)