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The City University of New York
Office of the General Counsel and Vice Chancellor for Legal Affairs
535 East 80th Street, New York, N.Y. 10021
Phone: (212) 794-5382
Fax: (212) 794-5426

Writer's direct phone: (212) 794-5506
Writer's e-mail: frederick.schaffer@mail.cuny.edu

Frederick P. Schaffer
General Counsel

Jane Sovern
Deputy General Counsel

Amy S. Bennet
Jane E. Davis
Marina B. Ho
Abby L. Jennis
Richard Mallina
Daphna H. Mitchell*
Linda Myles
Paul F. Occhiogrosso
Katherine Raymond
Michael D. Solomon*
Jo-Anne Weissbart

*Associate General Counsel

STUDENT ADVISORY MEMORANDUM

March 8, 2004

To: College Presidents
From: Frederick P. Schaffer *(FAS)*
Re: New State Law Regarding Dissemination of Bias
Related Crime Prevention Information

Several years ago, a law was adopted in New York prohibiting what are commonly referred to as "hate" or "bias related" crimes, where victims are intentionally selected based on a particular characteristic (namely race, color, national origin, ancestry, gender, age, disability, religion, religious practice or sexual orientation). The Hate Crimes Act of 2000 essentially increases by one the category of specified offenses, rather than create new crimes, thereby providing for longer sentences when bias or prejudice is the motivation for the criminal act.

On March 22, 2004, a new state law will become effective to reinforce the prohibition on hate crimes, as well as to prevent bias related crimes (Chapter 590 of the Laws of 2003, Education Law § 6450(1-b) (copy attached). This law requires all colleges and universities in New York State to inform incoming students about bias related crime prevention measures through college sponsored educational programming. It is designed to ensure that college students are educated about bias crimes and informed of the college's policies to address

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and prevent these crimes. This law is similar to the law on the dissemination of sexual assault prevention information.

The law suggests that colleges use educational programming methods including workshops, seminars, discussion groups, and film presentations to educate students about bias related crimes. Program goals should include discussion and dissemination of information about bias related crime, encouraging the reporting of all bias related crimes and facilitating the prevention of these crimes.

The following information must be disseminated to incoming students about bias related crimes:

1. The statute on bias related crime (Penal Law §485.05, Appended as Attachment A), as well as CUNY regulations (policies) on bias related crime. The CUNY policies which should be distributed are the "University-Wide Program to Combat Bigotry and to Promote Pluralism and Diversity," adopted by the Board on January 24 and March 21, 1994, and "A Statement of Principles and Recommendations for Actions on Pluralism and Diversity in The City University of New York" adopted by the Board on March 31, 1988. (Appended as Attachments B and C)
2. The penalties for commission of bias related crimes (Appended as Attachment D).
3. The procedures in effect at the college for dealing with bias related crime.
4. The availability of counseling and other support services for the victims of bias related crime.
5. The nature of and common circumstances relating to bias related crime on college campuses.
6. The methods the college employs to advise and to update students about security procedures.

As to items 3, 4, 5, & 6, appended as Attachment E is a suggested format which should be completed by each college. You may also use those programs and plans developed at your college pursuant to the Board policy to "Combat Bigotry and to Promote Pluralism and Diversity."

Each college is required to file a report with the New York State Education Department by July 1, 2004 on compliance with this statute, and within 90 days of any change or amendment in policy regarding bias related crime. You should be receiving the Certification of Compliance directly from the State Education Department. You will also need to file the backup documentation with the certification, namely the materials which will be distributed to incoming students.

Please send this office a copy of the certification and materials you file with the State Education Department.

c: Chancellor's Cabinet
Chief Academic Officers
Chief Administrative Affairs Officers
Chief Student Affairs Officers
Legal Affairs Designees
Affirmative Action Officers
Public Safety Directors

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