

Policy for Bias-Related/Hate Crimes **(Amended in March 2019)**

St. Francis College believes that all members of the College should be part of a Franciscan campus environment that respects differences of culture, gender, religion, race, age, lifestyle, or ability. These expectations are communicated in our creed, *Living the Franciscan Spirit*. In accordance with this spirit, the College has established policies and procedures for preventing and prosecuting bias related crimes occurring on the College's property, including student occupied housing, or any other property on which a College activity takes place.

Federal Law

Under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act), 20 U.S.C. §1092(f), the College is required to disclose, in its Annual Security Report, all bias related/hate crimes. These statistics can be found on the College's Safety and Security webpage. The Clery Act defines hate crimes as criminal offenses "that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability." 20 U.S.C 1092(c)(viii)(B)(3).

New York Law

The New York Penal Code provides that "a person commits a hate crime when he or she commits a specified offense and either 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 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." N.Y. Penal Law § 485.05.

The "specified offenses" mentioned above are "assault in the third degree; assault in the second degree; assault in the first degree; aggravated assault upon a person less than eleven years old; menacing in the first degree; menacing in the second degree; menacing in the third degree; reckless endangerment in the second degree; reckless endangerment in the first degree; strangulation in the second degree; strangulation in the first degree; manslaughter in the second degree; manslaughter in the first degree; murder in the second degree; stalking in the fourth degree; stalking in the third degree; stalking in the second degree; stalking in the first degree; rape in the first degree; criminal sexual act in the first degree; sexual abuse in the first degree; aggravated sexual abuse in the second degree; aggravated sexual abuse in the first degree; unlawful imprisonment in the second degree; unlawful imprisonment in the first degree; kidnapping in the second degree; kidnapping in the first degree; coercion in the second degree; coercion in the first degree; criminal trespass in the third degree; criminal trespass in the second degree; criminal trespass in the first degree; burglary in the third degree; burglary in the second degree; burglary in the first degree; criminal mischief in the fourth degree; criminal mischief in the third degree; criminal mischief in the second degree; criminal mischief in the first degree; arson in the fourth degree; arson in the third degree; arson in the second degree; arson in the first degree; petit larceny; grand larceny in the fourth degree; grand larceny in the third degree;

grand larceny in the second degree; grand larceny in the first degree; robbery in the third degree; robbery in the second degree; robbery in the first degree; harassment in the first degree; aggravated harassment in the second degree; or any attempt or conspiracy to commit any of the foregoing offenses." N.Y. Penal Law § 485.05.

Reporting Hate Crimes

A member of the College community who feels that he or she has been the victim of a hate crime, or may have witnessed such an incident, should contact the College's Dean of Students at (718) 489-5315 or, outside of regular business hours, at (347)- 633-1374. In all cases where a hate crime is alleged to have occurred on the College's property, including student occupied housing, or any other property on which a College activity takes place, the College will investigate the matter and if necessary facilitate or initiate the process of reporting the incident to the New York City Police Department's 84th Precinct. All College personnel will cooperate fully with police authorities in investigating the alleged offense.

Additionally, any reported allegations of a hate crime against a student will be investigated promptly, thoroughly, and impartially by the Dean of Students or a designee at his or her discretion. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. Students charged with committing a hate crime will be subject to the disciplinary sanctions and procedures outlined in The Cord under Sanctions for Misconduct.

Penalties

The New York Hate Crimes Act of 2000 provides for enhanced penalties when the commission of a specified offense is determined to be a hate crime. Therefore, when the predicate offense is a class C, D, or E felony or a misdemeanor, the crime for which the individual is convicted is "deemed to be one category higher than the specified offense." N.Y. Penal Law § 485.10(2). When the specified offense is deemed a violent felony offense, the hate crime shall also be deemed a violent felony offense.

Internal College sanctions can range from written or verbal reprimands to suspension or expulsion. A full list of penalties is set forth in The Cord under Sanctions for Misconduct.

Hate Crime Prevention Information

Bias related/hate crimes can occur under any circumstance and in any environment. In order to promote the safety and security of all members of the College community the College's *Introduction to Sociology* course features a unit on hate crimes. *Introduction to Sociology* is part of the College's core curriculum, and is required to be taken by every student. This unit, included in the course's section on Prejudice, Discrimination, and Racism, exposes students to the ideas of racism and discrimination at the macro-level in terms of structural discrimination (e.g., education, housing, and employment), and at the micro-level (e.g. racism and discrimination against individuals in terms of personal attitudes and behavior). The section on micro-level racism addresses the causes and consequences of hate crimes, as well as notable

NYC cases involving hate crime incidents. Students also learn, how to identify hate crimes and how to respond and get help if they, or a classmate, needs help.

Availability of Counseling

Victims of, or witnesses to, a hate crime can obtain counseling and support services by contacting the College's Counseling Center at 718-489-5335 or Student Health Services at 718-489-5366. Additionally, victims may seek assistance through community resources, including:

- Ambulance / Police / Fire Department - Call 911
- Emergency Medical Service - 718-416-7000
- Emergency Dental Service - 212-582-4065
- The Brooklyn Hospital Center - 718-250-8000
- Brookdale University Hospital and Medical Center - 718-240-5000
- SUNY Downstate Medical Center - 718-270-1000
- New York Methodist Hospital - 718-780-3000
- New York Presbyterian Hospital - 212-746-5454
- Brooklyn's Women's Services - 718-748-1234
- Safe Horizon's Crime Victims Hotline - 866-689-4357
- Center for Anti-Violence Education - 718-788-1775
- Safe Horizon Counseling Center - 347-328-8110

The College has an MOU with Beth Israel Emergency Room, located at First Avenue and 16th Street, for rape crisis services including forensic examinations and counseling. For more information, contact 212-420-2000.

For updates concerning security procedures, students should refer to the College's Emergency Action Plan, Annual Security Report, SFCAlerts, or the College's Safety and Security webpage.