

Bias Crimes

ADELPHI'S COMMITMENT TO SAFETY

Adelphi University is committed to providing an atmosphere in which students can pursue their educational goals and achieve personal growth. Maintaining a safe environment for students, faculty and staff has long been recognized as an essential part of University life.

At Adelphi, safety and security are of the highest priority and are considered a shared responsibility, requiring the cooperation of everyone concerned—students, faculty and staff.

The University has established policies and procedures, and offers comprehensive services, to ensure the well-being of members of the University community. All forms of discrimination, harassment (including sexual misconduct, dating violence, domestic violence and stalking) and retaliation are prohibited on the campus. See Adelphi University's *Anti-Discrimination, Harassment (Including Sexual Misconduct, Dating Violence, Domestic Violence, Stalking) and Retaliation Policy* at hr.adelphi.edu/title-ix/university-policy for complete information.

The University advises and updates students about security procedures through a variety of means, including University publications, on-campus meetings and trainings, new student Orientation programs, email and the emergency notification system, as necessary. For information on resources and reporting, visit adelphi.edu/safety.

The following information was developed for victims of bias-related crimes and for those individuals at Adelphi University who might be called upon to support and advise them.

WHAT IS A BIAS-RELATED CRIME?

- A swastika spray-painted on the University's Interfaith Center door
- A student physically assaulted by a group yelling racial slurs
- Harassing letters containing homophobic epithets mailed to lesbian, gay, bisexual or transgender students

These are just a few examples of how bias-related crimes can touch a college campus. Also called hate crimes, bias-related crimes are criminal acts such as aggravated harassment, arson, assault, criminal mischief or murder

committed by an individual(s) motivated by a bias against the victim's age, ancestry, color, disability, gender, national origin, race, religion, religious practice, sexual orientation or gender expression, regardless of whether the belief or perception is correct.

Bias-related crimes can increase in frequency during certain times of the year and may be fueled by the consumption of alcohol or other substances. These crimes are unique in that they affect not only the victim(s), but also the group to which the victim belongs, and, as such, threaten to tear at the fabric that holds the community together.

WHAT TO DO IF A BIAS-RELATED INCIDENT TAKES PLACE:

1. Your safety is of utmost priority. If you are in danger, go to a safe place immediately and contact the proper authorities by dialing **911**. Please refer to the Reporting a Bias-Related Incident section of this brochure. In addition, the Adelphi University Public Safety department has arranged for merchants in the immediate Garden City area to post stickers in their windows that identify them as safe places for students to go for assistance in the event of an emergency. To view this list of participating merchants, visit adelphi.edu/spp.
2. Seek medical treatment at once for any injuries you might have sustained.
3. Try to document the incident as best as possible. Take photographs of your injuries and the scene and record the names and contact information of any possible witnesses. Save any threatening voicemail messages, text messages or any other electronic or written communications or postings.
4. Because bias-related incidents often strike at the heart of personal identity, reporting them can be a sensitive and embarrassing issue. However, you should seriously consider reporting any bias incidents to the Adelphi University Public Safety department at **516.877.3511** and the police. Reporting highlights the importance of increased security, raises awareness of bias throughout the University and community and may enable prosecution of the perpetrator.
5. Bias-related incidents may be violations of University policy, and victims of these offenses should consider bringing University disciplinary proceedings.
6. In the aftermath of a bias-related incident, victims often feel shock, anger, fear, powerlessness and

depression. Contact the Adelphi University Student Counseling Center or other off-campus organizations for support that can help you cope. Refer to the Campus Support Services and Community Support Services sections of this pamphlet for contact information.

7. If you are the victim of a bias-related crime, and you have reported that crime to the police, you may be eligible for compensation through the New York State Crime Victims Board. Call **800.247.8035** or TTY: **888.289.9747** or visit ovs.ny.gov for eligibility requirements.

REPORTING A BIAS-RELATED INCIDENT

To report to the police: Dial **911**.

Garden City Campus

Public Safety can be reached by dialing **516.877.3511**, or by dialing **5** on any campus phone located inside and outside the buildings.

Hauppauge Education and Conference Center Security Desk

Dial **516.237.8605**.

Adelphi Sayville

Call Adelphi University Public Safety at **516.877.3511**.

Manhattan Center

Contact the security officer at the front desk at **212.965.8340**—press **1**.

Hudson Valley Center

Dial **845.471.3348**.

Online Reporting

To file an online report, visit hr.adelphi.edu/report. For an immediate emergency response, follow the instructions above and report to Public Safety at **516.877.3511**, or dial **911**.

CONFIDENTIAL CAMPUS SUPPORT SERVICES

The Student Counseling Center offers confidential individual and group counseling and crisis intervention for victims of bias-related incidents. Counseling services are available on-site at the Garden City campus and the Manhattan Center. Day and evening hours are available by calling **516.877.3646**. Counseling services are also available for Hudson Valley Center students through The WorkPlace Employee Assistance Program (EAP) by calling **845.431.8740**.

Confidential support services are also available at the Interfaith Center, Ruth S. Harley University Center, Room 302, **516.877.3113**, and the Health Services Center, Waldo Hall, **516.877.6000**.

COMMUNITY SUPPORT SERVICES

On Long Island

BiasHELP, Inc., of Long Island

877.END.BIAS (877.363.2427) (toll-free hotline with live operators 9:00 a.m.–5:00 p.m., Monday–Friday)
biashelp.org

In the Manhattan Center area:

Safe Horizon Hotlines:

866.689.4357 (24-hour hotline)
866.604.5350 (TDD phone number)
safehorizon.org

New York City Anti-Violence Project (serving LGBTQ and HIV-affected communities)

212.714.1141 (24-hour bilingual hotline)
avp.org

In the Hudson Valley Center area:

Crime Victims Hotline

845.452.7272
familyservicesny.org

UNIVERSITY DISCIPLINARY OPTIONS

Under the Adelphi University *Code of Conduct*, a member of the University community who alleges that a student, or group of students, has committed nonacademic misconduct on the campus has the right to file a formal notice of complaint. Such complaints should be filed with the Office of Student Conduct and Community Standards at **516.877.3612**.

Both the complainant and respondent are entitled to present witnesses and evidence and have a fair and impartial investigation conducted in a reasonable time frame.

Both a student complainant and a student respondent are each entitled to the assistance of a faculty advocate from the date a complaint is filed until the case is concluded.

University officials view bias-related incidents as very serious offenses that can result in a range of sanctions, including removal from the University.

All University proceedings against the alleged offender are independent of civil or criminal actions, and the accuser may always file criminal charges in addition to University charges.

To discuss possible changes in academic, living and other situations after an alleged bias-related incident, students should contact the Office of the Dean of Student Affairs at **516.877.3660**.

Student complaints of bias-related incidents against University employees can be filed with the Office of Human Resources or the Title IX Coordinator at **516.877.4819**.

RETALIATION

Retaliation is an intentional action taken by an accused individual or allied third party, absent legitimate nondiscriminatory purposes, that harms or attempts to harm an individual as reprisal for filing a complaint, supporting a complainant, or otherwise participating in a proceeding. Under no circumstances will Adelphi University tolerate any form of the above retaliation.

TITLE IX

Title IX is a federal law that prohibits discrimination on the basis of sex in all education programs and activities and in employment. It applies to all forms of sex discrimination and can apply to bias-related incidents. It protects students and employees from the above discrimination by any University employee, student or non-employee third party. All such incidents should be reported to Adelphi University Title IX Coordinator Renaire Frierson, Levermore Hall, Room 207, at **516.877.4819** or titleix@adelphi.edu.

LEGAL OPTIONS

Complainants of bias-related incidents have the following options:

Criminal Prosecution

Report the incident to the local or state police for possible arrest and prosecution. Criminal investigations are independent of campus disciplinary proceedings. Complainants can be assisted by University personnel in reporting these incidents to the police.

Civil Remedies

Pursue civil remedies. Civil proceedings are independent of any criminal or campus disciplinary proceedings.

APPLICABLE LAWS AND PENALTIES

New York was the 41st state in the nation to enact hate crime legislation with the passage of the Hate Crimes

Act of 2000, codified in Section 485 of the New York Penal Law. Under this law, bias crimes carry enhanced penalties that can mean longer sentences. In the case of a misdemeanor or a Class C, D or E felony, the law steps up the punishment of those who commit specified offenses deemed to be bias motivated by raising them one category higher.

Please refer to the charts below for a list of offenses and a list of maximum penalties.

| OFFENSE | CLASS | CLASS AS A BIAS CRIME |
|---|---------------|-----------------------|
| Aggravated assault on a person less than 11 years old | E Felony | D Felony |
| Aggravated harassment in the second degree | A Misdemeanor | E Felony |
| Aggravated sexual abuse in the first degree | B Felony | B Felony* |
| Aggravated sexual abuse in the second degree | C Felony | B Felony |
| Arson in the first degree | A1 Felony | A-1 Felony* |
| Arson in the second degree | B Felony | B Felony* |
| Arson in the third degree | C Felony | B Felony |
| Arson in the fourth degree | E Felony | D Felony |
| Assault in the first degree | B Felony | B Felony* |
| Assault in the second degree | D Felony | C Felony |
| Assault in the third degree | A Misdemeanor | E Felony |
| Burglary in the first degree | B Felony | B Felony* |
| Burglary in the second degree | C Felony | B Felony |
| Burglary in the third degree | D Felony | C Felony |
| Coercion in the first degree | D Felony | C Felony |
| Coercion in the second degree | A Misdemeanor | E Felony |
| Criminal mischief in the first degree | B Felony | B Felony* |
| Criminal mischief in the second degree | D Felony | C Felony |
| Criminal mischief in the third degree | E Felony | D Felony |
| Criminal mischief in the fourth degree | A Misdemeanor | E Felony |
| Criminal sexual act in the first degree | B Felony | B Felony* |
| Criminal trespass in the first degree | D Felony | C Felony |
| Criminal trespass in the second degree | A Misdemeanor | E Felony |
| Criminal trespass in the third degree | B Misdemeanor | A Misdemeanor |
| Grand larceny in the first degree | B Felony | B Felony* |
| Grand larceny in the second degree | C Felony | B Felony |
| Grand larceny in the third degree | D Felony | C Felony |
| Grand larceny in the fourth degree | E Felony | D Felony |

| OFFENSE | CLASS | CLASS AS A BIAS CRIME |
|--|---------------|-----------------------|
| Harassment in the first degree | B Misdemeanor | A Misdemeanor |
| Kidnapping in the first degree | A-1 Felony | A-1 Felony* |
| Kidnapping in the second degree | B Felony | B Felony* |
| Manslaughter in the first degree | B Felony | B Felony* |
| Manslaughter in the second degree | C Felony | B Felony |
| Menacing in the first degree | E Felony | D Felony |
| Menacing in the second degree | A Misdemeanor | E Felony |
| Menacing in the third degree | B Misdemeanor | A Misdemeanor |
| Murder in the first degree | A-1 Felony | A-1 Felony* |
| Murder in the second degree | A-1 Felony | A-1 Felony* |
| Petit larceny | A Misdemeanor | E Felony |
| Rape in the first degree | B Felony | B Felony* |
| Reckless endangerment in the first degree | D Felony | C Felony |
| Reckless endangerment in the second degree | A Misdemeanor | E Felony |
| Robbery in the first degree | B Felony | B Felony* |
| Robbery in the second degree | C Felony | B Felony |
| Robbery in the third degree | D Felony | C Felony |
| Sexual abuse in the first degree | D Felony | C Felony |
| Stalking in the first degree | D Felony | C Felony |
| Stalking in the second degree | E Felony | D Felony |
| Stalking in the third degree | A Misdemeanor | E Felony |
| Stalking in the fourth degree | B Misdemeanor | A Misdemeanor |
| Unlawful imprisonment in the first degree | E Felony | D Felony |
| Unlawful imprisonment in the second degree | A Misdemeanor | E Felony |

*When the crime committed is an A or B felony, the class of the crime is not stepped up in the event that it is bias motivated, but, rather, the penalty is enhanced, which can mean a longer sentence for the perpetrator.

| CLASS | MAXIMUM PENALTY |
|---------------|-----------------|
| B Misdemeanor | 3 months |
| A Misdemeanor | 1 year |
| E Felony | 4 years |
| D Felony | 7 years |
| C Felony | 15 years |
| B Felony | 25 years |
| A-1 Felony | Life |

Bias Crimes

WHAT EVERY ADELPHI STUDENT NEEDS TO KNOW

THE FACTS ABOUT BIAS CRIME

- Every year, more than half a million college students are targets of bias-driven slurs or physical assaults.*
- Every day, at least one hate crime occurs on a college campus.*
- Every minute, a college student somewhere sees or hears racist, sexist, homophobic or otherwise biased words or images.*
- In 2016, 1,776 law enforcement agencies reported 6,121 hate crime incidents.**
- More than 9.9 percent of all hate crimes nationally occur in colleges or schools.**

Sources:

*Southern Poverty Law Center

**FBI Hate Crime Statistics, 2016