Bias/Hate Crimes
Faculty & Staff
BIAS/HATE CRIMES

What is a bias/hate crime?
According to Title Y, New York State Hate Crime Act 2000, Article 485 of the New York State Penal Law (www.assembly.state.ny.us/leg/?cl=82&a=81):

Criminal acts involving violence, intimidation, and destruction of property based upon bias and prejudice are commonly referred to as “hate crimes.” As written in article 485 of the New York Penal Law, hate crimes are defined as those crimes where victims are intentionally selected, in whole or in part, because of their race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation. Hate crimes include the following:

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

- 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.

Proof of race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of the defendant, the victim or of both the defendant and the victim does not, by itself, constitute legally sufficient evidence satisfying the people’s burden under paragraph (a) or (b) of subdivision one of this section.

A “specified offense” is an offense defined by any of the following provisions of this chapter: 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 160.5 (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); or any attempt or
conspiracy to commit any of the foregoing offenses.

For purposes of this section:
- the term “age” means sixty years old or more;
- “disability” means a physical or mental impairment that substantially limits a major life
  activity

What is a hate or bias incident?
According to the U.S. Department of Justice, a hate or bias incident involves behavior that is
motivated by bias based on race, religion, ethnicity, national origin, gender, disability, or sexual
orientation. Incidents do not involve acts that are regarded as criminal conduct such as assault,
threats, or property damage but many times are bias-motivated degrading comments.

How common on bias/hate crimes?
According to the Federal Bureau of Investigations (FBI) Uniform Crime Reports (UCR) 8,063 bias-
motivated crimes were reported to the police in 2000, involving 9,430 offenses, 9,924 victims, and
7,530 known offenders. According to the UCR data collected, 53.8 percent of the hate crimes
were motivated by racial bias; 18.3 percent by religious bias; 16.2 percent by sexual orientation
bias; 11.3 percent by ethnicity/national origin bias; and 0.5 percent by disability or multiple
biases. There were also 2,151 incidents against 2,475 gay, lesbian, and transgender individuals in
2000, committed by 3,344 offenders. As high as these statistics are, the actual numbers are much
higher as not all hate crime or incidents are reported. Many victims are reluctant to come forward
because they feel isolated and fear potential repercussions of a perpetrator.

How can I avoid being a victim of a bias/hate crime?
You can make a difference in creating a climate on campus where hate incidents and crimes
are not tolerated. Speak out when jokes or comments are made that are hateful or demeaning.
Ask yourself if you use derogatory, degrading or offensive terms in describing others. Inform
your supervisor, Human Resources, or Campus Security, if you witness an incident or crime
or you are aware that someone is being harassed or threatened. Observing general safety tips
can also help you avoid being a victim of a bias or hate crime. Be alert to your surroundings,
notice people, lighting, access to phones, and exits. Use elevators, stairs, and restrooms in
well-trafficked areas. Avoid deserted parking lots, and poorly lit or poorly populated areas. If
possible, walk with a friend in secluded areas at night. Keep you dorm room and car doors
locked. Do not give out personal information to a stranger over the phone or on the internet.

What is NYIT’s policy on bias/hate crimes?
New York Institute of Technology is committed to maintaining an educational environment
that is free from bias/hate crimes. The victim has the right to choose to pursue criminal action
and, in the case of an on-campus incident, to provide NYIT with information to pursue
judicial action. The decision to pursue judicial action in no way restricts the victim from filing criminal charges, and vice versa. NYIT is committed to providing confidential services to the victim and to providing those who come forward with a protective environment.

What is the criminal sentencing for a bias/hate crime?

According to Title Y of the New York State Hate Crimes Act 2000, Article 485 of the New York State Penal Law (www.assembly.state.ny.us/leg/?cl=82&a=81):

1. When a person is convicted of a hate crime pursuant to this article, and the specified offense is a violent felony offense, as defined in Section 70.02, the hate crime shall be deemed a violent felony offense.
2. When a person is convicted of a hate crime pursuant to this article and the specified offense is a misdemeanor or a class C, D, or E felony, the hate crime shall be deemed to be one category higher than the specified offense the defendant committed, or one category higher than the offense level applicable to the defendant’s conviction for an attempt or conspiracy to commit a specified offense, whichever is applicable.
3. Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class B felony:
   a. the maximum term of the indeterminate sentence must be at least six years if the defendant is sentenced pursuant to Section 70.00;
   b. the term of the determinate sentence must be at least eight years if the defendant is sentenced pursuant to Section 70.02;
   c. at least 12 years if the defendant is sentenced the term of the determinate sentence must be at pursuant to Section 70.04;
   d. the maximum term of the indeterminate sentence must be at least four years if the defendant is sentenced pursuant to Section 70.05; and
   e. the maximum term of the indeterminate sentence or the term of the determinate sentence must be at least ten years if the defendant is sentenced pursuant to Section 70.06.
   f. Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class A-1 felony, the minimum period of the indeterminate sentence shall be not less than twenty years.

What can I do if I am a victim of a bias/hate crime?

Employees who may have been the victim of a hate or bias crime are encouraged to seek counseling and support services from a professional counselor through the Counseling and Wellness Center and appropriate medical assistance. Victims of a hate/bias crime and/or any individual (faculty or staff member) who witnesses or has factual knowledge of an employee who has been the victim of a bias/hate crime is also encouraged to report the incident to a college Campus Security, Director of Residential Services, Dean of Campus Life, or Director of Security.

- Get to a safe place.
- Contact someone who can help: a friend, family member, Residential Programs staff, the Counseling and Wellness Center, Dean of Campus Life, or Campus Security.
- If you have been sexually assaulted/raped, do not shower, eat, drink, douche, or change your clothes. These activities destroy important physical evidence in the event that you decide to prosecute the assailant.
- Get medical attention. You may have injuries that may not be obvious to you.
- Write down everything you remember in as much detail as possible. This can help with your own healing and in any legal action you may decide to take.
- Remember you are not to blame.
The aftermath … How am I going to feel?
- Emotional shock or disbelief
- Embarrassment/shame
- Depression
- Powerlessness
- Flashbacks
- Anger

Can a hate crime be committed with nothing more than words?
The use of prejudice and bigoted language does not in itself violate hate crime laws. This type of behavior is usually classified a bias incident but should be reported.

Is sexual assault considered a hate crime?
It may be prosecuted as a hate crime if evidence can be obtained demonstrating that the assault was motivated by bias against the victim because of gender.

How do I report a hate crime?
You report a hate crime the same way you would report any other crime.

Employee Resources
Employee Assistance Program resources are available through the medical plan with UnitedHealthcare (for participants in the medical plan) and through the long term disability (LTD) program with The Standard Insurance Company (for participants in the LTD plan). Provided below is information on:

1. UnitedHealthcare – confidential short-term telephone counseling services and referrals for more extended care are available by contacting UnitedHealthcare at the phone number on the back of the ID. card, which is 888.847.4274.

2. The Standard Insurance Company – confidential telephone consultation with an experienced master’s degreed clinician and three in-person sessions for each issue. Participants can contact a representative at 1.888.293.6948 to speak with a clinician and/or arrange a referral.

LEGAL SERVICES

Manhattan:
- Campus Security: 646.273.7789
- Twentieth Precinct: 212.580.6411
- New York City District Attorney’s Special Victim’s Bureau: 212.335.9373

Old Westbury:
- Campus Security: 516.686.7789
- Nassau County Special Investigations Squad: 516.573.8000
- Nassau County Special Victims Squad: 516.573.8055
- Old Brookville Police Department: 516.626.1300
- Old Westbury Police Department: 516.626.0200

Central Islip:
- Campus Security: 631.348.7789
- Suffolk County Police Bias Crime Unit: 631.852.6384
• Suffolk County District Attorney’s Sex Crimes Unit: 631.852.6222
• Suffolk County Police Third Precinct: 631.854.8300

ADDITIONAL HELP
New York State Crime Victim’s Board: 800.247.8035