PLAZA COLLEGE Est. 1916

CAMPUS SECURITY REPORT

2024

Abstract

The federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requires colleges and universities, both public and private, participating in federal student aid programs to disclose campus safety information, and imposes certain basic requirements for handling incidents of sexual violence and emergency situations. Disclosures about crime statistics and summaries of security policies are made once a year in this Annual Security Report (ASR), and information

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Plaza College Security Report 2023

INTRODUCTION

Plaza College is justifiably proud of its record in maintaining the safety of our community, as shown in the enclosed federal ly reported crime statistics. The College's design of the campus supports security with a single, dedicated entrance and safety officers prominently stationed to control access to the campus. Persons coming to campus must present ID and sign in either in writing or electronically. The new campus is a compact institution with a strong administrative presence. As a College with a transitory commuter population, serious crime has not been an issue at Plaza. Our building has heightened security because of the presence of offices for federal, state, and city legislators, which includes camera surveillance of the building front by the NYPD. With the Queens Courthouse and District Attorney's office within blocks of the College, the safety of our neighborhood benefits with the presence of FEMA, the FBI, the Treasury Department, and Secret Service.

Institutional Research drafts this report for the Advisory Committee on Campus Security based upon statistics compiled annually by the Office of the President, and the Dean of Academic Affairs. The NYPD is asked to provide statistics regarding crimes in and around campus compiled by the police.

COUNSELING SERVICES (NYS 129-b 6444) (3)

The numbers below are places where you can find help:

NYS Domestic and Sexual Violence Hotline: 1-800-942-6906

New York City: 1-800-621-HOPE (4673) or dial 311, 1-866-604-5350 (TTY) 112th

112th Precinct Domestic Violence Unit (718) 520-9284

NYPD: Sex Crime Unit Hotline

(212) 267-RAPE (7273) (24 Hour)

NYPD Helpline
(212) 335-9373

Victim Services Agency
(718) 899-1233
(212) 577-7777 (24 Hour)

Mount Sinai School of Medicine / SAVI
25-10 30th Ave
Astoria
Hotline: (212) 423-2140

Crime Victim Hotline
(212) 577-7777

New York Asian Women's Center
212-732-5230 (24-Hour Hotline)

Mt. Sinai Hospital
Sexual Assault Violence Intervention Program
One Gustav Levy Place
Main Line: 212-423-2140

Rape Intervention Program

St. Luke's-Roosevelt
(212)523-4728

Safe Horizon Sexual Assault Hotline
866-689-HELP (4357) (24-Hour Hotline)
212-267-3000, www.safehorizon.org

Sanctuary for Families
212-349-6009, www.sanctuaryforfamilies.org

National Mental Health Association
1-800-273-TALK

212-533-4358 (voice / TYY hotline), www.bflnyc.org

New York City Anti-Violence Project
212-714-1141(24-Hour Hotline), www.avp.org
888-888-7702

For further resources see:

New York State Department of Health Rape Crisis and Sexual Violence Prevention Program: https://www.health.ny.gov/prevention/sexual_violence/

New York State Office for the Prevention of Domestic Violence: http://www.opdv.ny.gov/

REPORTING A SEX OFFENSE (NYS 129-b 6444)

All College employees (faculty, staff, administrators) are expected to immediately report actual or suspected discrimination or harassment to appropriate officials, though there are some limited exceptions. In making informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality – meaning they are not required to report actual or suspected discrimination or harassment to appropriate College officials - thereby offering options and advice without any obligation to inform an outside agency or individual unless a victim has requested information to be shared. Other resources exist for a victim to report cri mes and policy violations, and these resources will take action after an incident report. The following describes the two reporting options at the College:

Confidential Reporting

If a reporting individual would like the details of an incident to be kept confidential, the reporting individual may speak with the College's Chief Operating Officer (COO). The COO will maintain confidentiality except in extreme cases of immediate threat or danger, or abuse of a minor.

Formal Reporting

All college employees have a duty to report unless they fall under the "Confidential Reporting" section above. Reporting individuals may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared by the employee with the Title IX Coordinator and/or Deputy Coordinators. Employees must share all the details of the reports they receive. Generally, climate surveys, classroom writing assignments, human subjects research, or events such as Take Back the Night marches or speak-outs do not provide notice that must be reported to the Coordinator by employees. Remedial actions may result without formal college action.

If a victim does not wish for her/his name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the victim may make such a request to the Title IX Coordinator or Deputy Coordinators, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. In cases indicating pattern, predation, threat, weapons and/or violence, the College will likely be unable to honor a request for confidentiality. In cases where the victim requests confidentiality and the circumstances allow the College to honor that request, the College will offer interim supports and remedies to the victim and the community but will not otherwise pursue formal action. A reporting party individual has the right, and can expect, to have reports taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through these procedures.

Formal reporting still affords privacy to the reporting individual, and only a small group of officials who need to know will be told, including but not limited to: Information will be shared as necessary with investigators, witnesses, and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party's rights and privacy.

Even college offices and employees who cannot guarantee confidentiality will maintain privacy to the greatest extent possible . The information provided to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

Reports to the Title IX Coordinator can be made via email, phone, or in-person at the contact information below:

Name: Dean Kalliopi Koutsoutis
Title: Title IX Coordinator
Dean of Institutional Effectiveness
Location: Academics 3rd Floor

Phone: (718) 779-1430, ext.7177
Email: kkoutsoutis@plazacollege.edu

Failure of a non-confidential employee, as described in this section, to report an incident or incidents of sex or gender harassment or discrimination of which they become aware, is a violation of college policy and can be subject to disciplinary action for failure to comply with college policies.

SEXUAL ASSAULT RESPONSE TEAM [NYS 129-b 6444 (1.b.)]

The Sexual Assault Response Team is called in after any report of sexual assault. This team is made up of the following individuals:

Provost Charles Callahan (cec4@plazacollege.edu)
Dean Kalliopi Koutsoutis (kkoutsoutis@plazacollege.edu)
Dean Laura March (lmarch@plazacollege.edu)
Dean Correne Cavalieri (ccavalieri@plazacollege.edu)
Dean Dawn Vetrano (dvetrano@plazacollege.edu)
Dean Caroline Callahan (cmc@plazacollege.edu)
Director Candace Nixon (cnixon@plazacollege.edu)

Campus administrators are available to help free of charge and can be seen on an emergency basis during normal business hours. These employees will submit annual anonymous, aggregated statistical information for Clery Act purposes unless they believe it would be harmful to a specific client, patient, or parishioner.

PLAZA COLLEGE RESPONSE TO REPORTS OF SEXUAL ASSAULT (NYS 129b 6444 (1) (a-i)

All reporting individuals have these rights. Institutions shall provide these rights consistent with the provisions under the federal Clery Act, 20 U.S.C. 1092 (f)(8)(B)(iii)(III)(aa)-(cc) that require institutions to provide students with three options:

> "(aa) notify proper law enforcement authorities, including on-campus and local police;
>
> (bb) be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
>
> (cc) decline to notify such authorities."

For more details, see Plaza College Policy on Sex/Gender Harassment, Discrimination, and Misconduct.

Under New York State Education Law 129-b, all reporting individuals have the right to:

a. Notify local law enforcement, and/or state police;

b. Have emergency access to a Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assau lt who shall be available upon the first instance of disclosure by a reporting individual to provide information regarding options to proceed, and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible, and detailing that the criminal justice process utilizes different standards of proof and evidence and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or the district attorney. Such official shall also explain whether he or she is authorized to offer the reporting individual confidentiality or privacy, and shall inform the reporting individual of other reporting options;

c. Disclose the incident confidentially to institution representatives, who may offer confidentiality pursuant to applicable laws and can assist in obtaining services for reporting individuals;

d. Disclose the incident confidentially and obtain services from the state or local government;

e. Disclose the incident to institution representatives who can offer privacy or confidentiality, as appropriate, and can assist in obtaining resources for reporting individuals;

f. File a report of sexual assault, domestic violence, dating violence, and/or stalking and the right to consult the Title IX Coordinator and other appropriate institution representatives for information and assistance. Reports shall be investigated in accordance with institution policy, and a reporting individual's identity shall remain private at all times if said reporting individual wishes to maintain privacy;

g. Disclose, if the accused is an employee of the institution, the incident to the institution's human resources authority or the right to request that a confidential or private employee assist in reporting to the appropriate human resources authority;

h. Receive assistance from appropriate institution representatives in initiating legal proceedings in family court or civil court; and

i. Withdraw a complaint or involvement from the institution process at any time.

Bill of Rights (NYS 129-b 6443)

All students have the right to:

1. Make a report to local law enforcement and/or state police;

2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;

3. Make a decision about whether or not to disclose a crime or violation and participate in the conduct process and/or criminal justice process free from pressure by Plaza;

4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;

5. Be treated with dignity and to receive from Plaza College courteous, fair, and respectful health care and counseling services, where available;

6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;

7. Describe the incident to as few College representatives as practicable and not be required to repeat a description of the incident unnecessarily;

8. Be protected from retaliation by Plaza College, any student, the accused and/or the respondent, and/or their friends, family, and acquaintances within the jurisdiction of Plaza College;

9. Access to at least one level of appeal of a determination;

10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the conduct process including during all meetings and hearings related to such process; and

11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of Plaza College

Right to Report (New York State Education Law 129-b (6444) (2))

You have the right to make a report to the NYPD, and/or state police or choose not to report; to report the incident to Plaza College; to be protected by Plaza College from retaliation for reporting an incident, and to receive assistance and resources from Plaza College.

Accommodations

Any individual who has been the victim of sexual misconduct may request assistance in changing academic, living, transportation, and working situations, as applicable. These interim measures may also include issuance of a No Contact Order, changes in academic, extracurricular, housing, dining, employment, transportation, or other applicable arrangements.

Requests for accommodations in connection with incidents of sexual misconduct should be made in writing to the College's Title IX Coordinator. The College will grant such accommodations, provided they are reasonable and available, regardless of whether the complainant chooses to report the crime to law enforcement. When taking such interim measures and/or steps to separate the complainant and the respondent, the College will, to the extent practical, minimize the burden on the complainant. The College will provide information about the request for accommodations only to those having a need to know such information in order to implement the accommodations.

The respondent and/or the complainant will, upon request, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of an interim measure, including potential modification. The respondent and/or complainant will be allowed to submit evidence in support of his or her request. Violation(s) of the Title IX Coordinator's directives and/or protective actions will constitute related offenses that may lead to additional disciplinary action.

CONDUCT HEARINGS INVOLVING SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, STALKING, OR SEXUAL ACTIVITY (NYS 129b 6444 (5))

INITIATION OF A FORMAL COMPLAINT

A report of Sexual and Gender-Based Misconduct becomes a formal Complaint in one of the following ways:

1. An alleged victim may file a written Complaint with the College or a Third Party may file a written Complaint on his or her behalf. An alleged victim may submit a written statement in his or her own words to the Title IX Coordinator providing sufficient information for the College to investigate the allegations contained therein;

2. An alleged victim can meet in person with the Title IX Coordinator, Deputy Title IX Coordinator(s) or another designated Responsible Employee to report alleged Sexual or Gender-Based Misconduct. Reports made to a Responsible Employee will be referred to the Title IX Coordinator, who will ask the alleged victim to submit a written statement in his or her own words.

3. Pursuant to Title IX, the College has an obligation to address all incidents of Sexual and Gender-Based Misconduct of which it becomes aware. If the Title IX Coordinator decides to proceed with a formal Complaint under these circumstances, a college administrator will serve as the "Complainant."

Once a formal Complaint is initiated, an alleged victim will be referred to as a "Complainant" and an alleged perpetrator will be referred to as a "Respondent."

INTERIM PROTECTIVE AND DISCIPLINARY MEASURES

Once a Complaint has been initiated, the Title IX Coordinator, in consultation with the appropriate Deputy Title IX Coordinator(s) and other appropriate administrators as necessary, will determine whether any Interim Measures and Interim Disciplinary Sanctions are needed, and assess the parties' requests for Interim Measures, to support the Complainant and Respondent and to protect the campus community.

Examples of Interim Measures

The Title IX Coordinator may implement one or more of the following Interim Measures if appropriate and/or reasonably available. Interim Measures are available even if a party chooses not to report an offense to local law enforcement:

- Issuing of mutual "no-contact" orders to prevent any contact between the Complainant, the Respondent, witnesses, and/or third parties. If the Respondent is a student, the Title IX Coordinator will issue a "no contact" order to the Respondent. Continued intentional contact with the Complainant is a violation of this policy and may result in additional conduct charges. Both the Complainant and Respondent may request review of the "no contact" order and explain why they think that the order should be modified;
- Providing the Complainant an escort to ensure that he or she can move safely between classes, work, and/or activities; ○ Changing a Complainant's or a Respondent's on-campus housing, if any, to a different room and/or floor and providing assistance from college support staff in completing the relocation; ○ Rescheduling classwork, assignments, and examinations; ○ Changing work arrangements or schedules;
- Providing academic support services such as: alternative course completion options, dropping a course without penalty in some cases, or transferring to a different class section (with the agreement of the appropriate faculty);
- Limiting access to college facilities or activities, including participating in collegiate sports, pending resolution of the matter. Temporary (interim) suspension/removal from campus.

Note: Failure to comply with the terms of Interim Measures may be considered a separate violation of this Policy.

The specific Interim Measures will vary depending on the facts of each case. The Title IX Coordinator will consider a number of factors in determining what Interim Measures to take, including, for example, the specific needs expressed by the Complainant and Respondent; the age of the parties involved; the severity of the allegations; whether the allegations were part of a pattern of conduct; whether a weapon was involved; whether the Complainant and Respondent share the same residence hall, dining hall, class, transportation, or job location; and whether other judicial measures have been taken to protect the Complainant and Respondent (e.g., civil protection orders).

Throughout the College's investigation and resolution process, the Title IX Coordinator will periodically check with the Complainant and Respondent to ensure interim measures are effective and, if not, identify alternatives.

INITIAL MEETINGS

Meeting with the Complainant

The Title IX Coordinator or deputy will contact the Complainant in writing to schedule an initial meeting. (If the person who reported the alleged Sexual or Gender-Based Misconduct is a Third- Party Reporter, the Title IX Coordinator will attempt to meet with him or her as soon as possible to gather information.) At this initial meeting, the Title IX Coordinator or deputy will, as applicable:

- Provide the Complainant a copy of this Policy, and review his or her rights under the Policy; ○ Provide the Complainant information about on and off-campus resources, such as the Office of Counseling and

Wellness; ○ Explain the avenues for formal and, if applicable, informal resolution of the Complaint; ○ Explain the steps involved in a Formal Title IX investigation;

- Advise the Complainant that he or she may have an advisor of his or her choice present throughout the Title IX investigation and resolution process. The advisor may be an attorney, retained a t the Complainant's own expense. Any advisor will function as a silent observer in any meeting or proceeding related to the investigation or resolution process. If the Complainant is a member of the Plaza College community and does not have an advisor, the College will provide him or her with a list of faculty or staff who have volunteered to act as an advisor to parties involved in the Title IX investigative and resolution process; ○ Discuss confidentiality standards and concerns;

- Discuss the importance of preserving relevant evidence or documentation in the case (e.g., texts, emails, notes, photographs (etc.); ○ Discuss protection from, and reporting of, Retaliation and Intimidation; and

- Discuss with the Complainant, as appropriate, possible Interim Measures that can be provided to him or her during the pendency of the investigative and resolution processes. (If Interim Protective Measures have already been implemented, the Title IX Coordinator will evaluate whether they should continue to be provided and whether other Interim Measures should also be implemented.) The College may implement such measures regardless of whether a formal Complaint has been filed (with either campus officials or law enforcement agencies) or whether an investigation has commenced (by either campus officials or law enforcement agencies). These Interim Measures may include the protective measures listed in paragraph B.1 above.

- The Title IX Coordinator will promptly inform the Complainant (no later than it is communicated to the Respondent) of the imposition of any Interim Measures and, to the extent that it affects him or her, the Respondent.

Meeting with Respondent

If the Complainant wishes to pursue resolution through the College or if the College otherwise deems that further investigation is warranted, the Title IX Coordinator will contact the Respondent in writing to schedule an initial meeting. During the initial meeting with the Respondent, the Title IX Coordinator will, as applicable:

- Provide the Respondent, in writing notice of charges, information consistent with state and federal privacy laws and, if applicable, the alleged victim's request for confidentiality, that is sufficient to allow him or her to respond to the substance of the allegation, including, if possible, the name of the Complainant and the date, location, and nature of the alleged Sexual or Gender-Based Misconduct; ○ Provide the Respondent a copy of this Policy, including a review of his or her rights under the Policy; ○ Explain the College's procedures for resolution of the Complaint; ○ Explain the steps involved in a Formal Title IX investigation;

- Advise the Respondent that he or she may have an advisor of his or her choice present throughout the Title IX investigation and resolution process. The advisor may be an attorney, retained at the Respondent's own expense. Any advisor will function as a silent observer in any meeting or proceeding related to the investigation or resolution process. If the Respondent is a member of the Plaza College community and does not have an advisor, the College will provide the Respondent with a list of faculty or staff who have volunteered to act as an advisor to parties involved in the Title IX investigative and resolution process; ○ Discuss confidentiality standards and concerns with the Respondent; ○ Discuss non-Retaliation and Intimidation requirements with the Respondent;

- Inform the Respondent of any Interim Measures to be provided to the Complainant that directly affect the Respondent (e.g., changing the Respondent's class schedule, or moving the Respondent to an alternate residence hall); ○ Discuss the importance of preserving relevant evidence or documentation in the case (e.g., texts, emails, notes, photographs (etc.); ○ Refer the Respondent to other resources, as appropriate; and

- Discuss with the Respondent, as appropriate, possible Interim Measures that can be provided to the Respondent during the pendency of the investigative and resolution processes. The College may implement such measures if requested and/or appropriate, and reasonably available, whether a formal Complaint has been filed (with either campus officials or law enforcement agencies) or whether an investigation has commenced (by either campus officials or law enforcement agencies). Such determination will promptly be communicated to the Respondent

  (no later than it is communicated to the Complainant) and, to the extent that it affects him or her, the Complainant.

TITLE IX COORDINATOR'S INITIAL ASSESSMENT

After meeting with the Complainant and the Respondent, the Title IX Coordinator will make a determination as to whether (a) a Formal Title IX Investigation is warranted to resolve the case; (b) the case can possibly be resolved through Informal Resolution; or (c) there is insufficient evidence to pursue charges of alleged Sexual or Gender-Based Misconduct.

In the event that the Title IX Coordinator determines there insufficient evidence to pursue charges of the alleged Sexual or Gender-Based Misconduct as defined by this Policy, the Title IX Coordinator will determine (in separate consultation with the Complainant, the Respondent, and other college administrators) and document the appropriate resolution of the Complaint, will promptly notify the parties of the resolution and will close the Complaint. Either party may appeal the Title IX Coordinator's decision according to the procedures for appeal below.

INFORMAL RESOLUTION

In appropriate instances where it is deemed possible and safe, the Title IX Coordinator may choose to attempt to resolve certain Complaints of Sexual and Gender-Based Misconduct through Informal Resolution means. If, based on the facts of the case, it is determined that an Informal Resolution may be appropriate, the Title IX Coordinator will discuss this option with the Complainant during the initial meeting. If the Complainant agrees, the Title IX Coordinator will discuss Informal Resolution with the Respondent during the initial meeting. Consent from both parties is required to proceed further in the Informal Resolution process.

The College will not use the Informal Resolution process to address complaints of Sexual Assault, Dating Violence, Domestic Violence, Stalking or any matters involving physical touching or violence of any kind, as well as other cases of serious violations of the Sexual and Gender-Based Misconduct Policy as determined by the Title IX Coordinator.

It is not necessary to pursue Informal Resolution first in order to make a Formal Resolution Complaint. Moreover, either party may terminate the Informal Resolution process at any time and proceed with Formal Resolution. The Title IX Coordinator may also terminate Informal Resolution at any time and order that the parties proceed with Formal Resolution instead. In such cases, statements or disclosures made by the parties in the course of the Informal Resolution process may be considered in the subsequent Formal Resolution proceedings.

If Informal Resolution is determined to be appropriate and the parties agree to proceed, the Title IX Coordinator or a trained designee will meet separately with both parties to present and discuss a resolution based on the information available. If both the Complainant and Respondent are satisfied with a proposed resolution and the Title IX Coordinator believes the resolution satisfies the College's obligation to provide a safe and non-discriminatory environment for the entire college community, the resolution will be implemented, and the matter will be closed. If these efforts are unsuccessful, the Formal Resolution process will commence.

FORMAL TITLE IX INVESTIGATION AND RESOLUTION PROCEDURES

If the Title IX Coordinator determines that a Formal Resolution is warranted to resolve the Complaint or Informal Resolution efforts are not successful, the Title IX Coordinator will refer the matter for Formal Resolution, which includes a thorough a nd Prompt Investigation and provides for a fair and impartial evaluation and resolution.

Formal Resolution Procedures for Sexual or Gender-Based Misconduct Complaints

Assignment of an Investigator

If the Title IX Coordinator determines that a Formal Title IX Investigation is warranted to resolve a Complaint of Sexual or Gender-Based Misconduct or Informal Resolution efforts were not successful, the Title IX Coordinator will appoint an investigator or an investigative team ("investigator") who has specific training and experience investigating allegations of Sexual and Gender-Based Misconduct. The Title IX Coordinator will notify both the Complainant and the Respondent in writing of the Formal Title IX Investigation and the name of the investigator(s). The investigator(s) may be an employee(s) of the College or an external investigator(s) engaged to assist the College in its fact gathering.

The Respondent and the Complainant may protest the appointment of the investigator(s) by identifying a possible conflict of interest in writing to the Title IX Coordinator within twenty-four (24) hours after the appointment of the Investigator(s). The Title IX Coordinator will carefully consider such statements and will assign a different investigator(s) if it is determined that a material conflict of interest exists.

The Investigator's Activities

The Title IX investigation will be conducted in a manner appropriate in light of the circumstances of the case. The formal investigation may include, but is not limited to, conducting interviews of the Complainant, the Respondent(s), and any witnesses (witnesses must have observed the acts in question or have information relevant to the incident and cannot b e participating solely to speak about an individual's character); reviewing law enforcement investigation documents, if applicable; reviewing student and personnel files; and gathering, examining, and preserving other relevant documents and physical, written (including medical records), and electronic evidence (including social media, security camera footage, etc.). The parties will have an equal opportunity to present relevant witnesses and evidence to the investigator, as well as identify witnesses who may have relevant information. Moreover, both the Complainant and Respondent(s) may have an advisor accompany (but not actively participate) him or her through the investigation process.

The investigation will be discreet and only disclosed only to those who "need to know." In cases where the Complainant, Respondent, and witnesses are students, the College will take reasonable care to protect the students' privacy by using an assigned number in incident reports and in publicly available recordkeeping.

The Investigator's Report

The Investigator will complete, generally within 30 days after the investigation begins, a preliminary written report that is a neutral summary of the facts.

The Complainant and Respondent will be given the opportunity to review the Investigator's Report. Consistent with FERPA or safety concerns, identifying information about a party or third parties may be redacted at the discretion of the Title IX Coordinator. A Complainant and Respondent may request an opportunity to submit any additional comments or evidence to the investigator within five (5) business days of the opportunity to review the report.

Adjudication

Upon receipt of any additional information by the Complainant or Respondent, if any, or after the five

(5) day comment period has lapsed without comment, the investigator(s), in consultation with the Title IX Coordinator, will issue a final Report to the Hearing Officer who will review the Investigative Report and make a Determination in consultation with the Title IX Coordinator as to whether the Respondent, by the preponderance of the evidence, violated any provision of the College's Sexual and Gender-Based Misconduct Policy. (*See Notice of Outcome section below*)

Determination Not to Proceed to Disciplinary Action

If the Hearing Officer, in consultation with the Title IX Coordinator, determines that the Respondent <u>did not</u> violate any provision of the College's Sexual and Gender-Based Misconduct Policy, the final outcome letter to both parties will inform them of this determination and the parties' right to appeal that decision.

Determination to Proceed to Disciplinary Action

If the Hearing Officer, in consultation with the Title IX Coordinator, determines that <u>there is</u> sufficient information to find, by a preponderance of the evidence, that the Respondent violated the College's Sexual and Gender-based Misconduct Policy, the final written report to both parties will inform them that the matter will be referred to the appropriate Administrative Officer to determine what disciplinary sanction, if any, may be appropriate.

Disciplinary Sanctions and Remedial Actions

The Administrative Officer is responsible for determining the appropriate disciplinary sanction.

Assignment of the Administrative Officer

For Complaints against **Students**, the Administrative Officer is typically the President or designee.

For Complaints against **Staff**, the Administrative Officer is typically the President or a designee.

For Complaints against **Faculty**, the Administrative Officer is typically the President or designee.

For a Complaint against a **Student Employee** who is acting solely within the scope of his/her college employment at the time of the incident the Administrative Officer is typically the President or designee. For complaints against a **Third Party**, the Administrative Officer is typically the President or designee.

The Administrative Officer must be a neutral and impartial decision-maker. Any Administrative Officer who has reason to believe s/he cannot make an objective decision regarding the appropriate sanction must recuse him/herself from the process.

Imposition of Disciplinary Sanctions

Both the Complainant and Respondent will be provided five (5) days from the date they are provided the Hearing Officer determination to submit a written impact statement for the Administrative Officer's consideration. The Administrative Officer, in reaching a final decision on an appropriate sanction, will review the Investigative Report, the Hearing Officer written determination on responsibility and impact statements, as well as consult with the Title IX Coordinator.

The Administrative Officer may impose any sanction deemed appropriate after a consideration of all of the relevant information.

For **Students**, the sanction may include warnings, behavioral contracts, community service, referrals to professional counseling, social probation, probation, suspension from the College, expulsion, and the withholding or revocation of a degree.

- **Transcript Notations**. Students suspended or expelled for committing an act of sexual assault, domestic violence, dating violence, stalking or a "violent crime," as defined by the Clery Act,[1] will have a notation placed on their transcript as follows: "suspended after a finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." The College will consider requests to remove transcript notations. A transcript notation will not be removed prior to one year after conclusion of the suspension. Expulsion notations will not be removed in any case. Appeals seeking removal of a transcript notation should be addressed to the Title IX Coordinator. If an accused student withdraws from the College while charges are pending and declines to complete the disciplinary process the following notation will be placed on his/her transcript: "withdrew with conduct charges pending."

For **Staff** and **Employees (non-Faculty)**, the sanction may include any form of discipline or termination as set forth in the Employee Handbook, including disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay or termination, as well as possible training and/or referral to counseling.

For **Faculty**, the sanction may include any form of discipline or termination as set forth in the Faculty Handbook, including disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay or termination, as well as possible training and/or referral to counseling.

Both parties will be notified in writing, and in a simultaneous manner, of the College's determination on the charges.

Remedial Actions

In addition to the imposition of disciplinary sanctions, the Title IX Coordinator may take remedial action to remedy the hostile environment created by the Policy violation. These remedies may be imposed to protect the parties and the College community and are considered separate from, and in addition to, any disciplinary sanction or interim measure that may have been provided prior to the conclusion of the College's investigation.

Examples of Remedial Action for the Complainant/Respondent Following a Determination:

Remedies for the Complainant and Respondent, as determined by the Title IX Coordinator to be appropriate may include:

Providing an escort to ensure that the parties can move safely between classes and activities;

Ensuring the Complainant and Respondent do not share classes or extracurricular activities;

[1] "Violent crimes" defined by the Clery Act are murder, sexual offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, manslaughter, and arson.

Moving the Respondent or Complainant (if the Complainant requests to be moved) to a different room and/or floor in the residence hall);

Providing comprehensive, holistic support services including medical, counseling and academic support services, such as tutoring.

Examples of Remedial Action for the Broader College Community:

Remedies for the broader College community, as determined by the Title IX Coordinator to be appropriate may include:

Training or retraining employees on the College's responsibilities to address allegations of Sexual and Gender-Based Misconduct and how to conduct Title IX investigations;

Developing materials on Sexual and Gender-Based Misconduct;

Conducting bystander intervention and Sexual and Gender-Based Misconduct prevention programs with students;

Issuing policy statements or taking other steps that clearly communicate that the College does not tolerate Sexual and Gender-Based Misconduct and will respond to all reported and known incidents;

Conducting a campus climate check to assess the effectiveness of efforts to ensure that the College is free from Sexual or Gender-Based Misconduct, and using that information to inform future proactive steps that the school will take;

Targeted training for a group of students if, for example, the Sexual or Gender-Based Misconduct created a hostile environment in a residence hall or on an athletic team.

Final Outline Letters

Both parties will be notified concurrently, in writing, of the administrator's determination on the charges and proposed sanction. These outcome letters will contain findings of fact, the decision, and sanction, if any, as well as a rationale for the decision and sanction. The notice of outcome letters will also provide each party with their appeal options.

Appeals

The Complainant and the Respondent may appeal the determination of the final outcome letter. Appeals are decided by an Appeal Panel. There are three grounds for appeal:

The original conduct review meeting was inconsistent with the established procedures;

Evidence is now available that could not have been obtained at the time of the conduct review meeting; or

The sanction is excessive, inconsistent or insufficient with the nature of the offense.

The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for the appeal. The appeal must be submitted within 5 days of the date of the final outcome letter to the Appeal Panel.

Upon receipt of the appeal, the Title IX Coordinator (or designee) will provide the other party notice of the appeal and the opportunity to respond in writing to the appeal. Any response to the appeal must be submitted within five (5) business days from receipt of notice of the appeal. In the event that both parties initially appeal the findings, each party will be provided notice and a copy of the other party's appeal.

The appeal will be conducted in an impartial manner by a panel (or designee). In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The appeal is not a new review of the underlying matter. (The Panel will review the written investigation report and all supporting documents and may consult with both parties independently.)

The panel can affirm the original determination of responsibility, alter the determination of responsibility, and/or alter th e sanctions, depending on the circumstances. The matter can also be referred back for further investigation or consideration if appropriate.

The panel will communicate the results of the appeal to the Complainant and Respondent in writing generally within fifteen (15) business days from the date of the submission of all appeal documents by both parties. Appeal decisions are final.

QUESTIONS AND ANSWERS REGARDING INVESTIGATIONS

What Standard of Proof is used in allegations of Sexual or Gender-Based Misconduct?

The Respondent will not be presumed responsible. Instead, responsibility must be established by a preponderance of the evidence standard. "Preponderance" means more than half or "more likely than not." If, for example, the investigator concludes that the totality of the evidence weighs equally on both sides, the preponderance standard has not been met and the charges have not been proven.

Are Complainants and Respondents allowed to question each other?

Respondents and Complainants will **NOT** be allowed to personally question or cross-examine each other, but are instead encouraged to submit questions to the investigator who may then ask the other party on the student's behalf. Questions submitted by either party will be utilized at the investigator's discretion.

May the Respondent's Prior Conduct History be considered?

While previous conduct violations of the Respondent(s) are generally not admissible as information about the present alleged violations, the investigator and Administrative Officer may consider the Respondent's prior conduct history in the sanction stage if:

The Respondent(s) was previously found to be responsible;

The previous incident was substantially similar to the present allegation; and/or

The information indicates a pattern of behavior by the Respondent(s).

What information must be provided to the Complainant in the notice of outcome?

Title IX requires both parties to be notified, in writing, about the outcome of the investigation and any appeal. This notification will be provided concurrently in writing. The College must inform the Complainant as to whether or not it found that the alleged conduct occurred, any individual remedies offered or provided to the Complainant or any sanctions imposed on the Respondent that directly relate to the Complainant, or other steps the College will take to eliminate the hostile environment, if the College finds one to exist, and prevent its recurrence.

What sanctions imposed on the Respondent may "directly relate" to the Complainant?

Sanctions that directly relate to the Complainant include, but are not limited to, requiring that the Respondent stay-away from the Complainant until both parties graduate (No-Contact Orders), suspensions, removal from residential housing or being moved to another residence hall, alteration of class schedule, or expulsion.

What type of Disciplinary Sanctions may be used?

In light of the facts and circumstances of each case, the sanctions, or combination of sanctions (with or without appropriate modifications) outlined above may be applied.

May a Complainant or Respondent appeal the College's Determination of Responsibility?

Yes. Complainants and Respondents may appeal the sanction. The appeal must be submitted within 5 days of the date of the final outcome letter to Office.

The three grounds for appeal are:

1. The original conduct review meeting was inconsistent with the established procedures;
2. Evidence is now available that could not have been obtained at the time of the conduct review meeting; or
3. The sanction is excessive, inconsistent or insufficient with the nature of the offense.

The appeal will be conducted in an impartial manner by the Panel. In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The appeal is not a new review of the underlying matter. The Panel shall consider the merits of an appeal only on the basis of the grounds for appeal. The Panel will review the written investigation report and all s upporting documents and may consult with both parties independently.

OPTIONS FOR CONFIDENTIAL DISCLOSURE (NYS 129-b 6446)

"**CONFIDENTIALITY**" may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials, in a manner consistent with state and federal law,

The Office of the President and the Title IX Coordinator have designated a sole confidential contact. He may be reached at:

Provost Charles Callahan IV cec4@plazacollege.edu 718-779-1430

"**PRIVACY**" may be offered by an individual when such individual is unable to offer confidentiality under the law but shall still not disclose information learned from a reporting individual or bystander to a crime or incident more than necessary to comply with this and other applicable laws, including informing appropriate institution officials. Even Plaza College offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

ADVISORY COMMITTEE ON CAMPUS SECURITY (NYS 129-a 6431)

In accordance with Article 129-a of the New York State Education Law, Plaza College has appointed the following to Advisory Committee on Campus Security: Administrators (2 male, 1 female), Faculty and Staff (1 male, 2 female), and Students (2 female). The Committee is appointed by the President, to review specific safety related campus policies and procedures, and make written recommendations at least annually.

SEXUAL ASSAULT, DOMESTIC VIOLENCE, AND STALKING PREVENTION (NYS 129-a 6432)

Sexual Assault

Sexual Assault and Rape Information

Sexual assault involves intercourse, unwelcome physical contact, or any other sexual activity with a person who does not give free and full consent. Anyone can be raped, regardless of age, sex, appearance, or way of dressing. No matter what the circumstances, if you have been raped, a vicious crime has been committed against you. You are not to blame!

What to Do If You Have Been Sexually Assaulted or Raped

- Go to a safe place.
- Report the assault immediately to the school administration and/or the police at the above numbers.
- Sexual contact can transmit Sexually Transmitted Infections (STI) and may result in pregnancy. Contact the resources above for testing for STIs and the availability of emergency contraception.
- Within 96 hours of an assault, you can get a Sexual Assault Forensic Examination (commonly referred to as a rape kit) at a hospital. While there should be no charge for a rape kit, there may be a charge for medical or counseling services and, in some cases, insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds. More information may be found here: https://ovs.ny.gov/help-crime-victims
- To best preserve evidence, victims/survivors should avoid showering, washing, changing clothes, combing hair, drinking, eating, or doing anything to alter physical appearance until after a physical exam has been completed.
- Authorities recommend that you do not change your clothes, wash, shower, brush your teeth, use mouthwash, comb your hair, or urinate. Doing so may eliminate important evidence which could lead to the arrest of your attacker.
- Authorities recommend that you go to a hospital emergency room. Medical evidence is collected there. **NOTE:** You are **not** obligated to press charges; however, this evidence is important if you later decide to prosecute. Bring a full change of clothing as what you were wearing at the time of the attack may be kept as evidence.
- Make sure to seek counseling. Rape is a traumatic experience, and a trained person can help you deal with your feelings.

Domestic Violence

What to Do If You Are a Victim of Domestic Violence

If you are a victim of domestic violence, inform the police and the Dean of Student Services immediately. If you move to a shelter, inform Student Services not to release any information without your written consent. If you receive an order of protection, please bring a copy of the order and if possible a photo that we can distribute to campus safety officials. Contact the numbers above to link you to services that will help. If the person who is abusing you is a member of the Plaza College community, that person will be sanctioned under the Code of Conduct, which includes the possibility of expulsion.

Stalking

What to Do If You Are Being Stalked

If someone repeatedly acts in a manner that makes you fear for your safety, property, mental health, or employment, you are being stalked (see Appendix C for the text of New York law regarding stalking). You should report stalking to the police and Student Services. If you receive an order of protection, please bring a copy of the order and if possible a photo that we can distribute to campus safety officials. Contact the numbers above to link you to services that will help. If the person who is stalking you is a member of the Plaza College community, that person will be sanctioned under the Code of Conduct, which includes the possibility of expulsion.

JEANNE CLERY ACT

Timely Warnings

Plaza College has created a number of channels to provide information to the community in the event of an emergency. All members of the College community are automatically enrolled in EMS Text Messaging. The College can also choose to send emails about emergency conditions. Members of the campus community may also call the main number (718) 779-1430 for recorded announcements. Finally, the College has a speaker system, accessible to administrators, to speak to the entire on campus community in the event of an emergency. The Office of the President is responsible for activating the timely warning system. The system is tested at the beginning of the winter semester via text message.

Disclosure of Campus Crime Statistics (NYS 129-a 6433)

Upon request, Plaza College will provide a free written copy of the statistics reported under the Jeanne Clery Act by mail within 10 days of the request. The USDE Web site for campus crime statistics is http://securityoncampus.org.

Area Covered by Crime Statistics

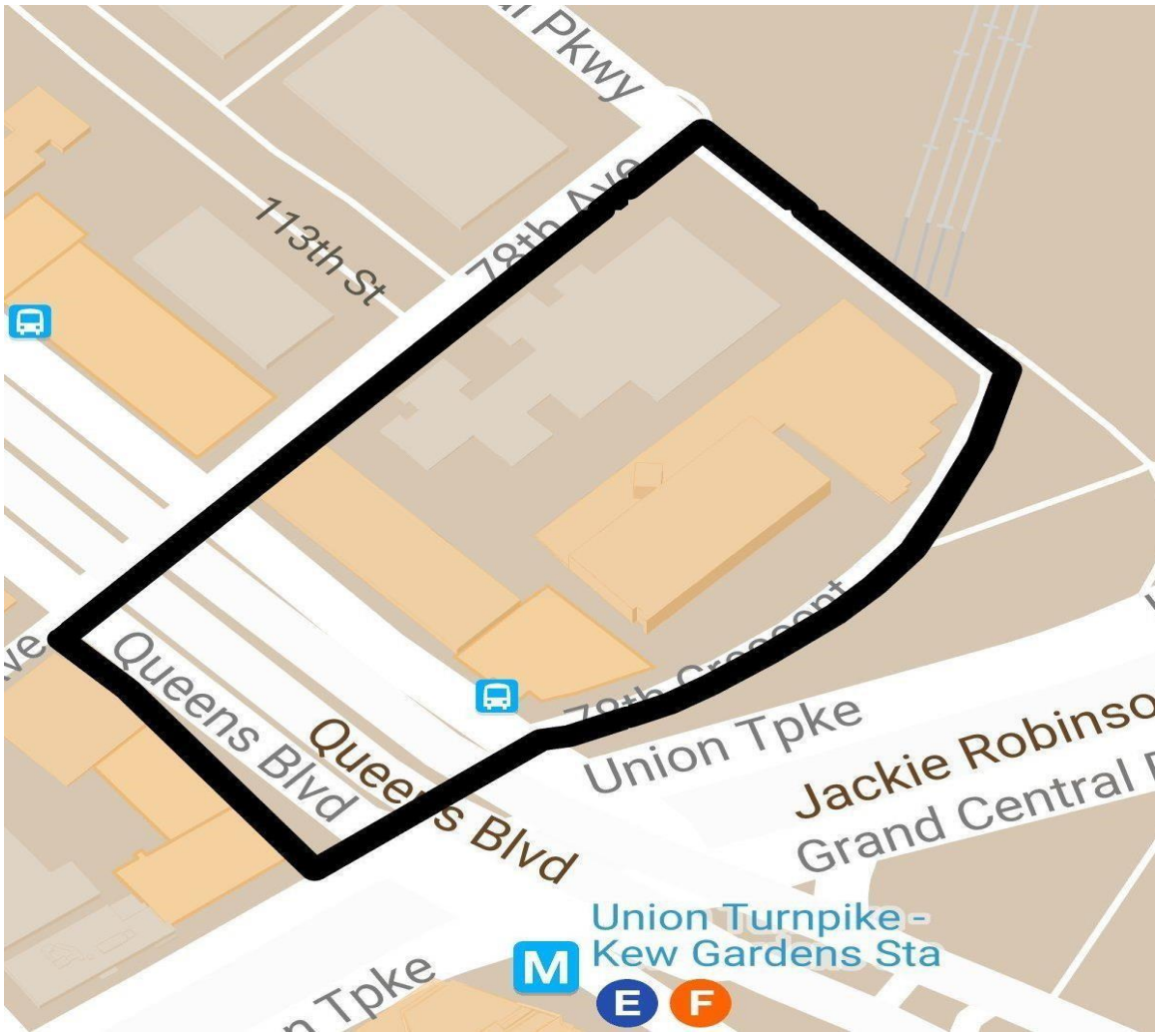
The following area is included in this report:

Plaza College facilities--118-33 Queens Boulevard

- Parking Garage—Forest Hills Tower, 118-35 Queens Boulevard

Public property adjacent to the College

- Queens Boulevard from 78th Crescent to 78 Avenue (North Side)
- Queens Boulevard from Union Turnpike to 78 Avenue (South Side)
- Grand Central Parkway from 78th Crescent to 78 Avenue (North/South Sides)
- Kew Gardens/Union Turnpike Subway station up to fare gates



Crime Statistics

Criminal Offenses			
Offense	Year	On Campus	Public property
Murder/Non-Negligent Manslaughter	2021	0	0
	2022	0	0
	2023	0	0
Negligent manslaughter	2021	0	0
	2022	0	0
	2023	0	0
Sex Offenses, Forcible	2021	0	0
	2022	0	0

Arrests			
Offense	Year	On Campus	Public property
Weapons Possession, Carrying, Etc.	2021	0	0
	2022	0	0
	2023	0	0
Drug Abuse Violations	2021	0	0
	2022	0	0
	2023	0	0
Liquor Law Violations	2021	0	0
	2022	0	0

	2023	0	0

	2023	0	0

Sex Offenses, Non-Forcible	2021	0	0
	2022	0	0
	2023	0	0
Robbery	2021	0	0
	2022	0	0
	2023	0	0
Aggravated Assault	2021	0	0
	2022	0	0
	2023	0	0
Burglary	2021	0	0
	2022	0	0
	2023	0	0
Motor Vehicle Theft	2021	0	0
	2022	0	0
	2023	0	0
Arson	2021	0	0
	2022	0	0
	2023	0	0

Offense	Year	Disciplinary Actions On Campus	Public property
Weapons Possession, Carrying, Etc.	2021	0	0
	2022	0	0
	2023	0	0
Drug Abuse Violations	2021	0	0
	2022	0	0
	2023	0	0
Liquor Law Violations	2021	0	0
	2022	0	0
	2023	0	0

Hate Crimes													
Offense	Year	Race		Religion		Sexual Orientation		Gender		Disability		Ethnicity/National Origin	
		On Campus	Public property	On Campus	Public property	On Campus	Public property	On Campus	Public property	On Campus	Public property	On Campus	Public property
Murder/Non-Negligent Manslaughter	2021	0	0	0	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0	0	0	0
Negligent manslaughter	2021	0	0	0	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses, Forcible	2021	0	0	0	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses, Non-Forcible	2021	0	0	0	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	2021	0	0	0	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	2021	0	0	0	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0	0	0	0

Burglary	2021	0	0	0	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	2021	0	0	0	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0	0	0	0
Arson	2021	0	0	0	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	2021	0	0	0	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0	0	0	0
Larceny, Theft	2021	0	0	0	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	2021	0	0	0	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	2021	0	0	0	0	0	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0	0	0	0	0	0
	2023	0	0	0	0	0	0	0	0	0	0	0	0

Crime Log

The Clery Act requires that each institution maintain a crime log that documents the dates that crimes occurred and were reported, the nature of the crime, general location of the crime, and disposition of the complaint, if known. You can access the most recent 60 days of the crime log through the Title IX coordinator.

CAMPUS CRIME REPORT AND STATISTICS

Definition of Reportable Crimes

Criminal Homicide: Murder and non-negligent manslaughter – The willful (non-negligent) killing of one human being by another.

Negligent manslaughter: The killing of another person through gross negligence.

Forcible Sex Offenses

Forcible rape: The carnal knowledge of a person, forcibly and/or against that person's will, or not forcibly or against the person's will where the victim is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity (or because of his/her youth).

Forcible sodomy: Oral or anal sexual intercourse with another person, forcibly and/ or against that person's will, or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his or her temporary or permanent mental or physical incapacity.

Sexual assault with an object: The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against the person's will, or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his or her temporary or permanent mental or physical incapacity. Forcible fondling: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will, or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his or her temporary or permanent mental or physical incapacity.

Non-forcible Sex Offenses

Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accomplished by the use of a weapon or by a means likely to produce death or great

bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used that could and probably would result in serious personal injury if the crime were successfully completed.)

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes: unlawful entry with intent to commit a larceny or felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned acts.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Motor vehicle theft is classified as any case where an automobile is taken by a person not having lawful access, even if the vehicle is later abandoned, including joy riding.)

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another.

Hate Crimes: The law requires the release of statistics by category of prejudice concerning the occurrence of hate crimes in the crime classifications listed in the preceding section and for other crimes involving bodily injury to any person in which the victim is selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim. In August 2008 the Clery Act was amended to include the following additional crimes under the hate crimes category:

Larceny/Theft: The unlawful taking, carrying, leading, or riding away of property from the possession, or constructive possession, of another.

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property (Except "Arson"): To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

INVESTIGATION OF VIOLENT FELONY OFFENSES AND MISSING PERSONS ON CAMPUS (NYS 129-a 6434)

Plaza College cooperates with the New York City Police Department on the investigation of violent felony offenses. If you have been the victim or witness of a violent felony, contact the NYPD immediately at 911. The College administration will update and inform the College community on developments.

As Plaza College has no dormitories, all missing persons reports originate in the precinct of residence of the missing person, as required by NYPD procedures.

APPOINTMENT OF PRIVATE SECURITY OFFICERS (NYS 129-a 6435)

Plaza College does not have private security officers. This element of State Law 129-a does not apply.

BIAS-RELATED CRIME PREVENTION INFORMATION (NYS 129-a 6436)

A bias crime is defined as an offense against a person wholly or primarily because of the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person (see Appendix D for the New York State law). Plaza College is one of the most diverse colleges in the United States*, located in the most diverse county in the country and celebrates that diversity. Any member of the community who feels mistreated because of a protected status is urged to contact a dean immediately, who will advise the student of his/her options. Members of the community who engage in bias will be sanctioned under the Code of Conduct, which includes penalties up to expulsion. Any complaint of bias-related crime may be reported directly to the NYPD.

The phone numbers on pages 4 and 5 will provide counseling resources.

PROHIBITION ON THE MARKETING OF CREDIT CARDS (NYS 129-a 6437)

Plaza College expressly forbids the marketing of credit cards on college property.

FIRE SAFETY STANDARDS IN COLLEGE-OWNED AND OPERATED HOUSING (NYS 129-a 6438)

Plaza College does not have college-owned or operated housing. This element of State Law 129-a does not apply.

DRUG AND ALCOHOL POLICY (HEA Sec. 120(a) (2)(B)-(C))

In compliance with the Drug-Free Schools and Communities Act Amendments of 1989 (PL 101-226), and to ensure a drug-free campus, the administration establishes the following standards of conduct for students and employees.

1. All students and employees are prohibited from the unlawful manufacture, distribution, possession, sale or use of controlled substances on campus.
2. All students and employees are prohibited from such activity during hours away from campus such that it impairs ability in the classroom or on the job, or affects the reputation or integrity of the College.
3. Students or employees who violate any aspect of this policy are subject to disciplinary action, up to and including termination of enrollment or employment according to the College's existing grievance procedures. Additionally, civil authorities will be notified if necessary.

Students and employees who seek help with drug or alcohol problems may refer to the New York City government resources at http://www1.nyc.gov/site/doh/health/health-topics/alcohol-and-drug-use-services.page.

Other Offenses

Liquor Law Violations: The violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and al l attempts to commit any of the aforementioned activities. (Drunkenness and driving under the influence are not included in this definition.)

Drug Law Violations: The violation of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivative (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Illegal Weapons Possession: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: the manufacture, sale, or possession of deadly weapons; the carrying of deadly weapons, concealed or openly; the furnishing of deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned acts.

INFORMATION FOR CRIME VICTIMS ABOUT DISCIPLINARY PROCEEDINGS (HEA 493 (a) (1) (A)

Plaza College, upon written request, disclose to the alleged victim of any crime of violence or a non-forcible sex offense, the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of the alleged crime or offense, the information shall be provided, upon request, to the next of kin of the alleged victim.

CAMPUS SEX CRIMES PREVENTION ACT

The Campus Sex Crimes Prevention Act provides for the tracking of convicted, registered sex offenders enrolled as students, or working, or volunteering at institutions of higher education.

New York State law mandates that anyone required to register as a sex offender do so with both their local law enforcement (municipal or county) agency at their residence and also with the police or security department of any institution of higher learning at which they are enrolled as a student (full-time or part-time), are an employee (full-time or part-time), or reside (or intend to reside or stay) on any property owned or controlled by the institution of higher learning.

Any affiliates who have not done so, but who are required to register by the "New York State Offenders Registration Act", must contact the 112th Precinct of the New York Police Department and file a report with the Office of the President. Completed forms must be delivered in person (registrants must bring a valid photo ID) in a sealed envelope.

- New York State Registry: http://www.criminaljustice.state.ny.us/nsor/search_index.htm
- New York Police Department
  112th Precinct: Domestic Violence Unit

  (718) 520-9284 http://www1.nyc.gov/site/nypd/bureaus/patrol/precincts/112th-precinct.page

APPENDIX A NEW YORK STATE PENAL LAW Article 130--Sex Offenses

130.00 Sex offenses; definitions of terms.

The following definitions are applicable to this article:

1. "**Sexual intercourse**" has its ordinary meaning and occurs upon any penetration, however slight.
2. "**Deviate sexual intercourse**" means sexual contact between persons not married to each other consisting of contact between the penis and the anus, the mouth and the penis, or the mouth and the vulva.
3. "**Sexual contact**" means any touching of the sexual or other intimate parts of a person not married to the actor for the purposes of gratifying sexual desire of either party. It includes the touching of the actor by the victim, as well as the touching of the victim by the actor, whether directly or through clothing.
4. "**Female**" means any female person who is not married to the actor. For the purposes of this article "**not married**" means:

(a) the lack of an existing relationship of husband and wife between the female and the actor which is recognized by law, or

(b) the existence of the relationship of husband and wife between the actor and the female which is recognized by at the time the actor commits an offense proscribed by this article by means of forcible compulsion against the female, and the female and the actor are living apart at such time pursuant to a valid and effective:

(i) order issued by a court of competent jurisdiction which by its terms or in its effect requires such living apart, or

(ii) decree or judgment of separation, or

(iii) written agreement of separation subscribed by them and acknowledged in the form required to entitle a deed to be recorded which contains provisions specifically indicating that the actor may be guilty of the commission of a crime for engaging in conduct which constitutes an offense proscribed by this article against and without the consent of the female.

5. "**Mentally defective**" means that a person suffers 310from a mental disease or defect which renders him incapable of appraising the nature of his conduct.

6. "**Mentally incapacitated**" means that a person is rendered temporarily incapable of appraising or controlling his conduct owing to the influence of a narcotic or intoxicating substance administered to him without his consent, or to any other act committed upon him without his consent.

7. "**Physically helpless**" means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

8. "**Forcible compulsion**" means compel by either :

(a) use physical force; or

(b) a threat, express or implied, which places a person in fear of immediate death or physical injury to himself, herself or another person, or in fear that he, she, or another person will immediately be kidnapped.

9. "**Foreign object**" means any instrument or article which, when inserted in the vagina, urethra, penis, or rectum, is capable of causing physical injury.

130.05 Sex offenses; lack of consent.

1. Whether or not specifically stated, it is an element of every offense defined in this article, except the offense of consensual sodomy, that the sexual act was committed without the consent of the victim.

2. Lack of consent results from:

(a) forcible compulsion

(b) incapacity to consent

(c) where the offense charged is sexual abuse, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct.

3. A person is deemed incapable of consent when he is:

(a) less than 17 years old; or

(b) mentally defective; or

(c) mentally incapacitated; or

(d) physically helpless

130.10 Sex offenses; defense.

In any prosecution under this article in which the victim's lack of consent is based solely upon his incapacity to consent because he was mentally defective, mentally incapacitated, or physically helpless, it is an affirmative defense that the defendant, at the time he engaged in the conduct constituting the offense, did not know of the facts or conditions responsible for such incapacity to consent. **130.16 Sex offenses; corroboration.**

A person shall not be convicted of consensual sodomy, or an attempt to commit the same, or of any offense defined in this article of which lack of consent is an element but results solely from incapacity to consent because of the victim's mental defect, or mental incapacity, or an attempt to commit the same, solely on the testimony of the victim, unsupported by other evidence tending to:

(a) establish that an attempt was made to engage the victim in sexual intercourse, deviate sexual intercourse, or sexual contact, as the case may be, at the time of the occurrence; and

(b) connect the defendant with the commission of the offense or attempted offense.

130.26 Sexual misconduct.

A person is guilty of sexual misconduct when:

1. being a male, he engages in sexual intercourse with a female without her consent; or 2. he engages

in deviate sexual intercourse with another person without the latter's consent; or

3. he engages in sexual conduct with an animal or a dead human body.

Sexual misconduct is a class A misdemeanor (meaning a definite sentence, which shall not exceed one year).

130.25 Rape in the third degree.

A person is guilty of rape in the third degree when:

1. he or she engages in sexual intercourse with another person to whom the actor is not married who is incapable of consent by reason of some factor other than being less than 17 years old; or

2. being 21 years old or more, he or she engages in sexual intercourse with another person to whom the actor is not married less than 17 years old.

Rape in the third degree is a class E felony (meaning a sentence fixed by court, which shall not exceed four years)

130.30 Rape in the second degree.

A person is guilty of rape in the second degree when, being eighteen years old or more, he or she engages in sexual intercourse with another person to whom the actor is not married less than 14 years old.

Rape in the second degree is a class D felony (meaning a sentence fixed by court, which shall not exceed seven years).

130.35 Rape in the first degree.

A male is guilty of rape in the first degree when he engages in sexual intercourse with a female:

1. by forcible compulsion; or

2. who is incapable of consent by reason of being physically helpless; or

3. who is less than 11 years old.

Rape in the first degree is a class B felony (meaning a sentence fixed by court, which shall not exceed 25 years).

130.38 Consensual sodomy.

A person is guilty of consensual sodomy when he engages in deviate sexual intercourse with another person.

Consensual sodomy is a class B misdemeanor (meaning a definite sentence, which shall not exceed three months).

130.40 Sodomy in the third degree.

A person is guilty of sodomy in the third degree when:

1. he engages in deviate sexual intercourse with a person who is incapable of consent by reason of some factor other than being less than 17 years old; or

2. being 21 years old or more, he engages in deviate sexual intercourse with a person less than 17 years old.

Sodomy in the third degree is a class E felony (meaning a sentence fixed by court, which shall not exceed four years)

130.45 Sodomy in the second degree.

A person is guilty of sodomy in the second degree when, being eighteen years old or more, he engages in deviate sexual intercourse with another person to whom the actor is not married less than 14 years old.

Sodomy in the second degree is a class D felony (meaning a sentence fixed by court, which shall not exceed seven years).

130.35 Sodomy in the first degree.

A person is guilty of sodomy in the first degree when he engages in deviate sexual intercourse with another person:

1. by forcible compulsion; or

2. who is incapable of consent by reason of being physically helpless; or

3. who is less than 11 years old.

Sodomy in the first degree is a class B felony (meaning a sentence fixed by court, which shall not exceed 25 years).

130.55 Sexual abuse in the third degree.

A person is guilty of sexual abuse in the third degree when he subjects another person to sexual contact without the latter's consent; except that in any prosecution under this section, it is an affirmative defense that

(a) such other person's lack of consent was due solely to incapacity to consent by reason of being less than 17 years old, and

(b) such other person was more than 14 years old, and

(c) the defendant was less than five years older than such other person.

Sexual abuse in the third degree is a class B misdemeanor (meaning a definite sentence, which shall not exceed three months).

130.60 Sexual abuse in the second degree.

A person is guilty of sexual abuse in the second degree when he subjects another person to sexual contact and when such other person is:

1. incapable of consent by reason of some factor other than being less than 17 years old; or

2. less than 14 years old.

Sexual abuse in the second degree is a class A misdemeanor (meaning a definite sentence, which shall not exceed

one year).

130.65 Sexual abuse in the first degree.

A person is guilty of sexual abuse in the first degree when he subjects another person to sexual contact:

1. by forcible compulsion; or

2. who is incapable of consent by reason of being physically helpless; or

3. who is less than 11 years old.

Sexual abuse in the first degree is a class D felony (meaning a sentence fixed by court, which shall not exceed seven years).

130.70 Aggravated sexual abuse

1. A person is guilty of aggravated sexual abuse when he inserts a foreign object in the vagina, urethra, penis, or rectum of another person causing physical injury to such person:

(a) by forcible compulsion; or

(b) when the other person is incapable of consent by reason of being physically helpless; or

(c) when the other person is less than 11 years old.

2. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated sexual abuse is a class B felony (meaning a sentence fixed by court, which shall not exceed 25 years).

APPENDIX B New York State Penal Law Article 485—530.11 Procedures for family offense matters

1. Jurisdiction. The family court and the criminal courts shall have concurrent jurisdiction over any proceeding concerning acts which would constitute disorderly conduct, harassment in the first degree, harassment in the second degree, aggravated harassment in the second degree, sexual misconduct, forcible touching, sexual abuse in the third degree, sexual abuse in the second degree as set forth in subdivision one of section 130.60 of the penal law, stalking in the first degree, stalking in the second degree, stalking in the third degree, stalking in the fourth degree, criminal mischief, menacing in the second degree, menacing in the third degree, reckless endangerment, strangulation in the first degree, strangulation in the second degree, criminal obstruction of breathing or blood circulation, assault in the second degree, assault in the third degree, an attempted assault, identity theft in the first degree, identity theft in the second degree, identity theft in the third degree, grand larceny in the fourth degree, grand larceny in the third degree or coercion in the second degree as set forth in subdivisions one, two and three of section 135.60 of the penal law between spouses or former spouses, or between parent and child or between members of the same family or household except that if the respondent would not be criminally responsible by reason of age pursuant to section 30.00 of the penal law, then the family court shall have exclusive jurisdiction over such proceeding. Notwithstanding a complainant's election to proceed in family court, the criminal court shall not be divested of jurisdiction to hear a family offense proceeding pursuant to this section. For purposes of this section, "disorderly conduct" includes disorderly conduct not in a public place. For purposes of this section, "members of the same family or household" with respect to a proceeding in the criminal courts shall mean the following:

(a) persons related by consanguinity or affinity;

(b) persons legally married to one another;

(c) persons formerly married to one another regardless of whether they still reside in the same household;

(d) persons who have a child in common, regardless of whether such persons have been married or have lived together at any time; and

(e) persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors the court may consider in determining whether a relationship is an "intimate relationship" include but are not limited to: the nature or type of relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an "intimate relationship".

2. Information to petitioner or complainant. The chief administrator of the courts shall designate the appropriate probation officers, warrant officers, sheriffs, police officers, district attorneys or any other law enforcement officials, to inform any petitioner or complainant bringing a proceeding under this section before such proceeding is commenced, of the procedures available for the institution of family offense proceedings, including but not limited to the following:

(a) That there is concurrent jurisdiction with respect to family offenses in both family court and the criminal courts;

(b) That a family court proceeding is a civil proceeding and is for the purpose of attempting to stop the violence, end family disruption and obtain protection. That referrals for counseling, or counseling services, are available through probation for this purpose;

(c) That a proceeding in the criminal courts is for the purpose of prosecution of the offender and can result in a criminal conviction of the offender;

(d) That a proceeding or action subject to the provisions of this section is initiated at the time of the filing of an accusatory instrument or family court petition, not at the time of arrest, or request for arrest, if any;

(f) That an arrest may precede the commencement of a family court or a criminal court proceeding, but an arrest is not a requirement for commencing either proceeding.

(h) At such time as the complainant first appears before the court on a complaint or information, the court shall advise the complainant that the complainant may: continue with the proceeding in criminal court; or have the allegations contained therein heard in a family court proceeding; or proceed concurrently in both criminal and family court. Notwithstanding a complainant's election to proceed in family court, the criminal court shall not be divested of jurisdiction to hear a family offense proceeding pursuant to this section;

(i) Nothing herein shall be deemed to limit or restrict complainant's rights to proceed directly and without court referral in either a criminal or family court, or both, as provided for in section one hundred fifteen of the family court act and section 100.07 of this chapter;

2-a. Upon the filing of an accusatory instrument charging a crime or violation described in subdivision one of this section between members of the same family or household, as such terms are defined in this section, or as soon as the complainant first appears before the court, whichever is sooner, the court shall advise the complainant of the right to proceed in both the criminal and family courts, pursuant to section 100.07 of this chapter.

3. Official responsibility. No official or other person designated pursuant to subdivision two of this section shall discourage or prevent any person who wishes to file a petition or sign a complaint from having access to any court for that purpose.

4. When a person is arrested for an alleged family offense or an alleged violation of an order of protection or temporary order of protection or arrested pursuant to a warrant issued by the supreme or family court, and the supreme or family court, as applicable, is not in session, such person shall be brought before a local criminal court in the county of arrest or in the county in which such warrant is returnable pursuant to article one hundred twenty of this chapter. Such local criminal court may issue any order authorized under subdivision eleven of section 530.12 of this article, section one hundred fifty-four-d or one hundred fiftyfive of the family court act or subdivision three-b of section two hundred forty or subdivision two-a of section two hundred fiftytwo of the domestic relations law, in addition to discharging other arraignment responsibilities as set forth in this chapter. In making such order, the local criminal court shall consider the bail recommendation, if any, made by the supreme or family court

as indicated on the warrant or certificate of warrant. Unless the petitioner or complainant requests otherwise, the court, in addition to scheduling further criminal proceedings, if any, regarding such alleged family offense or violation allegation, shall make such matter returnable in the supreme or family court, as applicable, on the next day such court is in session.

5. Filing and enforcement of out-of-state orders of protection. A valid order of protection or temporary order of protection issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction shall be accorded full faith and credit and enforced as if it were issued by a court within the state for as long as the order remains in effect in the issuing jurisdiction in accordance with sections two thousand two hundred sixty-five and two thousand two hundred sixty-six of title eighteen of the United States Code.

(a) An order issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction shall be deemed valid if:

(i) the issuing court had personal jurisdiction over the parties and over the subject matter under the law of the issuing jurisdiction;

(ii) the person against whom the order was issued had reasonable notice and an opportunity to be heard prior to issuance of the order; provided, however, that if the order was a temporary order of protection issued in the absence of such person, that notice had been given and that an opportunity to be heard had been provided within a reasonable period of time after the issuance of the order; and

(iii) in the case of orders of protection or temporary orders of protection issued against both a petitioner, plaintiff or complainant and respondent or defendant, the order or portion thereof sought to be enforced was supported by: (A) a pleading requesting such order, including, but not limited to, a petition, cross-petition or counterclaim; and (B) a judicial finding that the requesting party is entitled to the issuance of the order which may result from a judicial finding of fact, judicial acceptance of an admission by the party against whom the order was issued or judicial finding that the party against whom the order was issued had given knowing, intelligent and voluntary consent to its issuance.

(b) Notwithstanding the provisions of article fifty-four of the civil practice law and rules, an order of protection or temporary order of protection issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction, accompanied by a sworn affidavit that upon information and belief such order is in effect as written and has not been vacated or modified, may be filed without fee with the clerk of the court, who shall transmit information regarding such order to the statewide registry of orders of protection and warrants established pursuant to section two hundred twenty-one-a of the executive law; provided, however, that such filing and registry entry shall not be required for enforcement of the order.

6. Notice. Every police officer, peace officer or district attorney investigating a family offense under this article shall advise the victim of the availability of a shelter or other services in the community, and shall immediately give the victim written notice of the legal rights and remedies available to a victim of a family offense under the relevant provisions of the criminal procedure law, the family court act and the domestic relations law. Such notice shall be prepared in Spanish and English and if necessary, shall be delivered orally, and shall include but not be limited to the following statement:

“If you are the victim of domestic violence, you may request that the officer assist in providing for your safety and that of your children, including providing information on how to obtain a temporary order of protection. You may also request that the officer assist you in obtaining your essential personal effects and locating and taking you, or assist in making arrangements to take you, and your children to a safe place within such officer’s jurisdiction, including but not limited to a domestic violence p rogram, a family member’s or a friend’s residence, or a similar place of safety. When the officer’s jurisdiction is more than a single county, you may ask the officer to take you or make arrangements to take you and your children to a place of safety in the county where the incident occurred. If you or your children are in need of medical treatment, you have the right to request that the officer assist you in obtaining such medical treatment. You may request a copy of any incident reports at no cost from the law enforcement agency. You have the right to seek legal counsel of your own choosing and if you proceed in family court and if it is determined that you cannot afford an attorney, one must be appointed to represent you without cost to you.

You may ask the district attorney or a law enforcement officer to file a criminal complaint. You also have the right to file a petition in the family court when a family offense has been committed against you. You have the right to have your petition and request for an order of protection filed on the same day you appear in court, and such request must be heard that same day or the next day court is in session. Either court may issue an order of protection from conduct constituting a family offense which could include, among other provisions, an order for the respondent or defendant to stay away from you and your children. The family

court may also order the payment of temporary child support and award temporary custody of your children. If the family court is not in session, you may seek immediate assistance from the criminal court in obtaining an order of protection.

The forms you need to obtain an order of protection are available from the family court and the local criminal court (the addresses and telephone numbers shall be listed). The resources available in this community for information relating to domestic violence, treatment of injuries, and places of safety and shelters can be accessed by calling the following 800 numbers (the statewide English and Spanish language 800 numbers shall be listed and space shall be provided for local domestic violence hotline telephone numbers).

Filing a criminal complaint or a family court petition containing allegations that are knowingly false is a crime."

The division of criminal justice services in consultation with the state office for the prevention of domestic violence shall prepare the form of such written notice consistent with provisions of this section and distribute copies thereof to the appropriate law enforcement officials pursuant to subdivision nine of section eight hundred forty-one of the executive law.

Additionally, copies of such notice shall be provided to the chief administrator of the courts to be distributed to victims of family offenses through the criminal court at such time as such persons first come before the court and to the state department of health for distribution to all hospitals defined under article twenty-eight of the public health law. No cause of action for damages shall arise in favor of any person by reason of any failure to comply with the provisions of this subdivision except upon a showing of gross negligence or willful misconduct.

7. Rules of court regarding concurrent jurisdiction. The chief administrator of the courts, pursuant to paragraph (e) of subdivision two of section two hundred twelve of the judiciary law, shall promulgate rules to facilitate record sharing and other communication between the criminal and family courts, subject to applicable provisions of this chapter and the family court act pertaining to the confidentiality, expungement and sealing of records, when such courts exercise concurrent jurisdiction over family offense proceedings.

APPENDIX C New York State Penal Law 120.45 Article 120.45--Stalking in the fourth degree

A person is guilty of stalking in the fourth degree when he or she intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct:

1. is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or

2. causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or

3. is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

Stalking in the fourth degree is a class B misdemeanor.

APPENDIX D New York State Penal Law Article 485—Hate Crimes

485.00 Legislative findings.

"The legislature finds and determines as follows: criminal acts involving violence, intimidation and destruction of property based upon bias and prejudice have become more prevalent in New York State in recent years. The intolerable truth is that in these crimes, commonly and justly referred to as "hate crimes", 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… our laws must be strengthened to provide clear recognition of the gravity of hate crimes and the compelling importance of preventing their recurrence."

485.05 Hate Crimes.

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, 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, regardles s of whether the belief or perception is correct.

A "**specified offense**" is an offense defined by any of the following provisions of the New York State Penal Law: assault in the first, second or third degree; aggravated assault upon a person less than eleven years old; menacing in the first, second or third degree; reckless endangerment in the first or second degree; manslaughter in the first or second degree; murder in the second degree; stalking in the first, second, third or fourth degree; rape in the first degree; criminal sexual act in the first degree; sexual abuse in the first degree; aggravated sexual abuse in the first or second degree; unlawful imprisonment in the first or second degree; kidnapping in the first or second degree; coercion in the first or second degree; criminal trespass in the first, second or third degree; burglary in the first, second or third degree; criminal mischief in the first, second, third or fourth degree; arson in the first, second, third or fourth degree; petit larceny; grand larceny in the first, second, third or fourth degree; robbery in the first, second or third degree; harassment in the first degree; aggravated harassment in the second degree; or any attempt or conspiracy to commit any of the foregoing offenses.

485.10 Penalties for commission of bias related crimes

Sentencing

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 of the NYSPL, 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 of the NYSPL.

b) The term of the determinate sentence must be at least eight years if the defendant is sentenced pursuant to section 70.02 of the NYSPL.

c) The term of the determinate sentence must be at least twelve years if the defendant is sentenced pursuant to section 70.04 of the NYSPL.

d) The maximum term of the indeterminate sentence must be at least four years if the defendant is sentenced pursuant to section

70.05 of the NYSPL.

4) The maximum term of the indeterminate sentence or term of the determinate sentence must be at least ten years if the defendant is sentenced pursuant to section 70.06 of the NYSPL.

5) 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 not be less than twenty years.