



Bias Crime Prevention

Policy SS006

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Responsible Administrator: Deputy to the President, Office of the President

Responsible Office: Affirmative Action/Title IX Coordinator

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Policy Statement

The Fashion Institute of Technology (“FIT” or the “college”) is committed to ensuring respect for the members of its diverse community. The college has therefore established practices to protect all members of the FIT community from hate crimes that occur within the campus’s jurisdiction. Hate crimes, also called “bias crimes or bias-related crimes,” are criminal activities motivated by the perpetrator’s bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as race, religion, ethnicity, gender, sexual orientation, or disability. To help ensure an environment free of such hateful acts, the college has enacted policies and procedures to inform incoming students how these hate crimes can be prevented on campus. Accordingly, FIT will provide information to incoming students regarding bias-related crime and its prevention.

Reason for the Policy

To combat bias-related crimes and to prevent future occurrences of such crimes, the college supports and complies with a number of laws that have been passed to prevent hate crimes. These laws include the following: (i) the federal Hate/Bias Crime Statistics Act of 1990; (ii) New York State Education Law, Section 6436 of Article 129-A; and (iii) the New York State Hate Crimes Act of 2000 (Article 485 of the New York State Penal Law).

Who is Responsible for this Policy

- Assistant Vice President for Student Success and Dean of Students
- Affirmative Action Officer/Title IX Coordinator
- Department of Public Safety

Who is Affected by this Policy

- All members of the FIT community

Definitions

- **Hate/Bias-related Crime:** Under the New York State Hate Crimes Act of 2000, an individual commits a hate/bias-related crime when an they commit a “specified offense” as defined in Penal Law § 485.05(3) and either:
 - Intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age,

disability, or sexual orientation of a person, regardless of whether the belief or perception is correct; or

- Intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation of a person, regardless of whether the belief or perception is correct.

Authorities must determine there was an underlying crime committed in order for an incident to be classified as a hate/bias-related crime. If it is determined that the crime was motivated by bias, then hate or bias-related crime charges may be added to the original charge.

- **Hate/Bias-Related Incident:** A hate/bias-related incident is when an individual verbally harasses or discriminates against the person based on their identity, but the incident does not involve a “specified offense” as defined in § 485.05(3). Some hate/bias-related incidents may be protected by free speech provisions of the U.S. Constitution. Others may give rise to civil penalties under federal, state or local law.
- **Hate Speech:** Any form of expression through which speakers intend to vilify, humiliate, or incite hatred against a group or class of persons on the basis of race, religion, skin color, sexual identity, gender identity, ethnicity, disability, or national origin.

Principles

FIT affirms the value and dignity of all members of the FIT community and is mandated to protect all members of the FIT community by preventing or prosecuting hate/bias-related crimes that occur within the college's jurisdiction. In addition to preventing and prosecuting hate/bias-related crimes, the Department of Public Safety also assists in addressing hate/bias-related incidents that do not rise to the level of a crime.

If you are a victim of, or a witness to, a hate/bias-related crime, or hate speech, on campus, immediately report it to the Department of Public Safety at (212)217-7777. You may also report confidentially, or anonymously, via the [FIT Reporting System](#).

- **Education and Information**
 - **Hate/Bias-Related Crime**

Students are informed about hate/bias-related crime prevention measures during the college's student orientation sponsored by the Office of Enrollment Management and Student Success. Campus statistics and resources related to hate/bias crimes prevention can be found on [FIT's Bias Crimes and Prevention webpage](#). Specifically, this education and information program includes, but is not limited to, the following subjects:

 - The applicable laws, ordinances, and regulations on bias-related crime, including the provisions and coverage of the New York State Hate Crimes Act of 2000 (Penal Law Article 485);
 - The penalties for commission of hate/bias-related crimes;
 - The procedures in effect at the college for dealing with hate/bias-related crime;
 - The availability of counseling and other support services for the victims of hate/bias-related crime;

- The nature of and common circumstances relating to hate/bias-related crime on college campuses; and
- The methods the college employs to advise and update current and prospective students on security procedures.
- **Hate/Bias-Related Incidents**
Although hate/bias-related incidents do not rise to the level of a crime under the New York State Hate Crimes Act of 2000, one can still be victimized by hate and bias even if there is no underlying crime. Hate/bias-related incidents are taken seriously as examples of discrimination, but they are not necessarily crimes. To that end, the Office of Enrollment Management and Student Success coordinates additional annual training for Resident Advisors and Student Life on preventing and addressing hate/bias-related incidents. The Office of Enrollment Management and Student Success also partners with the Office of Health Services and the Campus Anti-Violence Education Group to host tabling programs about hate/bias-related incidents and crime prevention at least once per semester.

Such incidents, whether crimes or not, may additionally implicate conduct prohibited by FIT's Code of Student Conduct, FIT's Sexual Misconduct Response policy, and/or FIT's Nondiscrimination and Anti-Harassment policy, which prohibits discrimination and discriminatory harassment based on age, caregiver status, citizenship status (except as required to comply with law), color, creed, disability, ethnic background, familial status, gender, gender identity, genetic information, marital status, military service or veteran status, national origin, pregnancy (including childbirth and breastfeeding), race, sex, sexual orientation, unemployment status, an individual's relationship or association with a member of a protected category, or any other criterion prohibited by applicable federal, state, or local laws. FIT will make the determination as to which policy is most appropriate when investigating reports of hate/bias-related incidents.

- **Availability of Counseling and Other Support Services**

Victims of hate/bias-related crimes or incidents, or hate speech, can avail themselves of counseling and support services from the Counseling Center, A212B, 212 217.4260.

Responsibilities

- **Department of Public Safety**

- Receives and documents reports of hate/bias-related crimes and incidents;
- Notifies the NYPD of any reports of hate/bias-related crimes no more than 24 hours after the receipt of report;
- Conducts initial investigations in accordance with FIT's Campus Safety and Security policy and its supporting procedures; and
- Supports any lawful investigation conducted by either internal departments or external agencies.

- **Assistant Vice President for Student Success and Dean of Students**

- Adjudicates any confirmed or sustained violations of this policy, and associated policies, for students;

- Partners with the Office of Health Services and the Campus Anti-Violence Education Group to host tabling programs about hate/bias-related incidents and crime prevention at least once per semester;
 - Informs new students about FIT's hate/bias-related crime prevention measures during the college's New Student Orientation; and
 - Coordinates annual training for Resident Advisors and Student Life on preventing and addressing hate/bias-related incidents.
- **Affirmative Action Officer/Title IX Coordinator**
 - Works closely with the Department of Public Safety to remain aware of any hate/bias-related crimes or incidents that occur on campus; and
 - Facilitates education, training, and awareness programs on campus to assist with hate/bias-related crime and incident prevention.

Procedures

- **Reporting a Hate/Bias-Related Crime Incident**

If you are a victim of, or a witness to, a hate crime on campus, immediately report it to the Department of Public Safety at (212) 217-7777.

The Department of Public Safety will notify the NYPD of any reports of hate crimes as soon as practicable, but no more than 24 hours after receipt of the report.

Public Safety will conduct an initial investigation in accordance with FIT's Campus Safety and Security policy (see Related Policies) and its supporting procedures. Public Safety shall make appropriate referrals to the Assistant Vice President for Student Success and Dean of Students, with a notification to the Affirmative Action Officer/Title IX Coordinator.

Although FIT encourages the reporting of crimes to Public Safety, crimes may also be reported directly to the Dean of Students, Business and Liberal Arts Center, Room B221, (212) 217-3800, to the Affirmative Action Officer/Title IX Coordinator (212) 217-3360, or to any senior administrator of the college or to any other administrator identified as an option for reporting in FIT's Campus Safety and Security policy. FIT also encourages prompt reporting of all crimes to local law enforcement when the victim elects to make such a report (or is unable to do so).

FIT will treat the information provided with discretion and confidentiality to the extent possible. The college may be required to disclose information it receives, consistent with the need to conduct an appropriate investigation, afford fair process to accused individuals, and to resolve actual violations. Reports may also be made on an anonymous basis. Reporters are encouraged to provide as much information as possible, including their contact information, so that the college can best address the allegations.

Violations

Penalties for hate/bias-related crimes are very serious and can range from fines to extended prison sentences, depending on the nature of the underlying criminal offense, the use of violence, or previous convictions of the offender. In addition to criminal penalties, students found responsible for committing a hate/bias-related crime or incident may be subject to sanctions, including suspension and expulsion from the college, as set forth in the relevant FIT policies governing conduct.

Related Policies

- [Campus Safety and Security](#)
- [Code of Student Conduct](#)
- [Nondiscrimination and Anti-Harassment](#)
- [Sexual Misconduct Response](#)

Related Documents

- [Bias Crime Prevention at FIT](#)
- [Hate/Bias Crime Statistics Act of 1990](#)
- [New York State Hate Crimes Act of 2000 \(Penal Law Article 485\)](#)
- [New York State Education Law, Article 129-A, Section 6436 \(Regulation by Colleges of conduct on Campuses and Other College Property for Educational Purposes\)](#)
- [Reporting Suspected Misconduct](#)
- [Right to Know](#) (See: Health and Safety)
- [SUNY Policy Document No. 3850 Bias-Related Crime](#)

Contacts

- **Department of Public Safety**
236 West 27th Street
(212) 217-7777
- **Dean of Students**
Business and Liberal Arts Center, Room B221
(212) 217-3800
- **Affirmative Action Officer/Title IX Coordinator**
Office of the President
(212) 217-3365
titleix@fitnyc.edu