Have you been the victim of a hate crime?

- Know the law pertaining to hate crime
- Know your rights
- Know how FLCC may assist you
# Table of Contents

<table>
<thead>
<tr>
<th>SECTION</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area Resources</td>
<td>26</td>
</tr>
<tr>
<td>College Resources</td>
<td>27</td>
</tr>
<tr>
<td>How to Help Avoid Becoming a Victim</td>
<td>23</td>
</tr>
<tr>
<td>If you believe you are a victim of a hate crime</td>
<td>11</td>
</tr>
<tr>
<td>NYS Law Regarding Hate Crimes</td>
<td>5</td>
</tr>
<tr>
<td>Self-Test</td>
<td>15</td>
</tr>
<tr>
<td>Statement of Victim’s Rights</td>
<td>13</td>
</tr>
<tr>
<td>Who should I talk to?</td>
<td>12</td>
</tr>
</tbody>
</table>
We, as an educational institution, are required to provide for you the laws regarding hate crimes. You will find them herein. As a department, we recognize the need for students to understand the law and to understand the behaviors that constitute crimes.

We, at Finger Lakes Community College, have enjoyed a safe campus. If you check our crime statistics, which include all crimes committed on campus and in all College-operated buildings, you will find that we have had no hate-related crimes. These statistics include incidents which may have been reported informally to our office (incidents which persons may not have wanted to pursue with a police report but which they wanted to share with us) as well as incidents that persons might have pursued with a police report. There have been no incidents within our past three-year reporting period.

Although we are happy to report that we’ve had no problems with hate crime on campus, we know that our students, employees, and visitors are not always on our grounds. And nobody can guarantee that our campus will always be free of hate crimes, which can run the gamut from harassment to murder.

With this in mind, in addition to providing exact language used in the laws that cover hate crime, we
have provided information that will help you become better prepared to deal with violent crime. In addition, we have provided phone numbers for persons on and off-campus who stand ready to assist you.

Finger Lakes Community College endeavors to provide an environment free from discrimination for or against any person based upon race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation. Know that Finger Lakes Community College strongly condemns hate crime of any variety, and that any crime committed on campus is also a violation of College policy.

Let’s look at the laws that cover hate crime:

**New York State Law Regarding Hate Crimes**

**S 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. Hate crimes do more than threaten the safety and welfare of all citizens. They inflict on victims incalculable physical and emotional damage and tear at the very
fabric of free society. Crimes motivated by invidious hatred toward particular groups not only harm individual victims but send a powerful message of intolerance and discrimination to all members of the group to which the victim belongs. Hate crimes can and do intimidate and disrupt entire communities and vitiate the civility that is essential to healthy democratic processes. In a democratic society, citizens cannot be required to approve of the beliefs and practices of others, but must never commit criminal acts on account of them. Current law does not adequately recognize the harm to public order and individual safety that hate crimes cause. Therefore, our laws must be strengthened to provide clear recognition of the gravity of hate crimes and the compelling importance of preventing their recurrence. Accordingly, the legislature finds and declares that hate crimes should be prosecuted and punished with appropriate severity.

**S485.05 Hate Crimes.**

1. A person commits a hate crime when he or she commits a specified offense and either:
   (a) 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
   (b) 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.

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

3. A “specified offense” is an offense defined by any of the following provisions of this chapter: section 120.00 (assault in the third degree); section 120.05 (assault in the second degree); 120.10 (assault in the first degree); section 120.12 (aggravated assault upon a person less than eleven years old); section 120.13 (menacing in the first degree); section 120.14 (menacing in the second degree); section 120.15 (menacing in the third degree); section 120.20 (reckless endangerment in the second degree); section 120.25 (reckless endangerment in the first degree); subdivision one of section 125.15 (manslaughter in the second degree); section 120.45 (stalking in the fourth degree); section 120.50 (stalking in the third degree) section 120.55 (stalking in the second degree); section 120.60 (stalking in the first degree); subdivision one of section 130.35 (rape in the first degree); subdivision one of section 130.50 (criminal sexual act in the first degree); subdivision one of section 130.65 (sexual abuse in the first degree); paragraph (a) of subdivision one of section 130.67 (aggravated sexual abuse in the second degree);
paragraph (a) of subdivision one of section 130.70 (aggravated sexual abuse in the first degree); section 135.05 (unlawful imprisonment in the second degree); section 135.10 (unlawful imprisonment in the first degree); section 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in the first degree); section 135.60 (coercion in the second degree); section 135.65 (coercion in the first degree); section 140.10 (criminal trespass in the third degree); section 140.15 (criminal trespass in the second degree); section 140.17 (criminal trespass in the first degree); section 140.20 (burglary in the third degree); section 140.25 (burglary in the second degree); section 140.30 (burglary in the first degree); section 145.00 (criminal mischief in the fourth degree); section 145.05 (criminal mischief in the third degree); section 145.10 (criminal mischief in the second degree); section 145.12 (criminal mischief in the first degree); section 150.05 (arson in the fourth degree); section 150.15 (arson in the second degree); section 150.20 (arson in the first degree); section 155.25 (petit larceny); section 155.30 (grand larceny in the fourth degree); section 155.35 (grand larceny in the third degree); section 155.40 (grand larceny in the second degree); section 155.42 (grand larceny in the first degree); section 160.05 (robbery in the third degree); section 160.10 (robbery in the second degree); section 160.15 (robbery in the first degree); section 240.25 (harassment in the first degree); subdivision one, two, or four of section 240.30 (aggravated harassment in the second degree); or any attempt or conspiracy to
commit any of the foregoing offenses.

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

S485.10 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 this chapter, 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 this chapter;
   (b) the term of the determinate sentence must be at least eight years if the defendant is sentenced pursuant to section 70.02 of this chapter;
   (c) the term of the determinate sentence must be
at least twelve years if the defendant is sentenced pursuant to section 70.04 of this chapter;
(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 this chapter; and
(e) the maximum term of the indeterminate sentence or the term of the determinate sentence must be at least ten years if the defendant is sentenced pursuant to section 70.06 of this chapter.

4. 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.

What does all of this mean?
Our legislators have recognized an increase in hate related crimes. And when someone commits a crime based upon hatred of the victim, in very many cases, the crime is considered to be a hate crime. When a crime is determined to be a hate crime, it is considered to be more severe a crime than the same crime committed against someone whom the perpetrator was not prejudice. Therefore, the
penalty for a crime committed as a hate crime is greater than the penalty levied for an equal offense that was not committed because of prejudice.

If a person suffers from assault or menacing, if he or she is endangered, killed, stalked, raped, abused, unlawfully imprisoned, kidnapped, burgled or robbed, or subjected to criminal trespass or criminal mischief as defined by the sections indicated, and feels that the crime was committed as a result of prejudice, he or she should know that the crime is considered all the more reprehensible because of the element of prejudice or hate.

If you believe that you are a victim of a hate crime...

If you are a victim of a hate crime on campus, immediately report the incident to the Office of Campus Safety at extension 7456. We will provide immediate care and assist you in contacting the police, if you choose to do so. For off-campus incidents, contact the police immediately by dialing 911. Police cannot investigate the incident as a crime unless you file a formal report. Reporting a crime to the police or to an on-campus office does not obligate you to follow through with criminal prosecution.

If you are assaulted, and the assault involved a sexual penetration or other injuries, go to a hospital emergency room as soon as possible. Evidence can be collected several hours after an attack, but its value may be diminished. Do not wash, change clothing, or otherwise “clean up” after a sexual assault. Bring a full change of clothing, as the clothes you were wearing at the time of the attack may be kept as evidence.
Incidents of sexual harassment should be reported to the Affirmative Action Officer in the Human Resources Office at 585-394-3500, extension 7228. Victims of a sex crime may choose to report the offense to any of the following offices or agencies, the phone numbers of which are listed in the directory later in this brochure:

- Director of Student Health
- Director of Physical Education
- Dean of Students
- Director of The Center for Advisement
- Campus Safety Officer
- Geneva Extension Center
- Newark Extension Center
- Ontario County Sheriff’s Office
- Newark Police Department
- Geneva City Police

Hate crimes that occurred off campus should be reported to a city police department, the Ontario County Sheriff’s Office, or the New York State Troopers. Telephone numbers for these agencies are provided later in this brochure.

Every effort will be made to ensure the confidentiality of all reports, except as necessary and required to investigate the offenses. College authorities may issue a safety alert to those areas of the campus community affected by the crime. The issuance of this alert will depend upon the particular circumstances of the crime. Victims can provide information to the Office of Campus Safety and choose either criminal prosecution and/or a referral to the on-campus judicial system, a Code of Conduct hearing with the Dean of Students.

Procedures and possible sanctions related to on-campus discipline are as follows: written warning,
failing grade, disciplinary probation, loss of privileges, fines, restitution, voluntary service, disciplinary file, suspension, and expulsion. Victims of sexual crimes should contact the Office of Campus Safety for more information. It is important to note that the accuser and the accused are entitled to the same opportunities to have others present during a disciplinary hearing, suspension, and expulsion. Victims of hate crimes should contact the Office of Campus Safety for more information. Please note that the accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding. Both the accuser and the accused will be informed of the outcome of any campus disciplinary action, including the sanction to be imposed.

**Statement of Victim’s Rights**

Persons who have been subjected to a hate crime have the right to choose counseling and medical treatment, and to prosecute and report their case through the Student Code of Conduct Hearing and/or the off-campus court system. They also have the right to refuse all these options without reproach from any College personnel.

They have the right to be treated with dignity and seriousness by campus personnel.

They have the right to be reasonably free from intimidation and harm.

They will be made aware of appropriate student services available to them, including counseling.

They are entitled to the same support opportunities available to the accused in a campus disciplinary proceeding.
If the accused is prohibited from contacting the victim or entering the victim’s residence, the victim will be notified that the ban is in effect.

College personnel are encouraged to inform all persons who have suffered from a hate crime, including sexual crime, that:

- They are not responsible for the crimes committed against them.
- Persons who find themselves unwittingly in untoward circumstances and become the victims of sexual crime do not assume the risk of a crime.
- They should always report crimes committed against them, despite the possibility of adverse publicity for the College.

Any person who does not wish to remain in his/her present residence hall or class section following a sexual assault may be granted a transfer to other housing or another class section, if available. FLCC has no residence halls, but we may be able to help shift class section.

The victim has the right to information regarding the status of his or her case.
Self-Test
How would you respond if you were faced with a violent criminal? Read the following questions and think about what you would do before you read the answer and find out what you should do:

What would you do if someone approached you with a knife or a gun and told you to get into his car, or tried to drag you into the bushes?
Answer: Do everything you possibly can to avoid being removed from the area. Do not negotiate. Scream your head off. Punch, kick, gouge at your attacker’s eyes, and don’t ever allow yourself to be moved to a remote location. Why? Because if the attacker simply meant to rob you, he’d do it right then and there. He could only want to remove you from the scene because he intends to do you bodily harm, and you will most likely be beaten, raped, and/or killed if you are removed from the scene. If the attacker felt comfortable in assaulting you where you are, he wouldn’t feel the need to move you. Finally, remember: Never believe an assailant who says he won’t hurt you if you do what he says, no matter how much you’d like to believe it. If the assailant had any integrity, he wouldn't be attacking you in the first place. Don’t believe him! Fight back and run away!
What if I am forcibly dragged into a car and am forced to either drive or ride in a vehicle?
Answer: Cause an accident. Don't forget—he means to do you bodily harm, no matter what he says. Even if you are involved in an automobile accident, your chances for survival are greater than if you allow yourself to be moved to a remote location. The erratic motion of the vehicle—or a wrecked vehicle—will attract a lot of attention and greatly increase your chance for rescue. If you're driving, run into something (a police car would be great, but any other vehicle or public building would be fine). If you're riding, grab the steering wheel and steer the car into something or attack the assailant's face. No holds barred.

How can I deter an assailant from breaking into my home?
Answer: One of the cheapest ways to discourage a would-be assailant from entering your living space is to put in plain view a huge dog bowl. Put dry food in the bowl and label it with a tough-sounding dog’s name (“Killer” will work better than “Fluffy”).

What do I do if an assailant or a group of assailants enters my home and orders a member or members of my family to lie face-down on the floor?
Answer: Don’t do it! The criminal is
ordering you to do this because he is not yet in complete control of the situation. Do not render yourself helpless by succumbing to their demands. Remember, they’re only going to tell you to do what’s good for them, not what’s good for you. If the assailant were only out to rob the place, he would have done it while the home was not occupied. The entire family should fight back, immediately and as viciously as possible. The purpose behind fighting back is to get out: Being inside your home is no different than being moved to crime scene number two, where you are isolated and total control is possible. Fight back and get out.

The key elements that most benefit a violent criminal are time, isolation, and control. Your actions need to work directly against all three. If you have any question about how you should respond to a situation, the experts say that there are four survival rules to live by:

**React immediately.** Your best chance to escape violence and minimize injury is in the first seconds.

**Resist.** Your only alternative is to submit. Resisting gives you the better chance for survival.

**Avoid crime scene number two.** It is always more isolated than the initial point of contact, and it is always worse for you.

**Never, never give up.** Your attitude can keep you alive when you’re badly injured.
Do not rely on mace or weapons, as they will only help if they are already in your hand, aimed in the appropriate direction. They're useless if you have to fumble in your purse or pocket for them. And any weapon you can carry can be taken away and used against you. What do you do? Use your mind.

**Your best defense is to be mentally prepared for an attack.**

Once attacked, many victims describe feeling as though their minds were floating—as if they had slipped out of their bodies and were witnesses to the crimes being committed against them. The reason for this is that *those who are unprepared to deal with violent situations who find themselves suddenly thrown into one go into shock.* Their minds drift and wander and they lose precious time. You need to combat this feeling by knowing how to respond in a crisis. How do you accomplish this?

The same way you prepare for everything. Rehearse it in your mind. When asking your boss for a raise, or bringing up a particularly sensitive subject with a loved one, you practice how to broach the subject and what arguments you can use to support your view. You can train yourself to respond to violent attacks in the same way. When you read about or hear crime stories, imagine yourself in a
similar situation and imagine how you would respond. Do this often to prepare your mind for an emergency response. Discuss the subject with your family members and treat it as seriously as you would a home fire drill. You need to develop a mindset prepared for violence. When you do hear crime stories, you will most likely find a certain repetition in the stories in that criminals all tend to do the same things. What it boils down to is the assailant controlling the victim through fear.

Violent criminals are psychopaths—persons who release their anger and get their kicks from senselessly hurting or killing other people. They care no more for you than a range target. Your life means no more to them than the pleasure they derive in taking it from you. Do not hope for mercy.

You have two choices. You can resist and try to escape, or you can obey your captor and take the risk that he’ll spare you. The assailant also has two choices. He can let you live, or he can leave no witnesses. Fight back and get out!
You have seconds to decide. You do not have time to take a deep breath and evaluate your situation. This is why it is so important to train yourself for immediate response. And why escape has got to be foremost in your mind.

When you visualize your response, escape is your only goal. You need to do whatever you have to do to escape. Visualize yourself in the crime scene. Not near it, in it. Visualize yourself as explosive as you’ve ever been. Your intent is to escape. Visualize yourself being shot or stabbed. This is difficult, but crucial. Yes, you may be hurt if you resist...just as you may be hurt if you don’t resist. They’re both lousy choices, but at real crime scenes, we’re not given pleasant choices. You should plan on getting hurt. You need to overcome your fear of injury.

Since we were very young, we were socialized to be reasonable; we’ve been taught to negotiate instead of striking someone. We tend to believe that other people are sensible, reasonable beings, like ourselves.
When confronted with persons who say, “Do what I say or I’ll stab you,” most people are in complete shock. They are willing to comply because it’s easy to leap to the false promise that compliance will result in safety. Few of us have any past experience to relate to when thrust into a sudden violent situation. Screaming, shouting, shoving, and/or slugging matches involving family and friends are no comparison to a violent crime.

Here’s an example of what we’re talking about, an actual case history:

An assailant carrying a knife broke into a couple’s home. He controlled both the husband and the wife by threatening to use the knife on the wife. He used the knife to cut the electrical cords off lamps in the living room and used them to tie the husband to a chair. He sent the wife to get whatever valuables were in the house. When she returned, he wasn’t satisfied. He asked her if she had a hammer, and ordered her to fetch it for him. He then used it to strike the husband in the head, forcefully and repeatedly. The escalation of violence against isolated or bound, innocent victims is always sudden—and few citizens understand the level of viciousness of criminals. Seldom do newspaper or TV news stories detail the crimes committed. The assailant in this case struck the husband in the skull with the hammer so violently that he actually broke the head off of the wooden handle. He also broke the corner off a three-inch
cutting board by hitting the man on the head with it. During the trial, the coroner of San Francisco testified that he had never seen a human skull so destroyed. The suspect then forced the wife, who’d been paralyzed with fear and shock, up the stairs. He raped her for three hours, oral, anal, everything, without stopping. He was high on coke. He then began attacking the wife’s head with various household objects, tearing the flesh from her head. He slit her wrists, doused her and her house with paint thinner and kerosene that was kept in the house. The assailant started the house on fire before he left. The wife managed to survive by crawling out of a window and onto a roof, where she finally screamed for help.

This reading has not been pleasant, but it’s imperative that you recognize the terrible caliper of violence that we’re discussing. Never negotiate about being moved to a different location. Never allow yourself to be bound. Fight back! And never give up.
How to Help Avoid Becoming a Victim of Violent Crime

Having said all of this, here is another very important piece of advice. The easiest and best way to avoid sexual assault is to not become a victim in the first place. How do you do this? We’re willing to bet that you’ve heard these pieces of advice before. Perhaps now you understand why we are so adamant about them:

* Don’t walk alone in a dark parking lot to your vehicle. Get friends to accompany you or ask Campus Safety for an escort.
* Have your vehicle keys in your hands before you leave the protection of the building. There is nothing that looks more vulnerable than a female in high heels or big clunky shoes in a dark parking lot who is completely absorbed with trying to find her keys in her purse. Think about your circumstances from the assailant’s point of view.
* Check the back seat of your vehicle to be sure that nobody has gained access and decided to surprise you.
* Never go anywhere with strangers.
* Follow your gut instincts. If someone gives you the creeps, get away from him.
Most assailants are not looking for a fight. They’re bullies, and they’re looking for someone they can easily overpower or intimidate. Look big. Look like you know what you’re doing. Walk with purpose. Carry your purse firmly under your arm. Have your car keys ready when you leave the building for your vehicle. Lock your vehicle as soon as you get out of it and as soon as you get into it.

Whether you’re in your parents’ home, in your apartment, in your dorm room, or in your car, keep your doors locked.

Do not provide personal information about yourself to strangers on the internet.

Carry a cell phone! A cell phone can be even more effective than a weapon in deterring crime. Having the ability to summon assistance, whether during a criminal situation or during a simple vehicular breakdown will make you a less-likely target for a would-be criminal.

If your car does break down, call the police immediately after calling the garage and let them know that you’re uncomfortable.
They may be able to send someone to wait with you until such time as a tow-truck comes along. Never get into the vehicle of a stranger while stranded alongside the road.

* If you are being chased on foot by an assailant, drop your purse, briefcase, backpack, or anything else that you are carrying that will slow you down. Run toward areas concentrated with people, screaming all the way. Kick off your heels if you can run faster without them. There is nothing that you are carrying, or wearing, that is more important than your personal safety.

If you are interested in more information, please contact the Office of Campus Safety for the date of our next self-defense workshop. We don't want anyone to become a victim—on or off campus.
Area Resources

Emergencies..........................................................911
Ontario County Sheriff.................................585-394-4260
Canandaigua City Police.........................585-394-3311
Newark Police Department.....................315-331-3701
New York State Police.........................585-398-3200
Wayne County Sheriff.........................315-946-9711
Seneca County Sheriff......................315-539-9241
FF Thompson Health System...............585-396-6000
Geneva General Hospital..................315-789-4222
Geneva City Police.........................315-789-1111
Clifton Springs Hospital...............315-462-9561
Rape and Abuse Crisis Services
  Rochester.................................585-546-2777
  Geneva Office..........................315-781-1093
  Seneca/Ontario Hotline..................800-247-7273
  Yates Hotline..........................315-536-2897
Planned Parenthood.........................585-546-2595
Alcoholics Anonymous.....................315-789-5955
Lifeline @ Clifton Hospital...............315-462-9561
  for suicide prevention, alcoholism, teen hotline,
  poison control, mental health, and all emergencies for
  the deaf
College Resources 585-394-3500 and extension
Director of Campus Safety.............................7437
Director of Student Health..............................7298
Director of Physical Education............................7294
Dean of Students........................................7212
Director of The Center..................................7469
Geneva Extension Center..............................315-789-6701
Newark Extension Center..............................315-331-9098