

APPENDIX I: RESOURCES

Table of Contents

APPENDIX I: RESOURCES.....4-6

- A. If You Experience Sexual Assault, Domestic Violence, Dating Violence, or Stalking 4
- B. Students’ Bill of Rights 4
- C. Rights of Reporting Individuals 5
- D. Educational Programs 5
- E. Phone Numbers 6

APPENDIX II: NEW YORK STATE LAW 6-10

- Consent..... 6
- Dating Violence 6
- Domestic Violence..... 6
- Family or Household Member 6
- Parent..... 7
- Sex Offenses; Lack of Consent..... 7
- Sexual Misconduct..... 7
- Rape in the Third Degree 7
- Rape in the Second Degree..... 7
- Rape in the First Degree 7
- Criminal Sexual Act in the Third Degree 7
- Criminal Sexual Act in the Second Degree 7
- Criminal Sexual Act in the First Degree..... 7
- Forcible Touching..... 7
- Persistent Sexual Abuse..... 8
- Sexual Abuse in the Third Degree 8
- Sexual Abuse in the Second Degree..... 8
- Sexual Abuse in the First Degree 8
- Aggravated Sexual Abuse..... 8
- Aggravated Sexual Abuse in the Fourth Degree..... 8
- Aggravated Sexual Abuse in the Third Degree 8
- Aggravated Sexual Abuse in the Second Degree..... 8
- Aggravated Sexual Abuse in the First Degree 8
- Course of Sexual Conduct against a Child in the Second Degree..... 8
- Course of Sexual Conduct against a Child in the First Degree 8
- Facilitating a Sex Offense with a Controlled Substance..... 9
- Incest in the Third Degree..... 9
- Incest in the Second Degree 9
- Incest in the First Degree..... 9
- Stalking in the Fourth Degree 9
- Stalking in the Third Degree..... 9
- Stalking in the Second Degree 9
- Stalking in the First Degree..... 10
- Bias Crimes..... 10

APPENDIX I: RESOURCES

A. If You Experience Sexual Assault, Domestic Violence, Dating Violence, or Stalking Your safety and well-being are of paramount importance. What you choose to do after an incident is up to you, but you are encouraged to take the following actions immediately:

1. Go to a place where you feel safe.
2. Contact or have a friend contact Public Safety at **516-463-6606**. In an emergency, call Public Safety at **516-463-6789** or, if you are off campus, call 911. You have the option to notify Public Safety and local police, and to be assisted by Public Safety in notifying local police if you so choose. You also have the option to decline to notify these authorities.
3. To speak to a Confidential Resource who will not report your information further, you can contact the Student Health and Counseling Center at **516-463-6745** (Public Safety will contact the Student Health and Counseling Center during non-business hours), or one of the chaplains in the Interfaith Center: Catholic Chaplain, **516-463-7210**; Jewish Chaplain, **516-463-6922**; Muslim Chaplain, **516-463-6920**; Protestant Chaplain, **516-463-5227**.
4. Go to a hospital emergency room. Public Safety or the police will provide transportation, if necessary.
5. It is important to preserve evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order. Medical evidence for use in the prosecution of a criminal offense is collected at the hospital. For this reason, you should not shower, bathe, douche, or change clothes. You may need to bring a change of clothes to the hospital in case the clothes you are wearing are collected as evidence.
6. Do not touch any evidence or straighten up the area where the assault occurred.
7. Do not blame yourself. The person who assaulted you is responsible.

Students have access to mental health counseling through the Student Health and Counseling Center. Crisis intervention, initial intake, consultations, workshops, and psychoeducational groups are offered by the Student Health and Counseling Center. Any enrolled student is eligible to receive short-term individual counseling and participate in all programs, including workshops and psychoeducational groups, at no cost.

Students have access to medical services, including testing for sexually transmitted infections, through the Student Health and Counseling Center. There may be a fee for testing for sexually transmitted infections, as tests are sent to an outside laboratory. Within 96 hours of an assault, you can get a Sexual Assault Forensic Examination (SAFE) (commonly referred to as a rape kit) at a hospital. (Find a designated SAFE hospital near you at <https://www.health.ny.gov/professionals/safe/>.) While there should be no charge for a rape kit, there may be a charge for medical or counseling services off campus 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 healthcare and counseling services, including emergency funds. More information may be found by calling 1-800-247-8035. Options are explained here: <https://ovs.ny.gov/help-crime-victims>

The University will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community.

B. Students' Bill of Rights

Pursuant to Article 129-B of the New York State Education Law, 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 judicial or conduct process and/or criminal justice process free from pressure by the University.
4. Participate in a process that is fair and impartial, and provides adequate notice and a meaningful opportunity to be heard.
5. Be treated with dignity and receive from the University courteous, fair, and respectful healthcare and counseling services, as available through the Student Health and Counseling Center.
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 institution representatives as practicable and not be required to unnecessarily repeat a description of the incident.
8. Be protected from retaliation by the University, any student, the accused and/or the respondent, and/or their friends, family, and acquaintances within the University's jurisdiction.
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 judicial or conduct process, including during all meetings and hearings related to such process.

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

C. Rights of Reporting Individuals

Any student reported to have been subject to a violation of this Policy has the right to:

1. Make a report to Hofstra Public Safety, local law enforcement, and/or state police or choose not to report; to report the incident to the University; to be protected by the University from retaliation for reporting an incident; and to receive assistance and resources from the University.
2. Have emergency access to a University official trained in interviewing victims of sexual assault, 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. The official will explain 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 to the district attorney. The official shall also explain the level of confidentiality they are authorized to offer, and shall inform the reporting individual of other reporting options.
3. Disclose confidentially the incident to counselors or medical professionals in the Student Health and Counseling Center, who may offer confidentiality pursuant to applicable laws and can assist in obtaining services for reporting individuals.
4. Disclose confidentially the incident and obtain services from the state or local government.
5. Disclose the incident to Hofstra representatives who can offer varying levels of confidentiality, as appropriate, and can assist in obtaining resources for reporting individuals.
6. Disclose the incident anonymously by calling the New York State Domestic and Sexual Violence Hotline at 1-800-942-6906. The hotline is for crisis intervention, resources, and referrals and is not a reporting mechanism, nor is it affiliated with Hofstra University.
7. File a report of sexual assault, domestic violence, dating violence, and/or stalking, and the right to consult with the Title IX Coordinator for Student Issues and other appropriate Hofstra representatives for information and assistance. Reports shall be investigated in accordance with this policy, and a reporting individual's identity shall remain private at all times if said reporting individual wishes to maintain privacy.
8. Disclose, if the accused is an employee of the institution, the incident to the Title IX Coordinator for Employee Matters, or the right to request that a confidential or private employee assist in reporting to the Title IX Coordinator for Employee Matters, for investigation and adjudication under the Harassment Policy.
9. Receive informational assistance from Hofstra representatives, and assistance from The Safe Center LI in accordance with Hofstra's Memorandum of Understanding with the Safe Center LI. Receive informational assistance from Hofstra representatives in connection with legal proceedings in family court or civil court.
10. Withdraw a complaint or involvement from the process under this Policy at any time.

D. Educational Programs

You are the key to your personal safety on campus and in the community. We encourage you to educate yourself by attending educational programs that promote the awareness and prevention of sexual misconduct. Such programs are conducted for first-year students during New Student Orientation and Welcome Week.

Incoming students are also required to complete the EVERFI program, which includes important information about relationship violence and sexual assault, such as:

- Definitions of the relevant offenses in New York state
- Definition of consent, in reference to sexual activity, in New York state
- Safe and positive options for bystander intervention
- Information on how to recognize warning signs of abusive behavior and how to avoid potential attacks

Other programs on these and related topics are offered throughout the year and are open to the entire Hofstra community. These programs include Domestic Violence Awareness Week as well as numerous sexual assault awareness and prevention programs, including Take Back the Night and Hofstra's It's On Us campaign, as described at hofstra.edu/itsonus. In addition, the University has launched the Step Up program, a bystander intervention program that meets with student groups throughout the year.

All Hofstra students are notified each year about the *Guide to Pride*, available online at hofstra.edu/guidetopride, which is updated annually and includes this Policy, also available online at hofstra.edu/sexualmisconduct. This policy states that sexual misconduct is prohibited at Hofstra, and contains detailed information about Hofstra's guidelines and procedures in responding to reports of sexual misconduct, including information about confidentiality and a detailed description of the disciplinary process for complaints.

For additional information, please contact the Office of Student Affairs at studentaffairs@hofstra.edu.

E. Phone Numbers

Emergency – On Campus: 516-463-6789

- Public Safety
- Title IX Coordinator for Student Issues
- Title IX Coordinator for Employee Matters
- Office of Residence Life
- Dean of Students/Office of Community Standards
- Student Access Services

Off Campus: 911

- 516-463-6606
- 516-463-5841
- 516-463-6859
- 516-463-6930
- 516-463-6913
- 516-463-7075

Confidential Resources

- Student Health and Counseling Center 516-463-6745
- Catholic Chaplain 516-463-7210
- Jewish Chaplain 516-463-6922
- Muslim Chaplain 516-463-6920
- Protestant Chaplain 516-463-5227

Off-Campus Resources

- The Safe Center LI 516-465-4700
- The Safe Center LI Rape/Dating/Domestic Violence Hotline 516-542-0404

APPENDIX II: NEW YORK STATE LAW

Many of the acts covered by this Policy are also considered crimes under New York state law. The following are definitions related to crimes under New York state law:

Consent

Lack of consent results from: forcible compulsion; or incapacity to consent; or where the offense charged is sexual abuse or forcible touching, 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. Where the offense charged is rape in the third degree, criminal sexual act in the third degree, or forcible compulsion in circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor’s situation would have understood such person’s words and acts as an expression of lack of consent to such act under all the circumstances. A person is incapable of consent when he or she is: less than 17 years old; or mentally disabled; or mentally incapacitated; or physically helpless; or committed to the care and custody of the state department of correctional services, a hospital, the Office of Children and Family Services and is in residential care, or the other person is a resident or inpatient of a residential facility operated by the Office of Mental Health, the Office for People with Developmental Disabilities, or the Office of Addiction Services and Supports, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such department or hospital.

Dating Violence

New York state does not specifically define “dating violence.” However, under New York law, intimate relationships are covered by the definition of domestic violence when the act constitutes a crime listed elsewhere in this document and is committed by a person in an “intimate relationship” with the victim. See “Family or Household Member” for definition of “intimate relationship.”

Domestic Violence

Any act which would constitute a violation of the penal law, including but not limited to acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted murder, criminal obstruction of breathing or blood circulation, strangulation, identity theft, grand larceny, or coercion; and such acts have created a substantial risk of physical or emotional harm to a person or a person’s child. Such acts are alleged to have been committed by a family member. The victim can be anyone over the age of 16, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person’s child is a victim of the act.

Family or Household Member

Persons related by consanguinity or affinity; Persons legally married to one another; Persons formerly married to one another regardless of whether they still reside in the same household; Persons who have a child in common regardless of whether such persons are married or have lived together at any time; Unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; 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 that may be considered 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”; any other category of individuals deemed to be a victim of domestic violence as defined by the Office of Children and Family Services in regulation.

Intimate relationship status shall be applied to teens, lesbian/gay/bisexual/transgender, and elderly individuals, current and formerly married and/or dating heterosexual individuals who were, or are in an intimate relationship

Parent

Means natural or adoptive parent or any individual lawfully charged with a minor child’s care or custody.

Sex Offenses; Lack of Consent

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

Sexual Misconduct

When a person (1) engages in sexual intercourse with another person without such person’s consent; or (2) engages in oral sexual conduct or anal sexual conduct without such person’s consent; or (3) engages in sexual conduct with an animal or a dead human body.

Rape in the Third Degree

When a person (1) engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) being 21 years old or more, engages in sexual intercourse with another person less than 17 years old; or (3) engages in sexual intercourse with another person without such person’s consent where such lack of consent is by reason of some factor other than incapacity to consent.

Rape in the Second Degree

When a person (1) being 18 years old or more, engages in sexual intercourse with another person less than 15 years old; or (2) engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense to the crime of rape in the second degree that the defendant was less than four years older than the victim at the time of the act.

Rape in the First Degree

When a person engages in 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; or (4) who is less than 13 years old and the actor is 18 years old or more.

Criminal Sexual Act in the Third Degree

When a person engages in oral or anal sexual conduct (1) with a person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) being 21 years old or more, with a person less than 17 years old; (3) with another person without such person’s consent where such lack of consent is by reason of some factor other than incapacity to consent.

Criminal Sexual Act in the Second Degree

When a person engages in oral or anal sexual conduct with another person (1) and is 18 years or more and the other person is less than 15 years old; or (2) who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense that the defendant was less than four years older than the victim at the time of the act.

Criminal Sexual Act in the First Degree

When a person engages in oral or anal sexual conduct with another person (1) by forcible compulsion; (2) who is incapable of consent by reason of being physically helpless; (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

Forcible Touching

Forcible touching includes: (1) When a person intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor’s sexual desire, or (2) when a person subjects another person to sexual contact for the purpose of gratifying the actor’s sexual desire and with intent to degrade or abuse such other person while such other person is a passenger on a bus, train, or subway car. Forcible touching includes squeezing, grabbing, or pinching.

Persistent Sexual Abuse

When a person commits a crime of forcible touching, or second or third degree sexual abuse within the previous 10-year period, has been convicted two or more times, in separate criminal transactions for which a sentence was imposed on separate occasions of one of the above mentioned crimes or any offense defined in this article, of which the commission or attempted commissions thereof is a felony.

Sexual Abuse in the Third Degree

When a person subjects another person to sexual contact without the latter's consent. For any prosecution under this section, it is an affirmative defense that (1) such other person's lack of consent was due solely to incapacity to consent by reason of being less than 17 years old; and (2) such other person was more than 14 years old; and (3) the defendant was less than five years older than such other person.

Sexual Abuse in the Second Degree

When a person 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 First Degree

When a person subjects another person to sexual contact (1) by forcible compulsion; (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old; or (4) when the other person is less than 13 years old and the actor is 21 years old or older.

Aggravated Sexual Abuse

For the purposes of this section, conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated Sexual Abuse in the Fourth Degree

When a person inserts a (1) foreign object in the vagina, urethra, penis, or rectum of another person and the other person is incapable of consent by reason of some factor other than being less than 17 years old; or (2) finger in the vagina, urethra, penis, rectum, or anus of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than 17 years old.

Aggravated Sexual Abuse in the Third Degree

When a person inserts a foreign object in the vagina, urethra, penis, rectum, or anus of another person (1) (a) by forcible compulsion; (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; or (2) causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.

Aggravated Sexual Abuse in the Second Degree

When a person inserts a finger in the vagina, urethra, penis, rectum, or anus of another person causing physical injury to such person by (1) forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old.

Aggravated Sexual Abuse in the First Degree

When a person subjects another person to sexual contact: (1) By forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old; or (4) when the other person is less than 13 years old and the actor is 21 years old or older.

Course of Sexual Conduct against a Child in the Second Degree

When over a period of time, not less than three months, a person: (1) Engages in two or more acts of sexual conduct with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct with a child less than 13 years old. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charged offense occurred outside of the time period charged under this section.

Course of Sexual Conduct against a Child in the First Degree

When over a period of time, not less than three months in duration, a person: (1) Engages in two or more acts of sexual conduct, or aggravated sexual contact with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct which includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct, or aggravated sexual contact with a child less than 13 years old.

Facilitating a Sex Offense with a Controlled Substance

A person is guilty of facilitating a sex offense with a controlled substance when he or she: (1) knowingly and unlawfully possesses a controlled substance or any preparation, compound, mixture, or substance that requires a prescription to obtain and administers such substance or preparation, compound, mixture, or substance that requires a prescription to obtain to another person without such person's consent and with intent to commit against such person conduct constituting a felony defined in this article; and (2) commits or attempts to commit such conduct constituting a felony defined in this article.

Incest in the Third Degree

A person is guilty of incest in the third degree when he or she marries or engages in sexual intercourse, oral sexual conduct, or anal sexual conduct with a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew, or niece.

Incest in the Second Degree

A person is guilty of incest in the second degree when he or she commits the crime of rape in the second degree, or criminal sexual act in the second degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew, or niece.

Incest in the First Degree

A person is guilty of incest in the first degree when he or she commits the crime of rape in the first degree, or criminal sexual act in the first degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or half blood, uncle, aunt, nephew, or niece.

Stalking in the Fourth Degree

When a person 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 Third Degree

When a person (1) commits the crime of stalking in the fourth degree against any person in three or more separate transactions, for which the actor has not been previously convicted; or (2) commits the crime of stalking in the fourth degree against any person, and has previously been convicted, within the preceding 10 years of a specified predicate crime and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) with an intent to harass, annoy, or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment, or death of such person or a member of such person's immediate family; or (4) commits the crime of stalking in the fourth degree and has previously been convicted within the preceding 10 years of stalking in the fourth degree.

Stalking in the Second Degree

When a person (1) commits the crime of stalking in the third degree and in the course of and furtherance of the commission of such offense: (a) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, slingshot, slungshot, shirken, "Kung Fu Star," dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapons; or (b) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun, or other firearm; or (2) commits the crime of stalking in the third degree against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree; or (4) being 21 years of age or older, repeatedly follows a person under the age of 14 or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of 14 in reasonable fear of physical injury, serious physical injury, or death; or (5) commits the crime of stalking in the third degree, against 10 or more persons, in 10 or more separate transactions, for which the actor has not been previously convicted.

Stalking in the First Degree

When a person commits the crime of stalking in the third degree or stalking in the second degree and, in the course and furtherance thereof, he or she intentionally or recklessly causes physical injury to the victim of such crime.

Bias Crimes

Also called hate crimes, Bias Crimes are criminal acts, including acts of violence, intimidation, or destruction of property, based upon bias and prejudice. Under the New York State Penal Code, 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, gender identity or expression, 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, gender identity or expression, religion, religious practice, age, disability, or sexual orientation of a person, regardless of whether the belief or perception is correct. The New York State Penal Code, including the Hate Crimes Act of 2000, subjects Bias Crimes to criminal prosecution and severe punishment. See *Prohibited Bias and Discriminatory Harassment Policy*.



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