S T A T E O F N E W Y O R K

977

2009-2010 Regular Sessions

I N S E N A T E

January 22, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to requiring institutions of higher education to provide to students and employees information relating to security policies, security procedures and incidents of crime on campus

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 6430 of the education law is amended by adding a new subdivision 1-a to read as follows:

1-A. (A) PURSUANT TO THE REQUIREMENTS SET FORTH IN SUBDIVISION ONE OF THIS SECTION, SUCH INSTITUTIONS SHALL ALSO PUBLISH ON AN ANNUAL BASIS A REPORT WHICH SHALL INCLUDE STATISTICS REFLECTING INCIDENTS OF ACTUAL AND ALLEGED CRIME ON CAMPUS FOR THE MOST RECENT THREE YEAR PERIOD.

(B) EACH INSTITUTION OF HIGHER EDUCATION SHALL, IN ITS APPLICATION FORMS FOR ADMISSION AND FOR EMPLOYMENT, NOTIFY EACH POTENTIAL APPLICANT THAT INFORMATION REGARDING THE INSTITUTION'S SECURITY POLICIES, SECURITY PROCEDURES AND A STATISTICAL LISTING OF ALL INCIDENTS RESULTING IN BODILY INJURY, PROPERTY DAMAGE, AND PROPERTY THEFT SHALL BE MADE AVAILABLE UPON REQUEST. INSTITUTIONS WITH A MAIN CAMPUS AND ONE OR MORE BRANCH CAMPUSES SHALL PROVIDE THE INFORMATION ON A CAMPUS-BY-CAMPUS BASIS. SUCH INFORMATION FOR THE MOST RECENT SCHOOL YEAR SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

(I) THE NUMBER OF UNDERGRADUATE AND GRADUATE STUDENTS ENROLLED;

(II) THE NUMBER OF UNDERGRADUATE AND GRADUATE STUDENTS LIVING IN STUDENT HOUSING;

(III) THE TOTAL NUMBER OF NON-STUDENT EMPLOYEES WORKING ON CAMPUS;

(IV) THE ADMINISTRATIVE OFFICE RESPONSIBLE FOR SECURITY ON THE CAMPUS;

(V) A DESCRIPTION OF THE TYPE AND NUMBER OF SECURITY PERSONNEL UTILIZED BY THE INSTITUTION, INCLUDING A DESCRIPTION OF THEIR TRAINING;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(VI) THE ENFORCEMENT AUTHORITY OF SECURITY PERSONNEL, INCLUDING THEIR WORKING RELATIONSHIP WITH THE STATE AND LOCAL POLICE AGENCIES;

(VII) POLICY ON REPORTING CRIMINAL INCIDENTS TO STATE AND LOCAL POLICE;

(VIII) POLICY REGARDING ACCESS TO INSTITUTIONAL FACILITIES AND PROGRAMS BY STUDENTS, EMPLOYEES, GUESTS AND OTHER INDIVIDUALS;

(IX) PROCEDURES AND FACILITIES FOR STUDENTS AND OTHERS TO REPORT CRIMINAL ACTIONS OR OTHER EMERGENCIES OCCURRING ON CAMPUS AND POLICIES CONCERNING THE INSTITUTION'S RESPONSE TO SUCH REPORTS;

(X) A STATEMENT OF POLICY REGARDING THE POSSESSION, USE, AND SALE OF ALCOHOLIC BEVERAGES;

(XI) A STATEMENT OF POLICY REGARDING THE POSSESSION, USE, AND SALE OF ILLEGAL DRUGS;

(XII) A STATEMENT OF POLICY REGARDING THE POSSESSION AND USE OF WEAPONS BY SECURITY PERSONNEL AND ANY OTHER PERSON ON CAMPUS;

(XIII) ANY POLICY REGARDING STUDENTS OR EMPLOYEES WITH CRIMINAL RECORDS;

(XIV) SECURITY CONSIDERATIONS USED IN THE MAINTENANCE OF CAMPUS FACILITIES, INCLUDING LANDSCAPING, GROUNDSKEEPING, AND OUTDOOR LIGHTING;

(XV) A DESCRIPTION OF THE COMMUNICATION MEDIUMS USED TO INFORM THE CAMPUS COMMUNITY ABOUT SECURITY MATTERS AS WELL AS THE FREQUENCY WITH WHICH THE INFORMATION IS PROVIDED; AND

(XVI) A STATISTICAL DESCRIPTION OF ALL THE DATA REPORTED TO THE SECURITY OFFICES WITHIN EACH INSTITUTION AS FOLLOWS: INCIDENTS RESULTING IN BODILY INJURY, PROPERTY DAMAGE, AND PROPERTY THEFT; INCIDENTS INVOLVING SEX OFFENSES, SEXUAL HARASSMENT, OR ANY SEXUAL MISCONDUCT ON CAMPUS; INCIDENTS OF UNNATURAL DEATHS ON CAMPUS DUE TO ALLEGED CRIMINAL BEHAVIOR, ALLEGED GROSS NEGLIGENCE OR ALLEGED NEGLIGENCE BY THE EDUCATIONAL INSTITUTION ITSELF; AND BIAS OR RACIALLY MOTIVATED INCIDENTS ON CAMPUS. THIS REPORT SHALL COMPRISE REPORTED INCIDENTS PERTAINING TO THE STUDENT BODY, AND THE EMPLOYEES AND THE FACULTY OF THAT INSTITUTION.

(C) INSTITUTIONS WHICH MAINTAIN STUDENT HOUSING FACILITIES SHALL INCLUDE IN THE INFORMATION REQUIRED BY PARAGRAPH (B) OF THIS SUBDIVISION THE FOLLOWING:

(I) TYPES OF STUDENT HOUSING AVAILABLE (ON-CAMPUS, OFF-CAMPUS; SINGLE ROOM, DOUBLE, GROUP; SINGLE SEX, CO-ED; UNDERGRADUATE, GRADUATE, MARRIED; ETC.);

(II) POLICIES ON HOUSING ASSIGNMENTS AND REQUESTS BY STUDENTS FOR ASSIGNMENT CHANGES;

(III) POLICIES CONCERNING THE IDENTIFICATION AND ADMISSION OF VISITORS IN STUDENT HOUSING FACILITIES;

(IV) MEASURES TO SECURE THE ENTRANCES TO STUDENT HOUSING FACILITIES;

(V) STANDARD SECURITY FEATURES USED TO SECURE DOORS AND WINDOWS IN STUDENTS' ROOMS;

(VI) A DESCRIPTION OF THE TYPE AND NUMBER OF EMPLOYEES, INCLUDING SECURITY PERSONNEL, ASSIGNED TO THE STUDENT HOUSING FACILITIES WHICH SHALL INCLUDE A DESCRIPTION OF THEIR SECURITY TRAINING;

(VII) A DESCRIPTION OF THE TYPE OF TRAINING REQUIRED FOR RESIDENCE FACULTY, INCLUDING RESIDENCE DIRECTORS, RESIDENCE ASSISTANTS, AND STUDENT ASSISTANTS. THE INSTITUTION MUST ALSO LIST THE STATISTICS OF THE NUMBER OF RESIDENCE FACULTY WHO ARE CERTIFIED IN FIRST AID;

(VIII) THE TYPE AND FREQUENCY OF PROGRAMS DESIGNED TO INFORM STUDENT HOUSING RESIDENTS ABOUT HOUSING SECURITY AND ENFORCEMENT PROCEDURES;

(IX) POLICY AND ANY SPECIAL SECURITY PROCEDURES FOR HOUSING STUDENTS DURING LOW-OCCUPANCY PERIODS SUCH AS HOLIDAYS AND VACATION PERIODS; AND

(X) POLICY ON THE HOUSING OF GUESTS AND OTHERS NOT ASSIGNED TO THE STUDENT HOUSING OR NOT REGULARLY ASSOCIATED WITH THE INSTITUTION OF HIGHER EDUCATION.

(D) EACH INSTITUTION OF HIGHER EDUCATION SHALL PUBLISH AND DISTRIBUTE A REPORT WHICH SHALL BE UPDATED ANNUALLY AND WHICH SHALL INCLUDE THE SECURITY POLICIES, SECURITY PROCEDURES, AND THE LISTING OF ALL RECORDED INCIDENTS AS REPORTED UNDER PARAGRAPH (B) OF THIS SUBDIVISION, AND THE INFORMATION IN SECURITY POLICIES IN PARAGRAPH (C) OF THIS SUBDIVISION FOR THE MOST RECENT THREE YEAR PERIOD. THE INCIDENT RATES REPORTED UNDER THESE TWO PARAGRAPHS SHALL BE BASED ON THE NUMBER OF FULL-TIME EQUIVALENT UNDERGRADUATE AND GRADUATE STUDENTS AND FULL-TIME EQUIVALENT EMPLOYEES AT THE INSTITUTION OF HIGHER EDUCATION. LOCATIONS SEPARATELY IDENTIFIABLE FROM THE MAIN CAMPUS OF THE PARENT INSTITUTION AND PROVIDING THE SERVICES NORMALLY ASSOCIATED WITH THE CAMPUS SHALL ALSO BE INCLUDED IN THESE FINDINGS. THE INSTITUTION SHALL PROVIDE UPON REQUEST THIS REPORT TO EVERY PERSON WHO REQUESTS SUCH INFORMATION AND TO EACH NEW EMPLOYEE AT THE TIME OF EMPLOYMENT. THE INFORMATION SHALL ALSO BE PROVIDED ON AN ANNUAL BASIS TO ALL STUDENTS AND EMPLOYEES. INSTITUTIONS WITH MORE THAN ONE CAMPUS SHALL PROVIDE THE REQUIRED INFORMATION ON A CAMPUS-BY-CAMPUS BASIS.

EACH AND EVERY INSTITUTION OF HIGHER EDUCATION IN NEW YORK STATE SHALL, AFTER NOTIFICATION TO THE PUBLIC SAFETY OR CAMPUS SECURITY OFFICE AND WITHIN FORTY-EIGHT HOURS OF SUCH OFFICE'S CONCLUDING THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT A CRIME OCCURRED, REPORT THE FOLLOWING: ALL CRIMES OR ALLEGED CRIMES INVOLVING AN ASSAULT AS DEFINED IN ARTICLE ONE HUNDRED TWENTY OF THE PENAL LAW, A HOMICIDE OR RELATED OFFENSE AS DEFINED IN ARTICLE ONE HUNDRED TWENTY-FIVE OF THE PENAL LAW, A SEX OFFENSE AS DEFINED IN ARTICLE ONE HUNDRED THIRTY OF THE PENAL LAW, A ROBBERY AS DEFINED IN ARTICLE ONE HUNDRED SIXTY OF THE PENAL LAW, OR INCIDENTS INVOLVING BODILY INJURY OR UNNATURAL DEATHS DUE TO ALLEGED CRIMINAL BEHAVIOR. THE OCCURRENCE OF SUCH INCIDENTS OR ALLEGED INCIDENTS SHALL BE ANNOUNCED IN ALL CAMPUS RESIDENTIAL HOUSING, CAMPUS NEWSPAPERS AND NOTICES SHALL BE CONSPICUOUSLY POSTED IN EACH BUILDING ON CAMPUS. SUCH ANNOUNCEMENTS SHALL INCLUDE THE TIME, LOCATION AND NATURE OF THE CRIME OR ALLEGED CRIME AND THE DATE THE INCIDENT OR ALLEGED INCIDENT OCCURRED.

S 2. This act shall take effect on the first of September next succeeding the date on which it shall have become a law.