



# New York Colleges and Universities Must Comply with New Requirements for Reporting and Investigating Hate Crimes

July 13, 2023

On July 11, 2023, New York Governor Kathy Hochul [signed](#) legislation ([S.2060-A/A.3694-A](#)) (the “Legislation”) that will strengthen investigation and reporting requirements for incidents of hate crimes occurring on college and university campuses. The Legislation amends the New York Education Law and will require institutions of higher education that receive State funding to “modernize and enhance their disclosure of hate crimes that occur on campus.” The Legislation will take effect on October 9, 2023.

The Legislation requires colleges and universities that receive New York State funding to:

- Indicate on the institution’s website how to access campus crime statistics that are filed annually with the U.S. Department of Education;
- Report and post incidents of hate crime offenses as a separate, clearly designated category on the institution’s website;
- Inform students and prospective students of the existence of campus crime statistics and other campus safety policies and procedures as part of the institution’s onboarding process;
- Educate incoming students about bias and hate crime prevention measures on campus through programs such as workshops, seminars, and discussion groups to encourage reporting and facilitate prevention of such incidents;
- Adopt and implement a plan providing for the investigation of any hate crime or violent felony offense on campus, including a requirement that institutions enter into written agreements with local law enforcement agencies to facilitate prompt hate crime reporting and investigations; and
- Report a hate crime, violent felony offense, or a student who resides in college or university housing as missing within twenty-four hours to local law enforcement.

The Legislation defines a hate crime as a specified offense that 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.” [\[i\]](#)

Institutions should review and update their websites, policies, and procedures relating to the reporting and investigation of hate crimes as needed to ensure compliance with the law. Institutions should also review materials disseminated to the campus community on hate crime prevention and reporting measures to determine whether any updates are needed in light of the Legislation.

Please note this is a general overview of developments in the law and does not constitute legal advice. Nothing herein creates an attorney-client relationship between the sender and recipient. If you have questions regarding this alert, please contact Jennifer McLaughlin ([jmclaughlin@cullenllp.com](mailto:jmclaughlin@cullenllp.com)) at (516) 357-3889, or Dina Vespia ([dvespia@cullenllp.com](mailto:dvespia@cullenllp.com)) at (516) 357-3726, or Ciara Villalona ([cvillalona@cullenllp.com](mailto:cvillalona@cullenllp.com)) at 516.296.9103.

## Footnotes

[i] N.Y. Penal Law § 485.05 (McKinney).

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