Memorandum to Presidents

Date: December 21, 1990

From: Office of Student Affairs and Special Programs

Subject: Personal Safety Legislation: New State Requirements

To: Presidents, State University of New York

At their October 25, 1990, meeting, the State University Trustees updated the policy on personal safety advisory groups to conform to the recent amendment to Section 6450 of the Education Law (Chapters 457 and 739 of the Laws of 1990, copies attached). This amendment requires certain changes in the composition of SUNY campus personal safety committees, and there are new requirements for providing sexual assault prevention information to entering students during campus orientation programs.

Since 1984, Trustees' policy has required campuses to appoint personal safety advisory groups. Trustees' resolution 84-108 (May 23, 1984) endorsed actions taken by the Chancellor directing State University campus Presidents to establish advisory groups to study issues and make recommendations relating to personal safety, particularly the personal safety concerns of women. In 1989, further advice and direction were provided on the appropriate charge to and membership of these committees (Memorandum to Presidents, Vol. 89, No. 18, dated October 2, 1989). Specifically, Chancellor Johnstone requested that each campus personal safety committee (1) review policies on sexual assault, (2) review and suggest improvement in safety education programs, (3) assess availability of counseling services for crime victims, (4) review victim referral and campus response procedures for sexual assault situations, and (5) continue ongoing assessment of the quality of campus personal safety policies, practices, procedures and programs.

The 1990 Amendment to Section 6450 of the Education Law affirms State University practice and policy, and adds two major components. These, too, represent practices already current within the University.

1. Effective September 1, 1991, all colleges and universities in New York State must provide information to incoming students about sexual assault prevention measures, penalties and related security procedures. Annual reports must be filed with the Commissioner of Education.
2. Effective January 1, 1991, every college must establish a campus security advisory committee to review current campus security policies and procedures, particularly in the area of sexual assault prevention and response, and in the treatment of victims. Student and faculty members of the committee must be appointed from standing campus governance organizations. The committee must have at least six members, half of whom are female, with equal representation from students, faculty and presidential appointees. The committees are required to submit an annual report of their findings and recommendations to the campus President.

In accordance with the Trustees' resolution, please review the charge and membership composition of your personal safety committee to ensure compliance with this recent legislation. The reporting requirement concerning sexual assault information for incoming students will need to be included in the campus personal safety reports that you submit by June 15 of each year to my office. Based on the annual operating requirement guidelines issued by the State Education Department (attached) the report required by this law will be forwarded by the Chancellor to the Commissioner of Education.

Please also be advised that Federal legislation was passed in November concerning crime reporting and disclosure of campus security policies. Further information on this law will be forwarded upon receipt of operating guidelines from the United States Department of Education.

If you have any questions, please get in touch with either J. Norman Hostetter, Associate Vice Chancellor for Student Affairs (518-443-5139) or R. Bruce McBride, Executive Director for University Public Safety (518-443-5116).

Thank you for your cooperation.

Frank G. Pogue

Attachments

cc: Executive Council
Chief Student Affairs Administrators
Directors of Public Safety

Copies for information only sent to:
Deans, Statutory Colleges
President Coll
Provost Nesheim
MEMORANDUM

October 25, 1990

To: The Board of Trustees
From: D. Bruce Johnstone
Subject: Personal Safety on Campus (1990 Legislation)

I recommend that the Board of Trustees adopt the following resolution:

Whereas the Board of Trustees has expressed its ongoing concerns for the personal safety of students, staff and visitors on the campuses of the State University by encouraging development of programs aimed at enhancing the safety of members of the University community and by endorsing the formation of campus advisory groups on personal safety (Resolution 84-108); and

Whereas Chapters 457 and 739 of the Laws of 1990, amending section 6450 of the Education Law, require the Board of Trustees, along with the trustees and governing boards of each college and university in the State, to establish programs on the campuses which inform incoming students about sexual assault prevention measures; and

Whereas this Board desires to reconfirm its commitment to maintaining the physical security and safety of each campus of the State University; now, therefore, be it

Resolved that the Chancellor, or designee, be, and hereby is, authorized to implement the provisions of chapters 457 and 739 of the Laws of 1990 (Education Law, §6450) so that the State-operated campuses (1) make available to incoming students information
about sexual assault prevention measures and other
security procedures, and (2) consistent with Resolution 84-108, continue the operation of campus advisory
groups on personal safety; and, be it further

Resolved that the Chancellor, or designee, be, and
hereby is, authorized to take all necessary actions to
ensure the filing of reports by the campuses with the
Commissioner of Education in accordance with statutory
requirements; and, be it further

Resolved that the Chancellor, or designee, be, and
hereby is, requested to advise the boards of trustees
of the community colleges operating under the program
of the State University of the requirements of
chapters 457 and 739 of the Laws of 1990.

Background

Over the past several years, a number of steps have been
taken within the University to improve personal safety of
students and staff on State University campuses. Trustees' Resolution 84-108 (May 23, 1984) endorsed actions taken by the
Chancellor directing State University campus presidents to
establish advisory groups to study issues and make recommenda-
tions relating to personal safety, particularly the personal
safety concerns of women. Subsequently, a Memorandum to Presi-
dents (Vol. 89, No. 18) was issued providing additional guidance
to the campuses on the appropriate charge to and membership of
these groups in anticipation of legislative action in this area.

Chapters 457 and 739 of the Laws of 1990, amending section
6450 of the Education Law, establish two requirements for all
colleges and universities in New York State: one requires the
governing boards of colleges and universities to establish
programs which provide students with information on sexual
assault prevention measures; the other requires institutions of
higher education to appoint advisory committees on campus
security. Notwithstanding the fact that the University is
currently in substantial compliance with the legislative re-
quirements, this resolution is needed because of the specific
statutory provision requiring action by the trustees or governing
boards of institutions of higher education in the State in
relation to programs which inform students about sexual assault
prevention measures.

Each campus of the State University will be called upon by
the Chancellor to develop, if not already in place, orientation
programs for new and transfer students which inform them of laws
on sex offenses, the penalties for commission of such offenses,
the procedures in effect on campus for dealing with sex offenses,
support services available to victims, and other related security
procedures. The boards of trustees of the community colleges will be advised of the need to take appropriate action to develop such programs as well. Annual reports to be filed with the Commissioner of Education on implementation of the legislative requirements will be prepared at the campuses and transmitted by the Vice Chancellor for Student Affairs and Special Programs. Steps will also be taken to ensure that existing campus advisory groups on personal safety have the required composition and mandate.
MEMORANDUM TO CHIEF EXECUTIVE OFFICERS OF POSTSECONDARY INSTITUTIONS IN NEW YORK STATE

Subject: Annual Reporting Requirement on Sexual Assault Prevention Information

During the 1990 Legislative session, the Legislature passed, and the Governor signed into law as Chapter 739 of the Laws of 1990, new requirements for postsecondary institutions regarding campus security. The Law has two major components: providing sexual assault prevention information and forming an advisory committee on campus security. I have enclosed a copy of the Law for your information.

Section 1-a requires each postsecondary institution to provide specific information to incoming students about sexual assault prevention, the legal consequences of sex offenses, the college's policies, counseling and support services, and campus security procedures. This provision takes effect on September 1, 1991. Section 1-b further requires that each institution report annually to the Commissioner of Education that it has complied with Section 1-a.

The following procedures will be used for reporting. Beginning in 1991, by September 30 each year, the chief executive officer must attest in writing that the institution has provided the required information to incoming students. The letter should be addressed to the Assistant Commissioner for Academic Program Review, Room 5A37 Cultural Education Center, Albany, New York 12230.

As attachments to the letter, the president should submit copies of the material(s) the institution provided to the students. Staff will review these materials for compliance with the provisions of the statute.

I appreciate your cooperation as we implement this new requirement.

Sincerely,

Donald J. Nolan

Donald J. Nolan
AN ACT to amend the education law, in relation to sexual assault prevention and campus security.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1-a of section 6450 of the education law, as added by a chapter of the laws of 1990, amending the education law relating to advisory committees on campus security, as proposed in legislative bill numbers S. 7170 -- A. 9624, is amended to read as follows:

1-a. Sexual assault prevention information. (a) The governing board of each college shall provide information to incoming students about the nature of sexual offenses, the penalties for commission of sexual offenses, the procedures in effect at the college for dealing with sexual offenses, the availability of counseling and other support services for the victims of sexual offenses, the nature of and common circumstances relating to sexual offenses on college campuses, and the methods the college employs to advise and to update students about security procedures.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [ ] is old law to be omitted.
(b) Pursuant to the requirements set forth in paragraph (a) of this subdivision, each college shall file a report annually on its compliance with this subdivision with the commissioner.

§ 2. Paragraphs (b) and (c) of subdivision 4 of section 6450 of the education law, as added by a chapter of the laws of 1990, amending the education law relating to advisory committees on campus security, as proposed in legislative bill numbers S. 7170 -- A. 9624, is amended to read as follows:

(b) Such committee shall consist of a minimum of six members, at least half of whom shall be female, at least one-third of whom shall be appointed from a list of students that contains at least twice the number to be appointed which is provided by the largest student governance organization on such campus, one-third of whom shall be appointed from a list of faculty members that contains twice the number to be appointed which is provided by the largest faculty organization on such campus, and one-third of whom shall be selected by the president or chief administrative officer.

(c) The committee shall review current campus security policies and procedures and make recommendations for their improvement. It shall specifically review current policies and procedures (1) for educating the campus community, including security personnel and those persons who advise or supervise students, about sexual assault pursuant to subdivision one-a of this section, (2) for educating the campus community about personal safety and crime prevention, (3) for reporting sexual assaults and dealing with victims during investigations, (4) for referring complaints to appropriate authorities, (5) for counseling victims, and (6) for responding to inquiries from concerned persons.

§ 3. This act shall take effect on the same date as such chapter of the laws of 1990 takes effect.