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June 23, 2004

TO: Chief Executive Officers of Degree Granting Institutions in New York State

FROM: Joseph P. Frey

SUBJECT: Article 129-A of the Education Law

Over the last nine months, the Governor and Legislature enacted two laws that amended Article 129-A of the Education Law relating to the “regulation by colleges of conduct on campuses and other college property used for educational purposes.”

In September 2003, the Governor signed into law Chapter 597 of the Laws of 2003 (copy enclosed). Chapter 597 made the following substantive changes to Article 129-A of the Education Law:

- Eliminates the requirement that colleges and universities annually report to the Commissioner on compliance with sexual assault prevention information.
- Requires that, by July 1, 2004, each college provide to the Department all policies required pursuant to this law for the maintenance of public order on college campuses including how these policies will be enforced.
- Adds a new requirement that each college that receives state aid shall indicate in their campus catalog, student handbook and viewbook how to access the campus crime statistics that are filed annually with the United States Department of Education as required under Title 20 of the U.S. Code Section 1092(f).

On May 11, 2004, the Governor signed into law Chapter 75 of the Laws of 2004 (copy enclosed), which made further revisions to Article 129-A of the Education Law. These changes include:

- Removes the reference to “regulations” relating to public order on college campuses.
- Requires that colleges file with the Department annually, on or before the first day of July of each year, a certificate of compliance for all of the provisions of this Article.

- Adds Section 6436 of the Education Law relating to bias related crime prevention information. This provision establishes requirements that the college must adhere to in providing information to students concerning bias related crime, including
 - applicable laws, ordinances and regulations;
 - penalties for commission of such offenses;
 - procedures in effect at the college for dealing with bias related crime;
 - the availability of counseling and other support services for victims of bias related crime;
 - the nature of and common circumstances relating to bias related crime on college campuses; and
 - the method the college employs to advise and update students about security procedures.
- The new law also allows a college to set forth additional standards of conduct for students beyond those identified in Article 129-A of the Education Law.

At one point during the legislative session, there was discussion as to whether the requirement to provide copies of all college materials relating to the implementation of all policies required pursuant to Article 129-A would be delayed until July 2005. That change did not take place.

Therefore, in accordance with Chapter 597 of the Laws of 2003 and Chapter 75 of the Laws of 2004, I ask the colleges to take the following action:

- **By August 1, 2004**, please provide certification that the college is in compliance with all provisions of Article 129-A of the Education Law. Enclosed is a copy of the certification form which should be used and submitted to the following address:

Joseph P. Frey, Assistant Commissioner
 New York State Education Department
 Office of Quality Assurance
 Room 977, Education Building Annex
 Albany, New York 12230

- **On or before September 1, 2004**, provide copies of all “written rules for implementing all policies pursuant to this Article and for the maintenance of public order on college campuses and other college properties used for educational purposes” to the New York State Education Department at the address listed below:

New York State Education Department
 Office of College and University Evaluation
 5 N Mezzanine, Education Building
 Albany, New York 12230

We have moved the timetables back beyond July 1st for this year only due to the late notification to the colleges of this requirement. In subsequent years, the certification of compliance will be due **on or before July 1st**. Every 10 years hereafter, copies of the rules for public order on college campuses will be due **on or before July 1st**.

If you have any questions, please feel free to contact me.

Enclosures

cc: Johanna Duncan-Poitier

Barbara Meinert THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
OFFICE OF QUALITY ASSURANCE

2004-2005 Annual Reporting Requirements
Article 129-A of the Education Law

Certification of Compliance

Name of College or University:

I certify institutional compliance with Article 129-A of the Education Law relating to:

- §6430 General Provisions
- §6431 Advisory Committee on Campus Security
- §6432 Sexual Assault Prevention Information
- §6433 Campus Crime Reporting and Statistics
- §6434 Investigation of Violent Felony Offenses
- §6435 Appointment of Private College Security Officers
- §6436 Bias-related Crime Prevention Information

I further certify that all required information has been provided to students as set forth in Article 129-A of the Education Law.

If there is information that you do not currently provide, please tell us in a letter how you plan to address this during the current academic year.

Check here if this certification applies to all branch campuses, extension centers and/or extension sites, if applicable.

Signature of President/Chief Executive Officer

Date

Type Name of President/Chief Executive Officer