



# **SOUTH BEACH**

## **ANNUAL SECURITY REPORT**

*with 2017-2019 crime statistics*



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*Published: October 1, 2019*

## **ABOUT NEW YORK FILM ACADEMY**

The New York Film Academy (NYFA) was founded by veteran producer Jerry Sherlock in 1992, who produced such classics as "The Hunt for the Red October." Encouraged by friends of his who wanted to send their children to film school, but found the prices too costly, Sherlock designed a school that was not only affordable, but more importantly, was founded on the principle of learning by doing.

Inspired by the idea that to learn how to make movies one must actually make movies, Sherlock and his colleagues designed a truly unique curriculum. Blending a mixture of traditional film school instruction with a new approach, the Academy emphasizes coursework based around students actually going out and shooting films as part of their coursework. Students write, produce, direct, and edit their own original films while also serving as crewmembers on their fellow classmates' films to gain extensive on-set experience.

This commitment to learning by doing applies to all of the programs the Academy now offers, with students working with industry-standard equipment in world-class facilities. At the Academy, students can choose from a wide range of visual and performing arts programs that includes Filmmaking, Acting for Film, 3D Animation & Visual Effects, Broadcast Journalism, Cinematography, Digital Editing, Documentary Filmmaking, Game Design, Graphic Design, Musical Theatre, Photography, Producing, and Screenwriting.

## **NEW YORK FILM ACADEMY TODAY**

NYFA's current president, Michael Young, has been with the institution since its inception in 1992. With a unique combination of more than 20 years of film industry experience and hands-on administrative expertise, President Young brings fresh insight to NYFA's mission.

NYFA continues to expand its curriculum as well as its domestic presence, with three degree-granting campuses in South Beach, New York, and Los Angeles.

Students in South Beach have a variety of enrollment options that span from one and two-month workshops to BFA and MFA degree programs. In a given year, NYFA's South Beach Campus will have approximately 90 students with an average class size of 16.

In South Beach, NYFA is licensed by the Commission for Independent Education and its programs are registered by the Florida State Education Department. NYFA is accredited by both the National Association of Schools of Art and Design (NASAD) and WASC Senior College and University Commission (WSCUC).

## **CRIME STATISTICS**

### **PREPARATION AND DISCLOSURE OF CRIME STATISTICS**

NYFA prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery). This report is prepared in cooperation with NYFA's Clery Coordinator, President, Senior Executive Vice President, Director of Operations, Dean of Campus, and Title IX Coordinator, as well as local law enforcement agencies surrounding our campus.

This report includes campus crime statistics for the past three calendar years for crimes occurring on campus property including 420 Lincoln Rd.; designated non-campus properties, including Miami Theatre

Center Sandbox and O Cinema Miami Beach (when NYFA rents space for graduation or events); public property adjacent to or contiguous to campus property; and leased, rented, or controlled buildings and facilities. A comprehensive list of NYFA South Beach’s Clery geography can be requested by email to [clery.ny@nyfa.edu](mailto:clery.ny@nyfa.edu).

Incidents reported to Campus Security Authorities (CSA), Miami Beach Police Department (PD), or other local law enforcement agencies that fall into one of the required reporting classifications will be disclosed as a statistic, in the year it was reported, in the Annual Security Report (ASR) published by NYFA. A written request for statistical information is made on an annual basis to local law enforcement agencies and all CSAs. CSAs are also informed in writing and through training to report crimes in a timely manner, so crimes can be evaluated for timely warning purposes.

All statistics are gathered, compiled, and then shared with the NYFA community via the ASR, which is published by the Clery Coordinator in coordination with the persons listed above. The annual crime statistics are published in the ASR and submitted to the US Department of Education (ED). The statistical information gathered by the ED is available to the public through the ED website.

NYFA sends an email to every enrolled student and current employee on an annual basis that includes a link to the ASR.

**SPECIFIC INFORMATION ABOUT CLASSIFYING CRIMES**

The statistics in the ASR are published in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook, Violence Against Act (VAWA), and relevant state laws. For definitions of reportable crimes, see Appendix A.

**REPORTED CRIMES FOR CALENDAR YEARS 2017, 2018, & 2019**

Offense	Year	On-Campus	Non-Campus	Public Property	Total
<b>Murder/ Nonnegligent Manslaughter</b>	2017	0	0	0	<b>0</b>
	2018	0	0	0	<b>0</b>
	2019	0	0	0	<b>0</b>
<b>Manslaughter by Negligence</b>	2017	0	0	0	<b>0</b>
	2018	0	0	0	<b>0</b>
	2019	0	0	0	<b>0</b>
<b>Sex Offenses: Rape</b>	2017	0	0	0	<b>0</b>
	2018	0	0	0	<b>0</b>
	2019	0	0	0	<b>0</b>
<b>Sex Offenses: Fondling</b>	2017	0	0	0	<b>0</b>
	2018	0	0	0	<b>0</b>
	2019	0	0	0	<b>0</b>

<b>Sex Offenses: Incest</b>	2017	0	0	0	<b>0</b>
	2018	0	0	0	<b>0</b>
	2019	0	0	0	<b>0</b>
<b>Sex Offenses: Statutory Rape</b>	2017	0	0	0	<b>0</b>
	2018	0	0	0	<b>0</b>
	2019	0	0	0	<b>0</b>
<b>Stalking</b>	2017	1	0	0	<b>1</b>
	2018	0	0	0	<b>0</b>
	2019	0	0	0	<b>0</b>
<b>Domestic Violence</b>	2017	0	0	0	<b>0</b>
	2018	0	0	0	<b>0</b>
	2019	0	0	4	<b>0</b>
<b>Dating Violence</b>	2017	0	0	0	<b>0</b>
	2018	0	0	0	<b>0</b>
	2019	0	0	0	<b>0</b>
<b>Robbery</b>	2017	0	0	0	<b>0</b>
	2018	0	0	0	<b>0</b>
	2019	0	0	6	<b>6</b>
<b>Aggravated Assault</b>	2017	0	0	0	<b>0</b>
	2018	0	0	0	<b>0</b>
	2019	0	0	10	<b>10</b>
<b>Burglary</b>	2017	0	0	0	<b>0</b>
	2018	0	0	0	<b>0</b>
	2019	8	0	0	<b>8</b>
<b>Motor Vehicle Theft</b>	2017	0	0	0	<b>0</b>
	2018	0	0	0	<b>0</b>
	2019	2	0	9	<b>11</b>
<b>Arson</b>	2017	0	0	0	<b>0</b>
	2018	0	0	0	<b>0</b>
	2019	0	0	0	<b>0</b>
<b>Liquor Las Arrests</b>	2017	0	0	0	<b>0</b>
	2018	0	0	0	<b>0</b>
	2019	0	0	0	<b>0</b>

<b>Liquor Law Violations Referred for Disciplinary Action</b>	2017	0	0	0	<b>0</b>
	2018	0	0	0	<b>0</b>
	2019	0	0	0	<b>0</b>
<b>Drug Law Arrest</b>	2017	0	0	0	<b>0</b>
	2018	0	0	0	<b>0</b>
	2019	0	0	0	<b>0</b>
<b>Drug Law Violations Referred for Disciplinary Action</b>	2017	0	0	0	<b>0</b>
	2018	0	0	0	<b>0</b>
	2019	0	0	0	<b>0</b>
<b>Weapons Law Arrests</b>	2017	0	0	0	<b>0</b>
	2018	0	0	0	<b>0</b>
	2019	0	0	0	<b>0</b>
<b>Weapons Law Violations Referred for Disciplinary Action</b>	2017	0	0	0	<b>0</b>
	2018	0	0	0	<b>0</b>
	2019	0	0	0	<b>0</b>

\* New York Film Academy South Beach campus does not own any dormitory facilities or provide on-campus housing for students nor does it have any contracts or agreements with residential buildings.

<b>Hate Crime Statistics</b>	
2017	Zero (0) hate crimes, as defined by applicable federal law, were reported at NYFA SB Campus in 2017.
2018	Zero (0) hate crimes, as defined by applicable federal law, were reported at NYFA SB Campus in 2018.
2019	Zero (0) hate crimes, as defined by applicable federal law, were reported at NYFA SB Campus in 2019.

<b>Unfounded Crimes</b>	
2017	Zero (0) unfounded crimes for the calendar year 2017.
2018	Zero (0) unfounded crimes for the calendar year 2018.
2019	Zero (0) unfounded crimes for the calendar year 2019.

### **SECURITY OF AND ACCESS TO CAMPUS FACILITIES**

NYFA does not have a proprietary police or security department, nor do they contract security personnel to patrol the campus' facilities. However, institutional representatives work with Miami Beach PD as needed and NYFA is continuing to build relationships with other law enforcement agencies. If a criminal incident were to be reported to CSAs, appropriate personnel would investigate and assist in filling the necessary report with the Miami Beach PD. There are no written agreements currently between NYFA and the Miami Beach PD.

NYFA holds a long-term lease at 420 Lincoln Road and occupies various suites on the 2<sup>nd</sup> and 3<sup>rd</sup> floors of that building. NYFA is open Monday through Friday, from 8:30 a.m. to 7 p.m., and Saturday, from 9:30 a.m. to 7 p.m. Most Sundays, NYFA Academy remains closed, but may open for a special event. This must be arranged in advance and the hours must be approved by the Dean of Campus. Students, faculty, and staff gain access to NYFA with their identification card. Students, faculty, and staff are required to wear their ID or have them at all times while on campus. Although building management contracts security for the entrance, security personnel have only limited responsibility for campus security.

All guests and other 3<sup>rd</sup> parties are required to check in with the reception desk on the 2<sup>nd</sup> Floor (Suite 200) in order to gain access to the other floors. New York Film Academy is only open to students, faculty, and staff outside of normal business hours.

During the COVID-19 pandemic, campus hours are limited and restricted to specific NYFA students, faculty, and staff on a day-to-day basis depending on the class schedule. Students, faculty, and staff who are scheduled to be on campus for any given day, check-in with NYFA staff on the 2<sup>nd</sup> floor (Suite 200). Visitors are not permitted on campus during the COVID-19 pandemic.

NYFA does not provide dormitory facilities or on-campus housing for students nor does it have any contracts or agreements with residential buildings.

### **SECURITY AWARENESS PROGRAMS**

During orientation, at the start of each intake, new students receive campus security procedures and practices to help encourage responsibility for their own security and that of others. New students may be required to attend various orientations, such as, New Student Orientation, International Orientation, and/or Veterans Orientation, where different departments promote the services NYFA offers to help keep the campus community safe. In addition, all first-year students enroll in a course, “First Year Seminar,” that seeks to equip students with skills to succeed as a student and includes information and guest lectures about safety and security.

Filmmaking students also receive “Safety and Protocol” training near the beginning of their program that promotes safety on set, and what to do in the case of an emergency.

Faculty and staff are annually provided with information regarding NYFA’s evacuation procedures and protocols for what to do in the event of an emergency; new hires receive printed materials that outline NYFA’s evacuation procedures. This information may also be presented through Paycom in NYFA’s Campus Safety and Security Handbook. Additionally, faculty and staff may participate in initiatives such as “Active Shooter Training” and NYFA CSA’s receive annual training that encourages responsibility for their own security as well as that of others, and information on how to properly report crimes.

### **MAINTENANCE OF CAMPUS FACILITIES**

Facilities are maintained in a manner that minimizes hazardous conditions. The Operations Department staff regularly inspects the 420 Lincoln Road location to assess and initiate repairs of malfunctioning equipment and other unsafe physical conditions. Other NYFA community members are helpful when they report equipment problems to the Operations Department.

## **GENERAL PROCEDURES FOR REPORTING CRIMES OR EMERGENCIES**

Students, faculty, staff, and guests are encouraged to accurately and promptly report all crimes, emergencies, and public safety-related incidents directly to Miami Beach PD by dialing 911, when the victim of the crime elects to or is unable to make such a report. During normal business hours, we encourage people to report a crime or emergency to Miami Beach PB to also report the incident, as soon as possible, to the primary CSAs listed below.

Since the New York Film Academy does not have a police or security department, the following CSAs have been designated as primary reporting structures for campus crime reporting:

1. Dean of Campus  
420 Lincoln Rd, 2nd Floor, Admin. Office  
[maylen.dominguez@nyfa.edu](mailto:maylen.dominguez@nyfa.edu)  
305-534-6009
2. Director of Operations  
420 Lincoln Rd, 2nd Floor, Equipment Room  
[jordi.valdes@nyfa.edu](mailto:jordi.valdes@nyfa.edu)  
305-534-6009
3. Title IX Coordinator  
420 Lincoln Rd, 2nd Floor, International Student Office  
[SBtitle9@nyfa.edu](mailto:SBtitle9@nyfa.edu)  
305-534-6009

### **To report a crime or emergency as campus community members:**

- Emergency situations should be reported to Miami Beach PD by dialing 911
- Non-emergencies can also be reported to the primary CSAs listed above or any other CSA
- Sex Offenses and other incidents of sexual misconduct can also be reported to the Title IX Coordinator, by emailing [SBtitle9@nyfa.edu](mailto:SBtitle9@nyfa.edu), or by calling 305-534-6009.

Miami Beach PB has primary jurisdiction over NYFA's on-campus properties. In response to a call, the Miami Beach PD will take action it deems appropriate, generally either dispatching an officer to the caller's location or asking the caller to report to the precinct to file a report. The Miami Beach PD is responsible for the investigation of any reported crimes and other public safety emergencies. If assistance is required from the Miami Beach Fire Department, they will be sent by the 911 dispatchers upon receiving an emergency call.

Building security, contracted by 420 Lincoln Rd building management, does not have any jurisdiction over NYFA properties and is not responsible for enforcing institution policies or state/ federal laws.

Internal reports involving a student, which are made to NYFA CSAs, will be documented and processed for review and further investigation, if warranted, by the Dean of Campus. Reports of sexual misconduct will be addressed under the Title IX Office.

## **OFF-CAMPUS CRIME**

If the Miami Beach PD is contacted about criminal activity off campus involving NYFA students, the police may notify the institution. Students in these cases may be subject to arrest by the local police and institutional disciplinary proceedings through the Dean of Campus' Office.

This publication contains information about on- and off-campus resources and is made available to all NYFA community members. The information regarding “resources” is not provided to infer that those resources are “crime reporting entities” for NYFA. Crimes should be reported to Miami Beach PD officials and NYFA as described above to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate. For example, crimes reported to outside resources would not be included in the institution’s crime statistics. NYFA further encourages accurate and prompt reporting to primary CSAs or local police when the victim of a crime elects to, or is unable to, make such a report.

For additional reporting procedures related to potential Title IX violations, please see page 28.

## **MONITORING OF STUDENT ORGANIZATIONS**

NYFA does not have any officially recognized student organizations and therefore does not have any recognized student organizations that own or control non-campus housing facilities.

## **CRIME PREVENTION PROGRAMS**

Throughout the year, NYFA’s campus community is provided safety information that focuses on the prevention of crimes in a variety of ways, including information specific to students, faculty, and staff alike:

- New students are provided general information regarding safety both on campus and in the Miami Beach area, including risk reduction.
- Timely Warnings, Public Safety Bulletins, and Weather Alerts are distributed as necessary to inform the community about safety-related issues, risk-reducing precautions, sources of help and additional information.
- Various NYFA departments introduce annual awareness events throughout the academic year, such as “Sexual Assault Awareness Month.”

## **CONFIDENTIAL REPORTING OPTIONS FOR STUDENTS, FACULTY, AND STAFF**

### **VOLUNTARY CONFIDENTIAL REPORTING**

Students, faculty, and staff who do not want to pursue action within NYFA or the criminal justice system may still want to consider making a confidential report with a CSA. Students, faculty, and staff may choose, at the time of a report, to withhold personally identifiable information. A CSA can file a report, complete with details regarding the incident, without revealing the person’s identity. The purpose of a confidential report is to comply with the wish to keep the matter confidential while taking steps to ensure the future safety of campus community members. With such information, NYFA can keep an accurate record of the number of incidents involving students, employees, and visitors; determine where there is a pattern of crime with regard to particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

Voluntary confidential reporting may not be an option for reports of sexual misconduct. CSAs and other NYFA employees, with the exception of NYFA Counseling Services, who receive reports of sexual misconduct are encouraged to immediately share the details with the Title IX Coordinator.

### **CONFIDENTIAL REPORTING**

NYFA does not have a policy that encourages NYFA Counseling Services to inform the student they are counseling of any procedures to report crimes on a voluntary, confidential basis for the inclusion of the annual disclosure of crime statistics. However, when they deem it appropriate, NYFA Counseling Services are encouraged to inform students they can report incidents of crime to Miami Beach PD and/or the Title IX Coordinator.

### **NOTIFICATION TO NYFA COMMUNITY ABOUT REPORTED CRIMES**

#### **TIMELY WARNING NOTICES**

In an effort to provide timely notice to the NYFA community in the event of a serious incident which may pose a serious or ongoing threat to members of the campus community, a Timely Warning notice that withholds names of victims as confidential and that will aid in the prevention of similar crimes, is sent primarily by blast email to all students, faculty, and staff on campus. Additionally, alerts may be communicated through NYFA's Emergency Alert System, Everbridge, via text message and/or phone call to students, staff, and faculty. In some cases, alerts may also be posted on the NYFA website homepage ([www.nyfa.edu](http://www.nyfa.edu)).

Timely warning notices are generally sent to the campus community for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications, that occur on NYFA's Clery Geography unless such crimes were reported to Professional Counselors (NYFA Therapists): murder/non-negligent manslaughter, aggravated assault, sex offenses (rape, fondling, incest, statutory rape), burglary, robbery, motor vehicle theft, arson, hate crimes, or drug, liquor, and weapons law violations.

The decision to implement a Timely Warning is made on a case-by-case basis, depending on the facts of the situation and the information known to NYFA. Factors taken into consideration may include but are not limited to: the nature of the crime, the timeliness of the report, and the continuing danger to the campus community -- such as whether the perpetrator was apprehended -- and the possible risk of compromising law enforcement efforts. Such Timely Warnings provide an opportunity for individuals to take reasonable precautions for their own safety. For example, if an assault occurs between two students who have a disagreement, there may be no ongoing threat to other NYFA community members, and a Timely Warning would not be distributed.

In cases involving sexual assault that can be typically reported long after the incident occurred, there may be no ability to distribute a Timely Warning to the community. Sex offenses will be considered on a case-by-case basis depending on when and where the incident occurred, when it was reported, and the amount of information known to NYFA.

Typically, Timely Warnings are not issued for any incidents reported that are older than two weeks or 14 days from the date of occurrence as such a delay has not afforded New York Film Academy an opportunity to respond in a timely manner.

The Dean of Campus or Director of Operations, in collaboration with the Title IX Coordinator (depending on the case), reviews all criminal and/or serious incidents to determine if there is an ongoing threat to the community and if the distribution of a Timely Warning is warranted. To ensure consistency, a “Timely Warning Decision Matrix” is used to assist in the implementation decision.

Timely Warnings are generally written and executed by the Dean of Campus, Director of Operations, or Title IX Coordinator, and they are routinely viewed and approved by the President or Senior Executive Vice President prior to distribution. The Dean of Campus or Director of Operations has the authority to issue a Campus Security Alert without such consultation if consultation time is not available. Timely Warnings are disseminated to the campus community by the Webmaster or Director of Operations.

A Timely Warning will typically include the following, unless releasing the information would risk compromising law enforcement efforts:

- Date and time (or timeframe) of incident
- A brief description of the incident
- Information that will promote safety and potentially aid in the prevention of similar crimes
- Subject description(s) when deemed appropriate and if there is sufficient detail. (If the only known descriptors are sex and race, then no information about the subject will be provided)
- Local law enforcement contact information

Campus officials not subject to the timely reporting requirement are those with significant counseling responsibilities who were providing confidential assistance, such as NYFA Counseling Services.

NYFA does not maintain a daily crime log.

### **PUBLIC SAFETY BULLETIN**

A Public Safety Bulletin may be sent to the campus community for general crime prevention purposes, to inform the community of crimes and/or incidents that are generally time-sensitive or considered to be an ongoing threat, but important to be aware of, and/or to inform the campus of incidents occurring on, around, or even off-campus that do not meet the requirements of specifications for distribution of a Timely Warning, as outlined above.

A Public Safety Bulletin will generally be sent to the campus community by blast email. A Public Safety Bulletin is generally written by the Dean of Campus, Director of Operations, or Title IX Coordinator, and they are routinely viewed and approved by the President or Senior Executive Vice President prior to distribution. Public Safety Bulletins are distributed to the campus community by the Director of Operations or Webmaster.

A Public Safety Bulletin may also take the form of a Health Alert to notify the campus of a positive case of COVID-19 on campus.

### **NATURAL DISASTER/WEATHER ALERTS**

In addition to Timely Warnings and Public Safety Bulletins, NYFA may initiate a Weather Alert to communicate impending severe weather conditions that could disrupt daily operations or to communicate safe travel tips. Conditions that might warrant a Weather Alert include but are not limited to a tornado, hailstorm, or hurricane. NYFA will utilize the same processes defined under the Public Safety Bulletin section to initiate and disseminate a Weather Alert. In the case of a school closure due to severe weather, the Webmaster or Director of Operations will post updates on the homepage of NYFA's website ([www.nyfa.edu](http://www.nyfa.edu)), or send email updates.

### **EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

NYFA's Campus Safety and Security Handbook includes information about the institution's physical threat and fire safety procedures, and evacuation procedures. NYFA conducts a minimum of one Emergency Response test per year. These tests may be in the form of an exercise, which could include a field exercise or a drill that tests a procedural operation or technical system. Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced. The tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution. Following a test, NYFA writes up an After-Action Plan to review. A copy of the summary is available upon request through the Clery Compliance Coordinator.

NYFA publicizes a summary of the emergency responses and evacuation procedures via email at least once a year in conjunction with a test that meets all the requirements of the Higher Education Opportunity Act (HEOA). In addition, NYFA's emergency response and evacuation procedures are communicated to employees via Paycom, on an annual basis, and to new students during orientation. Updates to NYFA's emergency response and evacuation procedures are communicated to the campus community via email, NYFA Hub, and Paycom (for employees). Hard copies are made available upon request through any faculty or staff member. In addition, NYFA's emergency response and evacuation procedures are available in the Campus Safety and Security Handbook and *2020-2021 SB Campus Catalog*.

NYFA administrators are familiar with all aspects of the Campus Safety and Security Handbook. If a serious incident occurs that causes an immediate threat to the campuses, the first responders to the scene are usually the Miami Beach PD and/or the fire department.

### **EMERGENCY NOTIFICATION – NOTIFICATION TO NYFA COMMUNITY ABOUT AN IMMEDIATE THREAT**

NYFA will immediately notify the campus community upon confirmation of a significant emergency or dangerous situation posing an immediate threat to the health and safety of students, faculty, or staff occurring on or around NYFA's on-campus facilities.

A threat is imminent when the need for action is instant, overwhelming, and leaves no room for deliberation. Such situations may include but are not limited to a hazardous materials incident requiring

sheltering in place or evacuation; an active shooter on or near campus; a shooting incident on or near the campus; hostage/barricade situation, a riot, suspicious package with confirmation of a device, a hurricane, a fire/explosion, suspicious death, structural damage to a NYFA controlled or owned facility, a biological threat (anthrax), significant flooding, a gas leak, hazardous materials spill, etc.

NYFA will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. Upon confirmation of an immediate threat, members from the senior administration (President, Senior Executive Vice President, Dean of Campus, and Director of Operations) will collaborate to determine the content of the message and appropriate segments based on some of the following factors: location, severity, and time. For example, the institution may limit the message to a particular segment of the community, if the threat is limited to a particular building. The Director of Operations or Webmaster will initiate the system by using some or all of the methods, listed below, to communicate the threat to the campus community. During extreme situations, the Dean of Campus and/or Director of Operations may determine the content of the message, appropriate segments, and disseminate without assistance from others.

Follow-up notices/communications will be provided as necessary during an active incident, including notification when a threat is neutralized or effectively removed. All or some members of senior administration will be responsible for determining the content of the follow-up notification(s), what segment of the campus should receive the follow-up notification(s), and when the follow-up notification(s) should be communicated. The Director of Operations and/or the Webmaster is responsible for disseminating the follow-up notification(s), using (one or all) of the methods listed below.

During situations that present an immediate threat to the health and safety of NYFA community members, NYFA has various systems in place for communicating information quickly. Some or all of these methods of communicating may be activated in the event of an immediate threat to NYFA. These methods of communication include emergency text messages, emails, and/or phone calls via Everbridge, notifications on school monitors, and notifications on the school website ([www.nyfa.edu](http://www.nyfa.edu)); or fire alarm and building public-address systems for extreme situations. The preferred method of reaching all potentially affected parties is via NYFA's emergency alert system, Everbridge. Depending on the situation, the process for deploying a message via this system may require up to 30 minutes or more.

CSAs are responsible for notifying NYFA senior administration of any situation that poses an immediate threat to the community. Senior administration may also rely on information received from other campus personnel or external agencies, such as Miami Beach Police and/or Fire Departments, or building management. Information received from CSAs, other campus personnel, or external agencies may be used to confirm the existence of an emergency or dangerous situation that poses an immediate threat to the campus community.

All NYFA students, including student-campers, are automatically enrolled in NYFA's alert system, through Everbridge, at the start of their program. Faculty and staff are automatically enrolled at the time of hire.

Students, faculty, and staff are notified of their enrollment and given the opportunity to opt-out or manage their notification preferences. Multiple email addresses and/or phone numbers may be associated with a single account, and therefore, students may add contact information for a parent or guardian to receive alerts.

Parents and the larger NYFA community may also access relevant emergency information via the homepage of NYFA's website ([www.nyfa.edu](http://www.nyfa.edu)). Members from senior administration will collaborate to determine what information is shared--including any follow-up communications--with the larger community and what the Director of Operations or Webmaster is responsible for publishing.

NYFA community members are encouraged to notify 911 and Dean of Campus or Director of Operations (as described in the General Procedures for Reporting section of this document) of any situation or incident in or around a NYFA facility that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus. In the event of an emergency that impacts the larger community, NYFA will contact local authorities.

### **EMERGENCY EVACUATION PROCEDURES**

Understanding that emergency events are dynamic, the below guidelines are meant to aid in effective communications during emergency events.

In the event students, faculty, and staff need to immediately evacuate any NYFA facility, students and staff are instructed to:

- Evacuate immediately, taking personal items only if it is safe to do so.
- Walk, do not run, from the building.
- Do not use the elevators.
- Instructors/supervisors will instruct on designated evacuation assembly areas.
- Do not re-enter the building until cleared to do so by authorized emergency personnel.
- Shelter in place in the rare instances evacuation may not be the safest option.

### **Active Shooter Inside Your Building**

- Remain calm.
- If possible, exit the building using the safest possible route away from the threat.
- If you cannot get out safely, find the nearest location that provides safety, barricade the doors by any means possible, shut off lights, and move to an area of the room where you cannot be seen or heard. Keep as quiet as possible.
- Silence your phones.
- Call 911 as soon as it is safe to do so.
- Stay focused on survival and keep others around you focused.
- Do not open the door until Law Enforcement Officers advise it is safe to do so.
- When Law Enforcement Arrives:
  - Put down any item in your hand.
  - Immediately raise your hands and spread your fingers.
  - Keep your hands visible at all times.

- Avoid making quick movements towards any officers.
- Avoid pointing, screaming and yelling.

### **Active Shooter Outside Your Building**

- Remain calm.
- Proceed to a room that can be locked.
- Close and lock the doors; if the door cannot be locked, barricade the door with anything else available, shut off lights, move to an area of the room where you cannot be seen or heard, and keep as quiet as possible.
- Call 911 when it is safe to do so.
- Do not open the door until Law Enforcement Officers advise it is safe to do so.
- When Law Enforcement Arrives:
  - Put down any item in your hand.
  - Immediately raise your hands and spread your fingers.
  - Keep your hands visible at all times.
  - Avoid making quick movements towards any officers.
  - Avoid pointing, screaming and yelling.

### **Bomb Threat**

- If you receive a bomb threat on campus, remain calm and take the caller seriously.
- If your phone has caller ID, record the number displayed.
- Gain the attention of a coworker and have them contact local Law Enforcement.
- Keep the caller on the phone as long as possible questions:
  - Where is the bomb?
  - When is it set to explode?
  - What kind of bomb is it?
  - What does the bomb look like?
  - Did you place the bomb and if so, why?
  - What is your name?

### **Fire or Explosion**

- Do not panic. Activate the nearest fire alarm.
- Call 911 to report the location of the fire.
- If the fire is small, attempt to extinguish it with a fire extinguisher.
- If the fire is large, evacuate the building via the nearest and safest fire exit.
- Close all doors while exiting.
- Use stairways and keep to the right.
- Do not use elevators, they may shut down or stop on the floor of the fire.
- Check all doors for heat prior to opening them.
- If you are caught in the smoke, drop to your hands and knees and crawl out of the area.
- Take shallow breaths to help minimize smoke inhalation.
- Proceed to the nearest evacuation area and wait.

- If chemicals are detected, stay upwind.
- Wash hands with soap and warm water and rinse thoroughly.
- Do not clean up suspicious powder or residue.
- Remove contaminated clothing as soon as possible and place in a plastic bag or sealed container.
- Create a list of people who were in the area or may have come in contact with the package/envelope since the arrival on campus.
- If you are trapped by a fire in a room, place a moist cloth material around/under the door to keep the smoke out. Retreat and close as many doors as possible between you and the fire. Be prepared to signal from windows, but do not break the glass unless absolutely necessary. Call 911.

### **Hostage Situation**

- Immediately remove yourself from any danger.
- Call 911 and provide the following information if you have it:
  - Location of the incident.
  - Number of possible hostage-takers and their physical descriptions.
  - Number of possible hostages.
  - Any weapons the hostage-takers have.
  - Any injuries to hostages you Witnessed.
  - Your name, location and phone number.

### **Violent, Threatening or Unusual Behavior**

- If you are a victim of, or witness to, violent or threatening behavior by others, avoid confrontation and immediately contact 911.
- Keep a safe distance from anyone acting violently or bizarre
- Advise the dispatcher regarding the nature of the incident or threat
- Give your location

### **Chemical and Hazardous Material Spill**

- Avoid direct contact with spilled material and treat all chemicals as hazardous materials.
- Stop the source of the spill, if you can do so without endangering yourself.
- If indoors, evacuate immediately and close the door.
- If outside, stay upwind, away from the toxic fumes or smoke.
- Call 911 and report the incident.
- Remain in a safe area until first responders arrive and follow their instructions.
- Do not re-enter the building until authorized to do so by the emergency response personnel.

### **Civil Disturbance**

- Civil disturbances include riots, demonstrations, threatening individuals, or assemblies that have become significantly disruptive
- Call 911 if the disturbance escalates into a situation of an imminent threat to life or safety
- If the event is in its initial stage and has not reached a critical point, call 911
- Do not interfere, interrupt or become involved in the disturbance

- If the disturbance is outside, stay away from the doors and windows and remain inside
- If the disturbance is inside, evacuate as soon as it is safe to do so

### **RESPONSIBILITY OF NYFA COMMUNITY FOR THEIR OWN PERSONAL SAFETY**

Members of the NYFA community must assume responsibility for their own personal safety and the security of their personal property. The following precautions provide guidance:

- Report all suspicious activity to Miami Beach PD or CSAs immediately.
- Never take personal safety for granted.
- Try to avoid walking alone at night.
- Limit your alcohol consumption, and leave social functions that get too loud, too crowded, or that have too many people drinking excessively. Remember to call Miami Beach PD at the first sign of trouble.
- Never leave valuables unattended.
- Carry your keys at all times and do not lend them to anyone.
- Always lock your door to your residence hall room or apartment, whether or not you are there. Be certain that your door is locked when you go to sleep, and keep windows closed and locked when you are not home.

### **ALCOHOL AND DRUG POLICIES**

NYFA is committed to providing and sustaining for students, faculty and staff, a safe, healthy, and supportive environment conducive to optimum professional and personal growth and development.

In compliance with this objective and in accordance with United States Department of Education Drug Free Schools and Communities Act Amendment of 1989, Public Law 101-226, this document, distributed annually, informs students, faculty and staff of: 1) NYFA's institutional policies and standards of conduct related to alcohol and drugs, 2) the disciplinary sanctions under NYFA conduct policies for violations of standards of conduct related to use of alcohol and drugs, 3) legal sanctions and penalties related to the alcohol and drugs based on federal, state and local laws, 4) the health risks associated with alcohol and drug use, and 5) resources for help and treatment for the treatment of substance abuse and addiction.

### **NYFA STANDARDS OF CONDUCT RELATED TO ALCOHOL AND DRUGS**

The following is strictly prohibited on NYFA premises and NYFA affiliated facilities (i.e. residence halls operated by a contracted agency) and while attending NYFA activities, events, workshops and curricula and co-curricular projects:

- Use, possession, sale, distribution and/or manufacture of alcoholic beverages, acting as an accessory, liaison, or facilitator for any of the above, except at a time, location, and circumstance expressly permitted by NYFA and federal regulations
- Use, possession, sale, distribution and/or manufacture of narcotics or other illicit and/or controlled substances (including medical marijuana) or acting as an accessory, liaison, or facilitator for any of the above
- The misuse of legal pharmaceutical drugs
- Use or possession of drug-related paraphernalia
- Being under the influence, impairment, or being unable to care for one's own safety as pertains to use of alcohol and/or controlled substances and misuse of legal pharmaceutical drugs

- Possession, production, or provision of false ID
- Operating a motor vehicle while under the influence of alcohol or illicit drugs
- Administering drugs to individuals against their will and/or without their knowledge or consent
- Furnishing alcohol to a person under the age of 18
- Violating other federal, state and local laws regarding alcohol, tobacco, and controlled substances
- The smoking of tobacco, including the use of vaporizers and e-cigarettes, in indoor locations on NYFA campuses, outdoor locations not designated as smoking areas, and in attendance of NYFA related events

### **ALCOHOL AND OTHER DRUGS EDUCATION AND OUTREACH**

All first-year students are required to enroll in “First Year Seminar”, a semester course that strives to provide the opportunity for students to understand school resources, policies, and expectations, as well as cultivate habits that promote physical and mental wellness. Throughout the duration of the semester, the following topics are discussed:

- NYFA’s drug and alcohol policies.
- The effect alcohol and other drugs have on your body.
- The effect alcohol and other drugs have on your academic and social lives.
- The consequences of alcohol and other drugs.
- Responsibility.
- Where to seek help on and off-campus.
- How to recognize the signs of alcohol and other drugs abuse.

In addition, NYFA participates in national campaign programming, such as Drug Awareness Week, to raise awareness and inform faculty, staff, and students about the dangers of drug use, as well as to provide support and resources. NYFA also promotes health norms with non-alcoholic programming throughout the year.

The entire text of Alcohol and Drug Education and Intervention Program(s) for students, as well as the NYFA’s penalties for possession or distribution of controlled substances by students on a NYFA premises or at institutionally sponsored activities off-campus, are contained online in the *2020-2021 SB Campus Catalog* on the NYFA hub ([hub.nyfa.edu](http://hub.nyfa.edu)). Faculty and staff can access the full text on Paycom.

### **JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT, AS AMENDED BY THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013**

NYFA prohibits the offenses of domestic violence, dating violence, sexual assault and stalking (as defined by Clery) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the NYFA community. Toward that end, NYFA issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault, and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which may be followed regardless of whether the incident occurs on or off-campus when it is reported to a NYFA faculty or staff member.

For a complete copy of NYFA’s policies that govern the behaviors that constitute domestic violence, dating violence, sexual assault, stalking and other forms of sexual harassment and sexual misconduct, please visit [https://hub.nyfa.edu/title\\_ix](https://hub.nyfa.edu/title_ix) and view/download the Title IX Grievance Policy & Procedure and the Sexual Misconduct Policy.

## U.S. DEPARTMENT OF EDUCATION DEFINITIONS

**Domestic Violence:** A felony or misdemeanor crime of violence committed —

1. By a current or former spouse or intimate partner of the victim;
2. By a person with whom the victim shares a child in common;
3. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
4. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
5. By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
  - For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery reporting.

**Intimate Partner:** Includes persons legally married to one another; persons formerly married to one another; persons who have a child in common, regardless of whether such persons are married or have lived together at any time, couples who are in an “intimate relationship” including but not limited to couples who live together or have lived together, or persons who are dating or who have dated in the past, including same-sex couples.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

1. The existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition—

1. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
2. Dating violence does not include acts covered under the definition of domestic violence.

For the purposes of complying with the requirements of this section and 668.41, any incident meeting this definition is considered a crime for the purposes of Clery reporting.

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”

1. **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

2. **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
3. **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

1. Fear for the person’s safety or the safety of others; or
2. Suffer substantial emotional distress.

For the purposes of this definition—

1. *Course of conduct* means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
2. *A reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
3. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery reporting.

## FLORIDA STATE DEFINITIONS

**Consent:** Consent is defined in Florida within the criminal statute related to sexual battery. Consent means intelligent, knowing, and voluntary consent and does not include coerced submission. Consent shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender. State of Florida statutes clarify that consent is NOT obtained in the following circumstances:

1. The victim is physically helpless to resist.  
The offender coerces the victim to submit by threatening to use force or violence likely to cause serious personal injury on the victim, and the victim reasonably believes that the offender has the present ability to execute the threat.
2. The offender, without the prior knowledge or consent of the victim, administers or has knowledge of someone else administering to the victim any narcotic, anesthetic, or other intoxicating substance that mentally or physically incapacitates the victim.
3. The offender coerces the victim to submit by threatening to retaliate against the victim, or any other person, and the victim reasonably believes that the offender has the ability to execute the threat in the future.
4. The offender, without the prior knowledge or consent of the victim, administers or has knowledge of someone else administering to the victim any narcotic, anesthetic, or other intoxicating substance that mentally or physically incapacitates the victim.
5. The victim is mentally defective, and the offender has reason to believe this or has actual knowledge of this fact.

6. The victim is physically incapacitated.
7. The offender is a law enforcement officer, correctional officer, or correctional probation officer or is an elected official or any other person in a position of control or authority in a probation, community control, controlled release, detention, custodial, or similar setting, and such officer, official, or person is acting in such a manner as to lead the victim to reasonably believe that the offender is in a position of control or authority as an agent or employee of the government.

For more information about Florida sexual battery statutes visit [www.leg.state.fl.us/Statutes](http://www.leg.state.fl.us/Statutes) (Chapter 794).

**Rape (Sexual Battery):** Rape and sexual assault are called “Sexual Battery” under Florida criminal law. Sexual Battery is defined as oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose.

**Domestic Violence:** is defined as any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member. Family or household member” means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

**Dating Violence:** is defined as violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:

1. A dating relationship must have existed within the past 6 months;
2. The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
3. The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

**Stalking:** is defined as a person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person. As used in this section, the term:

1. **Harass** means to engage in a course of conduct directed at a specific person which causes substantial emotional distress to that person and serves no legitimate purpose.
2. **Course of conduct** means a pattern of conduct composed of a series of acts over a period of time, however short, which evidences a continuity of purpose. The term does not include constitutionally protected activity such as picketing or other organized protests.
3. **Credible threat** means a verbal or nonverbal threat, or a combination of the two, including threats delivered by electronic communication or implied by a pattern of conduct, which places the person

who is the target of the threat in reasonable fear for his or her safety or the safety of his or her family members or individuals closely associated with the person, and which is made with the apparent ability to carry out the threat to cause such harm. It is not necessary to prove that the person making the threat had the intent to actually carry out the threat. The present incarceration of the person making the threat is not a bar to prosecution under this section.

4. **Cyberstalk** means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.
5. A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of stalking, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
6. A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person and makes a credible threat to that person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
7. A person who, after an injunction for protection against repeat violence, sexual violence, or dating violence pursuant to s. 784.046, or an injunction for protection against domestic violence pursuant to s. 741.30, or after any other court-imposed prohibition of conduct toward the subject person or that person's property, knowingly, willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
8. A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks a child under 16 years of age commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
9. A law enforcement officer may arrest, without a warrant, any person that he or she has probable cause to believe has violated this section.
10. A person who, after having been sentenced for a violation of s. 794.011, s. 800.04, or s. 847.0135(5) and prohibited from contacting the victim of the offense under s. 921.244, willfully, maliciously, and repeatedly follows, harasses, or cyberstalks the victim commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
11. The punishment imposed under this section shall run consecutive to any former sentence imposed for a conviction for any offense under s. 794.011, s. 800.04, or s. 847.0135(5).
12. The sentencing court shall consider, as a part of any sentence, issuing an order restraining the defendant from any contact with the victim, which may be valid for up to 10 years, as determined by the court. It is the intent of the Legislature that the length of any such order be based upon the seriousness of the facts before the court, the probability of future violations by the perpetrator, and the safety of the victim and his or her family members or individuals closely associated with the victim.
13. The order may be issued by the court even if the defendant is sentenced to a state prison or a county jail or even if the imposition of the sentence is suspended and the defendant is placed on probation.

## **BYSTANDER INTERVENTION**

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of sexual assault, dating violence, domestic violence, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Bystanders play a critical role in the prevention of sexual and relationship violence. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, and prevent and interrupt an incident. NYFA seeks to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm.

Darley and Latane, the forefathers of bystander intervention, identified five stages that people move through when taking action in a problematic situation, *See, [Journal of Personality and Social Psychology](#)*. These stages may not be linear.

1. Notice potentially problematic situations
2. Identify when it's appropriate to intervene
3. Recognize personal responsibility for intervention<sup>[1][2]</sup><sub>[SEP]</sub>
4. Know how to intervene<sup>[1]</sup><sub>[SEP]</sub>
5. Take action to intervene

There is a range of actions NYFA community members can take to intervene and help de-escalate potential acts of violence. Once a potential problem has been identified, the following actions can be used to safely intervene:

1. Direct: Directly intervene and voice concern. For example, saying: "Are you okay?," "You look really upset.," or "How can I help?."
2. Distract: Do something to create a distraction that discontinues the harmful behavior. For example: Spill a drink, ask for directions, or tell the abuser their car is being towed.
3. Delegate: Ask for help and delegate the intervention to someone else.

Being an active bystander does not mean that personal safety should be compromised. There is a range of actions that are appropriate, depending on the individual intervening and the situation at hand. If safety is ever a concern, leave the situation and seek outside help (delegate) – that's still bystander intervention!

## **RISK REDUCTION**

Risk reduction means options designated to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org)):

- **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
- **Walk with purpose**. Even if you don't know where you are going, act like you do.
- **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
- **Make sure your cell phone is with you** and charged and that you have cab money.
- **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
- **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
- **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- **Don't accept drinks from people you don't know or trust**. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- **Watch out for your friends, and vice versa**. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.)**. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - **Remember that being in this situation is not your fault**. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - **Be true to yourself**. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - **Lie**. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

- **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

## **EDUCATION AND PREVENTION PROGRAMS**

NYFA engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

1. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
2. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for new students and new employees (faculty and staff) and ongoing awareness and prevention campaigns for students, faculty, and staff that includes:

1. A statement that the institution prohibits the crimes of domestic violence, dating violence, sexual assault and stalking (as defined by Clery);
2. The definitions of domestic violence, dating violence, sexual assault and stalking according to any applicable jurisdictional definitions of these terms;
3. What behavior and actions constitute consent, in reference to sexual activity, in the State of New York and/or using the definition of affirmative consent found in the Title IX Grievance Policy & Procedure and the Sexual Misconduct Policy
4. A description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
5. Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
6. Information regarding:
  - a. Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs (as described in “Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs” elsewhere in this document)
  - b. How the institution will protect the confidentiality of victims and other necessary parties (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
  - c. 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 (as described in “Assistance for Victims: Rights and Options” elsewhere in this document); and

- d. Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
- e. Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this document).

NYFA has developed an annual educational campaign consisting of presentations that include distribution of education materials to new students; participating in and presenting information and materials during orientation(s).

NYFA offered the following primary prevention and awareness programs for all incoming students in the 2019 calendar year.

Name of Program	Date Held	Location Held	Prohibited Conduct Covered?
The Clothesline Project	October 19, 2019	2 <sup>nd</sup> Floor	DoV, DaV,
Sexual Assault Prevention Month	April 2019	420 Lincoln Rd Campus	DoV, DaV, SA, and S
Documentary, Dinner, & Discussion	April 10, 2019	Screening Room	SA
New Student Orientation	Jan, May, Sept	Screening Room	DoV, DaV, SA, and S
First Year Seminar	1 <sup>st</sup> Semester	Zemeckis Classroom	DoV, DaV, SA, and S

*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault, and S means Stalking*

NYFA offered the following primary prevention and awareness programs for all employees in the 2019 calendar year:

Name of Program	Date Held	Location Held	Prohibited Conduct Covered?
Title IX & Dine	April 4, 2019	Zemeckis Classroom	DoV, DaV, SA, and S
Sexual Assault Prevention Month	April 2019	420 Lincoln Rd Campus	DoV, DaV, SA, and S
The Clothesline Project	October 19, 2019	2 <sup>nd</sup> Floor	DoV, DaV,

*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault, and S means Stalking*

NYFA offered the following ongoing awareness and prevention programs for students in the 2019 calendar year:

Name of Program	Date Held	Location Held	Prohibited Conduct Covered?
Domestic Violence Awareness Month Resource Booth	October 2019	2 <sup>nd</sup> Floor	DoV, DaV

Domestic Violence Awareness Month E-Flyer	October 2019	420 Lincoln Rd Campus	DoV, DaV
Sexual Assault Prevention Month	April 2019	420 Lincoln Rd Campus	DoV, DaV, SA, and S
Consent Elf	Dec 12-20, 2019	420 Lincoln Rd Campus	SA
Denim Day	April 24, 2019	420 Lincoln Rd Campus	SA

*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault, and S means Stalking*

New York Film Academy offered the following ongoing awareness and prevention programs for all employees in the 2019 calendar year:

Name of Program	Date Held	Location Held	Prohibited Conduct Covered?
Domestic Violence Awareness Month Resource Booth	October 2019	2 <sup>nd</sup> Floor	DoV, DaV
Domestic Violence Awareness Month E-Flyer	October 2019	420 Lincoln Rd Campus	DoV, DaV
Sexual Assault Prevention Month	April 2019	420 Lincoln Rd Campus	DoV, DaV, SA, and S
Denim Day	April 26	420 Lincoln Rd Campus	SA

*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault, and S means Stalking*

NYFA's ongoing awareness and prevention plans for 2020 include programs for staff, faculty, and students, such as, Sexual Assault Awareness Month, Domestic Violence Awareness Month, New Student Orientation, online Sexual Respect Training, and employee training.

## **PROCEDURES VICTIMS SHOULD FOLLOW IF A CRIME OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL VIOLENCE AND/OR STALKING OCCURS**

### **The Importance of Preserving Evidence**

In incidents of sexual assault, domestic violence, dating violence, or stalking, it is important to preserve evidence to aid in the possibility of a successful criminal prosecution or obtaining a protection order. Evidence of violence such as bruising or other visible injuries following an incident of domestic or dating violence should be documented, including through the preservation of photographic evidence. Evidence of stalking, including any communication such as written notes, voicemail, or other electronic communications, should also be saved and not altered in any way.

Local medical providers can also provide emergency and follow-up medical services to address physical well-being or health concerns, and also conduct forensic sexual assault examinations. A medical exam obtained from a hospital or sexual assault response center serves two purposes: first, to diagnose and treat the full extent of any injury or physical effect including sexually transmitted infection (STI) or the possibility of pregnancy; and, second, to properly collect and preserve evidence. The exam may include testing and prophylactic treatment for HIV/AIDS, STIs, and pregnancy, a vaginal/anal examination, collection of fingernail scrapings and/or clippings, examination for injuries, and blood testing. There is a

limited window of time (typically 72 to 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any course of action. The decision to seek medical attention and gather any evidence will preserve the full range of options to seek resolution through NYFA’s complaint processes or criminal action, including obtaining a protection order.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with the Title IX Coordinator or law enforcement to preserve evidence in the event the victim changes her/his mind at a later date.

You can receive medical attention at any medical facility; however, certain facilities have specially trained staff to help survivors of sexual assault. The following locations have sexual assault forensic examiners:

<p><b>Jackson Memorial Hospital</b>                  Roxy Bolton Rape Treatment Center 1611                  NW 12<sup>th</sup> Avenue                  Institute Annex, 1<sup>st</sup> Floor                  Miami, FL 33136</p> <p>305-585-7273                  24/7 Crisis Helpline: 305.585.7273</p>	<p><b>Nancy J. Cotterman Center</b>                  Sexual Assault Treatment Center                  400 NE 4<sup>th</sup> Street                  Fort Lauderdale, FL 3301</p> <p>954.357.5775                  24/7 Crisis Helpline: 954.761.7273</p>
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**Reporting to Law Enforcement**

Students, faculty, and staff have the option to report to law enforcement simultaneously or in lieu of reporting to the institution. NYFA encourages members of the community to report sex-based discrimination or sexual misconduct to law enforcement and, if requested, the Title IX Coordinator can provide assistance in notifying Miami Beach PD or other local law enforcement agencies. However, students, faculty, and staff have the right to decline to notify such authorities.

A police report can be made over the phone or in-person but must be filed in the jurisdiction in which the crime occurred. The Title IX Coordinator can help you identify the jurisdiction and appropriate precinct. Reports made over the phone may be followed up by a Miami Beach PD officer meeting you in person to finalize the report and examine the crime scene. After the report has been filed, make sure to ask for your case number. You will need this number to follow up on the investigation, file a claim with your insurance agency, and request a copy of your report. While it is free to file a report, you may have to pay to get a copy.

Many survivors find law enforcement to be a great resource. Others choose not to report to law enforcement. We always encourage reporting but know that only you can determine if doing so is the right decision for you. Regardless of whether or not you report to the police, there are campus options available to you, including resolution through the NYFA process.

Miami Beach PD address and contact information is listed below, along with the Miami Beach PD victim hotline:

1. Miami Beach Police Department  
1100 Washington Avenue  
Miami Beach, FL 33139  
305-673-7900
2. Miami-Dade Rape Hotline: 305-585-7273

### **Reporting to New York Film Academy**

In addition to reporting to law enforcement, students, faculty, and staff have the option to report incidents of sexual assault, dating violence, domestic violence, stalking, or other forms of sexual misconduct to the Title IX Coordinator. A report can be made by phone, email, or in person. Students may also report to a faculty or staff member other than the Title IX Coordinator. All NYFA employees (faculty and staff) are expected to report incidents of sexual misconduct to the Title IX Coordinator. NYFA employees are encouraged to disclose all information, including the names of individuals involved, even when the person has requested anonymity. NYFA Counseling Services clinicians are able to keep information confidential, per licensing agreement regulations.

Carlye Bowers  
Interim Title IX Coordinator  
Telephone Number: 305-534-6009  
Email: [Sbtitle9@nyfa.edu](mailto:Sbtitle9@nyfa.edu)

NYFA encourages prompt reporting to allow for the collection and preservation of evidence that may be helpful during an investigation or criminal proceeding. A delay in filing a complaint may limit the Title IX Coordinator's ability to respond. If the complaint is delayed to the point where one of the Parties (Complainant or Respondent) has graduated or is no longer employed, NYFA will still seek to meet specific obligations under federal and state laws by taking reasonable action to end the harassment, prevent its recurrence, and remedy its effects.

Students have the option to speak confidentially with one of NYFA's Licensed Mental Health Counselors and Therapists. These employees are deemed Confidential Counselors and are the only NYFA employees who are not required/encouraged to report or disclose information to the Title IX Coordinator. However, if a Complainant, Respondent, or Witness (Parties) discloses "covered sexual harassment" or sexual misconduct to the individuals listed below when that individual is not acting in the role that provides them privilege, the individual is required to make a report to the Title IX Coordinator. An example of a confidential resource acting outside their primary capacity may be when a Counselor is facilitating an educational workshop.

Vivina Eglueta, PhD  
420 Lincoln Road, 3<sup>rd</sup> Floor  
Telephone Number: 305-318-7859  
Email: [vivina.eglueta@nyfa.edu](mailto:vivina.eglueta@nyfa.edu)

## **CONFIDENTIALITY**

Victims may request that directory information on file with NYFA be withheld by request by sending a written request to the Registrar's Office at [sbregistrar@nyfa.edu](mailto:sbregistrar@nyfa.edu).

Regardless of whether a victim has opted out of allowing NYFA to share "directory information," personally identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need to know, i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally identifiable information with individuals on a need-to-know basis, NYFA will maintain as confidential any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

New York Film Academy does not publish the name of crime victims, including victims sexual assault, dating violence, domestic violence, and stalking, or other identifiable information regarding victims in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault, or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

## **ASSISTANCE FOR VICTIMS: RIGHTS & OPTIONS**

Regardless of whether a victim elects to pursue criminal complaint or whether the offense is alleged to have occurred on campus or off, NYFA will assist victims of sexual assault, domestic violence, dating violence, stalking, and other forms of sexual misconduct and will provide each victim with a written explanation of their rights and options.

Such written information will include:

1. The procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred;
2. Information about how the institution will provide written notification to students and employees about victim services in the institution and in the community
3. A statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures; and
4. An explanation of procedures for institutional disciplinary action.

### Students, Faculty, and Staff are Afforded the Right to:

1. Notify local law enforcement, and/or state police;
2. Have emergency access to a Title IX Coordinator or other appropriate 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, and detailing 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 Title IX Coordinator or other

appropriate official shall explain their abilities or limitations regarding confidentiality or privacy, and shall inform the reporting individual of other reporting options;

3. Privately disclose the incident to NYFA Counseling Services, who may offer confidentiality pursuant to applicable laws and can assist in obtaining services for reporting individuals;
4. Privately disclose the incident and obtain services from the state or local government;
5. Privately disclose the incident to NYFA staff who can offer privacy or confidentiality, as appropriate, and can assist in obtaining resources for reporting individuals;
6. File a report of covered sexual harassment and the right to consult the Title IX Coordinator and other appropriate NYFA staff for information and assistance. Reports shall be investigated in accordance with this Policy and a reporting individual's identity shall remain private upon request;
7. Privately disclose, if the accused is a NYFA employee, the incident to the Director of Human Resources or designee or the right to request that a confidential or private employee assists in reporting to the Director of Human Resources or designee;
8. Receive assistance from the Title IX Coordinator in initiating legal proceedings in family court or civil court; and
9. Withdraw a complaint or involvement at any time.

### **Injunctions for Protection**

NYFA complies with Florida law in recognizing orders of protection or restraining orders, which are called "Injunctions for Protection" in Florida. If a student obtains a restraining order or injunction for protection against another individual, the student is encouraged to disclose that information to the Title IX Coordinator or Dean of Campus so NYFA can assist in making reasonable accommodations. Faculty and staff are encouraged to share information of an injunction for protection with Human Resources, in addition to the Title IX Coordinator. NYFA cannot issue an injunction for protection but will provide information on other available options, such as a no contact order or orders of protection issued by a criminal or civil court.

There are four types of **injunctions for protection** that may qualify for under Florida Statute 784.046. You may file an injunction for protection against domestic violence, repeat violence, dating violence or sexual violence. The intake counselor will provide you with information to determine what criteria matches your particular circumstances.

There are several court intake locations in the community (listed below) where Intake Unit staff are available to assist persons with filing for an injunction. They will also help with referrals to social service agencies in the community, safety planning, and procedural information about the court process. There are procedures in place which make it possible to obtain an injunction in Miami-Dade County 24 hours a day, seven days a week. For any questions, call the 24-Hour Miami-Dade County Domestic Violence Hotline at (800) 500-1119.

The following are the Intake Locations and their hours of operation:

Lawson E. Thomas Courthouse Center  
175 N.W. 1<sup>st</sup> Avenue Mezzanine Floor  
Miami, FL 33128

(305) 349-5813

*Regular Intake Hours:*

9 a.m. – 7 p.m., Monday through Thursday 9 a.m. – 4 p.m. Friday

*Emergency Hours for Obtaining an Injunction: (305)758-2546*

7 p.m. – 8 a.m., Monday through Friday, Saturdays, Sundays and Holidays

Hialeah Courthouse

111 East 6<sup>th</sup> Street

Hialeah, FL 33010

(305) 520-4002

*Regular Intake Hours:*

9 a.m. – 4 p.m., Monday through Friday

North Dade Justice Center

15555 Biscayne Boulevard

Miami, FL 33160

(305) 354-8736

*Regular Intake Hours:*

9 a.m. – 4 p.m., Monday through Friday

South Dade Government Center

10710 S.W. 211 Street

Miami, FL 33189

(305) 252-5807

*Regular Intake Hours:*

9 a.m. – 4 p.m., Monday through Friday

How does the injunction process work?

The injunction process begins when you file for an injunction at one of the Intake Locations listed above. The Intake Unit staff will help you complete all the necessary paperwork, which is taken to a judge to review. If the judge decides the sworn allegations contained in the paperwork meet the requirements of Florida law for the issuance of an injunction, the judge will enter a Temporary Injunction, which will be valid for 15 days. A hearing will be set within 15 days, and the Sheriff's Office will attempt to personally serve the person who the injunction is filed against (the respondent) with the injunction paperwork. The Temporary Injunction can require the respondent to have no contact with the person filing the injunction (the petitioner), stay away from the petitioner's home and workplace, vacate a shared residence, award temporary custody of minor children and require the surrender of firearms.

At the court hearing, the judge will decide whether to grant a Permanent Injunction after taking testimony from the parties and witnesses, and considering any evidence which is presented. If a Permanent Injunction is granted, it will be effective until it is changed or ended by the judge at either party's request, after notice and hearing, or until a specific date set by the judge (i.e., one year, three years, five years, etc.). The Permanent Injunction can require the respondent to have no contact with the petitioner, stay away from the

petitioner's home and workplace, award custody, visitation, child and spousal support, and require the surrender of firearms. The Permanent Injunction can also order the respondent to attend a batterers' intervention program and victims and children can be referred to support groups and counseling programs, free of charge.

#### How much does it cost to file for an injunction?

No filing fees are required to file for a petition for protection against domestic, repeat, dating or sexual violence.

#### How can I get an injunction dismissed or dropped?

If you would like to get your Temporary Injunction dismissed, you must tell the judge at the time of your hearing. The judge will not consider dismissing the injunction before the hearing date. You should appear in court on your hearing date and explain why you no longer need this protection from the court. If you have a Permanent Injunction and you would like to request that it be dismissed, you need to file a motion or write a letter to the judge and mail it or bring it in person to the Intake Location where you filed for the injunction, or fax it to (305) 349-5559. Include your case number, judge's name, and phone number where you can be contacted (unless it is confidential) on your motion or letter.

#### What if I have a problem with my hearing date?

If you know you have a scheduling conflict and will not be able to attend your court hearing on the date it is set for, file a motion or write a letter to the judge asking for a new hearing date and mail it (if it will get there before the hearing date) or bring it in person to the Intake Location where you filed for the injunction, or fax it to (305) 349-5559. If you realize that you have missed your court date, immediately write a letter to the judge asking for a new hearing date and fax it to (305) 349-5559, or bring it in person to the Intake Location where you filed for the injunction. Include your case number, judge's name, and phone number where you can be contacted (unless it is confidential) on your motion or letter. If you have any questions, call the Domestic Violence Court Unit to speak to the judge's Case Manager at (305) 349-5556.

#### How can I get the custody, visitation, and/or child support provisions of the injunction changed?

If circumstances have changed since you got your injunction and you would like the judge to consider changing any of the conditions of the injunction, such as custody, visitation, and/or child support, you need to file a motion or write a letter to the judge requesting that a hearing be scheduled for this purpose. You should mail it or bring it in person to the Intake Location where you filed for the injunction, or fax it to (305) 349-5559. Include your case number, judge's name, and phone number where you can be contacted (unless it is confidential) on your motion or letter. For more information on changing the terms of your injunction, call the Domestic Violence Case Management Unit to speak to the judge's Case Manager at (305) 349-5556.

#### What do I do if the person I filed the injunction against (the respondent) violates the injunction?

If the respondent violates the injunction by coming into personal contact with you, call 911 (the police) to report the violation and ask for their immediate assistance. If the respondent leaves or commits some other type of violation, such as telephone or mail contact, go to the Intake Location where you filed for the injunction, prior to 4 p.m. Monday through Friday, to start the process to file for an injunction violation.

Where can I get information about my domestic violence-related criminal case?

You can get information about your domestic violence-related criminal case 24 hours a day, seven days a week, by calling a specialized multilingual computerized information service of the State Attorney's Office called VAN (Victim Access Network) at (305) 273-HELP or toll free at 1-800-398-2808, or you can call their main number at (305) 547-0100.

Where can I get information about my divorce case?

You can get information about your divorce case by calling the Family Division Case Management Unit at (305) 349- 5561, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

Who do I call if I am a person with a disability who needs assistance?

Please contact ADA Coordinator, at: Voice Mail: (305) 349-7175 TDD: (305) 349-7174 Fax No.: (305) 349-7355 Email: ADA@jud11.flcourts.org

Whether or not a complainant is granted an injunction, they may then meet with the director or Title IX coordinator to develop a Safety Action Plan, which is a plan for New York Film Academy and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom or work location, or allowing a student to complete assignments from home. The New York Film Academy cannot apply for an injunction for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services as described above.

If your questions are not answered below, contact the Miami-Dade County Domestic Violence Hotline at (800) 500-1119.

**No Contact Orders**

NYFA may issue an institutional no contact order if deemed appropriate or at the request of the Complainant, Respondent, or Witnesses. A no contact order is a directive issued to one or more persons agreeing to no communication (verbal, written, third party contact, or through electronic means) in order to protect the educational and working environment. A no contact order is not a punitive sanction, though failure to abide by the agreement may constitute a policy violation and result in disciplinary action.

**Additional Protective Measures Available to Students, Faculty, and Staff**

The Title IX Coordinator may enact Emergency Protective Measures if it is determined that an immediate threat to the physical health or safety of any student or other individual arising from the allegation of sexual misconduct justifies a removal. The Title IX Coordinator, or their designee, will conduct an individualized safety and risk analysis to determine the need for implementation.

Protective measures for students, faculty and staff include the following:

- I. Procedural Hold – the removal of a student from classes, or from specified NYFA activities, or from NYFA property during the course of NYFA's grievance procedure. The Title IX Coordinator will consult with the Dean of Students and/or Dean of Campus to determine whether a procedural hold is the appropriate course of action.

- II. Administrative Leave – the removal of a faculty or staff from NYFA facilities during the course of NYFA’s grievance procedure. The Title IX Coordinator will consult with Human Resources to determine whether the administrative leave is warranted, with or without pay.

### **Supportive Measures Available to Students, Faculty, and Staff**

When a student, faculty, or staff member reports to the Title IX Coordinator that they have experienced sexual assault, dating and domestic violence, stalking, or other forms of sexual misconduct, whether the incident(s) occurred on- or off-campus, NYFA will provide the Complainant with written information that identifies existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available on campus and within the community. The written notification will also describe options for available assistance in—and how to request changes to—academic, living, transportation, and working situations.

NYFA will make such accommodations or provide such supportive or protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to NYFA or local law enforcement.

Supportive measures are non-disciplinary and non-punitive individualized services intended to restore or preserve access to NYFA’s educational programming and activities, without disrupting the other individuals (Complainant, Respondent, or Witness); protect the safety of all individuals and the educational environment; and deter covered sexual harassment.

NYFA will maintain the confidentiality of supportive measures provided to the Complainant, Respondent, and Witnesses to the extent that maintaining such confidentiality will not impede the provisions of such supportive measures, and as permitted by law. NYFA may provide the following options for—temporarily or ongoing—if requested to the Title IX Coordinator and are reasonably available:

#### Supportive measures for students, as appropriate, may include but are not limited to:

1. Academic assistance: transferring to another section or class time slot, rescheduling an assignment or test, extensions of deadlines or other course-related adjustments, accessing academic support such as tutoring, arranging for incompletes, a leave of absence or withdrawal from a course(s), preserving eligibility for financial aid, needs-based or talent-based discounts, or international student visas
2. Mental health services, such as counseling
3. Providing resources available for medical assessment, treatment, and crisis response
4. Change in housing: switching residence hall rooms or assistance in finding alternative third-party housing
5. Providing resources and options available for contacting law enforcement
6. Providing an escort for the student to move safely between NYFA classes and programs
7. Providing increased security and monitoring of certain areas of the campus
8. Transportation and parking assistance
9. Assistance in identifying additional resources off campus

10. No Contact Order (NCO)

Supportive measures for faculty and staff members, as appropriate, may include but are not limited to:

1. Change in the nature or terms of employment, such as adjustments to working schedule, change in supervisor, or taking a leave of absence
2. Mental health services through NFYA’s Employee Assistance Program or through employee health insurance
3. Providing an escort for the employee to move safely between NYFA classes and programs
4. Providing increased security and monitoring of certain areas of the campus
5. Transportation and parking assistance
6. Assistance in identifying additional support resources
7. No Contact Order (NCO)

**On-Campus Resources**

The departments listed below serve as on-campus resources for students, faculty, and staff. NYFA community members can contact the Title IX Coordinator for assistance in obtaining services, options, and resources, or the following departments can be contacted directly:

Area Requesting Assistance	Who/ How to Contact
Living Accommodations	<p><b>Housing Coordinator</b>                      420 Lincoln Rd, 2<sup>nd</sup> Floor, Front Desk                      Monday – Friday, 9:00 a.m. to 5:00 p.m.  <a href="mailto:yves.aripse@nyfa.edu">yves.aripse@nyfa.edu</a>, 305.534.6009 ext. 111</p>
Academic & Transportation Resources	<p><b>Dean of Campus</b>                      420 Lincoln Rd, 2<sup>nd</sup> Floor, Admin Office                      Monday – Friday, 9:00 a.m. to 6:00 p.m.  <a href="mailto:maylen.dominguez@nyfa.edu">maylen.dominguez@nyfa.edu</a>, 305.534.6009 ext. 130</p>
Visa & Immigration Resources	<p><b>International Student Advisor</b>                      420 Lincoln Rd, 2<sup>nd</sup> Floor, Intl. Student Office                      Monday – Friday, 9:00 a.m. to 6:00 p.m.  <a href="mailto:Sbtitle9@nyfa.edu">Sbtitle9@nyfa.edu</a>, 305.534.6009 ext. 123</p>
Counseling & Wellness Resources	<p><b>NYFA Therapist</b>                      420 Lincoln Rd, 2<sup>nd</sup> Floor, Admin Office                      Monday – Friday, 9:00 a.m. to 6:00 p.m.  <a href="mailto:vivina.elgueta@nyfa.edu">vivina.elgueta@nyfa.edu</a>, 305.534.6009</p>
Employment Resources	<p><b>Campus Dean</b>                      420 Lincoln Rd, 2<sup>nd</sup> Floor, Admin Office                      Monday - Friday, 9:00 a.m. to 6:00 p.m.  <a href="mailto:maylen.dominguez@nyfa.edu">maylen.dominguez@nyfa.edu</a>, 305.534.6009 ext. 130</p>
Financial Aid Resources	<p><b>Financial Aid Advisor</b>                      420 Lincoln Rd, 2<sup>nd</sup> Floor, Registrar Office                      Monday - Friday, 9:00 a.m. to 6:00 p.m.  <a href="mailto:rodrigo.castro@nyfa.edu">rodrigo.castro@nyfa.edu</a>, 305.534.6009 ext.122</p>

Assistance with obtaining additional options and resources	<b>Title IX Coordinator</b> 420 Lincoln Rd, 2nd Floor, Intl. Student Office Monday - Friday, 9:00 a.m. to 6:00 p.m. <a href="mailto:SBtitle9@nyfa.edu">SBtitle9@nyfa.edu</a> , 305.534.6009 ext. 123
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**Off Campus Resources**

A range of counseling, emotional support, victim advocacy, mental health, legal assistance, and visa and immigration assistance is available through the agencies and organizations listed below:

Jackson Memorial Hospital, Roxy Bolton Rape Treatment Center  
1611 NW 12th Avenue  
Institute Annex, 1st Floor  
Miami, FL 33136  
305-585-7273  
24/7 Crisis Helpline: 305.585.7273

Nancy J. Cotterman Center, Sexual Assault Treatment Center  
400 NE 4th Street  
Fort Lauderdale, FL 3301  
954.357.5775  
24/7 Crisis Helpline: 954.761.7273

Mount Sinai Medical Center  
4300 Alton Road, Miami Beach, FL 33140  
305-674-2121  
<http://msmc.com/>

Miami Beach Community Health Center  
710 Alton Road, Miami Beach, FL 33139  
305-538-8835<sup>[SEP]</sup>  
<http://www.miamibeachhealth.org/Locations/>

The Lodge: Victim Response, Inc  
1901 SW 1st St, Miami, FL 33135  
305-693-0232

Domestic Crimes Investigations: 305-418-7200

National Sexual Assault Hotline: 800-656-4673

Additional resources can be obtained by contacting the Title IX Coordinator or available from:

- U.S Department of Justice Sexual Assault page: <http://www.ovw.usdoj.gov/sexassault.htm>
- U.S. Department of Education, Office of Civil Rights:  
<http://www2.ed.gov/about/offices/list/ocr/index.html>

## **DISCIPLINARY PROCEEDINGS UTILIZED IN CASES OF ALLEGED SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, STALKING & OTHER FORMS OF SEXUAL MISCONDUCT**

NYFA's disciplinary processes include prompt, fair, and impartial investigations and adjudication processes. In all instances, the process will be conducted in a manner that is consistent with the institution's policies and that is transparent to the Complainant and Respondent (Parties). Usually, the resolution of domestic violence, dating violence, sexual assault, stalking, and other forms of sexual misconduct are completed within 90 days of the report. However, each proceeding allows for extensions of timeframes for good cause with written notice to the Complainant and Respondent of the delay and the reason for the delay. NYFA officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault, stalking, and other forms of sexual misconduct complaints are trained annually on the issues related to the complaint, how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability, and the following topics mandated in the Final Rule under Title IX of the Education Amendments of 1972: definition of sexual harassment, the scope of NYFA's education program or activity, conflicts of interest and bias, technology, and relevance.

Furthermore, NYFA's policies provide that:

- The Complainant and Respondent will have timely notice for meetings.
- The Complainant, the Respondent, and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary and hearings.
- New York Film Academy's disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the Complainant or Respondent.
- The Complainant and Respondent will have the same opportunities to have others present during any institutional proceeding. The Complainant and Respondent each have the opportunity to be advised by a support person of their choice at any related meeting or proceeding. New York Film Academy will not limit the choice of an Advisor or presence for either the Complainant or Respondent in any meeting or disciplinary meeting or proceeding. **An Advisor is someone who acts as a support person to the Complainant or Respondent involved in an investigation.**
- The Complainant and Respondent will be notified simultaneously, in writing, of any initial, interim, and final decision of any disciplinary proceeding.
- Where an appeal is permitted under the applicable policy, the Complainant and Respondent will be notified simultaneously in writing of the procedures for the Complainant and Respondent to appeal in the result of the institutional disciplinary proceeding. When an appeal is filed, the Complainant and Respondent will be notified simultaneously in writing of any change to the result prior to the time that it becomes final, as well as of the final result once the appeal is resolved.

### **Adjudication of Violations**

Whether or not criminal charges are filed, NYFA or an individual may file a formal complaint under the *2020-2021 NY Course Catalog* alleging a student violated New York Film Academy's Title IX Grievance Policy & Procedure or Sexual Misconduct Policy. The following policies and procedures are derived from NYFA's Title IX Grievance Policy & Procedure and NYFA's Sexual Misconduct Policy as contained in the *2020-2021 New York Course Catalog*. New York Film Academy reserves the right to make changes to this catalog, as necessary.

NYFA's Title IX Grievance Policy & Procedure and Sexual Misconduct Policy define the behaviors that constitute sexual harassment and sexual misconduct and provides informal and formal procedures for resolving complaints.

For the purposes of the Title IX Grievance Policy and Procedure, "covered" sexual harassment includes acts of sexual assault, dating violence, domestic violence, and stalking.

For the purposes of the Sexual Misconduct Policy, sexual misconduct refers to any unwelcome and/or unwanted behavior of a sexual nature that is committed without consent, creates a hostile environment, and/or has the purpose or effect of threatening, intimidating, or coercing a person; including sexual assault, dating violence, domestic violence, and stalking.

### **How To File A Formal Complaint Under The Title IX Grievance Policy & Procedure**

To file a Formal Complaint, a Complainant must provide the Title IX Coordinator a written, signed complaint (an electronic signature is sufficient) describing, in as much detail as possible, the facts of any incident(s) which give rise to the filing of the complaint. Complainants are only able to file a Formal Complaint under the Title IX Grievance Policy & Procedure if they are currently participating in, or attempting to participate in, the education programs or activities of NYFA, including as an employee. For Complainants who do not meet these criteria, NYFA will deem the complaint as filed under the Sexual Misconduct Policy or one of NYFA's other relevant policies and procedures.

Any individual wishing to make a complaint under Title IX Grievance Policy & Procedure may contact the Title IX Coordinator by email, phone, or visit their office.

Carlye Bowers  
Interim Title IX Coordinator  
[SBtitle9@nyfa.edu](mailto:SBtitle9@nyfa.edu)  
305-534-6009

All NYFA employees (faculty and staff) are expected to report any allegations that may violate the Title IX Grievance Policy & Procedure to the Title IX Coordinator, or a member of the Title IX Office, who may be able to address the violations. NYFA employees are encouraged to disclose all information, including the names of Parties, even when the person has requested anonymity. NYFA Counseling Services clinicians are able to keep the information confidential, per licensing agreement regulations.

If a Complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine if a Formal Complaint is necessary based on NYFA's commitment to providing a safe environment for the campus community. If NYFA determines the need to proceed with filing a Formal Complaint, the Title IX Coordinator will inform the Complainant of the decision, in writing, and the Complainant need not participate in the process further but will receive all notices issued under The Title IX Policy & Procedure.

Individuals may choose not to file a Formal Complaint under the Title IX Grievance Policy & Procedure or Sexual Misconduct Policy, nor report local law enforcement and NYFA respects and support such decisions; however, if information about an alleged incident of sexual harassment or sexual misconduct is

brought to the attention of NYFA, NYFA may file a Formal Complaint on behalf of the institution and initiate the formal resolution process under the Title IX Grievance Policy & Procedure or Sexual Misconduct Policy.

### **How To File A Formal Complaint Under The Sexual Misconduct Policy**

To file a Formal Complaint, a Complainant must provide the Title IX Coordinator a written, signed complaint (an electronic signature is sufficient) describing, in as much detail as possible, the facts of any incident(s) which give rise to the filing of the complaint.

Any individual wishing to make a complaint under the Sexual Misconduct Policy may contact the Title IX Coordinator by email, phone or visit their office.

Carlye Bowers  
Interim Title IX Coordinator  
[SBtitle9@nyfa.edu](mailto:SBtitle9@nyfa.edu)  
305-534-6009

Under the Sexual Misconduct Policy, a Complainant may request anonymity or ask that the Title IX Coordinator not pursue an investigation or take any other action. Such requests will be evaluated by the Title IX Coordinator. The Title IX Coordinator will determine whether the request can be honored and will determine the appropriate manner of resolution that is consistent with the Complainant's request to the degree possible. However, NYFA may need to take action to protect the health and safety of the Complainant and the campus community.

Requests for anonymity will be taken seriously, but cannot be guaranteed, as such requests may limit the Title IX Coordinator's ability to investigate and take reasonable action in response to a complaint. NYFA is committed to making reasonable efforts to protect the privacy of all individuals involved in the process and respect the requests of Complainants. If the Title IX Coordinator determines that NYFA must proceed with an investigation despite the request of the Complainant, the Title IX Coordinator will notify the Complainant. The Complainant will not be required to participate in the investigation, nor any subsequent actions taken by the institution.

Anonymity and non-investigation requests will be weighed against various factors, including but not limited to the following:

1. Whether the accused has a history of violent behavior or is a repeat offender;
2. Whether the incident represents an escalation in unlawful conduct on behalf of the accused from previously noted behavior;
3. The increased risk that the accused will commit additional acts of violence;
4. Whether the accused used a weapon or force;
5. Whether the reporting individual is a minor; and
6. Whether NYFA possesses other means to obtain evidence such as security footage, and whether available information reveals a pattern of perpetration at a given location or by a particular group.

In all cases, the final decision as to whether, how, and to what extent NYFA will conduct an investigation and whether other measures will be taken, is at the sole discretion of the Title IX Coordinator.

### **How New York Film Academy Determines Which Policy Will Be Used**

The Title IX Coordinator will determine if the Title IX Grievance Policy & Procedure should apply to a Formal Complaint. The Process will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in NYFA's education program or activity; and
4. The conduct is alleged to constitute "covered" sexual harassment as defined in the Title IX Grievance Policy & Procedure.

If all of the elements are met, NYFA will investigate the allegations according to the Title IX Grievance Procedure.

If any one of these elements is not met, the Title IX Coordinator will notify the Parties that the Formal Complaint is being dismissed for the purposes of the Title IX Grievance Policy & Procedure. Upon dismissal for the purposes of the Title IX Grievance Policy & Procedure, the Title IX Coordinator may determine the Sexual Misconduct Policy should apply to the Formal Complaint.

The Sexual Misconduct Policy covers sexual misconduct that falls outside the Title IX Grievance Policy & Procedure but covers sexual misconduct that would interfere with an individual's ability to equally access NYFA educational activities and programs, or for employees and staff, work activities. The Sexual Misconduct applies in its entirety to NYFA students, student groups, faculty, and staff and governs behaviors on NYFA premises or facilities contracted by NYFA or under which NYFA has substantial control, at NYFA-sponsored events or activities, at NYFA-related activities that occur in-person or online, or at other off-campus or online locations if the reported conduct meets the definition of sexual misconduct defined within the Sexual Misconduct Policy. Additionally, the Sexual Misconduct Policy also applies to third parties who report sexual misconduct they have allegedly experienced by a member of NYFA's community, and for members of the NYFA community who have allegedly experienced sexual misconduct by a third party. Although NYFA is at times limited in its control of third parties, the prohibited behaviors defined in this Policy describes the behavioral expectations NYFA holds for third parties.

The Title IX Coordinator may dismiss a Formal Complainant under the Sexual Misconduct policy if the reported conduct does not rise to a policy violation or if there is not sufficient information to investigate.

The Title IX Coordinator is responsible for determining which policy [Title IX Grievance Policy and Procedure or Sexual Misconduct Policy] to apply to a Formal Complaint. If it is decided that the Formal Complaint be dismissed under both policies, NYFA retains the discretion to utilize other relevant policies.

## **Steps In the Resolution Process Under The Title IX Grievance Policy & Procedure**

NYFA will make every reasonable effort to ensure that the investigation and resolution of a Formal Complaint occur in a timely and efficient-manner as possible. New York Film Academy’s investigation and resolution will generally be completed ninety (90) working days after the filing of the Formal Complaint.

The steps listed below are provided to give an outline of the Title IX Grievance Policy & Procedure. To view the process in full detail, refer to NYFA’s Title IX Grievance Policy and Procedure.

### **1. FILING A FORMAL COMPLAINT**

- A. The Title IX Coordinator will inform Complainant of reporting options (formal and informal), supportive measures, and resources on- and off-campus.
- B. The Title IX Coordinator, or their designee, will assess the need for a Timely Warning.
- C. The Title IX Coordinator will determine if the Title IX Grievance Procedure should apply to a Formal Complaint.

### **2. NOTICE OF INVESTIGATIONS**

- a. If it is deemed by the Title IX Coordinator, or their designee, that the Title IX Grievance Policy & Procedure should apply to a Formal Complaint, the Title IX Coordinator will draft and provide the Notice of Allegations to any Party to allegations of “covered” sexual harassment.

### **3A. INFORMAL RESOLUTION**

- A. A Complainant who files a Formal Complaint may elect, at any time, to address the matter through the informal resolution process. The Parties may elect to enter NYFA’s informal resolution process at any time after the filing of the Formal Complaint through informed written consent.
- B. Generally speaking, these resolution options are less time-intensive than an investigation and live hearing, while still affording students an opportunity to actively participate in a process led by NYFA for resolution of their complaints.
- C. The Title IX Coordinator determines the approval to move the matter to informal resolution or determines that the informal resolution process is inappropriate under the circumstances.
- D. NYFA offers the following informal resolution procedures for addressing Formal Complaints of “covered” sexual harassment under the Title IX Grievance Policy and Procedure:
  - a. Administrative Resolution
  - b. Mediation
  - c. Restorative Justice
- E. Informal resolution is only permitted to address allegations of student-on-student sexual harassment and is never allowed as an option to resolve allegations that an employee sexually harassed a student.

### **3B. FORMAL RESOLUTION**

- A. Investigation
  - a. The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute “covered” sexual harassment after issuing the Notice of Allegations.

- b. Prior to the completion of the investigation, the Parties will have an equal opportunity to inspect and review the evidence obtained through the investigation.
  - c. All Parties must submit any evidence they would like the investigator to consider prior to the Parties' time to inspect and review evidence.
- B. Investigative Report
- a. The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will create an Investigative Report that fairly summarizes relevant evidence.
- C. Hearing
- a. NYFA will not issue a disciplinary sanction arising from an allegation of covered sexual harassment without holding a live hearing, unless the Title IX Grievance Policy & Procedure has been resolved through one of the Informal Resolution options.
  - b. The hearing will be facilitated by and determined by a single Decision-maker. The Title IX Coordinator and the investigator shall be excluded from being the Decision-maker.
  - c. The live hearing may be conducted with all Parties physically present in the same geographic location, or, at NYFA's discretion, any or all Parties, Witnesses, and other participants may appear at the live hearing virtually through Zoom, Skype, or similar technology.
  - d. The Parties cannot waive the right to a live hearing. However, NYFA may still proceed with the live hearing in the absence of a Party, and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a "statement" by that Party.
  - e. The Parties have the right to select an Advisor of their choice, who may be, but does not have to be, an attorney. If a Party does not have an Advisor present at the live hearing, NYFA shall provide, without fee or charge, an Advisor, who shall be selected by NYFA.
  - f. During the live hearing, each Party's Advisor will conduct live cross-examination of the other Party or Parties and Witnesses.
- D. Determination Regarding Responsibility
- a. While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on the documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Decision-maker.
  - b. The written Determination Regarding Responsibility will be issued simultaneously to all Parties through their NYFA email account, or other reasonable means as necessary.
  - c. If there are no extenuating circumstances, the determination regarding responsibility will be issued by NYFA within ten (10) working days of the completion of the hearing.
- E. Appeals
- a. Each Party may appeal: (1) the dismissal of a Formal Complaint or any included allegations, and/or; (2) a determination regarding responsibility and/or sanctions.
  - b. To appeal, a Party must submit their written appeal within five (5) working days of being notified of the decision, indicating the grounds for the appeal.
  - c. Appeals will be decided by an Appeals Decision-panel, who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or hearing Decision-maker in the same matter.

## **Steps In the Resolution Process Under The Sexual Misconduct Policy**

New York Film Academy will make every reasonable effort to ensure that the investigation and resolution of a Formal Complaint occur in a timely and efficient manner as possible. New York Film Academy's investigation and resolution will generally be completed ninety (90) working days after the filing of the Formal Complaint.

The specific details of the report may require additional steps, and for the following steps to be followed in a different sequence. If the report is against someone who is not a member of the NYFA community, NYFA will still provide support to the reporting party, but will be limited as to its ability to investigate and adjudicate the complaint. Regardless, the steps listed below are provided to give an outline of the Sexual Misconduct Policy process. To view the process in full detail, refer to NYFA's Sexual Misconduct Policy.

### **1. FILING A FORMAL COMPLAINT**

#### **A. Receipt and Outreach**

- a. Once an allegation has been reported, the Title IX Coordinator will contact the Complainant to explain their reporting options, supportive measures, and resources on- and off-campus, and to extend an offer to meet in person.
- b. The Title IX Coordinator, or their designee, will assess the need for a Timely Warning.

#### **D. Initial Assessment**

- a. The Title IX Coordinator will determine if the Sexual Misconduct Policy should apply to a Formal Complaint.

#### **E. Intake**

- a. The Complainant and Respondent may meet with the Title IX Coordinator, separately, to ask questions about the policy and adjudication process before the investigation process begins.
- b. The Title IX Coordinator may use intake to gather more information about the incident and assess the need for additional supportive measures.

### **2. NOTICE OF INVESTIGATIONS**

- a. If it is deemed by the Title IX Coordinator, or their designee, that the Sexual Misconduct Policy should apply to a Formal Complaint, the Title IX Coordinator will draft and provide the Notice of Allegations to any Party to allegations of sexual misconduct.

### **3A. INFORMAL RESOLUTION**

- A. A Complainant who files a Formal Complaint may elect, at any time, to address the matter through the informal resolution process. The Parties may elect to enter NYFA's informal resolution process at any time after the filing of the Formal Complaint through informed written consent.
- B. Generally speaking, these resolution options are less time-intensive than an investigation and live hearing, while still affording students an opportunity to actively participate in a process led by NYFA for resolution of their complaints.
- C. The Title IX Coordinator determines the approval to move the matter to informal resolution or determines that the informal resolution process is inappropriate under the circumstances.
- D. NYFA offers the following informal resolution procedures for addressing Formal Complaints of sexual harassment under the Sexual Misconduct Policy:

- a. Administrative Resolution
  - b. Mediation
  - c. Restorative Justice
- E. Informal resolution is only permitted to address allegations of student-on-student sexual harassment and is never allowed as an option to resolve allegations that an employee sexually harassed a student.

### 3B. FORMAL RESOLUTION: INVESTIGATION

- A. The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute sexual misconduct after issuing the Notice of Allegations.
- B. Fact-Finding
- a. The Title IX Coordinator and/or investigator designated by the Title IX Coordinator will meet with the Parties, separately, and request information related to the allegations, including names of witnesses and documentation related to the incident, which may include documented communications between the Parties, receipts, photos, video, or other information relevant to the allegations.
- C. Information Review
- a. The Parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the information review process is to allow each Party the equal opportunity to meaningfully respond to the evidence prior to the conclusion of the investigation.
  - b. The Parties can request for additional documentation from witnesses, request for new witnesses, or request for additional documentation under the control of NYFA.
  - c. The Title IX Coordinator may ask questions during the Information Review, including questions submitted by the other Party.
- D. Investigative Report
- a. The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will create an Investigative Report that fairly summarizes relevant evidence.
- E. Decision-Making
- a. The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will send the Investigation Report, for review, to a trained Decision-maker.
  - b. The Decision-maker will make a determination regarding the Respondent's responsibility for violations of NYFA policy and will make a determination about sanctioning.
  - c. Where a Respondent faces a potentially severe sanction (such as a lengthy suspension or expulsion for a student, or termination for an employee) and if the determination depends on the credibility of involved Parties or Witnesses, then:
    - i. The Decision-maker shall have the ability to observe live, either in person or by other means, such as through a method like Skype or Zoom, the demeanor of those Parties and/or Witnesses in deciding which Parties and/or Witnesses are more credible.
    - ii. The Decision-maker shall allow for the opportunity for the Parties to cross-examine each other and/or Witnesses, either directly through an advisor, or indirectly by the Decision-maker.

#### F. Final Outcome Letter

- a. The Decision-maker will notify both the Complainant and Respondent, in writing, of the finding(s), any imposed sanctions, and the rationale for the decision(s) via a Final Outcome Letter. This information is communicated through each Party's NYFA email account, or other reasonable means as necessary

#### G. Appeals

- a. Each Party may appeal: (1) the dismissal of a Formal Complaint or any included allegations, and/or; (2) a determination regarding responsibility and/or sanctions.
- b. To appeal, a Party must submit their written appeal within five (5) working days of being notified of the decision, indicating the grounds for the appeal.
- c. Appeals will be decided by an Appeals Decision-panel, who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or hearing Decision-maker in the same matter.

### **Standard of Proof**

NYFA uses the preponderance of the evidence standard for investigations and determinations regarding the responsibility of Formal Complaints covered under the Title IX Grievance Policy & Procedure or the Sexual Misconduct Policy. The preponderance of evidence means that a decision of responsibility for a policy violation will be made if it is more likely than not that a violation occurred. The totality of the information gathered during the investigation will be used to determine the preponderance of evidence.

### **Possible Sanctions**

Sanctions are issued in an effort to bring an end to the violation in question, reasonably prevent a recurrence of a similar violation, and remedy the effects of the violation.

One or more of the following sanctions or additional actions may be imposed for violations of the Title IX Grievance Policy and Procedure or Sexual Misconduct Policy:

#### Sanctioning for Students

1. Warning
  - a. Notice to the student that a violation of NYFA policies or regulations has occurred and that continued or repeated violations of NYFA policies or regulations may be cause for further disciplinary action.
  - b. A warning carries no transcript notation.
2. Disciplinary Probation
  - a. A status imposed for a specific period of time in which a student must demonstrate conduct that abides by NYFA's policies and expectations. Conditions restricting the student's privileges or eligibility for NYFA activities may be imposed. A temporary transcript notation may accompany the probationary period. Further misconduct during the probationary period or violation of any conditions of the probation may result in additional disciplinary action, including but not limited to, suspension or expulsion.

- b. Disciplinary probation carries a temporary transcript notation that is only noted on the student's transcript during the duration of the disciplinary probation. When the disciplinary probation period concludes, the transcript notation is removed.
- 3. Deferred Suspension
  - a. A status imposed for a specific period of time in which the student must successfully complete conditions outlined by the Title IX Coordinator and/or may be a period in which suspension from NYFA is deferred or delayed until a later date. Further violations of NYFA's policies or failure to complete any assigned conditions may result in additional disciplinary action including, but not limited to, suspension or expulsion.
  - b. Deferred suspension carries a temporary transcript notation that is only noted on the student's transcript during the duration of the deferred suspension. When the deferred suspension period concludes, the transcript notation is removed.
- 4. Suspension
  - a. Suspension is the termination of a student's status for a specified period of time, including the remainder of an academic term or for several academic terms. Suspension may take effect at such time as the Title IX Coordinator determines. A suspended student will be ineligible to enroll in any NYFA courses at any NYFA campuses during the period of suspension. During the period of suspension, the Title IX Coordinator may place a hold on the student's NYFA records which may prevent the student from registering, obtaining transcripts, verifications, or receiving a degree from NYFA.
  - b. After the period of Suspension, the Student will be reinstated if:
    - i. The student has complied with all conditions imposed as part of the suspension.
    - ii. The student is academically eligible.
    - iii. The student meets all requirements for reinstatement including, but not limited to, removal of holds on records, and payment of restitution where payment is a requirement of reinstatement.
    - iv. The student meets the deadlines for filing all necessary applications, including those for readmission, registration, and enrollment.
    - v. Students are required to apply for readmission following a suspension of more than one academic term and must meet all requirements for readmission. Suspended students may be prohibited from entering specified areas, or all areas, of NYFA property. Further violations of NYFA's policies or expectations, or failure to complete any assigned conditions may result in additional disciplinary action including, but not limited to, further suspension or expulsion.
  - c. Notations for Suspension may be permanent. A transcript notation for Suspension may be removed one year following the date Suspension has concluded. A notation may only be removed if a request is made, in writing, to the Title IX Coordinator, one year after the terms of Suspension have been met.

5. Deferred Expulsion
  - a. A status imposed for a specific period of time in which the student must successfully complete conditions outlined by the Title IX Coordinator and/or may be a period in which expulsion from NYFA is deferred or delayed until a later date. Further violations of NYFA's policies, or failure to complete any assigned conditions will result in additional disciplinary action including, but not limited to, immediate expulsion.
  - b. Deferred expulsion carries a permanent transcript notation that indicates the duration of the deferred expulsion.
6. Expulsion
  - a. Expulsion is the permanent termination of a student's status. An expelled student will be ineligible to enroll in any NYFA courses at any NYFA campuses, indefinitely. Expelled students may be prohibited from entering specified areas, or all areas of NYFA property, and/or may be excluded from NYFA activities.
  - b. The student record of an expelled student may include a Hold on the student's NYFA records, which may prevent the student from registering, obtaining transcripts, verifications, or receiving a degree from NYFA.
  - c. Expulsion carries a permanent transcript notation.
7. Revocation of Awarding Degree or Certificate
  - a. If, after a degree or certificate has been awarded, a degree or certificate recipient is found responsible for a policy violation while the student was an enrolled student, the Title IX Coordinator may impose, as a sanction, a revocation of the degree or certificate, subject to the following procedures:
    - i. The Title IX Coordinator will submit a recommendation of revocation of the degree or certificate to the Campus Dean.
    - ii. A Notice of Intent to Revoke Degree or Certificate shall be sent to the student. This notice shall include the details of the violation and the basis for the revocation.
    - iii. The student may submit a written appeal of the revocation to the Campus Dean within ten (10) working days from the date of the Notice of Intent to Revoke Degree or Certificate. The imposition of the revocation of degree or certificate will be deferred until the conclusion of the appeal. The decision of the Campus Dean is final.
8. Educational Sanctions
  - a. Educational sanctions are intended to help students learn from their decisions and reflect on what they want to get out of their educational experience. Educational sanctions may include, but are not limited to:
    - i. Reflective or research papers, presentations, or assignments
    - ii. Community Service
    - iii. Restitution
    - iv. Participation in designated educational programs, services, or activities
    - v. Letter of apology

9. Transcript Notation

Students that are found responsible for a policy violation may receive a notation on their transcript indicating a sanction of either Disciplinary Probation, Suspension, or Expulsion. Notations for Disciplinary Probation are temporary, and only appear during the duration of Disciplinary Probation. Notations for Suspension may be permanent. Notations for Expulsion are permanent. If findings of responsibility are vacated, any such transcript notation will be removed.

10. Additional Actions

- a. Additional actions are intended to help repair any harm that resulted from a violation or to protect the safety of the NYFA campus community. Additional actions may include, but are not limited to:
  - i. Exclusion from entering specified areas, or all areas, of NYFA property
  - ii. Loss of privileges and/or exclusion from NYFA activities

11. Limits on Sanctions

The loss of NYFA employment or removal from paid student positions will not be a form of sanction. However, when maintaining student status or good disciplinary standing is a condition of employment or the paid position, the loss of student status or good disciplinary standing will result in termination of the student's employment or removal from the paid student position.

Sanctioning for Employees

1. Subbing or rescheduling an instructor from their class assignment(s)
2. Replacing an instructor from their class assignment(s)
3. Counseling session regarding Policy expectations
4. Verbal Warning
5. Written Warning
6. Final Written Warning
7. Suspension of employment status
8. Termination of employment status

**How to File An Appeal**

Under NYFA's Title IX Grievance Policy & Procedure and NYFA's Sexual Misconduct Policy, each Party may appeal:

1. The dismissal of a Formal Complaint or any included allegations, and/or;
2. A determination regarding responsibility and/or sanctions.

To appeal, a Party must submit their written appeal within five (5) working days of being notified of the decision, indicating the grounds for the appeal.

The limited grounds for appeal available are as follows:

1. The procedural irregularity that affected the outcome of the matter (i.e. a failure to follow NYFA's own procedures).
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter.

3. The Title IX Coordinator or Investigator had a conflict of interest or bias for or against an individual Party, or for or against Complainants or Respondents in general, that affected the outcome of the matter.
4. The severity of the sanctions is unfair compared to the severity of the conduct for which the Respondent was found responsible.

The submission of an appeal stays any sanctions for the pendency of an appeal. Supportive measures and remote learning opportunities remain available during the pendency of the appeal.

If a Party appeals, NYFA will notify the other Party in writing of the appeal, however the time for appeal shall be offered equitably to both Parties and shall not be extended for any Party solely because the other Party filed an appeal.

Appeals should be submitted electronically to the Title IX Coordinator, who will forward to the Appeals Decision-panel. Appeals will be decided by an Appeals Decision-panel, who will be free of conflict of interest and bias, and will not serve as Investigator or Title IX Coordinator in the same matter. The Appeals Decision-panel may be made up of one or more trained individuals.

The outcome of the appeal will be provided in writing simultaneously to both Parties and include the rationale for the decision.

### **Disclosure of the Results of Disciplinary Process**

NYFA will, upon request, disclose to the alleged victim of a crime of violence or non-forcible sex offense, the report on results of any disciplinary proceeding conducted by NYFA against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such a crime or offense, the next of kin shall be treated as the alleged victim for purposes of this paragraph.

### **SEX OFFENDER REGISTRY**

The Federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where to obtain law enforcement agency information provided by a State concerning registered sex offenders. Information regarding a registered sex offender can be obtained by calling: Florida Department of Law Enforcement Sexual Predators and Offenders at: 1-888-357-7332.

The State of Florida requires all sexual offenders and predators will be required by law to re-register, in person, twice a year. Effective Dec. 1, 2005, in accordance with the Florida Jessica Lunsford Act, H.B. 1877 all sexual offenders and predators that are enrolled, employed, or carrying on a vocation at an institution of higher education in the State of Florida, shall also provide to the department the name, address, and county of each institution, including each campus attended, and your enrollment and employment status.

You can find sexual offenders/predators in your neighborhood with a map that allows you to search by address, intersection, landmark, or school, here: <http://gisweb.miamidade.gov/sexoffenders/>. Nationwide information is available through the Department of Justice at: [www.nsopr.gov](http://www.nsopr.gov).

## **APPENDIX A - Clery Reportable Crimes Definitions**

### **SEX OFFENSES**

As per the National Incident-Based Reporting System Edition of the Uniform Crime Reporting (UCR) Program:

#### **Rape**

Rape is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Sexual penetration means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or by a sex-related object.

#### **Fondling**

The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

#### **Incest**

Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

#### **Statutory Rape**

Non-forcible sexual intercourse with a person who is under the statutory age of consent.

#### **Aggravated Assault**

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

#### **Arson**

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle or aircraft, personal property, etc.

#### **Burglary**

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

#### **Motor Vehicle Theft**

The theft or attempted theft of a motor vehicle. (Classified as motor vehicle theft are all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned-including joy riding).

**Murder and Nonnegligent Manslaughter**

The willful (non-negligent) killing of one human being by another.

**Manslaughter by Negligence**

The killing of another person through gross negligence.

**Robbery**

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force, violence, and/or causing the victim fear.

**Weapon Law Violations**

The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

**Drug Abuse Violations**

Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include, but are not limited to: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Liquor Law Violations**

The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

**Larceny**

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

**Vandalism**

To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

**Simple Assault**

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

**Intimidation**

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

## **APPENDIX B - Clery Geography Definitions**

**On-Campus**: (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in definition (1), that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

**On-Campus Residential**: student **housing** facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up **campus**.

**Non-Campus Building or Property**: (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Public Property**: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.