

NEW YORK FILM ACADEMY

COLLEGE OF VISUAL AND PERFORMING ARTS

WELCOME TO THE NEW YORK FILM ACADEMY

New York Film Academy Campus Crime and Security Report

About New York Film Academy

The New York Film Academy 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.

The **2018/ 2019 Campus Security Policy and Crime Statistics Report** is designed to inform you of NYFA's campus crime statistics, security policies and steps you can take to maximize your personal safety.

The Mission of the **New York Film Academy Security Department** is to create a safe, tranquil and welcoming learning environment for the entire NYFA Community. We are committed to upholding NYFA's policies in a professional manner, to empower and develop our personnel to achieve excellence, and to guide our actions based on integrity, honesty and fairness to support and facilitate a rich and robust educational environment.

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The Security Department endeavors to resolve problems and address issues impacting the community's safety as it also strives to strengthen NYFA's relationship with its campus neighbors. NYFA is fully committed to this partnership and will continue to demonstrate this through enhanced communication as the creation of mutually beneficial collaborative opportunities arise for all community stakeholders.

SECURITY CHECKS

While on patrol Security Officers will conduct security inspections of certain areas throughout NYFA properties. Shifts will conduct checks on predesignated areas at least but not limited to once every hour as determined by the Director of Security.

Additionally, Security Officers, along with maintenance personnel, will monitor all fire extinguishers on a monthly basis and sign off on them if they are fully charged. This includes all fire extinguishers in public areas as well as in offices.

The Director of Security will occasionally direct all shifts to increase patrols in certain areas due to incidents that might have occurred.

Jeanne Clery disclosure of campus security policy and campus crime act

This act requires NYFA to distribute the information contained in this report to all current and potential NYFA students and employees. Please take a moment to read the following information.

New York Film Academy staff and students receive a NYFA-issued ID at the beginning of their program that grants them access to the facilities listed above. Access is restricted to NYFA students and staff and authorized NYFA students and staff. The facilities are open seven days a week and the hours are vary based on course discipline. The facilities cannot be accessed without the proper ID.

The Faculty and Staff are committed to making the New York Film Academy (NYFA) campus a safe and secure environment for students, faculty and staff. This report provides information to our campus community to raise awareness and provide necessary resources to keep them safe.

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Recognizing that safety and security is a shared responsibility, the Security Department maintains a collaborative relationship with the Los Angeles Police Department as well as with The Burbank Police Department. NYFA Security works closely with the LAPD and/or Burbank PD when incidents arise that require joint investigative efforts, resources, crime related reports and/or exchanges of information. This collaborative relationship includes joint training to prepare for an Active Shooter situation. The New York Film Academy Security Department does not currently have a standing Memorandum of Understanding (MOU) with any of the aforementioned law enforcement agencies.

Los Angeles Police Department

The LA Police Department is vested with the authority and responsibility to enforce all applicable local, state and federal laws. Offices have the authority and duty to conduct criminal investigations, arrest violators and suppress campus crime. LAPD Officers are duly sworn peace officers under the California Penal Code Section 830.2(b), authorized to carry firearms and have the authority as municipal police officers to use police powers of arrest. LAPD has primary jurisdiction over NYFA campus located at 3800 Barham Blvd, Los Angeles CA 90068. LAPD provides law enforcement services 24hours a day, 365 days a year.

Burbank Police Department

The Burbank Police Department is vested with the authority and responsibility to enforce all applicable local, state and federal laws. Offices have the authority and duty to conduct criminal investigations, arrest violators and suppress campus crime. Burbank PD Officers are duly sworn peace officers under the California Penal Code Section 830.2(b), authorized to carry firearms, and have the authority as municipal police officers to use police powers of arrest. Burbank PD has primary jurisdiction over NYFA campus located at 3300 W Riverside Dr., Burbank, CA 91405 and 210 N. Pass Ave., Burbank, CA 91505 provides law enforcement services 24hours a day, 365 days a year.

NYFA also provides unarmed Campus Security Authorities (CSA) staff to assist with security in buildings and around the campus. The CSAs are full-time employees of NYFA.

Preparation of the Clery Report

NYFA prepares policies with the input from other departments within the institution. NYFA collects statistical information from Campus Security Authorities (CSA) and local

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municipal police departments including; LAPD, Los Angeles County Sheriff's Department, Burbank Police Department and California Highway Patrol. Licensed counselors are

exempt from reporting requirements. NYFA encourages counselors; if and when they deem it appropriate, to inform those they counsel of procedures for reporting crimes on voluntary, confidential basis for inclusion in the Campus Security Report.

Statistical information from NYFA CSAs, and from outside law enforcement agencies, is integrated into a single document, posted on the NYFA web page, and a hardcopy can be provided upon request.

Firearms and Weapons Policy

New York Film Academy enforces a strict policy prohibiting weapons on NYFA property, including legal and authorized weapons. The use of any firearm, explosive, weapon, dangerous chemicals, or biological agent on NYFA property or at any NYFA function is prohibited. Other prohibited items include, but are not limited to, swords, pellet or BB guns, knives, paintball guns, bows and arrows, or toy guns. (Students wishing to use any form of firearm or weapon for class purposes such as filming must first obtain permission from the Department Chair, instructor of the course and the Director of Security before use).

Students, faculty, and staff are not allowed to carry and/or possess weapons at any time while in NYFA buildings or on NYFA property, whether or not licensed to do so. Non-employees include, but are not limited to, vendors, visitors, customers, conference attendees, and potential customers of NYFA, excluding law enforcement officers. This includes parking and/or driving NYFA vehicles or privately-owned vehicles on campus or at NYFA sponsored activities away from campus.

NYFA also prohibits visitors from carrying and/or possessing weapons on NYFA property or attending NYFA-related activities. Students, faculty, and staff are responsible for the behavior of any visitor they have on campus or at off-campus, NYFA-sponsored activities or events.

Reports of any suspected violation of this policy should be made to the Security Department 818-414-3837 or the NYFA telephone number 818-333-3558 immediately. Violation of this policy is unacceptable and shall be grounds for disciplinary action up to and including expulsion from NYFA or termination of employment.

In cases of suspected possession of firearms or weapons of any kind, the College reserves the right to search personal belongings on NYFA property, including but not

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limited to articles of clothing, purses, briefcases, bags, and vehicles. All such searches must be approved in advance by the Director of Operations, Director of NYFA or Director of Security, or the Dean of Students (or designee) for students. Reasonable attempt will be made to notify person with the suspected firearm or weapon prior to the search. Persons may be asked to leave campus or remain in the presence of Campus Safety until a search is conducted or the situation is resolved. The search will normally be conducted in private by Campus Security, an appropriate supervisor (for faculty and staff) with a third person normally present. In the case of students, the search will be conducted in private by Campus Security and the Dean of Students or designee. Sanctions will be imposed in accordance with the procedures in the Code of Student Rights and Responsibilities, the Employee Handbook, or Faculty Handbook, as appropriate. Visitors found in violation of this policy are subject to expulsion from campus by the Security Department.

Consent, Sexual assault, domestic violence, dating violence or stalking

Sexual harassment may include incidents between any members of the NYFA community, including faculty, staff, student employees, students, guest speakers, and non-student or non-employee participants in NYFA programs (e.g., vendors, contractors, visitors, and parents). Sexual harassment may occur in hierarchical relationships, between peers, or between individuals of the same sex or opposite sex. To determine whether the reported conduct constitutes sexual harassment, consideration shall be given to the record of the conduct as a whole and to the totality of the circumstances, including the context in which the conduct occurred.

Sexual harassment of one student by another student is defined as unwelcome conduct of a sexual nature that is so severe and/or pervasive, and objectively offensive, and that so substantially impairs a person's access to NYFA programs or activities that the person is effectively denied equal access to NYFA resources and learning opportunities.

YES, MEANS YES

Consensual sexual contact occurs when both parties have communicated a willingness to participate in sexual act. Individuals may be incapable to consenting to a sexual act under the following circumstances:

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Incapacitated by the influence of drugs or alcohol

Suffering from a mental or physical disorder that makes them incapable of offering consent

Acting under threats, duress or force

Consent to sexual contact is not implied as a result of prior consent or marital or relationship status.

Definition of Sexual Assault

Sexual assault occurs when a sexual contact is nonconsensual. The words “NO or STOP” indicate non-consent to any sexual contact. Consensual sexual contact occurs when both parties have communicated a willingness to participate in sexual act. Individuals may be incapable to consenting to a sexual act under the following circumstances:

- Incapacitated by the influence of drugs or alcohol
- Suffering from a mental or physical disorder that makes them incapable of offering consent
- Acting under threats, duress or force

Consent to sexual contact is not implied as a result of prior consent or marital or relationship status.

Definition of Domestic Violence

Domestic Violence is any violent act against individuals listed below:

- Spouse or domestic partner
- Individual with a shared dependent
- Individual that receives grant or monies under a domestic family violence act or is protected under a domestic family violence act.

Definition of Dating Violence

Dating Violence is a violent act committed by a person who has been in a relationship of an intimate or romantic nature defined by the length and frequency of contact. Any violent contact between two individuals involved in a relationship may be considered dating violence.

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Definition of Stalking

Stalking is a course of actions directed at an individual that would cause a reasonable person to:

- Fear for their safety or the safety of others
- Suffer substantial emotional distress

Stalking may also be considered Dating or Domestic Violence.

Reporting intimidation, threats, sexual assault, domestic violence, dating violence or stalking

New York Film Academy prohibits any form of sexual harassment or violence. Students, teachers and other New York Film Academy employees are obligated to report any

incident of prohibited conduct to the Senior Director, Campus Security Authority (CSA) and/or Human Resources. Any behavior that violates the NYFA code of conduct must be

reported in a timely basis to preserve potential evidence and to protect others from future harm. Taking immediate action by reporting any act of a violent or threatening behavior preserves information and or evidence that may be required to file a restraining order or request police protection. The complainant will have the option to decline to report to police authorities but the account of the incident will be recorded and NYFA will continue to actively investigate the incident.

Every reported complaint of prohibited conduct or harassment will be investigated thoroughly, promptly, and in a confidential manner. If an act of sexual assault or domestic violence is alleged, NYFA staff will provide written notification to direct the complainant to the proper law enforcement authority or local police. A notification of rights of survivors of sexual assault, dating violence, and stalking or domestic violence will be provided and will include the following information:

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- Options for reporting to law enforcement authorities, including the option to be assisted by NYFA authorities in notifying law enforcement authorities if the complainant so chooses and the right to decline to notify such authorities;
- The rights of complainants regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal or civil courts and NYFAs responsibilities regarding such orders;
- The importance of preserving evidence as may be necessary to prove criminal domestic violence, dating violence, sexual assault, or stalking, or to obtain a protection order;
- Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available both within NYFA and the community;
- Options for, and available assistance to, change academic, living, transportation, and working situations, if requested by the complainant and if reasonably available, regardless of whether the complainant chooses to report the crime to NYFA or local law enforcement;
- Any applicable procedures for institutional disciplinary action.

Notwithstanding any legal action taken by local law enforcement authorities, institutional disciplinary action for a violation of this policy can range from oral and written warnings up to and including suspension or expulsion and/or termination of employment, depending on the circumstances and violation of conduct.

Confidentiality of Reports of Sexual Harassment and Sexual Violence

Each NYFA location has identified confidential counselors with whom members of the NYFA community can consult for advice and information regarding making a report of sexual harassment or sexual violence. These counselors include two Student Therapists, Dean of Students, Title IX Coordinator, CSAs, Human Resources Director. Individuals

who may be interested in bringing a report of sexual harassment or sexual violence will be provided a safe place to discuss their concerns and learn about the procedures and

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potential outcomes involved. The list of counselors and their office locations shall be posted on the NYFA student Hub as well as through flyers throughout the campus. Individuals who consult with confidential counselors shall be advised that their discussions in these settings are not considered reports of sexual harassment or sexual violence and that without additional action by the individual, the discussions will not result in any action by NYFA to resolve their concerns.

The confidential counselors shall notify the individual that designated employees have an obligation to respond to reports of sexual harassment or sexual violence, even if the individual making the report requests that no action be taken. An individual's requests regarding the confidentiality of reports of sexual harassment or sexual violence will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of NYFA's legal obligation to ensure a working and learning environment free from sexual harassment and sexual violence and the due process rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation, although NYFA will comply with requests for confidentiality to the extent possible.

Statistics collected and reported by NYFA for the publicly available Clear Act disclosures will not include any confidential records or specific student information related to reports of sexual harassment or sexual violence.

New York Film Academy prohibits retaliation, including but not limited to making any threatening communication by verbal, written and/or electronic means, against any individual who reports and/or provides any information concerning unlawful discrimination, harassment and/or other violations of NYFA policies, rules and standards of conduct.

Any student or employee found engaging in retaliation will be subject to disciplinary action up to and including suspension and/or termination of employment.

Disciplinary action: Students, Staff & Faculty

When a violation is founded, the accused will be notified immediately after the conclusion of the finding and the specific or corrective remedial actions to be taken

within. For employees, the supervisor of the accused will also receive notification as appropriate. No details about the nature or extent of disciplinary or corrective actions

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will be disclosed to the complaint(s) and/or witness(es) unless there is compelling reason (e.g., personal safety).

Resulting disciplinary action can include the following: verbal warning, temporary loss of specific privileges, permanent loss of specific privileges, suspension from access to the campus, expulsion and/or termination of employment.

In the event of an incident where New York Film Academy management considers there to be a significant safety risk to any students, teachers or staff, New York Film Academy reserves the right to immediately suspend the involved parties until the investigation provides reasonable assurance that students, teachers and staff are not in any danger.

New York Film Academy will not refund to students for lost privileges or lost access to New York Film Academy campus and facilities or classes, test, performances, lessons, appointments, or other activities and events resulting from a disciplinary action except as required by State or Federal policies.

Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking include:

Level of Action: Code Red/Emergency Situation

Immediate danger to student(s), emergency notification sent out to all NYFA's faculty, staff and students. Seek medical attention if student(s) are harmed/injured.

Level of Action: Code Yellow

Student identifies himself or herself as feeling safe. Student(s) reports no injuries and says they do not need medical attention.

Level of Action: Code Blue

Student witnesses an incident of sexual assault, sees a social media post, video, hears about an incident from a 3rd party, etc.

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Anticipated Timelines after Reporting Sexual Assault:

The accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary appeal proceeding and shall be informed of the outcome of any campus disciplinary proceeding alleging sexual assault.

Step One: In investigating and determining whether a violation of this policy has occurred, the Title IX Coordinator will utilize the “preponderance of the evidence” standard of proof. This means that Title IX Coordinator will determine whether it is “more likely that not” that sexual misconduct occurred. Gather evidence, that may include interviews of all parties involved, close circuit video recordings, digital evidence or any information provided to the school by law enforcement. Review information, fill out necessary reports, communicate with members of senior administration (on a need to know basis) estimated timeline: 1-3 days.

Step Two: Determine disciplinary action, if accused goes on procedural hold, procedural hold means the student may not come on NYFA campus for up to 10 days. The accused will be notified via email of the procedural hold, and a disciplinary hearing will be held. The student will be notified via email of the date, time and location of the hearing. Estimated timeline 1-10 days.

Step Three: Disciplinary hearing held with accused student(s) and members of New York Film Academy’s administration who trained in the appropriate investigative process. The hearings are conducted in manner that protects the safety of the victim and promotes accountability. The Dean of Students Office will hold the disciplinary hearing with members of senior administration in attendance. Notes will be taken during the hearing.

The accuser and accused are provided equal opportunity to have others present during any disciplinary hearing. The student(s) will be notified of the outcome of the disciplinary hearing via email. Estimated timeline: 1-3 days.

Step Four: Please note: A student charged with sexual assault on campus or at college-sponsored events can either be prosecuted under California State statutes and/or disciplined under New York Film Academy’s Student Conduct Code in the Student Handbook. The Student Conduct Code disciplinary action may be applied to off-campus

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sexual assault under circumstances indicating a continuing direct and serious threat to the safety of individuals on campus. Even if the criminal justice authorities choose not to prosecute, New York Film Academy can pursue disciplinary action.

Step Five: Possible sanctions include: expulsion, suspension from the program, time length determined by senior administration, counseling, individual academic plan(s), independent study, and/or a combination of sanctions/disciplinary actions deemed appropriate by members of New York Film Academy's senior administration.

Step Six: Students have the right appeal the decision of the Disciplinary Committee. All requests for appeal must be received by the committee in writing within one week from the notification of the final decision. Outcome of the appeal will be made final with 1 week of the submission of the request.

For questions regarding Title IX procedures or policies, please contact the Title IX coordinator, or the Dean of Student's Office.

Student Resources and Reporting Options Guide for Sexual Assault

Risk Prevention

Important information regarding student safety on campus and preventative measures are discussed during orientation week. The Dean of Students introduces students to the various resources available to students on and off campus. Topics pertaining to personal safety, consent, bystander responsibilities, reporting procedures, timelines and possible disciplinary actions are discussed in length. Students are also handed out important information.

Tips for Risk Reduction

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to victim-blame, and with recognition that only those who commit sexual violence are responsible for those actions, the suggestions below may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act:

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor "NO" clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.

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- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake; respect them when they do. If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of Sexual Misconduct:
 - Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
 - Understand and respect personal boundaries.
 - **DON'T MAKE ASSUMPTIONS ABOUT:** consent, someone's sexual availability, whether there is an attraction to you, how far you can go, or whether the person is physically and/or mentally able to consent. If there are any questions or ambiguity, **ASSUME YOU DO NOT HAVE CONSENT.**
 - Mixed messages from your partner are a clear indication that you should stop and diffuse any sexual tension and communicate better. You may be misreading the situation. The person may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors of the other person.
 - Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
 - Realize that your potential partner could be intimidated by you or fearful. You may have a power advantage simply because of your gender, size or some other factor. Don't abuse that power.
 - Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
 - Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

Recommended Steps to Take After Experiencing Sexual Misconduct

1. Go to a Safe Place If you do not feel safe, call 911. You can also create a safety plan to plan for future scenarios where you may not feel safe by preparing a list of contact information and locations of safe people and places.
2. Get Medical Attention and Preserve Evidence Sexual Assault Response Team (SART) nurses are trained to work with victims of sexual misconduct, and are available at multiple hospitals to provide free medical services and evidence collection to sexual assault survivors 24 hours a day, 7 days a week. If you are thinking about reporting an incident of sexual assault, you can preserve evidence by keeping any clothes worn, sheets, or other evidence at the scene in a paper bag. If possible, do not shower, cleanse, douche, urinate, defecate, eat, drink, or brush teeth. It is important to preserve

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evidence as it may be necessary to the proof of criminal domestic violence, dating violence or sexual assault, or in obtaining a protective order. Evidence can be collected up to 5 days after an incident and medical attention is important at any time.

In instances of stalking, a stalking log can be helpful when going to the police for assistance, including filing a report or obtaining a protective order. 3. Get Support and Resources You do not have to go through this alone. The Counseling Center can provide emotional support.

4. Report the incident NYFA encourages students to report all incidents of Sexual Misconduct and, especially incidents involving Sexual Assault, to the Police Department. NYFA recognizes that individuals may not be ready to report or may not be sure what has happened. This resource section is designed to provide information and support resources, including confidential resources who will not share information without the person's permission.

Emergency/Urgent Assistance

Call 911

To get Medical Help

Providence St. Joseph Medical Center - Hospital Emergency Room

501 S. Buena Vista Street
Burbank, CA 818-843-5111

Hollywood Community Hospital - Urgent Care
6245 De Longpre Avenue
Los Angeles, CA 323-462-2271

Lakeside Urgent Care
191 S Buena Vista Street
Burbank, CA 91505 818- 295-5920

San Gabriel Valley Medical Center 435 W. Las Tunas Dr. San Gabriel, CA 91776 Call the SART Hotline 24 hours a day and they will coordinate this service: 877.209.3049

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LA County/USC Medical Center 1200 N. State Street Los Angeles, CA 90033
323.226.3961

Rape Treatment Center at Santa Monica-UCLA Medical Center 1250 16th St. Santa
Monica, CA 90404 310.319.4000, Ext. 3

In addition to having SART nurses, this facility provides comprehensive, free treatment for sexual assault victims, including 24-hour emergency medical care and forensic services, counseling and psychotherapy, advocacy, and accompaniment services.

Under California law, medical providers (but not psychological counselors) are required to notify law enforcement if a patient communicates a sexual assault has occurred. The patient has the right to request that a survivor advocate be present when speaking to law enforcement and to request that criminal charges not be pursued. Any additional information is covered under HIPPA.

*If you wish to have an evidence collection kit ("rape kit"), you can do so at the hospital. If possible, do not shower, brush your teeth, urinate, eat, drink or change clothes.

Off-Campus Confidential Resources

Project Sister Provides a 24-hour hotline, accompaniment program, information and referral services, professional counseling series, support groups, and a walk-in clinic. P.O. Box 1369 Pomona, CA 91769-1369 24 Hour Hotline: 909.626.4357
info@projectsister.org

East Los Angeles Women's Center Provides free, confidential, bilingual (Spanish) crisis response and advocacy for survivors of sexual assault, dating/domestic violence, stalking, and human trafficking. 1255 South Atlantic Boulevard Los Angeles, CA 90022
800.585.6231

Peace Over Violence Provides comprehensive, free treatment for sexual assault survivors, including 24-hour emergency medical care and forensic services, counseling

and psychotherapy, advocacy, and accompaniment services. West San Gabriel Valley Center 892 N. Fair Oaks Ave., Suite D Pasadena, CA 91103-3046 310.392.8381
213.626.3393 626.793.3385 info@peaceoverviolence.org

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Rape Abuse and Incest National Network (RAINN) A confidential, anonymous national sexual assault hotline. 1.800.656.4673 Rape Treatment Center at Santa Monica-UCLA Medical Center Provides comprehensive, free treatment for sexual assault victims, including 24-hour emergency medical care and forensic services, counseling, psychotherapy, advocacy, and accompaniment services. 310.319.4000, Ext. 3

Los Angeles LGBT Center Provides support and advocacy services for LGBT community members. 1625 N. Schrader Blvd. Los Angeles, CA 90028 323.993.7400

Persons involved in the Sexual Misconduct process may wish to consult with a legal advisor. Below are entities who provide low cost or fee services. This is not an endorsement of their services and NYFA is not responsible or liable for poor or negligent legal advice.

Legal Aid Foundation of Los Angeles

For more than 85 years, the Legal Aid Foundation of Los Angeles (LAFLA) has provided civil legal services to poor and low-income people in Los Angeles County. LAFLA has five offices in the Los Angeles area, including three Domestic Violence Clinics located at the Superior Courthouse in downtown Los Angeles, the Santa Monica Courthouse and the Long Beach Courthouse. 800.399.4529 <http://www.lafla.org/>

SurvJustice

Legal assistance for survivors in campus, criminal and civil legal systems. SurvJustice provides direct assistance for campus cases and partners with local, regional and national law firms to assist in civil and criminal cases. 1629 K Street NW, Suite 300 Washington D.C. 20006-1631 <http://survjustice.org/>

Other legal resources may be found online (<http://statelaws.findlaw.com/california-law/freelegal-aid-in-los-angeles.html>).

To Report a Concern

Dean of Students: Susan Ashe, susan.ashe@nyfa.edu

1st floor of the Riverside Building

Head of Campus Safety and Security: Timm Browne, tim.browne@nyfa.edu

Security Hotline: (818) 415-3837 or 714-853-4770

1st floor of the Riverside Building Room 114

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To Talk and Get Support

NYFA Student Therapist, Kathia Rabelo, kathia.rabelo@nyfa.edu

24 Hour Rape and Battering Local Hotline 626-793-3385

National Sexual Assault Hotline 800-656-4673

To Understand the Academy's Title IX Administrative/Disciplinary Process

Title IX Coordinator, Dean of Students Susan Ashe, susan.ashe@nyfa.edu

Sex Offender Notice

The State of California required sex offenders to register with the police in the jurisdiction in which they reside. The State makes this information available to law

enforcement agencies. The information for the NYFA campus community area is available at the local LAPD office located at 1358 n. Wilcox Avenue or local Burbank PD office located at 200 N. 3rd Street or visit the Megan's Law website in the Related Information section. Additionally, the Campus Sex Crimes Prevention Act provides for the tracking of convicted sex offenders enrolled at or employed at institutions of higher education. The State of California (Penal Code 290) requires sex offenders to register within the state to, within 5 working days, also "register with the campus or any of its facilities" of higher education at which the person is employed, carried on a vocation, or is a student.

Reporting Hate Crimes & Incidents

Crimes motivated by race, religion, ethnicity, disability or sexual orientation are hate crimes, and a serious offense under California law. NYFA takes a strong stance against

hate crimes. Conviction of a hate crime can result in prison time. A conviction cannot be based on speech alone, unless the speech is based on threats against a person or a group of people. If you are a victim of or witness to a hate crime or incident, report it as soon as possible to the appropriate police agency. If the incident occurs on campus, call LAPD or Burbank PD. The Senior Directors also handle hate crimes and code of conduct violations. The most effective way to handle a hate crime or incident is by filing a police report with LAPD or Burbank PD.

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Non-emergency Procedures & Reporting Code of Conduct Violations

Students are expected to abide by ordinary rules of responsibility, courteous behavior. New York Film Academy holds all students, teachers and staff responsible for carrying out and monitoring compliance with the commitment. If you become aware of any violation of an ethical or legal obligation, or any unfair or improper treatment of a fellow student or teacher or staff member, you should report the matter immediately to the Director of Students and/or Human Resources so that it may be investigated and the appropriate action taken. By making it the responsibility of all members of the NYFA community, including students, to take an active role in policing compliance with these ethical standards and safety, we can continue to not only maintain our creative environment, but our reputation in the community.

Emergency Notification System

In the event that a situation arises, within campus or off campus, that, in the judgment of the NYFA management constitutes an ongoing threat, a campus wide “timely warning” will be issued. Systems for issuing warnings include voice calls, text and email alerts sent out using the schools messaging system. NYFA will also share warnings from local police departments if the campus area may be impacted. Updates on crimes are provided on the NYFA web page. Anyone with information warranting a timely warning should report the circumstances to NYFA Campus Security Authorities.

NYFA utilizes an emergency notification system that provides text messages sent to all students in the event of an emergency. The Campus Dean and Chief Operating Officer manage this notification process.

In the event of an emergency the Campus Dean will:

- Consult with local law enforcement, fire departments, public health or emergency management teams to investigate the nature and impact of the emergency to NYFA students.
- Confer with campus leadership to coordinate all emergency efforts.
- Alert designated campus emergency drill captains regarding the required steps based on the nature of the emergency.

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- Activate the notification system to all students and employees
- Monitor for updates from law enforcement, fire departments, public health or emergency management teams regarding the status of the emergency

- Update students periodically using the student notification system regarding the status of the emergency

Examples of emergencies requiring campus wide student notification are as follows:

- Immediate threats to student safety
- Outbreaks of highly contagious diseases like meningitis or norovirus.
- Fire
- Weather emergencies
- Earthquake

Evacuation Procedures

New Film Academy has assigned Captains for each building. The Captains are responsible for safely escorting students and staff in the event of a fire. Instructors are also trained in the proper evacuation methods and are responsible for safely evacuating their classrooms on the Captain's request. Students and staff are held at nearby locations until the situation is assessed and it is safe to return to the building.

The building Captains undergo annual training in fire and emergency evacuation response procedures. They coordinate annual fire and earthquake drills to ensure the campus community is familiarized with the sound of the alarms and are aware of the proper evacuation procedures for each building.

New York Film Academy's Emergency Action Plan includes information about the institution's physical threat and fire safety procedures, disaster planning and crisis

communication plans, and evacuation procedures. The New York Film Academy 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 which tests a procedural operation or technical system. In addition, New York Film Academy generally conducts one tabletop exercise every year. 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.

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A copy of the summary is available upon request through the Clery Compliance Coordinator. New York Film Academy publicizes a summary of the emergency responses and evaluation 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, New York Film Academy's emergency response and evacuation procedures are communicated to employees and students during orientation.

New York Film Academy administrators are familiar with all aspects of the Emergency Action Plan including the Fire Safety Plan. If a serious incident occurs that causes an immediate threat to the campuses, the first responders to the scene are usually the Burbank PD and/or the LAPD and the respective Fire Departments.

Information about and updates to New York Film Academy's emergency response and evacuation procedures are given out during New Student Orientation and are available upon request through any faculty or staff member. In addition, New York Film Academy's emergency response and evacuation procedures are available in the Faculty Handbook and Student Handbook.

EMERGENCY NOTIFICATIONS – NOTIFICATION TO NYFA COMMUNITY ABOUT AN IMMEDIATE THREAT

New York Film Academy will immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students or staff occurring on or around New York Film Academy's on-campus facilities. The New York Film Academy President, Senior Executive Vice President, Director of Operations, and/or Dean of Students may rely on information received from various offices/departments on campus or external agencies, such as Burbank PD, LAPD, the respective Fire Departments or building management. Senior administration, consisting of the persons listed above, may be in a position to confirm that there is an emergency or dangerous situation that pose an immediate

threat to the campus community based on the information received from other offices and departments. Members from the senior administration 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 New York Film Academy. New York Film Academy will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification

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system, unless issuing a notification will, in the judgement of the first responders, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. During situations that present an immediate threat to the health and public safety of New York Film Academy community members, the preferred method of reaching all potentially affected parties is via New York Film Academy's emergency alert system, School Messenger. Depending on the situation, the process for deploying a message via this system may require up to 30 minutes or more. During these extreme situations, the President, Senior Executive Vice President, Director of Operations, and/or Dean of Students may send quick notifications via the use of email, fire alarm, and building public-address systems.

In the event of a serious incident that poses an immediate threat to members of New York Film Academy community, New York Film Academy 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 New York Film Academy. These methods of communication include emergency text messages and calls via Everbridge Messenger, email blasts to the whole campus, notifications on school monitors, and notifications on the school website (www.nyfa.edu). 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; or a shooting incident on or near the campus. Follow-up notices/communications will be provided as necessary during an active incident and may be provided by the Director of Operations or the senior administration. When a threat is neutralized or effectively removed, campus community members will be appropriately informed via all or some of the aforementioned communications methods. Additionally, The President, Senior Executive Vice President, Campus Dean, Director of Operations, and/or Dean of Students (senior administration) is 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).

NYFA students, faculty, and staff receive information about Everbridge Messenger, at the time of registration or employment, and are strongly encouraged to monitor for NYFA's emergency alerts.

Parents and the larger NYFA community can access relevant emergency information via the homepage of New York Film Academy's website (www.nyfa.edu).

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New York Film Academy community members are encouraged to notify 911 and the Operations department or the Housing Coordinator (as described in the General Procedures for Reporting section of this document) of any situation or incident in or around a New York Film Academy 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, New York Film Academy will contact local authorities.

EMERGENCY EVACUATION PROCEDURE

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

In the event students and staff need to immediately evacuate any New York Film Academy 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.

Shelter-in-Place Procedures: If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to seek shelter indoors. Thus, to “shelter-in-place” means to utilize the building you are in as shelter from danger that is outside of the building or in other areas of the building. A shelter-in-place notification may be announced utilizing several sources but will most likely be announced via the building public address system.

Students and staff are instructed to stay inside an interior room until they are told it is safe to come out. Once an interior space with the least amount of windows is located, students and staff are instructed to:

- Shut and lock all windows and close and lock exterior doors.
 - Turn off air conditioners, heaters, and fans.
 - Close vents to ventilation systems, if you are able.
 - Put all phones on vibrate.
-
- Cover all windows so that no one can see in.
 - Remain calm and make yourself comfortable.

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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 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 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 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

Fire safety is a matter of common sense, education and training.

Following items that are prohibited in office spaces:

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Space heaters are not to be used under any circumstance

Personal coffee makers are required to be unplugged before staff leave the premises

Overloading power sockets are strictly prohibited and power strips without surge protectors are not permitted

Smoking is not permitted in or at any of the campus buildings. Students and staff are required to use the demarcated smoking areas in each building.

In Case of Fire

- 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

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of possible hostages. ○ Any weapons the hostage-takers have. ○ Any injuries to hostages you witnessed. ○ Your name, location and phone number.

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.

RESPONSIBILITY OF NYFA COMMUNITY FOR THEIR OWN PERSONAL SAFETY

Members of the New York Film Academy 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 Burbank PD / LAPD or Campus Security Authorities 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 have too many people drinking excessively.
- 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 the Police Department 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.

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ALCOHOL AND DRUG POLICIES

New York Film Academy 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 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

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ALCOHOL AND OTHER DRUGS EDUCATION AND OUTREACH

NYFA requires all incoming conservatory students to attend New Student Orientation, during Registration Week, where the following 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.
- Consequences of alcohol and other drugs.
- Responsibility.
- Where to seek help on and off campus.
- How to recognize signs of alcohol and other drug 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 Alcohol & Drug Policies document on the NYFA hub (hub.nyfa.edu).

All campus community members should be aware that the unlawful possession, use, manufacturing, dispensing, or distribution of alcohol or illegal drugs on University property or as part of any NYFA activity is prohibited by law and NYFA Policy.

Controlled Substances and Alcoholic Beverages Policy

NYFA maintains a Drug Free Workplace and prohibits the use, possession, or distribution of narcotics, other legally controlled substances, or alcoholic beverages on NYFA property and/or at all functions, both on and off campus except as expressly permitted by law and NYFA regulations. Any student or employee found in violation of these policies may be subject to arrest, citation, and/or disciplinary action. Disciplinary sanctions may include suspension, expulsion or discharge from employment. In addition, it is a misdemeanor to sell, furnish, give, or cause to be sold, furnished or given away, any alcoholic beverage to a person under 21 years of age or any obviously intoxicated person, and no one under 21 years of age may purchase alcoholic beverages.

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It is also unlawful for any person under 21 years of age to possess alcoholic beverages on any street or highway, or in any place open to the public.

Illegal Drug Possession, Use, Sale, Enforcement

The possession, use, sale, manufacture and/or distribution of controlled substances are unlawful under both state and federal laws as well as a violation of university policy. These laws are strictly enforced by the Department of Public Safety, Residential Life and Student Conduct departments. Drugs considered to be controlled substances are listed in Schedules I through V of the Controlled Substances Act (29 U.S.C. 812) and are further defined by Regulations 21 CFR 1308.11 through 1308.15.

DRUG-FREE SCHOOLS AND COMMUNITIES ACT (DFSCA)

The Drug Free Schools and Campuses Regulations (34 CFR Part 86) of the Drug-Free Schools and Communities Act (DFSCA) require an Institution of Higher Education (IHE) such as Marymount California University, to certify that it has implemented programs to prevent the abuse of alcohol and use, and /or distribution of illicit drugs both by NYFA students and employees either on its premises and as a part of any of its activities. At a minimum, an IHE must annually distribute the following in writing to all students and employees:

- Standards of conduct that clearly prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees;
- A description of the legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;
- A description of the health risks associated with the use of illicit drugs and alcohol abuse;
- A description of any drug or alcohol counseling, treatment, or rehabilitation or reentry programs that are available to employees or students; and
- A clear statement that the institution will impose sanctions on students and employees and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct or law.

NYFA DRUG-FREE CAMPUS AND WORKPLACE POLICY

The unlawful possession, manufacture, distribution, use, sale or gift of alcohol or any illicit drug is prohibited in and on any NYFA property, or as part of any NYFA activity. This includes being under the influence of alcohol and/or any illicit drug. Illicit drugs include (but are not limited to) marijuana, cocaine, heroin, amphetamines, barbiturates, LSD, PCP and substances typically known as “designer drugs” or “club drugs.” Illicit drugs also include prescription drugs, except for the use of medication in accordance with the

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instructions of a licensed physician. Possession of paraphernalia associated with the use, possession or manufacture of illicit drugs is also prohibited.

Any employee or student who violates this policy is subject to disciplinary action up to and including termination of employment, expulsion from NYFA, referral for prosecution, and/or referral to an appropriate evaluation or rehabilitation program.

California State Laws

Students and employees should be familiar with California laws governing the consumption of alcohol. The following summarizes some of the state laws relevant to students and employees:

- It is illegal for persons under the age of 21 to possess an alcoholic beverage in any public place or any place open to the public (CA Bus. & Prof. Code §25662).
- Any person who furnishes, gives or sells any alcoholic beverage to someone under the age of 21 is guilty of a misdemeanor (CA Bus. & Prof. Code §25658(a)).
- Any person under the influence of alcohol in a public place and unable to exercise care for one's own safety or that of others is guilty of a misdemeanor (CA Penal Code §647(f)).
- It is illegal for persons to operate a motor vehicle while under the influence of alcohol or other intoxicants or with a blood alcohol level of .08% or higher (CA Veh. Code §23152).
- It is a misdemeanor to ride a bicycle under the influence of alcohol, drugs or both (CA Veh. Code §21200.5).
- It is an infraction to possess an open container of an alcoholic beverage while in a motor vehicle (CA Veh. Code §23223).
- It is an infraction for an owner or driver of a motor vehicle to allow an open container of alcohol in the passenger area (CA Veh. Code §23225).

California penalties for offenses involving controlled substances include (California Health & Safety Code §11350) imprisonment in the county jail or state prison and fine not to exceed \$70 or probation with fine, but for felony convictions a fine of at least \$1,000 for the first offense and at least \$2,000 for second or subsequent offenses or

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community service for unlawful possession of controlled substances. The following is a list of some of the legal sanctions for driving under the influence of alcohol (or any other drug):

- First conviction: Imprisonment in the county jail for not less than 96 hours, at least 48 hours which are continuous, nor more than six months and by a fine of not less than \$390 nor more than \$1,000 and except as otherwise provided suspension of privilege to operate motor vehicle (CA Veh. Code §23536).
- Conviction of driving under the influence with or without bodily injury within ten years of certain other felony convictions including vehicular manslaughter and driving under the influence: Imprisonment in state prison or in the county jail for not more than one year and a fine of not less than \$390 nor more than \$1,000 and revocation of privilege to operate a motor vehicle (CA Veh. Code §23550.5).
- Driving under the influence causing bodily injury: Imprisonment in state prison or county jail for not less than 90 days nor more than one year and a fine of not less than \$390 nor more than \$1,000 and suspension of privilege to operate a motor vehicle (CA Veh. Code §23554).
- Driving under the influence causing bodily injury or death to more than one victim: Enhancement of one year in state prison for each additional injured victim up to a maximum of three one-year enhancements (CA Veh. Code §23558).
- Second conviction of driving under the influence causing bodily injury within ten years or conviction within ten years of separate conviction of other specified offenses involving alcohol or drugs: Imprisonment in the county jail for not less than 120 days nor more than one year and a fine of not less than \$390 nor more than \$5,000 and revocation of privilege to operate a motor vehicle (CA Veh. Code §23560).

Local Prohibitions

The City and County of Los Angeles enforces the State of California and federal law as they relate to alcohol and drug violations. Additional restrictions include possession of an opened alcoholic beverages on sidewalks or public spaces, including parks, playgrounds, as well as adjacent to retail spaces which sell alcoholic beverages. Violations result in an infraction (Ord. No. 158,498).

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CRIME STATISTICS

The information below provides context for the crime statistics reported as part of the compliance with the Clery Act and Violence Against Women Act (VAWA). The procedures for preparing the annual disclosure of crime statistics include reporting statistics to New York Film Academy community obtained from the following sources: the New York Police Department and other law enforcement agencies, if necessary, and Campus Security Authorities (CSAs). For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. A written request for statistical information is made on an annual basis to 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.

Final report preparation is coordinated by the Director of Security, Clery Compliance Officer with the NYFA President, Senior Executive Vice President, Director of Operations, and Title IX Coordinator.

All statistics are gathered, compiled, and reported to New York Film Academy community via the Annual Security & Fire Safety Report (ASFR), which is published by the Clery Coordinator in coordination with the persons listed above. The annual crime statistics are published in the ASFR and submitted to the U.S. Department of Education (ED). The statistical information gathered by the ED is available to the public through the ED website.

New York Film Academy sends an email to every enrolled student and current employee on an annual basis, which includes a link to the ASFR.

STATISTICAL DISCLOSURE OF REPORTED INCIDENTS

Incidents reported to Campus Security Authorities or Police Departments that fall into one of the required reporting classifications will be disclosed as a statistic in the ASFR published by the New York Film Academy.

SPECIFIC INFORMATION ABOUT CLASSIFYING CRIMES

The statistics in the ASFR are published in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook and relevant federal law (the Clery Act).

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Crime Log

A daily incident report is made available to the Campus Director reporting all activity related to campus crimes. A compiled list of all activity is maintained for all campus locations by the Campus Operations Director and made available to the campus security officer for annual reporting requirements. Students are notified annually to review the campus crime and security report maintained on the NYFA website.

Crime Statistics

Please refer to the end of this document for Clery crime Statistics

Security & Access to Campus Buildings & Grounds

New York Film Academy campus includes 3 buildings with over 50,418 gross square feet of maintainable structures. The current population of NYFA consists of approximately 1169 students, 723 staff and faculty. New York Film Academy buildings are not accessible 24hrs. Most buildings are open until 10:00 pm daily. All buildings have security personnel either contacted by NYFA or provided by the building. Security personnel employed by NYFA conduct hourly walk-throughs and file daily logs of campus activities.

All NYFA facilities are open to students and staff during the days and evening hours when classes are in session and events are occurring. NYFA students and staff are issued ID cards that allow them to get in and out the building. NYFA's main facility is on 3300 W. Riverside Dr., Burbank, CA 91505 and is open from 8:00 am to 10:00 pm. NYFA also has campus security present during business hours. During all other times, NYFA buildings are usually locked to all students and staff, unless otherwise authorized. To ensure building access is possible for only authorized individuals, it is essential that students, staff and faculty work together to keep the doors closed after hours. Do not leave doors propped open or unlocked after hours. Do not open the door for unfamiliar individuals. Students and staff are required to carry their NYFA identification cards at all times.

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Annual Crime Report

Office Responsible: Compliance Office

Area Information is Located: Compliance Office

Date Document was Last Updated: 09/12/20

Criminal Offense – On Campus	2017	2018	2019
a. Murder/Non-Negligent Manslaughter	0	0	0
b. Negligent Manslaughter	0	0	0
c. Sex Offenses – Forcible	0	0	0
d. Rape	N/A	N/A	N/A
e. Fondling	N/A	N/A	N/A
f. Sex Offenses – Non- Forcible	0	0	0
g. Incest	0	0	0
h. Statutory Rape	0	0	0
i. Robbery	0	0	0
j. Aggravated Assault	1	0	0
k. Burglary	0	2	0
l. Motor Vehicle Theft	0	0	0
m. Arson	0	0	0
Criminal Offences – Public Property	2017	2018	2019
a. Murder/Non-Negligent Manslaughter	0	0	0
b. Negligent Manslaughter	0	0	0
c. Sex Offenses – Forcible	0	0	0
d. Rape	N/A	N/A	N/A
e. Fondling	N/A	N/A	N/A
f. Sex Offenses – Non- Forcible	0	0	0
g. Incest	0	0	0
h. Statutory Rape	0	0	0
i. Robbery	0	0	0
j. Aggravated Assault	1	0	0
k. Burglary	0	0	0
l. Motor Vehicle Theft	4	0	0
m. Arson	0	0	0
Hate Crimes – Criminal Offense – On Campus	2017	2018	2019
a. Murder/Non-Negligent Manslaughter	0	0	0

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d. Rape	0	0	0
e. Fondling	0	0	0
g. Incest	0	0	0
h. Statutory rape	0	0	0
i. Robbery	0	0	0
j. Aggravated Assault	0	0	0
K. Burglary	0	0	0
i. Motor vehicle theft	0	0	0
m. Arson	0	0	0
n. Simple assault	0	0	0
o. Larceny – theft	0	0	0
p. Intimidation	0	0	0
q. Destruction/damage/vandalism of property	0	0	0
Hate Crimes – Criminal Offence – Public Property	2017	2018	2019
a. Murder/Non-Negligent Manslaughter	0	0	0
d. Rape	0	0	0
e. Fondling	0	0	0
g. Incest	0	0	0
h. Statutory rape	0	0	0
i. Robbery	0	0	0
j. Aggravated Assault	0	0	0
K. Burglary	0	0	0
i. Motor vehicle theft	0	0	0
m. Arson	0	0	0
n. Simple assault	0	0	0
o. Larceny – theft	0	0	0
p. Intimidation	0	0	0
q. Destruction/damage/vandalism of property	0	0	0
Hate Crimes – Criminal Offence – Public Property	2017	2018	2019
a. Murder/Non-Negligent Manslaughter	0	0	0
b. Negligent Manslaughter	0	0	0
c. Sex Offenses – Forcible	0	0	0
d. Sex Offenses – Non- Forcible	0	0	0
e. Robbery	0	0	0
f. Aggravated Assault	0	0	0
g. Burglary	0	0	0
h. Motor Vehicle Theft	0	0	0
i. Arson	0	0	0

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VAWA Offenses – On Campus	2017	2018	2019
a. Domestic Violence	0	1	0
b. Dating violence	0	1	0
c. Stalking	6	0	0
VAWA Offenses – Public Property	2017	2018	2019
a. Domestic Violence	1	0	0
b. Dating violence	0	0	0
c. Stalking	0	0	0
Arrests – On- Campus	2017	2018	2019
a. Weapons: Carrying, possessing, etc.	0	0	0
b. Drug abuse violations	0	0	0
c. Liquor Law Violations	0	0	0
Arrests – Public Property	2017	2018	2019
a. Weapons: Carrying, possessing, etc.	2	0	0
b. Drug abuse violations	1	0	0
c. Liquor Law Violations	0	0	0
Disciplinary Actions – On Campus	2017	2018	2019
a. Weapons: Carrying, possessing, etc.	0	0	0
b. Drug abuse violations	0	0	0
c. Liquor Law Violations	0	0	0
Disciplinary Actions – Public Property	2017	2018	2019
a. Weapons: Carrying, possessing, etc.	0	0	0
b. Drug abuse violations	0	0	0
c. Liquor Law Violations	0	0	0
Unfounded Crimes	2017	2018	2019
Total unfounded crimes	0	0	0

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

New York Film Academy prohibits the offences of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act) and reaffirms its commitment to

maintaining a campus environment that emphasizes the dignity and worth of all members of the New York Film Academy community. Toward that end, New York Film Academy issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as

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well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless

of whether the incident occurs on or off campus when it is reported to a New York Film faculty or staff member.

For a complete copy of NYFA's student policies governing sexual misconduct, as outlined in New York Film Academy's Sex-Based Discrimination and Sexual Misconduct Policy, please visit: https://hub.nyfa.edu/title_ix.

U.S. DEPARTMENT OF EDUCATION DEFINITIONS

Domestic Violence: a felony or misdemeanor crime of violence committed —

- A. By a current or former spouse or intimate partner of the victim;
- B. By a person with whom the victim shares a child in common;
- C. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- D. 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
- E. 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.

- o 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 Act 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.

- A. 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

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- B. relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition—

- A. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- B. 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 Act 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."

- A. 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.

- B. 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.

- C. Incest is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- D. 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—

- A. Fear for the person's safety or the safety of others; or B. Suffer substantial emotional distress.

For the purposes of this definition—

- A. 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, communicates to or about, a person, or interferes with a person's property.

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B. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

C. 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 Act reporting.

CALIFORNIA STATE DEFINITIONS

Consent: Lack of consent results from: forcible compulsion; or incapacity to consent; or where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct. Where the forcible compulsion

in circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances. A person is incapable of consent when he or she is: less than 17 years old; or mentally disabled; or mentally incapacitated; or physically helpless; or committed to the care and custody of the state department of correctional services, a hospital, the office of children and family services and is in residential care, or the other person is a resident or inpatient of a residential facility operated by the office of mental health, the office for people with developmental disabilities, or the office of alcoholism and substance abuse services, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such department or hospital

Domestic Violence:

An act which would constitute a violation of the penal law, including, but not limited to acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted murder, criminal obstruction of breathing or blood circulation, or strangulation; and such acts have created a substantial risk of physical or emotional harm to a person or a person's child. Such acts are alleged to have been committed by a family member. The victim can be anyone over the age of sixteen, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of the act.

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Family or Household Members:

Person's related by consanguinity or affinity; Persons legally married to one another; Person formerly married to one another regardless of whether they still reside in the same household; Persons who have a child in common regardless of whether such persons are married or have lived together at any time; Unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; Persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors that may be considered in determining whether a relationship is an "intimate relationship" include but are not limited to: the nature or type of relationship regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary

fraternization between two individuals in business or social contexts shall be deemed to constitute an "intimate relationship"; any other category of individuals deemed to be a victim of domestic violence as defined by the office of children and family services in regulation. Intimate relationship status shall be applied to teens, lesbian/gay/bisexual/transgender, and elderly individuals, current and formerly married and/or dating heterosexual individuals who were, or are in an intimate relationship.

Parent:

Natural or adoptive parent or any individual lawfully charged with a minor child's care or custody.

HOW TO BE AN ACTIVE BYSTANDER

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.

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. We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm.

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There are times we may not know what to do, even if we want to help. Below is a list of some of the ways to be an active bystander:

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are OK.
2. Confront people who seclude, hit on, try to make out with, or try to have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

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*):

1. 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.
2. Try to avoid isolated areas. It is more difficult to get help if no one is around.
3. Walk with purpose. Even if you don't know where you are going, act like you do.
4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
5. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
6. Make sure your cell phone is with you and charged and that you have cab money.

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7. Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
8. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
9. 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.
10. 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.).
11. 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.
12. 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.
13. 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.
14. 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).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - a. 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.
 - b. 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.

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c. 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.

d. 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.

16. 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?

17. 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

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

A. 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

B. 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 all incoming students and new employees and ongoing awareness and prevention campaigns for students and that:

A. A statement that the institution prohibits the crimes of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act);

B. The definitions of domestic violence, dating violence, sexual assault and stalking according to any applicable jurisdictional definitions of these terms;

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- B. What behavior and actions constitute consent, in reference to sexual activity, in the State of California and/or using the definition of consent found in the Sex-Based Discrimination and Sexual Misconduct Policy
- C. 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;
- D. 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.
- E. 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).

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The New York Film Academy 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).

The New York Film Academy offered the following primary prevention and awareness programs for all incoming students in the 2019 calendar year.

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 and sex-based discrimination 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 (Responsible Employees) other than the Title IX Coordinator. All reports disclosed to Responsible Employees will be shared with the Title IX Coordinator.

A report may be filed at any time, regardless of the length of time between the alleged incident and the decision to file the complaint. However, New York Film Academy strongly encourages individuals to file reports promptly in order to preserve evidence for a potential disciplinary or legal proceeding. A delay in filing a complaint may compromise the subsequent investigation, particularly if neither the Complainant nor the Respondent is employed by New York Film Academy or enrolled as a student at the time

CONFIDENTIALITY

Victims may request that directory information on file with New York Film Academy be withheld by request by sending a written request to the Registrar's Office at registrar@nyfa.edu

Regardless of whether a victim has opted out of allowing New York Film Academy 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, New York Film Academy will maintain as confidential any accommodations or protective measures provided to the victim to the

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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 of 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, New York Film Academy 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:

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

Accommodations and Protection Measures Available for Victims

Any student or employee who reports an incident of sexual violence, whether the offense occurred on or off campus, shall receive a written explanation of their rights and options. This written explanation identifies existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available for victims, both within the institution and in the community. The written explanation also describes options for available assistance in -- and how to request

changes to -- academic, living, transportation, and working situations, or protective measures. NYFA will make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the

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victim chooses to report the crime to NYFA or local law enforcement. Students, faculty, and staff should contact the Title IX Coordinator, to request information about the available options.

At the victim's request, and to the extent of the victim's cooperation and consent, New York Film Academy will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal New York Film Academy investigation of the complaint. The Title IX Coordinator is responsible for determining what measures to take and will work with appropriate departments to decide the best course of action. For example, if reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services, visa and immigration assistance and assistance in notifying appropriate local law enforcement regardless of whether the victim chooses

to report the crime to local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. In addition to the Title IX Coordinator, the following departments can be contacted for assistance in obtaining options and requesting accommodations: Dean Of Students, Human Resources, and Campus Security.

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

New York Film Academy's disciplinary process includes a prompt, fair, and impartial investigation and resolution process. In all instances, the process will be conducted in a manner that is consistent with the institution's policy and that is transparent to the complainant and respondent. Usually, the resolution of domestic violence, dating violence, sexual assault, stalking, and other forms of sexual misconduct are completed within 60 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. New York Film Academy 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 as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability.

Furthermore, New York Film Academy's policy provides that:

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1. The complainant and respondent will have timely notice for meetings.
2. 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.
3. 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 accused or the accused.
4. The complainant and respondent will have the same opportunities to have others present during any institutional disciplinary 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 support person or presence for either the complainant or respondent in any meeting or disciplinary meeting or proceeding. A support person is someone who acts as a support person to the complainant or respondent involved in an investigation but is prohibited from participating directly in any meetings or contacting administration on behalf of the complainant or respondent.
5. The complainant and respondent will be notified simultaneously, in writing, of any initial, interim, and final decision of any disciplinary proceeding.
6. Where an appeal is permitted under the applicable policy, the complaint 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, New York Film Academy or a person may file a complaint under the Course Catalog/ Student Handbook alleging a student violated New York Film Academy's policy on sexual misconduct. The following policies and procedures are derived from the 2017-2018 Sex-Based Discrimination and Sexual Misconduct Policy as contained in the New York Course Catalog of the same year. New York Film Academy reserves the right to make changes to this catalog, as necessary.

In this section, Prohibited Conduct will refer to domestic violence, dating violence, sexual assault, stalking, and other forms of sexual misconduct.

How to File A Complaint?

Under this Policy New York Film Academy is committed to responding quickly and constructively to Prohibited Conduct complaints and ensuring that all individuals feel

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comfortable coming forward. It is important to report incidents of Prohibited Conduct as soon as possible.

Any individual wishing to make a complaint under this policy may contact the Title IX Coordinator by email or visit their office.

An individual may report Prohibited Conduct to a faculty or staff member (Responsible Employees) other than the Title IX Coordinator. All reports shared with Responsible Employees will be disclosed to the Title IX Coordinator. If an individual reports

Prohibited Conduct to a Responsible Employee and requests confidentiality, the Responsible Employee is still required to disclose the details of the Prohibited Conduct to the Title IX Coordinator. The Title IX Coordinator will then evaluate the request for confidentiality.

Students have the option to speak confidentially with one of New York Film Academy's Licensed Mental Health Counselors and Therapists. These employees are deemed Confidential Counselors and are the only New York Film Academy employees who are not required to report or disclose information to the Title IX Coordinator. Confidentiality can only be obtained within the course of the employees' duties as counselors or therapists.

Individuals may choose not to report Prohibited Conduct to New York Film Academy administration (or local law enforcement) and New York Film Academy respects and supports such decisions. However, if information about Prohibited Conduct comes to New York Film Academy's attention, New York Film Academy may start an investigation even in the absence of a filed complaint.

How New York Film Academy Determines Whether This Policy Will Be Used

This policy covers all students and employees of New York Film Academy, applicants for admission, as well as vendors, guests, and contractors. This policy applies to all programs and activities in relation to New York Film Academy. All complaints of Sex-Based Discrimination and Sexual Misconduct will be addressed under this policy, regardless of where the alleged conduct occurred or if the alleged conduct is related to New York Film Academy programs or activities. This policy extends online to social media platforms and any form of additional cyber communication, including text messages.

The Title IX Coordinator is responsible for determining whether or not the alleged policy violation will be addressed under this policy or not. Policy violations that do not involve any form of prohibited conduct will be address through the Dean of Students office.

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Steps In the Disciplinary Process

New York Film Academy will make every reasonable effort to ensure that the investigation and resolution of a complaint occurs in as timely and efficient a manner as possible. New York Film Academy's investigation and resolution will generally be completed 60 calendar days from the date the complaint was made.

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 outline of the investigative process below is followed for most prohibited conduct complaints:

INTAKE

Once a complaint is made, NYFA is put on notice and the Title IX Coordinator will initiate the intake process to:

1. Assess the safety of the victim and help the victim access medical care, if needed.
2. Assess the need for a Campus Safety Alert (Timely Warning).
3. Provide information to the complainant regarding investigation process, timeline, appeals process, support persons, retaliation, reporting options, etc. Victims of sexual assault, dating violence, domestic violence, or stalking will receive written notification of the importance of preserving evidence, available options, requesting accommodations, and resources.
4. Assess the need to implement interim protective measures and evaluate confidentiality requests, if made by the complainant.
5. Determine if complaint will be resolved through NYFA's Sex-based Discrimination and Sexual Misconduct Policy. The Title IX Coordinator may decide to meet with the respondent before making determination.
6. Dismiss the need for an investigation if there is insufficient information to support the complaint, or if complaint does not rise to the level of prohibited conduct.

INVESTIGATION

7. The Title IX Coordinator will request a meeting with the respondent to inform them of the complaint and give them an opportunity to respond, and provide information regarding investigation process, timeline, appeals process, support persons, retaliation, reporting options, etc. Victims of sexual assault, dating violence, domestic violence, or stalking will receive written notification of the importance of preserving evidence, available options, requesting accommodations, and resources, will also be provided.
8. The Title IX Coordinator may then meet with any witnesses identified by the complainant and respondent. NYFA reserves the right to attach other complaints, victims, and policy violations found during the course of an investigation.

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9. Additional individual meetings with the complainant and respondent may be necessary to obtain additional information or evidence.
10. At the conclusion of the investigation, the Title IX Coordinator will write an Investigative Report using statements from all parties involved and evidence gathered to aid in the evaluation the findings. The Investigative Report will be reviewed by an unbiased, trained administrator in the Title IX Office to determine findings and recommend sanctions.
11. A Final Outcome Letter will be sent to the complainant and respondent, simultaneously and individually, that will set forth the name of the respondent, the alleged policy violation, policy for which the respondent was found responsible (if any), and sanctions imposed on respondent (if any).
12. The complainant and the respondent will have 10 days from which the Final Outcome Letter was sent to appeal the decision regarding the responsibility of the respondent, or the sanctions imposed. Appeals must be made in writing to your campus Title IX Coordinator. Once an appeal is made, the Title IX Coordinator will consult with NYFA higher administration to make a determination that (i) the decision should stand; (ii) the decision should be overturned; or (iii) additional hearings should occur or evidence should be obtained before making an appellate determination.
13. In the event that the decision be overturned, or that an additional investigation should occur, or additional evidence should be obtained, the complainant and respondent will simultaneously receive written notification.

Decision Making Process

At the conclusion of the investigation, the Title IX Coordinator will write an Investigative Report using statements from all parties involved and evidence gathered to aid in the evaluation the findings. New York Film Academy utilizes an Administrative Review Process to resolve all complaints under this policy. During this process, an unbiased, trained administrator under the Title IX Office will analyze the Investigative Report (completed by the Title IX Coordinator) to determine the findings and recommend sanctions. Findings will be determined by evaluating whether or not a hostile environment was created. New York Film Academy will consider the totality of the circumstances, including, but not limited to:

- The frequency, nature and severity of the conduct.
- Whether the conduct was physically threatening.
- The effect of the conduct on the Complainant's mental or emotional state.
- Whether the conduct was directed at more than one individual.
- Whether the conduct arose in the context of other discriminatory conduct.
- Whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or educational programs or activities.

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- Whether the conduct implicates concerns related to academic freedom or protected speech.

Standard of Evidence

The preponderance of evidence standard will be used when formulating the outcomes of the investigation and any related disciplinary sanctions. The findings will be included in the Investigative Report, along with appropriate sanctions. In addition to sanctions, grievance measures for either party will be determined.

Preponderance of evidence is defined as evidence which as a whole, shows that it is more likely than not that sex-based discrimination or sexual misconduct occurred. In other words, evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it and not based on the amount of evidence made available.

Possible Sanctions

Sanctions are issued in 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. Sanctions may include; reprimand, probation, suspension, expulsion, termination of employment, temporary or permanent loss of privileges, notation on transcript, program section reassignment, housing relocation, and temporary or permanent loss of access to campuses. Third parties who are found to violate this policy may have their employment terminated or be permanently denied access to New York Film Academy campuses and privileges. Sanctions will be determined by the Title IX Coordinator based upon the severity and pervasiveness of the complaint, as established in the Investigative Report, and any prior discipline for conduct violations. The New York Film Academy will not refund to students for lost privileges or lost access to New York Film Academy campuses and facilities, classes, tests, performances, lessons, appointments, or other activities and events resulting from a disciplinary action except as required by State or Federal regulations.

Range of Protective Measures Available to a Complainant

Once a complaint has been reported and until the resolution of the matter, the Title IX Coordinator may take interim measures to ensure safety and non-retaliation for all parties. Examples of interim measures include, but are not limited to, the following:

- Modifying academic and/or extracurricular activities.
- Modifying housing accommodations.
- Extending deadlines on tests, assignments, and make-up classes.

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- Offering Counseling services from New York Film Academy's School Therapist.
- Offering academic support and accommodations.
- Issuing No Contact Agreement.
- Issuing Procedural Holds.

New York Film Academy will work with the complainant to identify what interim measures are appropriate in the short term, and will continue to work collaboratively throughout New York Film Academy's process and as needed thereafter to assess whether the instituted measures are effective and, if not, what additional measures are necessary to keep the victim safe.

Appeals

The complainant or respondent may appeal the decision stated in the Final Outcome Letter within 10 days from which the letter is dated. An appeal can be filed for:

- Decision Regarding Responsibility for Prohibited Conduct. The only permissible grounds for an appeal regarding responsibility are: (i) availability of relevant new evidence not available at the time of the investigation that could significantly impact the resolution; and/or (ii) procedural errors during the investigation that significantly impacted the outcome of the hearings.
- Sanctions Imposed. The sanctions imposed on the respondent may be appealed on the grounds that the severity of the sanction imposed is unfair compared to the severity of the prohibited conduct for which the respondent was found responsible.

How to File an Appeal

Appeals must be made in writing to your campus Title IX Coordinator. Once an appeal is made, the Title IX Coordinator will consult with NYFA higher administration to make a determination that (i) the decision should stand; (ii) the decision should be overturned; or (iii) additional hearings should occur, or evidence should be obtained, before making an appellate determination.

In the event that the decision be overturned, or that an additional investigation should occur, or additional evidence should be obtained, the appropriate steps to be taken to come to a final resolution of the complaint will be determined by Title IX Coordinator, in consultation with NYFA higher administration.

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Disclosure of the Results of Disciplinary Process

The New York Film Academy 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 New York Film Academy 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 accessing the following California Megan's Law page at <https://www.meganslaw.ca.gov/>. (Telephone# (916) 227-4974. Megan's Law allows the public to access sex registrant information. It also authorizes local law enforcement the right to notify the public about high-risk and serious sex offenders who may reside in or frequent the community. Public information regarding registered sex offenders in California may be obtained by viewing the Megan's law website at www.meganslaw.ca.gov or emailing the California Department of Justice Sex Offender Tracking Program at MegansLaw@doj.ca.gov. (Telephone# (916) 227-4974

Nationwide information is available through the Department of Justice at:
www.nsopr.gov .

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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 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

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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

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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.

CALIFORNIA STATE DEFINITIONS

Consent: Consent is defined in California 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 California 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
2. to execute the threat.
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

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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 California sexual battery statutes visit

www.legislature.ca.gov/laws_and_constituion.html

Rape (Sexual Battery): Rape and sexual assault are called “Sexual Battery” under California criminal law. Sexual Batter 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.

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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

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11. under s. 921.244, willfully, maliciously, and repeatedly follows, harasses, or cyber- stalks 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.
12. 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).
13. 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.
14. 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^{[1][2]}

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4. Know how to intervene^{[1][2]}
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):

- **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 cash money.
- **Don’t allow yourself to be isolated** with someone you don’t trust or someone you don’t know.

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- **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.
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- **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

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- 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).

EDUCATION AND PREVENTION PROGRAMS

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- A. 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
- B. 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 all incoming students and new employees and ongoing awareness and prevention campaigns for students and that:

- A. A statement that the institution prohibits the crimes of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act);
- B. The definitions of domestic violence, dating violence, sexual assault and stalking according to any applicable jurisdictional definitions of these terms;
- C. What behavior and actions constitute consent, in reference to sexual activity, in the State of California and/or using the definition of consent found in the Sex-Based Discrimination and Sexual Misconduct Policy
- D. 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;
- E. 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.
- F. Information regarding:
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 - 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

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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).

The New York Film Academy 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).

The New York Film Academy offered the following primary prevention and awareness programs for all incoming students in the 2019 calendar year.

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,

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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.

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 Burbank or Los Angeles 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 Burbank or Los Angeles 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.

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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.

Dr. Susan Ashe

Interim Title IX Coordinator

Telephone Number: 818-333-3558

Email: susan.ashe@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.

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.

Regardless of whether a victim has opted out of allowing NYFA to share "directory information," personally identifiable information about the victim and other necessary

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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 if 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

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3. 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;
4. 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;
5. Privately disclose the incident and obtain services from the state or local government;
6. Privately disclose the incident to NYFA staff who can offer privacy or confidentiality, as appropriate, and can assist in obtaining resources for reporting individuals;
7. 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;
8. 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;
9. Receive assistance from the Title IX Coordinator in initiating legal proceedings in family court or civil court; and
10. Withdraw a complaint or involvement at any time.

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.

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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

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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

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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
Academic Resources	Dean of Students 3300 West Riverside Dr, 1st Floor, Admin Office Monday – Friday, 9:00 a.m. to 6:00 p.m. susan.ashe@nyfa.edu , 818-333-3558
Visa & Immigration Resources	International Student Advisor 3300 West Riverside Dr, 1st Floor, Intl. Student Office Monday – Friday, 9:00 a.m. to 6:00 p.m. 818-333-3558
Counseling & Wellness Resources	NYFA Therapist 3300 West Riverside Dr., 4th Floor, Counseling Office Monday – Friday, 9:00 a.m. to 6:00 p.m. 818-333-3558
Employment Resources	Campus Dean 3300 West Riverside Dr, 1st Floor dan.mackler@nyfa.edu , 818-333-3558
Financial Aid Resources	Financial Aid Advisor 3300 West Riverside Dr 1st Floor, Financial Office Monday - Friday, 9:00 a.m. to 6:00 p.m. 818-333-3558

Assistance with obtaining additional options and resources	Title IX Coordinator 3300 West Riverside Dr, 1st Floor, Admin Office Monday – Friday, 9:00 a.m. to 6:00 p.m. susan.ashe@nyfa.edu , 818-333-3558
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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 elsewhere in this ASR

National Sexual Assault Hotline: 800-656-4673

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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

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- 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

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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.

Dean of Students

3300 West Riverside Dr, 1st Floor, Admin Office
Monday – Friday, 9:00 a.m. to 6:00 p.m
. susan.ashe@nyfa.edu, 818-333-3558

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 Complainant 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

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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.

Dean of Students

Dr. Susan Ashe

3300 West Riverside Dr, 1st Floor, Admin Office

Monday – Friday, 9:00 a.m. to 6:00 p.m.

susan.ashe@nyfa.edu, 818-333-3558

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.

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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.

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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

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- B. NYFA’s informal resolution process at any time after the filing of the Formal Complaint through informed written consent.
- C. 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.
- D. 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.
- E. 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
- F. 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

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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.

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- 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.

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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

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- b. 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

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- b. 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

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- 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:

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- 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.

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- b. 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.
 - c. 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.
 - d. 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

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- 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:

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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

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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 at <https://oag.ca.gov/sex-offender-reg>

The State of California 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 California Megan's Law, all sexual offenders and predators that are enrolled, employed, or carrying on a vocation at an institution of higher education in the State of California, 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://www.meganslaw.ca.gov/search.aspx/>. Nationwide information is available through the Department of Justice at: 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.

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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

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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.

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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.