



# **NEW YORK CITY** **ANNUAL SECURITY REPORT**

*with 2019 - 2021 crime statistics*

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## **ABOUT NEW YORK FILM ACADEMY**

The New York Film Academy (NYFA) was founded by veteran producer Jerry Sherlock in 1992, who produced such classics as "The Hunt for the Red October." 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, NYFA emphasizes coursework based around students 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 the programs the Academy now offers, with students working with industry-standard equipment in world-class facilities. The New York Film Academy has three campuses located in New York City, Los Angeles/ Burbank, and South Beach. This Annual Security Report pertains only to the New York City Campus.

At the New York City Campus, students can choose from a wide range of visual and performing arts programs that include Filmmaking, Acting for Film, Broadcast Journalism, Cinematography, Documentary Filmmaking, Musical Theatre, Photography, Producing, and Screenwriting. The New York City Campus is licensed by the Office of College and University Evaluation (OCUE) and its programs are registered by the State Education Department. New York Film Academy is accredited by WASC Senior College and University Commission (WSCUC).

## **THE CLERY ACT**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, more commonly known as the Clery Act, requires New York Film Academy to:

- publish an annual report every year by October 1 that contains three years of campus crime and certain campus security policy statements;
- disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain noncampus facilities. The statistics must be gathered from local law enforcement, and other NYFA officials – Campus Security Authorities -- who have “significant responsibility for student and campus activities”;
- provide “timely warning” notices of those crimes that have occurred and pose an ongoing “threat to students and employees”; and

- issue an emergency notification, upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus.

New York Film Academy complies with the Clery Act, the Family Educational Rights and Privacy Act (FERPA), and other applicable laws. The Clery Act provides protection from retaliation to students, staff, and faculty members who report Clery crimes or who exercise any other rights under the Clery Act.

## **CRIME STATISTICS**

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

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

This report includes campus crime statistics for the past three calendar years for crimes occurring on campus property; designated non-campus properties, including the St. George Residences; public property adjacent to or contiguous to campus property; and leased, rented, or controlled buildings and facilities. NYFA's Clery geography may vary year to year. A comprehensive and up to date list of NYFA Clery geography can be requested by email to [clery.ny@nyfa.edu](mailto:clery.ny@nyfa.edu).

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

All statistics are gathered, compiled, and then shared with the New York Film Academy community via the ASR, which is published by the Clery Coordinator in coordination with the persons listed above. The

annual crime statistics are published in the ASR and submitted to the US Department of Education (ED). The statistical information gathered by the ED is available to the public through the ED website.

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

### **SPECIFIC INFORMATION ABOUT CLASSIFYING CRIMES**

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

### **REPORTED CRIMES FOR CALENDAR YEARS 2019, 2020, & 2021**

<b>Offense</b>	<b>Year</b>	<b>On Campus</b>	<b>On Campus - Residential*</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Total</b>
<b>Murder/ Nonnegligent Manslaughter</b>	2019	0	0	0	0	<b>0</b>
	2020	0	0	0	0	<b>0</b>
	2021	0	0	0	0	<b>0</b>
<b>Manslaughter by Negligence</b>	2019	0	0	0	0	<b>0</b>
	2020	0	0	0	0	<b>0</b>
	2021	0	0	0	0	<b>0</b>
<b>Sex Offenses: Rape</b>	2019	0	0	2	0	<b>2</b>
	2020	0	0	2	0	<b>2</b>
	2021	0	0	0	0	<b>0</b>
<b>Sex Offenses: Fondling</b>	2019	1	0	2	0	<b>3</b>
	2020	0	0	0	0	<b>0</b>
	2021	0	0	0	0	<b>0</b>
<b>Sex Offenses: Incest</b>	2019	0	0	0	0	<b>0</b>
	2020	0	0	0	0	<b>0</b>
	2021	0	0	0	0	<b>0</b>
<b>Sex Offenses: Statutory Rape</b>	2019	0	0	1	0	<b>1</b>
	2020	0	0	0	0	<b>0</b>
	2021	0	0	0	0	<b>0</b>

<b>VAWA: Stalking</b>	2019	1	0	1	0	<b>2</b>
	2020	0	0	0	0	<b>0</b>
	2021	0	0	0	0	<b>0</b>
<b>VAWA: Domestic Violence</b>	2019	0	0	0	0	<b>0</b>
	2020	0	0	0	0	<b>0</b>
	2021	0	0	0	0	<b>0</b>
<b>VAWA: Dating Violence</b>	2019	0	0	0	0	<b>0</b>
	2020	0	0	0	0	<b>0</b>
	2021	0	0	0	0	<b>0</b>
<b>Robbery</b>	2019	0	0	0	0	<b>0</b>
	2020	0	0	0	0	<b>0</b>
	2021	0	0	0	0	<b>0</b>
<b>Aggravated Assault</b>	2019	0	0	1	0	<b>1</b>
	2020	0	0	0	0	<b>0</b>
	2021	0	0	0	0	<b>0</b>
<b>Burglary</b>	2019	0	0	0	0	<b>0</b>
	2020	1	0	0	0	<b>1</b>
	2021	0	0	0	0	<b>0</b>
<b>Motor Vehicle Theft</b>	2019	0	0	0	0	<b>0</b>
	2020	0	0	0	0	<b>0</b>
	2021	0	0	0	0	<b>0</b>
<b>Arson</b>	2019	0	0	0	0	<b>0</b>
	2020	0	0	0	0	<b>0</b>
	2021	0	0	0	0	<b>0</b>
<b>Liquor Law Arrests</b>	2019	0	0	0	0	<b>0</b>
	2020	0	0	0	0	<b>0</b>
	2021	0	0	0	0	<b>0</b>
<b>Liquor Law Violations Referred for Disciplinary Action</b>	2019	1	0	10	0	<b>11</b>
	2020	0	0	1	0	<b>1</b>
	2021	0	0	1	0	<b>1</b>
<b>Drug Law Arrest</b>	2019	0	0	0	0	<b>0</b>
	2020	0	0	0	0	<b>0</b>

	2021	0	0	0	0	0
<b>Drug Law Violations Referred for Disciplinary Action</b>	2019	0	0	1	0	1
	2020	0	0	1	0	1
	2021	0	0	0	0	0
<b>Weapons Law Arrests</b>	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0
<b>Weapons Law Violations Referred for Disciplinary Action</b>	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2021	0	0	0	0	0

\* The New York Film Academy New York campus does not own or control any facilities or properties that qualify as on-campus residential in 2019, 2020, and 2021. The St. George Residences is considered a non-campus property for Clery reporting purposes.

<b>Hate Crime Statistics</b>	
2019	Zero (0) hate crimes, as defined by applicable federal law, were reported at NYFA NY in 2019.
2020	Zero (0) hate crimes, as defined by applicable federal law, were reported at NYFA NY in 2020.
2021	Zero (0) hate crimes, as defined by applicable federal law, were reported at NYFA NYC in 2021.

<b>Unfounded Crimes</b>	
2019	Zero (0) unfounded crimes for the calendar year 2019
2020	Zero (0) unfounded crimes for the calendar year 2020.
2021	Zero (0) unfounded crimes for the calendar year 2021.

*Caveat: Clery requires higher education institutions to make a good faith effort to obtain crime statistics from local/state law enforcement; however, local/state law enforcement is not mandated to share information to campuses. Statistics requested from NYPD's 1<sup>st</sup> and 84<sup>th</sup> Precincts were not made available for Clery reporting and, therefore, are not included in the crime statistics listed above.*

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

NYFA currently holds a long-term lease at 17 Battery Place and occupies the first, fourth, and fifth floors. The 17 Battery Pl. campus is normally open to students and staff Monday through Friday, from 8 a.m. to 10 p.m., Saturday, from 10 a.m. to 6 p.m., and Sunday, from 10 a.m. to 5 p.m. Students, faculty, and staff gain access to the first, fourth, and fifth floors via access control systems that require an identification card.

Additionally, NYFA has a long-term leased space at 26 Broadway on the 12th floor. The 26 Broadway campus is subleased to other institutions throughout the year and is not currently occupied by NYFA students, faculty, or staff. The 26 Broadway location requires an elevator passcode to gain admittance to the 12th floor.

Students, faculty, and staff are required to wear their identification cards at all times when on NYFA property. Although building management for both the 17 Battery and 26 Broadway buildings contract security for the entrances, security personnel have zero responsibility for campus security. During normal business hours, (Monday through Friday, from 9 a.m. - 8 p.m.) all guests and other third parties are required to check in with the building entry desk in the lobby of 17 Battery Place, who are then directed to the first floor to check in with NYFA staff before gaining access to the other floors. Guests and other third parties who are granted access to NYFA's campus are given a guest badge for the duration of their visit and must be worn at all times. NYFA is only open to students, faculty, and staff outside of normal business hours, with the exception of scheduled special events.

NYFA does not own any residence halls but has a contractual agreement with EHS (Educational Housing Services) to lease floors at the St. George Residences. NYFA students share the facility with tenants from other institutions. Access to the residence hall is restricted to NYFA students, authorized staff, and tenants from other institutions. The residences hall is secured by both contracted security by EHS, and access control systems 24 hours a day, 7 days a week. Residences gain access by swiping their ID card on turnstiles. Residents may be allowed guests based on current policies of the Residence. All approved guests must be signed in with security and accompanied by their host resident at all times. New York Film Academy does not staff Residential Advisors for the St. George Residences. The St. George Residences is considered a non-campus property for Clery reporting purposes.

#### **LOCAL LAW ENFORCEMENT JURISDICTION AND AUTHORITY**

NYFA does not have a proprietary police or security department, nor do they contract security personnel to patrol the campus' facilities. However, institutional representatives do work with the New York Police Department (NYPD) as needed, and NYFA is continuing to build relationships with other law enforcement agencies. If a criminal incident were to be reported to CSAs, appropriate personnel would investigate and assist in filling the necessary report with the NYPD. Currently, there are no written agreements for the investigation of alleged criminal incidents between NYFA and the NYPD.

The New York Police Department is vested with the authority and responsibility to enforce all applicable local, state and federal laws. Officers have the authority and duty to conduct criminal investigations, arrest violators and suppress campus crime. Officers are duly sworn peace officers authorized to carry firearms and have the authority as municipal police officers to use police powers of arrest. The NYPD provides law enforcement services 24 hours a day, 365 days a year.

NYPD 1st Precinct has primary jurisdiction over NYFA's on-campus properties. In response to a call, the NYPD will take action it deems appropriate, generally either dispatching an officer to the caller's location or asking the caller to report to the nearest NYPD precinct to file a report. The NYPD is responsible for the investigation of any reported crimes and other public safety emergencies. If assistance is required from the New York City Fire Department, they will be sent by the 911 dispatchers upon receiving an emergency call.

Building security, contracted by 17 Battery and 26 Broadway building management, does not have any jurisdiction over NYFA properties and is not responsible for enforcing institutional policies or state/ federal laws.

## **SECURITY AWARENESS PROGRAMS**

During orientation at the start of each intake, new students receive campus security procedures and practices to help encourage responsibility for their own security and that of others. New students may be required to attend Housing Orientation, New Student Orientation, International Orientation, and/or Veterans Orientation, where different departments promote the services NYFA offers to help keep the campus community safe. For example, during New Student Orientation students are provided with information about emergency response and evacuation procedures. Additionally, Filmmaking students, and students from other production-based programs, receive a "Safety and Protocol" training near the beginning of their program that promotes safety on set and what to do in the case of an emergency.

Also, all first year BFA students enroll in a course, "First Year Seminar," that seeks to equip students with skills to succeed as a student and includes information and guest lectures about safety and security.

Throughout the year, faculty and staff participate in various programs that encourage responsibility for their own security and that of others. These programs may include CSA Training and/or Cybersecurity, and are generally offered on-line through Paycom. Faculty and staff may also participate in fire safety training

conducted by the building's Fire Safety Director. Additionally, faculty and staff are notified of NYFA's evacuation procedures and protocols for what to do in the case of an emergency on an annual basis.

## **MAINTENANCE OF CAMPUS FACILITIES**

Facilities are maintained in a manner that minimizes hazardous conditions. The Operations Department staff regularly inspects the 17 Battery Place campus to assess and initiate repairs of malfunctioning equipment and other unsafe physical conditions. Additionally, the Operations Department communicates regularly with the tenants at 26 Broadway to assist with repairs, malfunctioning equipment, or other unsafe physical conditions. NYFA community members are helpful when they report equipment problems to the Operations Department. EHS is responsible for the upkeep and maintenance of the St. George Residences.

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

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

Since NYFA does not have a police or security department, the following Campus Security Authorities have been designated as primary reporting structures for campus crime reporting:

1. Dean of Campus  
17 Battery Pl, 4th Floor, 400  
[elli@nyfa.edu](mailto:elli@nyfa.edu)  
212-674-4300, ext. 1119
2. Dean of Students  
17 Battery Pl, 1st Floor, 101  
[deanofstudents@nyfa.edu](mailto:deanofstudents@nyfa.edu)  
212-674-4300, ext. 1120
2. Title IX Coordinator  
17 Battery Pl, 5th Floor, 501  
[NYtitle9@nyfa.edu](mailto:NYtitle9@nyfa.edu)  
212-674-4300, ext. 1121

3. Director of Operations  
17 Battery Pl, 5<sup>th</sup> Floor  
[security@nyfa.edu](mailto:security@nyfa.edu)  
212-674-4300
4. Director of Housing  
17 Battery Pl, 4th Floor, Room 400A  
[nyhousing@nyfa.edu](mailto:nyhousing@nyfa.edu)  
212-674-4300, ext. 1129
5. Human Resources  
17 Battery Pl, 4th Floor, 413  
[hr@nyfa.edu](mailto:hr@nyfa.edu)  
212-674-4300, ext. 1912

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

- Emergency situations and other crimes should be reported to NYPD by dialing 911.
- Non-emergencies can also be reported to the primary CSAs listed above, or any other CSA.
- Sex offenses and other incidents of sexual misconduct can also be reported to the Title IX Coordinator by email ([NYtitle9@nyfa.edu](mailto:NYtitle9@nyfa.edu)), by phone (212-674-4300, ext. 1121) or in person at the 17 Battery Campus located in Office 501 on the 5th Floor.
- Crimes or emergencies that occur at the St. George Residences, should be reported to NYPD by dialing 911.

Reports involving a student, which are made to NYFA CSAs, will be documented, and processed for review and further investigated, if warranted, by the Dean of Students or Dean of Campus. Reports involving an employee will be processed and further investigated by Human Resources, if warranted. Reports of sexual misconduct will be addressed under the Title IX Office. NYPD and/or Fire Department of New York will be contacted in cases of emergency. All crimes reported to NYFA CSA's will be reviewed for timely warning purposes and annual statistical disclosure.

This publication contains information about on- and off-campus resources and is made available to all NYFA community members. The information regarding "resources" is not provided to infer that those resources are "crime reporting entities" for NYFA. Crimes should be reported to NYPD officials and

NYFA as described above to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate. For example, crimes reported to outside resources, such as the to Mount Sinai Beth Israel Victim Services Program would not be included in the institution's crime statistics.

For additional reporting procedures related to potential Title IX violations, please see page 43.

### **CAMPUS SECURITY AUTHORITIES (CSA)**

Campus Security Authorities (CSA) are individuals at NYFA who, because of their job function, have an obligation under the Clery Act to notify the institution of alleged Clery Crimes that are reported to them in a good faith, or alleged crimes that they may personally witness. Campus Security Authorities are generally someone (a) who has been specified in an institutions policy to which students and employees should report crimes too; (b) an individual who has significant responsibility for student and campus activities; or (c) an individual who has responsibility for campus security but who do not constitute a campus police department or a campus security department. Examples of individuals who generally meet the criteria for being a CSA, in addition to the primary CSAs identified on page 12 and 13, include:

- Academic advisor or advisor to a student group
- A student or employee who monitors access to dormitories, buildings, and/or other facilities
- Department Chairs
- Dean of Students
- Title IX Coordinator

Campus Security Authorities generally receive training on an annual basis at the beginning of the calendar year, and may be conducted through various methods, such as, in-person training, video modules, or on-line training. CSA Training may include information about the history of the Clery Act, Clery Crimes, Clery Geography, when and how to report allegations of Clery Crimes, and the NYFA's timely warning and emergency notification process.

### **OFF-CAMPUS CRIME**

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

## **MONITORING OF STUDENT ORGANIZATION**

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

## **CRIME PREVENTION PROGRAMS**

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

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

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

### **VOLUNTARY CONFIDENTIAL REPORTING**

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

Voluntary confidential reporting may not be an option for reports of dating violence, domestic violence, sexual assault, stalking, or other forms of sexual misconduct. CSAs and other NYFA employees, with the

exception of NYFA Counseling Services, who receive reports of sexual misconduct are expected to immediately share the details with the Title IX Coordinator.

## **CONFIDENTIAL REPORTING**

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

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

### **TIMELY WARNING NOTICES**

When a crime that poses a serious or ongoing threat to members of the NYFA community is reported to a CSA, a Timely Warning notice, that withholds names of victims as confidential, may be sent to all students and employees on campus to aid in the prevention of similar crimes. Timely Warnings are typically sent via email in a manner that is timely; generally, as soon as pertinent information becomes available. Timely Warnings may also be communicated via text message and/or phone call through NYFA's alert messaging system, Everbridge. Additionally, Timely Warnings may be posted around campus to inform the larger NYFA community, guests, and visitors.

Timely Warning notices are generally sent to the campus community for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications, that occur on NYFA's Clery Geography, unless such crimes were reported to Professional Counselors (NYFA Counseling Services):murder/non-negligent manslaughter, aggravated assault, sex offenses (rape, fondling, incest, statutory rape), robbery involving force of violence, major incidents of arson, or other Clery Act crimes determined by the campus official listed below.

The decision to issue a timely warning will be made on a case-by-case basis depending on an assessment of various factors which include but are not limited to: the nature of the crime, the exact location, the time of the incident, the local police response and guidance to campus officials, the potential direct effect on the campus community, when NYFA became aware of the incident and/or the amount of information known to

NYFA at the time of the report. For example, if an aggravated assault occurs between two students who have a disagreement, there may be no ongoing threat to other NYFA community members, and a Timely Warning would not be distributed. To ensure consistency, a “Timely Warning Decision Matrix” is used to assist in the implementation decision.

Timely Warning notices are typically written, reviewed, and executed by one or all of the following campus officials: Director of Operations, Dean of Students, Campus Dean, President, Senior Executive Vice President, Clery Coordinator or Title IX Coordinator. These identified campus officials may write, review, and execute Timely Warnings without consultation, if consultation time is not available. Timely Warnings are usually disseminated to the campus community by the Webmaster, Director of Operations, or their designees.

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

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

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

NYFA does not maintain a daily crime log.

## **PUBLIC SAFETY BULLETINS**

Public Safety Bulletins may be sent to the campus community for general crime prevention purposes, to inform the community of crimes and/or incidents that are generally time-sensitive or considered to be an

ongoing threat, but important to be aware of, and/or to inform the campus of incidents occurring on, around, or even off-campus that do not meet the requirements of specifications for distribution of a Timely Warning, as outlined above.

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

### **NATURAL DISASTERS/WEATHER ALERTS**

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

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

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

NYFA publicizes a summary of the emergency responses and evacuation procedures via email at least once a year in conjunction with a test and/or exercise that meets all the requirements of the Higher Education Opportunity Act (HEOA). In addition, NYFA's emergency response and evacuation procedures are communicated to employees via Paycom, on an annual basis, and to new students during orientation. Updates to NYFA's emergency response and evacuation procedures are communicated to the campus community via email, NYFA Hub, and Paycom (for employees). Hard copies are made available upon request through any faculty or staff member. In addition, NYFA's emergency response and evacuation procedures are available in the Campus Safety and Security Handbook and *2022-2023 NY Campus Catalog*.

NYFA senior administrators are familiar with all aspects of the Campus Safety and Security Handbook, which includes information on fire safety. If a serious incident occurs that causes an immediate threat to the campuses, the first responders to the scene are usually the NYPD and/or the FDNY.

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

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

A threat is imminent when the need for action is instant, overwhelming, and leaves no room for deliberation. Such situations may include but are not limited to a hazardous materials incident requiring sheltering in place or evacuation; an active shooter on or near campus; a shooting incident on or near the campus; hostage/barricade situation, a riot, suspicious package with confirmation of a device, a hurricane, a fire/explosion, suspicious death, structural damage to a NYFA controlled or owned facility, a biological threat (i.e. Anthrax), significant flooding, a gas leak, hazardous materials spill, etc.

Confirmation of the existence of an emergency typically involves the response and assessment of a combination of one or more of the following campus officials: Director of Operations, President, Senior Executive Vice President, Dean of Campus, and Dean of Students. Information received from other campus officials, including other CSAs, and/or external agencies such as first responder agencies or the national weather center, may be used to confirm the existence of an emergency or dangerous situation

without the need for further assessment. The Director of Operations has the ability to and authority to issue an alert without delay and without further consultation with any other campus official or external agency.

Upon confirmation of an significant emergency or dangerous situation (through response, investigation, or collaboration with emergency responders), New York Film Academy will, without delay and taking into account the safety of the community, determine the content of the notification, determine the appropriate segments to receive notification, and initiate the notification 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.

Notification message content is determined and drafted by one or more of the campus officials previously identified and based on the type of incident, the context with which it is occurring, the immediate danger or threat to the campus community, and the need to advise campus community members to take action. Consultation among the identified campus officials is not required. NYFA will endeavor to make such notification sufficiently specific so as to enable recipients to take appropriate response to the threat. Templates have been drafted to aid in rapid communication process.

Notification message content generally includes information about the emergency, its exact location, and steps for community members to take to protect themselves by evacuating the affected area if it is safe to do so and/or “shelter-in-place”. The content of the notification may differ depending on what segments of the community the notification targets.

The campus officials, identified above, are responsible for determining the appropriate segments of the campus community to receive the notification based on some of the following factors: location, severity, and time. For example, NYFA may limit the message to a particular segment of the community, if the threat is limited to a particular building. However, given the small size of NYFA’s on-campus properties, in most cases, emergency notifications will be disseminated to the entire campus community.

Generally, follow-up notices/communications will be provided as necessary, by the Director of Operations, or their designee, during an active incident. When a threat is neutralized or effectively removed, campus community members will be appropriately informed via all or some the communication methods detailed below. The President, Senior Executive VP, Campus Dean or Dean of Students may also be responsible for providing follow-up communications if the Director of Operations is incapacitated or otherwise detained.

This may include determining the content of the follow-up notification(s), the method used to communicate the follow up, and when it should be communicated.

During situations that present an immediate threat to the health and safety of NYFA community members, NYFA has various systems in place for communicating information quickly. Some or all of these methods of communicating may be activated in the event of an immediate threat to NYFA. These methods of communication include emergency text messages, emails, and/or phone calls via Everbridge, notifications on school monitors, and notifications on the school website ([www.nyfa.edu](http://www.nyfa.edu)); or fire alarm and building public-address systems for extreme situations. The Director of Operations, Webmaster, or their designees, is responsible for deploying the notification and notifying first responders, if not already done so. The Director of Operations has the ability and authority to issue an alert without delay and without further consultation with any other campus official.

The preferred method of reaching all potentially affected parties is via NYFA's emergency alert system, Everbridge. Depending on the situation, the process for deploying a message via this system may require up to 30 minutes or more. When deployed, Everbridge will notify NYFA students, faculty, and staff via text message, email, and sometimes via phone call. In an extreme situation, such as an active fire on campus, the Director of Operations, or their designee, may also initiate the fire alarm or public address system. If an emergency notification has been implemented, then NYFA is not obligated to implement the timely warning notice procedures.

Emergency information may be posted on NYFA's website ([www.nyfa.edu](http://www.nyfa.edu)) for parents and the larger community to access. The campus officials, identified above, are responsible for determining what information is shared--including any follow-up communications--with the larger community. The Webmaster, or their designee, is responsible for publishing.

NYFA community members are encouraged to notify 911 and the Operations department or the Director of Housing (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, NYFA will contact local authorities.

## **EMERGENCY ALERT SYSTEM**

All NYFA students are automatically enrolled in NYFA's alert system, Everbridge, at the start of their program. Faculty and staff are automatically enrolled at the time of hire. Students, faculty, and staff are notified of their enrollment and given the opportunity to opt-out or manage their notification preferences. Multiple email addresses and/or phone numbers may be associated with a single account, and therefore, students may add contact information for a parent or guardian to receive alerts.

NYFA conducts a test of the emergency alert system at least once a semester. These tests may be announced or unannounced and are documented through an After-Action Report.

## **EMERGENCY EVACUATION PROCEDURES**

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

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

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

## **Active Shooter Inside Your Building**

- Remain calm.
- If possible, exit the building using the safest possible route away from the threat.
- If you cannot get out safely, find the nearest location that provides safety, barricade the doors by any means possible, shut off lights, and move to an area of the room where you cannot be seen or heard. Keep as quiet as possible.
- Silence your phones.
- Call 911 as soon as it is safe to do so.
- Stay focused on survival and keep others around you focused.

- Do not open the door until Law Enforcement Officers advise it is safe to do so.
- When Law Enforcement Arrives:
  - Put down any item in your hand.
  - Immediately raise your hands and spread your fingers.
  - Keep your hands visible at all times.
  - Avoid making quick movements towards any officers.
  - Avoid pointing, screaming, and yelling.

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

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

### **Bomb Threat**

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

- Did you place the bomb and if so, why?
- What is your name?

### **Fire or Explosion**

- Do not panic. Activate the nearest fire alarm.
- Call 911 to report the location of the fire.
- If the fire is small, attempt to extinguish it with a fire extinguisher.
- If the fire is large, evacuate the building via the nearest and safest fire exit.
- Close all doors while exiting.
- Use stairways and keep to the right.
- Do not use elevators, they may shut down or stop on the floor of the fire.
- Check all doors for heat prior to opening them.
- If you are caught in the smoke, drop to your hands and knees and crawl out of the area.
- Take shallow breaths to help minimize smoke inhalation.
- Proceed to the nearest evacuation area and wait.
- If chemicals are detected, stay upwind.
- Wash hands with soap and warm water and rinse thoroughly.
- Do not clean up suspicious powder or residue.
- Remove contaminated clothing as soon as possible and place in a plastic bag or sealed container.
- Create a list of people who were in the area or may have come in contact with the package/envelope since the arrival on campus.
- If you are trapped by a fire in a room, place a moist cloth material around/under the door to keep the smoke out. Retreat and close as many doors as possible between you and the fire. Be prepared to signal from windows, but do not break the glass unless absolutely necessary. Call 911.

### **Hostage Situation**

- Immediately remove yourself from any danger.
- Call 911 and provide the following information if you have it:
  - Location of the incident.
  - Number of possible hostage-takers and their physical descriptions.
  - Number of possible hostages.
  - Any weapons the hostage-takers have.

- Any injuries to hostages you Witnessed.
- Your name, location, and phone number.

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

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

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

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

### **Civil Disturbance**

- Civil disturbances include riots, demonstrations, threatening individuals, or assemblies that have become significantly disruptive.
- Call 911 if the disturbance escalates into a situation of an imminent threat to life or safety.
- If the event is in its initial stage and has not reached a critical point, call 911.
- Do not interfere, interrupt, or become involved in the disturbance.
- If the disturbance is outside, stay away from the doors and windows and remain inside.
- If the disturbance is inside, evacuate as soon as it is safe to do so.

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

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

- Report all suspicious activity to NYPD or CSAs immediately.

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

## **ALCOHOL AND DRUG POLICIES**

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

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

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

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

- Use, possession, sale, distribution and/or manufacture of alcoholic beverages, acting as an accessory, liaison, or facilitator for any of the above, except at a time, location, and circumstance expressly permitted by NYFA and federal regulations
- Use, possession, sale, distribution and/or manufacture of narcotics or other illicit and/or controlled substances (including medical marijuana) or acting as an accessory, liaison, or facilitator for any of the above
- The misuse of legal pharmaceutical drugs

- Use or possession of drug-related paraphernalia
- Being under the influence, impairment, or being unable to care for one’s own safety as pertains to use of alcohol and/or controlled substances and misuse of legal pharmaceutical drugs
- Possession, production, or provision of false ID
- Operating a motor vehicle while under the influence of alcohol or illicit drugs
- Administering drugs to individuals against their will and/or without their knowledge or consent
- Furnishing alcohol to a person under the age of 18
- Violating other federal, state and local laws regarding alcohol, tobacco, and controlled substances
- The smoking of tobacco, including the use of vaporizers and e-cigarettes, in indoor locations on NYFA campuses, outdoor locations not designated as smoking areas, and in attendance of NYFA related events

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

NYFA requires all first-year students to attend a series of orientation sessions during New Student Orientation Week, where the following are discussed:

- NYFA’s drug and alcohol policies.
- The effect of alcohol and other drugs have on your body.
- The effect of 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 drugs abuse.

Additionally, all BFA students are required to enroll in “First Year Seminar”, a semester-long course that incorporates NYFA’s resources, policies, and expectations on alcohol and other drugs, as well as habits that promote physical and mental wellness, effect alcohol and other drugs have on your body, consequences of alcohol and other drugs, and where to seek help, into the curriculum. NYFA also promotes healthy 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 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 in NYFA’s Drug and Alcohol Policy for

Students and the Biennial Review of the Drug and Alcohol Policy. Both documents can be found here: <https://www.nyfa.edu/federal-financial-aid/drug-free-schools-policy.php> .

## **NOTIFICATION OF FINAL RESULTS**

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

## **SEX OFFENDER REGISTRY**

The Federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where to obtain law enforcement agency information provided by a State concerning registered sex offenders. Information regarding a registered sex offender can be obtained by calling:

New York State Sex Offender Registry Information Line at: 1-800-262-3257 or accessing it online at [https://www.criminaljustice.ny.gov/SomsSUBDirectory/search\\_index.jsp](https://www.criminaljustice.ny.gov/SomsSUBDirectory/search_index.jsp)

Callers must be 18 years old and must provide their name, address and telephone number in order to request information. The information line is open Monday through Friday, from 8 a.m. to 5 p.m. To learn the status of an individual, callers must provide the individual's name and at least one of the following identifiers: the individual's street address and apartment number, driver's license number, social security number or birth date. A physical description is helpful but is not required. To use the online link, the person inquiring must provide his/her name and address to access information about the registered sex offenders. Nationwide information is available through the Department of Justice at: <https://www.nsopw.gov>.

## **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. On an annual basis, NYFA provides written notification via email to students, faculty, and staff about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available to for victims, both within the institution and in the community.

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

### **U.S. DEPARTMENT OF EDUCATION DEFINITIONS**

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

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

***Intimate Partner:*** Includes persons legally married to one another; persons formerly married to one another; persons who have a child in common, regardless of whether such persons are married or have lived

together at any time, couples who are in an “intimate relationship” including but not limited to couples who live together or have lived together, or persons who are dating or who have dated in the past, including same-sex couples.

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

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

For the purposes of this definition—

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

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

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

1. **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
2. **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
3. **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

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

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

For the purposes of this definition—

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

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

## **NEW YORK 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 offense charged is rape in the third degree, a criminal sexual act in the third degree, or 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.

\*NYFA's Title IX Grievance Policy & Procedure and Sexual Misconduct Policy defines consent according to the New York State definition.

***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. **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 a intimate relationship. **Parent:** Natural or adoptive parent or any individual lawfully charged with a minor child's care or custody.

**Dating Violence:** New York State does not specifically define "dating violence." However, under New York Law, intimate relationships are covered by the definition of domestic violence when the act constitutes a crime listed elsewhere in this document and is committed by a person in an "intimate relationship" with the victim.

**Sexual Assault:** New York State does not specifically define sexual assault. However, according to the Federal Regulations, sexual assault includes offenses that meet the definitions of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.

**Sex Offenses; Lack of Consent:** Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without consent of the victim.

***Sexual Misconduct:*** When a person (1) engages in sexual intercourse with another person without such person's consent; or (2) engages in oral sexual conduct or anal sexual conduct without such person's consent; or (3) engages in sexual conduct with an animal or a dead human body.

***Rape in the 3<sup>rd</sup> degree:*** When a person (1) engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) Being 21 years old or more, engages in sexual intercourse with another person less than 17 years old; or (3) engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

***Rape in the 2<sup>nd</sup> degree:*** When a person (1) being 18 years old or more, engages in sexual intercourse with another person less than 15 years old; or (2) engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense to the crime of rape in the second degree the defendant was less than four years older than the victim at the time of the act.

***Rape in the 3<sup>rd</sup> degree:*** When a person engages in sexual intercourse with another person (1) by forcible compulsion; or (2) Who is incapable of consent by reason of being physically helpless; or (3) who is less than 11 years old; or (4) who is less than 13 years old, and the actor is 18 years old or more.

***Criminal Sexual Act in the 3<sup>rd</sup> degree:*** When a person engages in oral or anal sexual conduct (1) with a person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) being 21 years old or more, with a person less than 17 years old; (3) with another person without such persons consent where such lack of consent is by reason of some factor other than incapacity to consent.

***Criminal Sexual Act in the 2<sup>nd</sup> degree:*** When a person engages in oral or anal sexual conducts with another person (1) and is 18 years or more and the other person is less than 15 years old; or (2) who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense that the defendant was less than four years older than the victim at the time of the act.

***Criminal Sexual Act in the 1<sup>st</sup> degree:*** When a person engages in oral or anal sexual conduct with another person (1) by forcible compulsion; (2) who is incapable of consent by reason of being physically helpless; (3) who is less than 11 years old; or (4) who is less than 13 years old, and the actor is 18 years old or more.

***Forcible Touching:*** When a person intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire. It includes squeezing, grabbing, or pinching.

***Persistent Sexual Abuse:*** When a person commits a crime of forcible touching, or second or third-degree sexual abuse within the previous ten-year period, has been convicted two or more times, in separate criminal transactions for which a sentence was imposed on separate occasions of one of the above-mentioned crimes or any offense defined in this article, of which the commission or attempted commissions thereof is a felony.

***Sexual Abuse in the 3<sup>rd</sup> degree:*** When a person subjects another person to sexual contact without the latter's consent. For any prosecution under this section, it is an affirmative defense that (1) such other person's lack of consent was due solely to incapacity to consent by reason of being less than 17 years old; and (2) such other person was more than 14 years old and (3) the defendant was less than five years older than such other person.

***Sexual Abuse in the 2<sup>nd</sup> degree:*** When a person subjects another person to sexual contact and when such other person is (1) incapable of consent by reason of some factor other than being less than 17 years old; or (2) less than 14 years old.

***Sexual Abuse in the 1<sup>st</sup> degree:*** When a person subjects another person to sexual contact (1) by forcible compulsion; (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old; or (4) when the other person is less than 13 years old

***Aggravated Sexual Abuse:*** For the purposes of this section, conduct performed for a valid medical purpose does not violate the provisions of this section.

***Aggravated Sexual Abuse in the 4<sup>th</sup> degree:*** When a person inserts a (1) foreign object in the vagina, urethra, penis or rectum of another person and the other person is incapable of consent by reason of some factor other than being less than 17 years old; or (2) finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than 17 years old.

***Aggravated Sexual Abuse in the 3<sup>rd</sup> degree:*** When a person inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person (1)(a) by forcible compulsion; (b) when the other person is incapable of consent by reason of being physically helpless; or (c) when the other person is less than 11 years old; or (2) causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.

***Aggravated Sexual Abuse in the 2<sup>nd</sup> degree:*** When a person inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person by (1) forcible compulsion; or (2)

when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old.

***Aggravated Sexual Abuse in the 1<sup>st</sup> degree:*** When a person subjects another person to sexual contact: (1) By forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than eleven years old; or (4) when the other person is less than thirteen years old, and the actor is twenty-one years old or older.

***Course of Sexual Conduct Against a Child in the 2<sup>nd</sup> degree:*** When over a period of time, not less than three months, a person: (1) Engages in two or more acts of sexual conduct with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct with a child less than 13 years old. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charged offense occurred outside of the time period charged under this section.

***Course of Sexual Conduct Against A Child in the 1<sup>st</sup> degree:*** When a person over a period of time, not less than three months in duration, a person: (1) Engages in two or more acts of sexual conduct, or aggravated sexual contact with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct which includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct, or aggravated sexual contact with a child less than 13 years old.

***Facilitating A Sex Offense With A Controlled Substance:*** A person is guilty of facilitating a sex offense with a controlled substance when he or she: (1) knowingly and unlawfully possesses a controlled substance or any preparation, compound, mixture or substance that requires a prescription to obtain and administers such substance or preparation, compound, mixture or substance that requires a prescription to obtain to another person without such person's consent and with intent to commit against such person conduct constituting a felony defined in this article; and (2) commits or attempts to commit such conduct constituting a felony defined in this article.

***Incest in the 3<sup>rd</sup> degree:*** A person is guilty of incest in the third degree when he or she marries or engages in sexual intercourse, oral sexual conduct or anal sexual conduct with a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half-blood, uncle, aunt, nephew or niece.

***Incest in the 2<sup>nd</sup> degree:*** A person is guilty of incest in the second degree when he or she commits the crime of rape in the second degree, or criminal sexual act in the second degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half-blood, uncle, aunt, nephew or niece.

***Incest in the 1<sup>st</sup> degree:*** A person is guilty of incest in the first degree when he or she commits the crime of rape in the first degree, or criminal sexual act in the first degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or half-blood, uncle, aunt, nephew or niece.

***Stalking in the 4<sup>th</sup> degree:*** When a person intentionally, and for not legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct (1) is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or (2) causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or (3) is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

***Stalking in the 3<sup>rd</sup> degree:*** When a person (1) Commits the crime of stalking in the fourth degree against any person in three or more separate transactions, for which the actor has not been previously convicted; or (2) commits the crime of stalking in the fourth degree against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) with an intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person's immediate family; or (4) commits the crime of stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree.

***Stalking in the 2<sup>nd</sup> degree:*** When a person: (1) Commits the crime of stalking in the third degree and in the course of and furtherance of the commission of such offense: (a) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chukka stick, sandbag, sandclub, slingshot, shuriken, "Kung Fu Star," dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapons; or (b) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or (2) commits the crime of

stalking in the third against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree; or (4) being 21 years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury or death; or (5) commits the crime of stalking in the third degree, against ten or more persons, in ten or more separate transactions, for which the actor has not been previously convicted.

*Stalking in the 1<sup>st</sup> degree:* When a person commits the crime of stalking in the third degree or stalking in the second degree and, in the course and furtherance thereof, him or her intentionally or recklessly causes physical injury to the victim of such crime.

## **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

4. Know how to intervene
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, <http://www.rainn.org>):

- **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
- **Walk with purpose**. Even if you don’t know where you are going, act like you do.
- **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
- **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.

- **Make sure your cell phone is with you** and charged and that you have cab money.
- **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
- **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
- **When you go to a social gathering, go with a group of friends.** Arrive together, check-in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- **Trust your instincts.** If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are:

needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

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

## **EDUCATION AND PREVENTION PROGRAMS**

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

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

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

1. A statement that the institution prohibits the crimes of domestic violence, dating violence, sexual assault and stalking (as defined by Clery);
2. The definitions of domestic violence, dating violence, sexual assault and stalking according to any applicable jurisdictional definitions of these terms;
3. What behavior and actions constitute consent, in reference to sexual activity, in the State of New York and/or using the definition of affirmative consent found in the Title IX Grievance Policy & Procedure and the Sexual Misconduct Policy
4. A description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding

institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;

5. Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
6. Information regarding:
  - a. Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs (as described in “Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs” elsewhere in this document)
  - b. How the institution will protect the confidentiality of victims and other necessary parties (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
  - c. Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community (as described in “Assistance for Victims: Rights and Options” elsewhere in this document); and
  - d. Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
  - e. Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this document).

NYFA has developed an annual educational campaign consisting of presentations that include the distribution of educational materials to students and employees, participating in and presenting information and materials during orientation(s), and ongoing awareness initiatives throughout the school year.

NYFA offered the following primary prevention and awareness programs for students in the 2021 calendar year.

Name of Program	Date Held	Location Held	Prohibited Conduct Covered?
Health & Safety Orientation	Jan, May & Aug 2021	online	DoV, DaV, SA, and S

Sexual Respect Training	Jan, May & Aug 2021	online	DoV, DaV, SA, and S
Sexual Assault Prevention Month Campaign	April 2021	online	DoV, DaV, SA, and S
Domestic Violence Awareness Month Campaign	October 2021	online	DoV, DaV
Bringing in the Bystander	Mar 16, 17, 2021 & Nov 11, 2021	Room 521	DoV, DaV, SA, and S

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

NYFA offered the following primary prevention and awareness programs for employees in the 2021 calendar year.

Name of Program	Date Held	Location Held	Prohibited Conduct Covered?
Sexual Assault Prevention Month Campaign	April 2021	online	DoV, DaV, SA, and S
Domestic Violence Awareness Month Campaign	October 2021	online	DoV, DaV
Sexual Respect Training	December 2021	online	DoV, DaV, SA, and S

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

NYFA offered the following ongoing awareness and prevention programs for students in the 2021 calendar year:

Name of Program	Date Held	Location Held	Prohibited Conduct Covered?
Sexual Violence Prevention Fair	April 2021	online	DoV, DaV, SA, and S
Consent Raffle	April 2021	online	SA
Student Ambassador Training	Jan, Apr & Aug 2021	online	DoV, DaV
One Love Jeopardy	October 13, 2021	online	DoV, DaV
Hooking Up?!	April 15, 2021	online	DoV, DaV, SA, and S
Sexual Violence & Hollywood	April 28, 2021	online	DoV, DaV, SA, and S

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

NYFA offered the following ongoing awareness and prevention programs for employees in the 2021 calendar year:

Name of Program	Date Held	Location Held	Prohibited Conduct Covered?
Sexual Violence Prevention Fair	April 2021	online	DoV, DaV, SA, and S
Trauma Informed Pedagogy	April 13, 2021	online	DoV, DaV, SA, and S
Consent Raffle	April 2021	online	SA

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

NYFA’s ongoing awareness and prevention plans for 2022 include programs for students, faculty, and staff, such as, Sexual Assault Awareness Month, Domestic Violence Awareness Month, New Student Orientation, and Bringing in the Bystander. Additionally, NYFA plans to incorporate more prevention and awareness initiatives into regular programming. For example, incorporating an emphasis on healthy relationships into Valentine’s Day programming.

**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. In New York, evidence may be collected even if you chose not to make a report to law enforcement. 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 possibility of pregnancy; and second, to properly collect and preserve evidence. The exam may include testing and

prophylactic treatment for HIV/AIDS, STIs, and pregnancy, a vaginal/anal examination, collection of fingernail scrapings and/or clippings, examination for injuries, and blood testing. There is a limited window of time (typically 72 to 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any course of action. The decision to seek medical attention and gather any evidence will preserve the full range of options to seek resolution through NYFA’s complaint processes or criminal action, including obtaining a protection order.

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

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

<p><b>Bellevue Hospital Center</b> Sexual Assault Response Team 62 First Avenue, Ground Floor #GA7 NY, NY 10016 212.562.6046</p>	<p><b>Beth Israel Medical Center</b> Emergency Department 281 1<sup>st</sup> Avenue NY, NY 10003 212.420.2000</p>
<p><b>Mount Sinai St. Luke’s</b> Emergency Department S 1111 Amsterdam Avenue NY, NY, 11201 212.523.4000</p>	<p><b>Coney Island Hospital</b> Emergency Department 2601 Ocean Parkway Brooklyn, NY 718.616.3001</p>
<p><b>North Central Bronx Hospital</b> Social Work Department, Room 14A03 3424 Kossuth Avenue Bronx, NY 10467 718.519.3013</p>	<p><b>Elmhurst Hospital</b> Emergency Department 79-01 Broadway, Room B-1-27 Elmhurst, NY 11373 718.334.4000</p>

**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 incidents of sexual

assault, dating violence, domestic violence, or stalking to law enforcement and, if requested, the Title IX Coordinator can provide assistance in notifying NYPD 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 NYPD 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.

New York Police Department 1st Precinct

19 Elizabeth Street  
NY, NY 10013  
212.741.4811

New York Police Department 84th Precinct

301 Gold Street  
Brooklyn, NY 11201  
718.875.6811

Sex Crimes Report Line: 1-212-267-RAPE (7273)

Many victims 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, including resolution through the NYFA process, available to you.

**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, or stalking 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 assault, dating violence, domestic violence, and stalking to the Title IX Coordinator. NYFA employees are encouraged to disclose all information, including the names of individuals involved, even when the person has requested anonymity. NYFA Counseling Services clinicians are able to keep information confidential, per licensing agreement regulations.

Carlye Bowers

Title IX Coordinator

17 Battery Pl, 5th Floor, Office 501

Telephone Number: 212-674-4300, ext: 1121

Email: [NYtitle9@nyfa.edu](mailto:NYtitle9@nyfa.edu)

New York Film Academy 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 expected to report or disclose information to the Title IX Coordinator. However, if a Complainant, Respondent, or Witness (Parties) discloses incidents of sexual assault, dating violence, domestic violence, or stalking 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.

Jacquelyn Hunt, LCSW

Director of Counseling

17 Battery Place, 1st Floor

Telephone Number: 212-674-4300

Email: [counseling@nyfa.edu](mailto:counseling@nyfa.edu)

## **CONFIDENTIALITY**

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

Regardless of whether a victim has opted out of allowing NYFA to share “directory information,” personally identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need to know, i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. Generally, the Title IX Coordinator is responsible for identifying the “need-to-know” individuals and determining what information about a victim should be disclosed.

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.

NYFA 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 a 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, and stalking and will provide each victim with a written explanation of their rights and options. Such written information will include:

1. The procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred;
2. Information about victim services in the institution and in the community;

3. A statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures; and
4. An explanation of procedures for institutional disciplinary action.

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

1. Notify local law enforcement, and/or state police;
2. Have emergency access to a Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault who shall be available upon the first instance of disclosure by a reporting individual to provide information regarding options to proceed, and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible, and detailing that the criminal justice process utilizes different standards of proof and evidence and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney. The Title IX Coordinator or other appropriate official shall explain their abilities or limitations regarding confidentiality or privacy, and shall inform the reporting individual of other reporting options;
3. Privately disclose the incident to NYFA Counseling Services, who may offer confidentiality pursuant to applicable laws and can assist in obtaining services for reporting individuals;
4. Privately disclose the incident and obtain services from the state or local government;
5. Privately disclose the incident to NYFA staff who can offer privacy or confidentiality, as appropriate, and can assist in obtaining resources for reporting individuals;
6. File a report of covered sexual harassment and the right to consult the Title IX Coordinator and other appropriate NYFA staff for information and assistance. Reports shall be investigated in accordance with this Policy and a reporting individual's identity shall remain private upon request;
7. Privately disclose, if the accused is a NYFA employee, the incident to the Director of Human Resources or designee or the right to request that a confidential or private employee assists in reporting to the Director of Human Resources or designee;
8. Receive assistance from the Title IX Coordinator in initiating legal proceedings in family court or civil court; and
9. Withdraw a complaint or involvement at any time.

In the State of New York, a victim of domestic violence, dating violence, sexual assault, or stalking has the following rights:

## New York State Crime Victims Bill of Right

1. A free copy of the police report, even if there was no physical injury.
2. Payment waiver of fees for replacing driver's license, permit, registration, and license plates, which were lost or stolen as a result of a crime.
3. Have law enforcement and the District Attorney inform employers that the criminal case may require work absences. They can also explain the circumstances of the crime to creditors.
4. Not to be penalized by an employer when appearing as a Witness in a criminal proceeding, consulting with prosecutors or exercising other rights under the law. A violation of this law by an employer is a B misdemeanor. Employers, however, may withhold wages in these situations.
5. File for victim compensation and assistance with the New York State Office of Victim Services. Victims of physical injury or relatives of murder victims are entitled to out-of-pocket expenses incurred as a result of the crime. These expenses may include the repair or replacement of damaged property, loss of earnings or support, medical and counseling bills, crime-scene clean up or funeral expenses. Crime victims may also be eligible for transportation expenses incurred for necessary court appearances. Kidnapping, stalking and unlawful imprisonment victims may be eligible for an award to cover loss of earnings or support, unreimbursed costs for counseling, rehabilitative training, and the costs of damaged essential personal property and security devices. Claims must be filed within one year of the crime or within one year of the victim's death. You can obtain a claim form from the police, the District Attorney, a hospital emergency room, the Office of Victim Services, or from the Office of the Attorney General. Assistance is also available from other programs such as rape crisis centers and domestic violence and child abuse programs. Ask the District Attorney's office for referrals.
6. Be notified of criminal proceedings. Victims who provide a current address and telephone number to the District Attorney have the right to be notified of the accused's arrest; the first appearance before a judge; release from jail while the criminal proceeding is pending; entry of a guilty plea, trial and sentencing; maximum and minimum terms of imprisonment if the offender is sentenced to prison and parole hearing date.
7. Freedom from intimidation, threats, or harassment. Intimidating a victim or a Witness is a felony, apart from any charges the accused may already face. If you are threatened or your property is damaged by anyone connected to your case, you should contact the District Attorney's office and law enforcement immediately.
8. Notice of discharge, release or escape of offender from a correctional facility. The District Attorney has a form to be completed in order to stay informed. The New York Victim Information and

Notification Everyday (VINE) system provides up-to-date information about the custody status of offenders via the telephone or internet. Crime victims and other New Yorkers can call 888-VINE-4NY (888-846- 3469) or go to [www.vinelink.com](http://www.vinelink.com) to secure information about incarcerated defendants. By providing an inmate's identification number or date of birth, which you can obtain from the District Attorney, you can learn sentencing and release information. You may also register with VINE for automatic notification by telephone when the inmate is released.

New York State Student's Bill of Rights under Education Law Article 129-B Afford the Following Rights to:

1. Make a report to local law enforcement and/or state police.
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously.
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution.
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard.
5. Be treated with dignity and to receive from NYFA courteous, fair, and respectful health care and counseling services, where available.
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations.
7. Describe the incident to as few NYFA representatives as practicable and not be required to unnecessarily repeat a description of the incident.
8. Be protected from retaliation by NYFA, any student, the accused and/or the Respondent, and/or their friends, family and acquaintances within the jurisdiction of NYFA.
9. Have access to at least one level of appeal of a determination.
10. Be accompanied by an Advisor of their choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such processes.
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of NYFA.

## **New York Orders of Protection**

NYFA complies with New York State Law in recognizing orders of protection. If a student obtains a restraining order or protection against another individual, the student is encouraged to disclose that information to the Title IX Coordinator, Dean of Students, or Campus Dean so NYFA can assist in making reasonable accommodations. Faculty and staff are encouraged to share information on a restraining order or protection with Human Resources, in addition to the Title IX Coordinator. NYFA cannot issue an order of protection but will provide information on other available options, such as a no contact order.

An order of protection is issued by a criminal or civil court to limit the behavior of someone who harms or threatens to harm another person. It is used to address various types of safety issues, including but not limited to situations involving domestic violence. In New York, an order of protection can be requested in one of two venues: Criminal Court and Civil/Family Court. NYFA cannot apply for a legal order of protection or restraining order for a victim from the applicable jurisdiction(s). Students, faculty, and staff are required to apply directly for these services.

Family/Civil Court: in New York, a family/civil court can issue an order of protection if the person seeking protection and the individual against whom the order is directed are: legally married; divorced; related by blood; have a child in common; or have a been in an intimate relationship. An intimate relationship does not necessarily mean a sexual relationship but is more than just a casual acquaintance. This can include people who are or have been dating or living together and includes heterosexual and same-sex couples.

Criminal Court: in New York, a criminal court can issue an order of protection regardless of the relationship between the person seeking protection and the person from whom protection is sought. In order to obtain an order of protection in criminal court, the person against whom the order is sought must have been arrested and there must be a criminal court case pending against him or her. The District Attorney's Office will request an order of protection from the court on the Complainant's behalf.

In Manhattan, the Family Justice Center or the District Attorney's Office can assist with the civil process of seeking an order of protection. The NYPD or the District Attorney's Office may seek an order of protection related to criminal cases. To access locations and contact information within your jurisdiction, visit <http://www1.nyc.gov/site/ocdv/programs/family-justice-centers.page> or <https://www.manhattanda.org/victim-resources/sex-crimes/>. The Title IX Coordinator can also provide assistance in accessing these resources.

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

### **No Contact Orders**

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

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

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

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

- A. 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 Campus Dean to determine whether a procedural hold is the appropriate course of action.
- B. 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, or stalking, 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 if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to NYFA or local law enforcement.

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

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

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

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

8. Transportation and parking assistance
9. Assistance in identifying additional resources off campus
10. No Contact Order (NCO)

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

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

### **On-Campus Resources**

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

Area Requesting Assistance	Who/How to Contact
Residential Resources	<b>Director of Housing</b> 17 Battery Pl, 4 <sup>th</sup> Fl, Office 400A Monday – Friday, 9:00 a.m. to 5:30 p.m. <a href="mailto:housingny@nyfa.edu">housingny@nyfa.edu</a> , 212.674.4300, ext. 1129
Academic & Transportation Resources	<b>Dean of Students</b> 17 Battery Pl, 1 <sup>st</sup> Fl, Office 101 Monday – Friday, 9:00 a.m. to 6:30 p.m. <a href="mailto:deanofstudents@nyfa.edu">deanofstudents@nyfa.edu</a> , 212.674.4300, ext. 1120
Visa & Immigration Resources	<b>International Student Office</b> 17 Battery Pl, 1 <sup>st</sup> Fl, Office 401 <a href="mailto:international@nyfa.edu">international@nyfa.edu</a> , 212.674.4300, ext. 1131
Counseling & Wellness Resources	<b>NYFA Counseling Services</b> 17 Battery Pl, 1 <sup>st</sup> Fl, Office 101 Monday – Friday, 9:00 a.m. to 6:30 p.m. <a href="mailto:counseling@nyfa.edu">counseling@nyfa.edu</a> , 212.674.4300

Employment Resources	<b>Human Resources</b> 17 Battery Pl, 4 <sup>th</sup> Fl, Office 413 Monday – Friday, 9:00 am to 5:00 p.m. <a href="mailto:hr@nyfa.edu">hr@nyfa.edu</a> , 212.674.4300, ext. 1912
Financial Aid Resources	<b>Student Financial Aid Counselor</b> 17 Battery Pl, 4 <sup>th</sup> Fl, Office 400 Monday – Friday, 9:00 am to 5:00 pm <a href="mailto:financialaid@nyfa.edu">financialaid@nyfa.edu</a> , 212.674.4300, ext. 1136
Assistance with obtaining additional resources and options	<b>Title IX Coordinator</b> 17 Battery Pl, 5th Fl, Office 501 Monday - Friday, 9:30 a.m. to 6:30 p.m. <a href="mailto:NYtitle9@nyfa.edu">NYtitle9@nyfa.edu</a> , 212.674.4300 ext. 1121

### Off-Campus Resources

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

#### Mount Sinai Beth Israel Victim Services Program

<https://www.mountsinai.org/locations/beth-israel/support/social-work/victim-services>

Offers a range of services to survivors and clients, including individual short-term psychotherapy, crisis intervention, information, referrals, advocacy, assistance with law enforcement, and medical exams, such as, Sexual Assault Forensic Examinations with an advocate or social worker present,

281 1<sup>st</sup> Avenue  
NY, NY 10003  
212.420.4516

#### Safe Horizon

<https://www.safehorizon.org>

Nation’s leading victim assistance organization.

50<sup>th</sup> Court St, 80<sup>th</sup> Fl.  
Brooklyn, NY 11201  
718.943.8631

[help@safehorizon.org](mailto:help@safehorizon.org)

#### New York City & New York State Resources & Hotlines

- New York City Police Department Sex Crimes Report Line, 212-267-7273

- NYS Domestic and Sexual Violence Hotline, 1-800-942-6906
- NYC Gay and Lesbian Anti-Violence Project (open to everyone), 212-714-1141
- Rape, Abuse, Incest National Network (RAINN, [www.rainn.org](http://www.rainn.org)), 1-800-656-4673
- Manhattan District Attorney's Office Sex Crimes Unit, 212-335-9373
- Safe Horizon 24 Hr Hotline: 212.227.3000

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**

NYFA’s disciplinary processes include prompt, fair, and impartial investigations, and adjudication processes, from the initial investigation to the final result. 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, and stalking are completed within 90 working 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.

The Violence Against Women Act amendments to the Clery Act require that certain college officials charged with responding to sexual assault, domestic violence, dating violence, and stalking be trained annually in a number of areas. NYFA is a member of the SUNY Student Conduct Institute. As part of that membership, covered officials who investigate or conduct proceedings to address allegations of dating violence, domestic violence, sexual assault, and stalking receive at least eight hours of training annually through attendance at the SUNY Student Conduct Institute’s Basic Compliance Training and/or live Advanced Trainings and/or digital Basic or Advanced Trainings. These in-person and digital courses address topics including how to determine the relevancy of evidence and use it during the proceeding, proper techniques for questioning witnesses, basic procedural rules for conducting a proceeding, and avoiding actual and perceived conflicts of interest. These trainings also address how to conduct an investigation and hearing process that protects the safety of victims, properly employs trauma-informed

practice, and promotes accountability, while protecting the due process rights of the respondent. Finally, these trainings provide comprehensive reviews of federal and state laws and regulations on point as well as relevant court and administrative opinions.

Furthermore, NYFA's policies provide that:

- The Complainant and Respondent will have timely notice for meetings.
- The Complainant, the Respondent, and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary and hearings.
- New York Film Academy's disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the Complainant or Respondent.
- The Complainant and Respondent will have the same opportunities to have others present during any institutional proceeding. The Complainant and Respondent each have the opportunity to be advised by a support person of their choice at any related meeting or proceeding. New York Film Academy will not limit the choice of an Advisor or presence for either the Complainant or Respondent in any meeting or disciplinary meeting or proceeding. **An Advisor is someone who acts as a support person to the Complainant or Respondent involved in an investigation.**
- The Complainant and Respondent will be notified simultaneously, in writing, of any initial, interim, and final decision of any disciplinary proceeding.
- Where an appeal is permitted under the applicable policy, the 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, NYFA or an individual may file a formal complaint under the *2022-2023 NY Campus 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 *2022-2023 NY Campus Catalog*. New York Film Academy reserves the right to make changes to the catalog, as necessary.

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

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

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

### **How To File a Formal Complaint Under the Title IX Grievance Policy & Procedure**

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

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

Carlye Bowers

[NYtitle9@nyfa.edu](mailto:NYtitle9@nyfa.edu)

17 Battery Place, 5th Floor, Room 501

New York, NY 10004

212-674-4300 ext. 1121

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 supports such decisions; however, if information about an alleged incident of sexual harassment or sexual misconduct is brought to the attention of NYFA, the Title IX Coordinator may file a Formal Complaint on behalf of the institution and initiate the formal resolution process under the Title IX Grievance Policy & Procedure (or Sexual Misconduct Policy).

### **How To File a Formal Complaint Under the Sexual Misconduct Policy**

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

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

Carlye Bowers

[NYtitle9@nyfa.edu](mailto:NYtitle9@nyfa.edu)

17 Battery Place, 5th Floor, Room 501

New York, NY 10004

212-674-4300 ext. 1121

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

Requests for anonymity will be taken seriously, but cannot be guaranteed, as such requests may limit the Title IX Coordinator's ability to investigate and take reasonable action in response to a complaint. NYFA is

committed to making reasonable efforts to protect the privacy of all individuals involved in the process and respect the requests of Complainants. If the Title IX Coordinator determines that NYFA must proceed with an investigation despite the request of the Complainant, the Title IX Coordinator will notify the Complainant. The Complainant will not be required to participate in the investigation, nor any subsequent actions taken by the institution.

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

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

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

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

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

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

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

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

The Sexual Misconduct Policy covers sexual misconduct that falls outside the Title IX Grievance Policy & Procedure but covers sexual misconduct that would interfere with an individual's ability to equally access NYFA educational activities and programs, or for employees and staff, work activities. The Sexual Misconduct Policy 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.

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 process 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 ALLEGATIONS

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

## 3A. INFORMAL RESOLUTION

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

## 3B. FORMAL RESOLUTION

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

- b. Prior to the completion of the investigation, the Parties will have an equal opportunity to inspect and review the evidence obtained through the investigation.
  - c. All Parties must submit any evidence they would like the investigator to consider prior to when 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.
  - b. Both Parties will be notified of the availability of the Investigative Report for reviewing purposes.
- C. Hearing
- a. NYFA will not issue a disciplinary sanction arising from an allegation of covered sexual harassment without holding a live hearing, unless the Title IX Grievance Policy & Procedure has been resolved through one of the Informal Resolution options.
  - b. The hearing will be facilitated by and determined by a single Decision-maker. The Title IX Coordinator and the investigator shall be excluded from being the Decision-maker.
  - c. The live hearing may be conducted with all Parties physically present in the same geographic location, or, at NYFA's discretion, any or all Parties, Witnesses, and other participants may appear at the live hearing virtually through Zoom, Skype, or similar technology.
  - d. The Parties cannot waive the right to a live hearing. However, NYFA may still proceed with the live hearing in the absence of a Party and may reach a determination of responsibility in their absence.
  - e. The Parties have the right to select an Advisor of their choice, who may be, but does not have to be, an attorney. If a Party does not have an Advisor present at the live hearing, NYFA shall provide, without fee or charge, an Advisor, who shall be selected by NYFA.
  - f. During the live hearing, each Party's Advisor will conduct live cross-examination of the other Party or Parties and Witnesses.
- D. Determination Regarding Responsibility
- a. While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on the documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Decision-maker.

- b. The written Determination Regarding Responsibility will be issued simultaneously to all Parties through their NYFA email account, or other reasonable means as necessary.
- c. If there are no extenuating circumstances, the determination regarding responsibility will be issued by NYFA within ten (10) working days of the completion of the hearing.

E. Appeals

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

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

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

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

1. FILING A FORMAL COMPLAINT

A. Receipt and Outreach

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

#### D. Initial Assessment

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

#### E. Intake

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

### 2. NOTICE OF ALLEGATIONS

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 an informed written consent.
- B. Generally speaking, these resolution options are less time intensive than an investigation and live hearing, while still affording students an opportunity to actively participate in a process led by NYFA for resolution of their complaints.
- C. The Title IX Coordinator determines the approval to move the matter to informal resolution or determines that the informal resolution process is inappropriate under the circumstances.
- D. NYFA offers the following informal resolution procedures for addressing Formal Complaints of sexual harassment under the Sexual Misconduct Policy:
  - a. Administrative Resolution
  - b. Mediation
  - c. Restorative Justice
- E. Informal resolution is only permitted to address allegations of student-on-student sexual harassment and is never allowed as an option to resolve allegations that an employee sexually harassed a student.

### 3B. FORMAL RESOLUTION: INVESTIGATION

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

- i. The Decision-maker shall have the ability to observe live, either in person or by other means, such as through a method like Skype or Zoom, the demeanor of those Parties and/or Witnesses in deciding which Parties and/or Witnesses are more credible.
- ii. The Decision-maker shall allow for the opportunity for the Parties to cross-examine each other and/or Witnesses, either directly through an advisor, or indirectly by the Decision-maker.

#### F. Final Outcome Letter

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

#### G. Appeals

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

### **Standard of Proof**

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

### **Possible Sanctions**

If the investigation process, through NYFA's Title IX Grievance Policy & Procedure and/or NYFA's Sexual Misconduct Policy, determines a violation has occurred, appropriate sanction(s) may be imposed. Sanctions are intended to be educational, to hold the individual accountable for the violation, and to reduce the likelihood that further or future violations will occur.

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

### Sanctioning for Students

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

- c. A student may be placed on deferred suspension for the remainder of their current semester or for the remainder of their program.

#### 4. Suspension

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

- d. A student may be suspended for the remainder of their current semester, one semester, two semesters, or one year. Students who are suspended in the middle of a semester may be required to repeat the semester.
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.
  - c. Deferred expulsion for the remainder of the current semester, or for the remainder of the program.
6. Expulsion
  - a. Expulsion is the permanent termination of a student's status. An expelled student will be ineligible to enroll in any NYFA courses at any NYFA campuses, indefinitely. Expelled students may be prohibited from entering specified areas, or all areas of NYFA property, and/or may be excluded from NYFA activities.
  - b. The student record of an expelled student may include a Hold on the student's NYFA records, which may prevent the student from registering, obtaining transcripts, verifications, or receiving a degree from NYFA.
  - c. Expulsion carries a permanent transcript notation.
7. Revocation of Awarding Degree or Certificate
  - a. If, after a degree or certificate has been awarded, a degree or certificate recipient is found responsible for a policy violation while the student was an enrolled student, the Title IX Coordinator may impose, as a sanction, a revocation of the degree or certificate, subject to the following procedures:
    - i. The Title IX Coordinator will submit a recommendation of revocation of the degree or certificate to the Campus Dean.
    - ii. A Notice of Intent to Revoke Degree or Certificate shall be sent to the student. This notice shall include the details of the violation and the basis for the revocation.

- iii. The student may submit a written appeal of the revocation to the Campus Dean within ten (10) working days from the date of the Notice of Intent to Revoke Degree or Certificate. The imposition of the revocation of degree or certificate will be deferred until the conclusion of the appeal. The decision of the Campus Dean is final.

#### 8. Educational Sanctions

- a. Educational sanctions are intended to help students learn from their decisions and reflect on what they want to get out of their educational experience. Educational sanctions may include, but are not limited to:
  - i. Reflective or research papers, presentations, or assignments
  - ii. Community Service
  - iii. Restitution
  - iv. Participation in designated educational programs, services, or activities
  - v. Letter of apology

#### 9. Transcript Notation

Students that are found responsible for a policy violation may receive a notation on their transcript indicating a sanction of either Disciplinary Probation, Suspension, or Expulsion. Notations for Disciplinary Probation are temporary, and only appear during the duration of Disciplinary Probation. Notations for Suspension may be permanent. Notations for Expulsion are permanent. If findings of responsibility are vacated, any such transcript notation will be removed. Students that are found responsible for a policy violation may also receive a notation on their transcript indicating “Not in good standing” for a duration of one semester of two semesters.

#### 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
  - iii. Relocation in residence hall
  - iv. Removal from residence hall
  - v. No Contact Order

#### 11. Limits on Sanctions

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

### Sanctioning for Employees

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

### **How to File an Appeal**

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

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

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

The limited grounds for appeal available are as follows:

1. The procedural irregularity that affected the outcome of the matter (i.e. a failure to follow NYFA's own procedures).
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter.
3. The Title IX Coordinator or Investigator had a conflict of interest or bias for or against an individual Party, or for or against Complainants or Respondents in general, that affected the outcome of the matter.
4. The severity of the sanctions is unfair compared to the severity of the conduct for which the Respondent was found responsible.

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

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

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

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

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

### **SEX OFFENSES**

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

#### **Rape**

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

Sexual penetration means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or by a sex-related object.

#### **Fondling**

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

#### **Incest**

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

#### **Statutory Rape**

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

#### **Aggravated Assault**

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

### **Arson**

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

### **Burglary**

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

### **Motor Vehicle Theft**

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

### **Murder and Nonnegligent Manslaughter**

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

### **Manslaughter by Negligence**

The killing of another person through gross negligence.

### **Robbery**

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

### **Weapon Law Violations**

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

### **Drug Abuse Violations**

Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include, but are not limited to: opium or cocaine

and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Liquor Law Violations**

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

## **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.