



# NYFA

NEW  
YORK  
FILM  
ACADEMY

**FLORENCE**

## ANNUAL SECURITY REPORT 2023

*INCLUDES 2020-2022 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 at various NYFA campuses.

Students at the Florence campus have the option to enroll in a one-semester Filmmaking or Acting for Film program and then may transfer credits to one of NYFA's domestic campuses to continue their studies. The Florence campus, an extension of NYFA's domestic campuses, is licensed as an American business with the Italian government. 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 non campus facilities. The statistics must be gathered from local law enforcement, where applicable, 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 and other applicable laws. The Clery Act provides protection from retaliation to students and employees, including independent contractors, who report Clery crimes or who exercise any other rights under the Clery Act.

This Annual Security Report pertains only to the Florence Campus.

## **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, Associate Vice President of Business Operations and Administration, and the Campus Director.

This report includes campus crime statistics for the past three calendar years for crimes occurring on campus property; designated non-campus properties; 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) 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. This report is also made available to prospective students and employees.

## SPECIFIC INFORMATION ABOUT CLASSIFYING CRIMES

To ensure the data reported in the Annual Disclosure of Crime Statistics uses the same definitions no matter a school's location, The Clery Act mandates the use of [U.S.] federal definitions, in accordance with the Clery Act and the Violence Against Women's Act (VAWA) amendments to the Clery Act, for certain types of crimes. For definitions of reportable crimes, see Appendix A.

## REPORTED CRIMES FOR CALENDAR YEARS 2020, 2021, & 2022

OFFENSE	YEAR	ON CAMPUS	NON-CAMPUS	PUBLIC PROPERTY	TOTAL
MURDER/ NONNEGLIGENT MANSLAUGHTER	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
SEX OFFENSES: RAPE	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
SEX OFFENSES: FONDLING	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
SEX OFFENSES: INCEST	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
SEX OFFENSES: STATUTORY RAPE	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
VAWA: STALKING	2020	0	0	0	0

	2021	0	0	0	0
	2022	0	0	0	0
VAWA: DOMESTIC VIOLENCE	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
VAWA: DATING VIOLENCE	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
ROBBERY	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
AGGRAVATED ASSAULT	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
BURGLARY	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
MOTOR VEHICLE THEFT	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
ARSON	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
LIQUOR LAW ARRESTS	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
LIQUOR LAW VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	2020	0	0	0	0
	2021	0	0	0	0



	2022	0	0	0	0
DRUG LAW ARREST	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
DRUG LAW VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
WEAPONS LAW ARRESTS	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
WEAPONS LAW VIOLATIONS REFERRED FOR DISCIPLINARY ACTION	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0

\* The Florence campus does not own or control any facilities or properties that qualify as on-campus residential.

HATE CRIME STATISTICS	
2020	Zero (0) hate crimes, as defined by applicable federal law, were reported in 2020.
2021	Zero (0) hate crimes, as defined by applicable federal law, were reported in 2021.
2022	Zero (0) hate crimes, as defined by applicable federal law, were reported in 2022.
UNFOUNDED CRIME	
2020	Zero (0) unfounded crimes for the calendar year 2020.
2021	Zero (0) unfounded crimes for the calendar year 2021.
2022	Zero (0) unfounded crimes for the calendar year 2022.

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

NYFA Florence is a small boutique campus and currently holds a long-term lease for the 2nd floor at Via Torta 9. The campus is normally open to students and employees, including independent contractors, Monday through Friday, from 9 a.m. to 6 p.m. and is open to the public Monday through Friday from 9 a.m. to 5 p.m. The school remains closed during the weekend (Saturday and Sunday) but may open for a special occasion.

Students and employees, including independent contractors, and guests gain access to the campus facilities via access control systems that are manually operated by NYFA Front Desk staff. The building entrance and the 2nd floor remains locked during business hours and are monitored by security cameras. NYFA community members, including guests, are required to request access to the building and the 2nd floor via a buzzer. NYFA Front Desk Staff are responsible for granting access to the building and 2nd floor. Students and employees, including independent contractors, are required to wear their identification cards at all times when on NYFA property.

Guests and other third parties who are granted access to NYFA's campus are required to check in with the NYFA Front Desk Staff and are given a guest badge that must be worn for the duration of their visit.

### **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.

Local law authorities have jurisdiction and authority over NYFA's on-campus properties and are responsible for responding to violations of law and public safety emergencies. If a criminal incident were to be reported to CSAs, appropriate personnel would investigate and assist in filling the necessary report with local authorities.

Law enforcement in Italy is carried out by the state, with a few organizations involved; the two principal agencies are the Polizia di Stato (the civil police) and the Carabinieri (military police).

NYFA may assist authorities with investigations of criminal incidents on campus to the extent it is able to. Although NYFA does not have any memorandum of understandings (MOUs) in place with any local law enforcement for the investigation of criminal incidents, the institution works to build/ maintain relationships with local and national police authorities.

### **MAINTENANCE OF CAMPUS FACILITIES**

Facilities are maintained in a manner that minimizes hazardous conditions. The Campus Director regularly inspects campus facilities to assess and initiate repairs of malfunctioning equipment and other unsafe physical conditions.

NYFA community members are helpful when they report hazardous conditions and or equipment problems to the Campus Director.

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

NYFA community members, including guests are encouraged to accurately and promptly report all crimes, emergencies, and public safety-related incidents directly to local law enforcement, even when the victim of the crime elects to or is unable to make such a report, by dialing **112**.

NYFA community members are also encouraged to report a crime, emergency, or non-emergency to NYFA's primary Campus Security Authorities (CSAs) identified below, during normal business hours to ensure their inclusion in the annual crime statistics and aid in providing Timely Warnings to the community, when appropriate.

- **Campus Director**, [diana.santi@nyfa.edu](mailto:diana.santi@nyfa.edu)  
+39 055 2699556
- **Human Resources Director**, [hr@nyfa.edu](mailto:hr@nyfa.edu)  
+1 212-674-4300, ext. 1912

\* Sex offenses and other incidents of sexual misconduct can also be reported to the Campus Director by email, phone, or in person.

Reports involving a student, including reports of sexual misconduct, which are made to NYFA CSAs, will be documented, and processed for review and further investigated, if warranted, by the Campus Director. Reports involving an employee or independent contractor may be processed and further investigated by Human Resources, if warranted. All crimes reported to NYFA CSA's will be reviewed for timely warning purposes and annual statistical disclosure.

For additional reporting procedures related to incidents of sexual assault, dating violence, domestic violence, and stalking refer to page 41.

NYFA does not have a voluntary confidential or confidential reporting policy that allows a student, employee, or independent contractor to make a confidential report, withholding personally identifiable information, to a CSA.

## **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. At the Florence campus, examples of individuals who generally meet the criteria for being a CSA at NYFA, include:

- Campus Director
- Human Resources Director
- Front Desk Employees

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 local law authorities are contacted about criminal activity off-campus involving NYFA students, the authorities may notify the institution. Students in these cases may be subject to arrest by local law authorities and institutional disciplinary proceedings by the Campus Director.

## **MONITORING OF STUDENT ORGANIZATION**

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

## **CRIME PREVENTION & SECURITY AWARENESS PROGRAMS**

NYFA offers crime prevention and security awareness programming during scheduled new student orientations, generally in February and September. A common theme of all

awareness and crime prevention programs is to encourage NYFA community members to be responsible for their own safety and the safety of others on campus.

The different types of crime prevention and security awareness programs that are generally offered to NYFA students may include:

- General information regarding safety on campus and within the community, crime prevention, emergency response, fire safety, and risk reduction techniques provided during orientation(s);
- Timely Warnings, Public Safety Bulletins, and Weather Alerts distributed as necessary to inform the community about safety-related issues, risk-reducing precautions, sources of help and additional information;
- Sexual misconduct awareness and prevention programming, including bystander intervention, provided via an online training during enrollment, which may also be reinforced during the year through events such as “Sexual Assault Awareness Month” or “Domestic Violence Awareness Month”;
- Safety and protocol training provided at the beginning of a program to promote safety on set and what to do in the case of an emergency.

NYFA employees and independent contractors may have the opportunity to participate in the programming efforts listed above, in addition to other types of programming that promote responsibility for their own safety and that of others, such as CSA training. Generally, programming geared towards employees and independent contractors are provided on-line.

NYFA’s evacuation procedures and protocols for what to do in the case of an emergency are communicated on an annual basis via email to students and employees, including independent contractors.

## **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 Google Classroom. 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: 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 Director.

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 law authorities' 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" may be used to assist in the implementation decision.

Timely Warnings are typically written and reviewed by the Campus Director, Equipment Room Manager, President or NYFA's Safety & Security Consultant. Timely Warnings are generally disseminated by the Campus Director or Equipment Room Manager. The Campus Director or Equipment Room Manager may write, review, and execute without consultation.

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 authorities' contact information



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.

Public Safety Bulletins will generally be sent to the campus community by email or Google Classroom. Public Safety Bulletins are generally written by the Campus Director or Equipment Room Manager, which then, may be, reviewed and approved by the President or NYFA's Safety & Security Consultant. Public Safety bulletins are generally disseminated to the campus community by the Campus Director, Equipment Room Manager or their designees.

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

NYFA may initiate an alert to communicate impending severe weather conditions that could disrupt daily operations or to communicate safe travel tips. The types of conditions that could warrant a Weather Alert include but are not limited to: blizzard or other snowstorm, hailstorm, or hurricane. NYFA will utilize the same processes described above under "Public Safety Bulletin" to initiate and disseminate a Weather Alert. In the case of a school closure due to severe weather, the Campus Director or Equipment Room Manager will communicate updates via email or Google Classroom.

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

NYFA's DVR (Documento di Valutazione dei Rischi) includes information about the institution's physical threat and fire safety procedures, and evacuation procedures. This Emergency and Action Plan is made known to all individuals responsible for emergency management on campus in an effort to guarantee immediate response to emergencies.

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 Campus Director.

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. In addition, NYFA's emergency response and evacuation procedures are communicated to employees via Google Classroom or email, 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 or email. Hard copies are made available upon request to the Campus Director.

The Campus Director is 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 local law authorities.

### **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 and employees 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 a legitimate emergency or dangerous situation typically involves the response and assessment of the Campus Director, NYFA's Safety & Security Consultant, and NYFA's President, sometimes in conjunction with other campus officials

such as the Equipment Room Manager, local police and first responders and/or the national weather center. Information received from other campus officials and/or external agencies such as first responder agencies, may be used to confirm the existence of an emergency or dangerous situation without the need for further assessment.

Upon confirmation of an significant emergency or dangerous situation (generally through response, investigation, or collaboration with emergency responders or NYFA's Safety & Security Consultant), NYFA 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 judgment 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 the Campus Director, Equipment Room Manager or NYFA's Safety & Security Consultant and is 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". Emergency notifications will be communicated to the whole campus community.

When a threat is neutralized or effectively removed, campus community members will be appropriately informed via all or some of the communication methods detailed within this document. Generally, follow-up notices/communications will be provided as necessary, by the Campus Director or Equipment Room Manager, during an active incident. 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.

NYFA's in place system for quickly communicating information to the NYFA community during situations that present an immediate threat to the health and safety of NYFA

community members, include dispatching emergency notifications and emails via Google Classroom. The Campus Director or Equipment Room Manager is responsible for deploying all notification methods and notifying first responders, if not already done so.

The Campus Director is responsible for deploying the notification and notifying first responders, if not already done so. The Campus Director and Equipment Room Manager have 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 Google Classroom. Students and NYFA employees, including independent contractors, are added to a "School Material" classroom managed by the Campus Director. The classroom is only utilized to house important school documents and notifications/ announcements are only posted in the case of an emergency. Depending on the situation, the process for deploying a message/ notification through Google Classroom may require up to 30 minutes or more. When deployed, Google classroom will inform NYFA students and employees via a phone notification and an email notification.

Emergency information may be posted on nyfa.edu for parents and the larger NYFA community to access. The previously identified campus officials 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 local law authorities by dialing 112 and the Campus Director of any situation or incident in or around a NYFA facility that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus. In the event of an emergency that impacts the larger community, NYFA will contact local authorities.

### **EMERGENCY NOTIFICATIONS VIA GOOGLE CLASSROOM**

All NYFA students and employees, including independent contractors, are manually added to a "School Material" google classroom, managed by the Campus Director. This google classroom houses important information and policies related to NYFA students, employees and independent contractors.

At the time of hire or during New Student Orientation, NYFA community members are provided information regarding the “School Material” google classroom, including the procedures NYFA utilizes to communicate information in cases of emergency. Furthermore, NYFA community members are strongly encouraged to opt into turning on notifications for the “School Material” google classroom and are provided a tutorial on how to do so, so that in the case of an emergency, a notification message will appear on the cell phone’s locked or home screen.

NYFA generally conducts a test of their emergency alert procedures at least once a year. 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.
- Emergency Coordinator will instruct on designated Collection Points.
- Do not re-enter the building until cleared to do so by authorized emergency personnel.
- Shelter in place in the rare instance of evacuation may not be the safest option.

### **Fire or Explosion**

- Call contact law enforcement immediately by dialing 112 or 115 for the Fire Brigade to report the location of the fire.
- If it is determined by the Emergency Coordinator, evacuate the building in a calm manner and proceed to the identified Collection Point
- Close all doors and windows.
- 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.

- 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.

### **Seismic (Earthquake) Emergency**

- Move away from windows and outside walls
- Protect yourself from falling objects by taking cover under a study table or desk
- Cover your neck and head with your arms
- If no shelter is available, crawl next to an interior wall (away from windows)

### **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 112.
- Keep a safe distance from anyone acting violently or bizarre.
- Advise the dispatcher regarding the nature of the incident or threat.
- Give your location.

### **Active Shooter**

- Remain calm.
- If possible, exit the building using the safest possible route away from the threat. Do not carry any personal belongings with you.
- 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 law enforcement by dialing 112 as soon as it is safe to do so.
- If avoiding or barricading is impossible, remain quiet or “play dead” to avoid detection.

### **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 local law authorities 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 112 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 and employees and independent contractors, a safe, healthy, and supportive environment conducive to optimum professional and personal growth and development.

NYFA policy prohibits the use, possession, manufacture, distribution, sale of, or the attempted manufacture, distribution, or sale of, alcohol which is identified as unlawful in country laws or regulations; and impairment, being under the influence, or being unable to care for one's own safety because of alcohol. The legal drinking age in Italy is 18 and the consumption of alcohol on NYFA premises may be permitted for special occasions with expressed permission by the Campus Director.

NYFA policy prohibits the use, possession, manufacture, distribution, sale of, or the attempted manufacture, distribution, or sale of, controlled substances (including medical marijuana), identified as unlawful in Italian law or regulations; the misuse of legal pharmaceutical drugs; use or possession of drug-related paraphernalia; and impairment, being under the influence, or being unable to care for one's own safety because of controlled substances.

In accordance with the Drug Free Schools and Communities Act and the Drug Free Workplace Act, NYFA Los Angeles, NYFA South Beach, and NYFA New York distributes, annually, to its' students and employees information that includes the institution's alcohol and drug policies, counseling and assistance programs, institutional and legal sanctions, health risks and uses and effects of controlled substances. That information can be found here: <https://www.nyfa.edu/on-campus/campus-safety/drug-free-policy/>

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

NYFA provides its student information about the dangers of alcohol and drug abuse and how to recognize signs of abuse at the start of each term.

## **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 Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C 16921) is a U.S. federal law that enables the tracking of sex offenders. This law requires authorities in each U.S. state to provide the public with a list of registered sex offenders. The Italian government does not require convicted sex offenders to register with local authorities; therefore, no sex offender information is available.

## **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 employee or independent contractor.

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/florence/sexual-respect> and view/download the Sexual Misconduct Policy.

## **U.S. FEDERAL CLERY ACT DEFINITIONS OF DoV, DaV, SA, and S**

***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.

***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.

## ITALIAN DEFINITIONS

**Consent:** Based on good-faith research, NYFA has determined that consent (as it relates to sexual activity) is not defined under Italian law.

**Domestic Violence:** All acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim.

**Dating Violence:** Based on good-faith research, NYFA has determined that there is no specific definition of “dating violence” under Italian law.

**Sexual Assault:** Article 609b of Italy’s Criminal Code uses the term “sexual violence”, which is: whoever, by force or by threat or abuse of authority, forces another person to commit or suffer sexual acts. Punishment “will be given to whoever induces another person to commit or suffer sexual acts by: 1) abusing the conditions of physical or mental inferiority of the victim at the time of the event, 2) misleading the victim hiding own identity.”

**Stalking:** Any continuative harassing, threatening or persecuting behavior which: (1) causes a state of anxiety and fear in the victim(s), or; (2) generated within the victim(s) a motivated fear for his/her own safety or for the safety of relatives, kin, or others associated with the victim him/herself by an affective relationship, or; (3), forces the victim(s) to change his/her living habits.

## **NYFA POLICY DEFINITIONS**

**Sexual Misconduct:** a broad term encompassing 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. Sexual misconduct may vary in severity and may consist of a range of behaviors or attempted behaviors, such as:

- sexual assault (as defined in the Clery Act),
- dating violence (as defined in the Clery Act),
- domestic violence (as defined in the Clery Act),
- stalking (as defined in the Clery Act),
- sexual harassment,
- sex-based discrimination,
- sexual battery, or
- sexual exploitation.

Sexual Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual misconduct can occur between members of the same or different sex or gender.

**Affirmative Consent:** a knowing, voluntary, and mutual decision among all participants to engage in sexual activity.

1. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in sexual activity.
2. Silence or lack of resistance, in and of itself, does not demonstrate consent.
3. Consent to any sexual act or prior consensual sexual activity between or with any Party does not necessarily constitute consent to any other sexual act.
4. Consent is active, not passive, and cannot be assumed. If there is confusion or ambiguity, individuals need to stop sexual activity and communicate about each person's willingness to continue.
5. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
6. Consent may be initially given but withdrawn at any time.
  - a. When consent is withdrawn or can no longer be given, sexual activity must stop.
7. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity.
  - a. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent.
  - b. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
8. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

The definition of affirmative consent does not vary based on a participant's sex, sexual orientation, gender identity, gender expression or relationship status.

## **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 by dialing 112.
- **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 dialing 112. 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:

- 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
- 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, including independent contractors, and ongoing awareness and prevention campaigns for students, employees, and independent contractors.

### **Primary Prevention and Awareness Programs**

NYFA provides primary prevention and awareness programs to all incoming students and employees, including independent contractors, that involves the distribution of educational materials, participating in and presenting information and materials during new student orientation. Additionally, NYFA is currently in the process of creating an online training course related to sexual misconduct and prevention that will be assigned to all incoming students and employees, including independent contractors. Overall, these trainings and materials generally include:

- Clearly state that the institution prohibits sexual misconduct, including crimes of domestic violence, dating violence, stalking, and sexual assault
- U.S. Federal, Italian Law, and NYFA policy definitions of domestic violence, dating violence, stalking, and sexual assault
- NYFA's definition of affirmative consent
- A description of safe and positive options for bystander intervention
- information on risk reduction strategies
- Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs
- Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking
- Existing on and off campus resources

### **Ongoing Prevention and Awareness Programs**

NYFA provides an annual educational campaign for all students and employees designed to provide ongoing education and programming around issues of sexual misconduct – including sexual assault, domestic violence, dating violence, and stalking. Programming efforts primarily include the sharing of information through printed materials, tabling displays and educational emails, but may also include online trainings and presentations.

Ongoing prevention and awareness programs may include domestic violence awareness month initiatives, sexual assault awareness month, Denim Day, and programming specific to healthy relationships.

## **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 seek medical attention as soon as possible. While NYFA does not have a health or medical center on campus, community members are encouraged to visit local accident and emergency departments ('pronto soccorso'), like **Ospedale Santa Maria Annunziata**, Via Antella 58, 50012 Ponte a Niccheri, Bagno a Ripoli (Florence), +39 055-69381, for medical attention and forensic examination. In Italy, medical examinations can be received without filing a report to local law authorities.

It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 72 hours, so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring, or may be helpful in obtaining a civil protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections.

Additionally, 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.

Taking the step to gather evidence immediately does not commit an individual to any course of action but does preserve the full range of options to seek resolution, if the individual chooses to in the future. Doctors in Italy will require consent to report the results of examination to the police, unless in the case of minors or in the case of any injury requiring more than 20 days hospitalization.

### **Reporting to Law Enforcement**

Students and employees, including independent contractors, have the option to report to Italian local 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 local law enforcement. If requested, the Campus

Director, or their designee, can provide assistance in notifying local law enforcement agencies.

In Italy there are two different law enforcement forces that work at a national level: the 'Polizia' and the 'Carabinieri'. Either of these forces may be available to assist and respond based on where the crime took place in Italy. At the Florence campus, police reports should be made to the Carabinieri Comando Stazione (Firenze Uffizi, Via dei Castellani, 1, 50122 Firenze FI, Italy) and can be reached by dialing 112.

In Italy, victims have one year in which to report the crime although it is advisable to report it as soon as possible. Once reported it cannot be revoked and the police will be obligated to investigate. After a report is made to local enforcement, the police will conduct an interview to gather more information about the reported crime. In most cases, the interview will be conducted in Italian but the police can locate an interpreter if needed. Following the interview, the police will ask the victim to review the statement for accuracy and then sign it (if the information is correct). Since the police will be transcribing the statement in Italian, an interpreter can be utilized to translate the statement in English. Make sure to insist on receiving a copy of the police report. On rare occasions, the police may withhold the report for reasons related to the investigation.

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 it is up to the individual to determine if doing so is the right decision.

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

In addition to reporting to law enforcement, students and employees, including independent contractors, have the option to report incidents of sexual assault, dating violence, domestic violence, or stalking to the institution. A report can be made by phone, email, or in person to the Campus Director.

Diana Santi, Campus Director

[diana.santi@nyfa.edu](mailto:diana.santi@nyfa.edu)

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All NYFA employees and independent contractors shall report any allegations of conduct that may violate this Policy to the Campus Director. NYFA employees and independent



contractors are encouraged to disclose all information, including the names of Parties, even when the person has requested anonymity.

NYFA encourages prompt reporting to allow for the collection and preservation of evidence that may be helpful during an investigation or criminal proceeding. A delay in filing a complaint may limit the institution'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 may still take reasonable action to end the harassment, prevent its recurrence, and remedy its effects.

### **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 Campus Director 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:

- The procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred;
- Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available within the community,
- A statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures, including how to request changes to-academic, living, transportation, and working situations; and
- An explanation of procedures for institutional disciplinary action.

NYFA's Sexual Misconduct Policy provides written notification to students and employees, including independent contractors, about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available to victims, both within the institution and in the community.

### Students and Employees (including Independent Contractors) are Afforded the Right to:

1. Make a report to local law enforcement;
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 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;
6. Describe the incident to as few NYFA representatives as practicable and not be required to unnecessarily repeat a description of the incident;
7. 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;
8. Have access to at least one level of appeal of a determination;

9. 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 process; and
10. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of NYFA.

### **Rights of Victims and NYFA Responsibilities for Orders of Protection and No Contact Orders**

NYFA complies with local laws in recognizing orders of protection. NYFA community members who obtain a civil order of protection from the Italian government should provide a copy to the Campus Director. Individuals may then meet with the Campus Director to develop a Safety Action Plan, which is a plan designed to help reduce the risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to escorts, special transportation arrangements, changing classroom/work site location, or allowing a student to complete assignments from home, allowing an employee to develop a flexible work schedule, etc. NYFA cannot apply for a legal order of protection for a victim from the applicable jurisdiction(s).

In Italy, "civil protection orders may be petitioned by the abuser's partner (either married or not) and by all other people who are part of the family. These orders can be granted to a partner (either married or not) who suffers severe prejudice to her/his physical or moral integrity or liberty because of the other partner's behavior. Legal assistance is not mandatory to petition civil protection orders."<sup>1</sup>

A civil protection order enables the court to order "the abuser: (i) to suspend the harmful behavior; and (ii) to move out of the family home."<sup>1</sup> "Furthermore, if needed, the court may also order:

- i. the abuser to stay away from those places frequented by the victim (i.e., workplace, parent's house, children's school, etc.)
- ii. the involvement of social services or organizations that support women and children that have been victims of domestic violence
- iii. the abuser to pay a regular amount to the victim who has been left without means of survival. The court can order such amount to be paid directly by the abuser's employer."<sup>1</sup>

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<sup>1</sup>"4. Protection for domestic violence victims and relief granted | Italy | Fighting Domestic Violence"

To obtain a civil protection order, “a petition must be filed with the court of the place of residence of the petitioner.”<sup>1</sup> The duration of a protection order can last up to one year and is decided by the court.

NYFA may help put victims who are interested in pursuing a protection order in contact with local courts or the local advocacy center. Additionally, NYFA can issue a No Contact Order. 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 and Employees**

The Campus Director, or their designee, 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 Campus Director, or their designee, will conduct an individualized safety and risk analysis to determine the need for implementation.

Protective measures for students and employees 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.
- B. Administrative Leave – the removal of a faculty or staff from NYFA facilities during the course of NYFA's grievance procedure.
  - a. Administrative Leave may not apply to independent contractors who have been named as a Respondent and may be subject to separate procedures set forth in their agreement with NYFA.

### **Supportive Measures Available to Students and Employees**

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.

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<sup>1</sup> “4. Protection for domestic violence victims and relief granted | Italy | Fighting Domestic Violence”

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 Campus Director and are reasonably available.

- Supportive measures for students may include but are not limited to:
  - Academic assistance
  - Providing resources available for medical assessment, treatment, and crisis response
  - Assistance in finding alternative third- party housing
  - Providing resources and options available for contacting law enforcement
  - Providing increased security and monitoring of certain areas of the campus
  - No Contact Order (NCO)
- Supportive measures for employees, including independent contractors, may include but are not limited to:
  - Change in the nature or terms of employment, such as adjustments to working schedule, change in supervisor, or taking a leave of absence
  - Providing resources available for medical assessment, treatment, and crisis response
  - Providing increased security and monitoring of certain areas of the campus
  - Assistance in identifying additional support resources
  - No Contact Order (NCO)

### **On- and Off-campus Services for Victims**

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, NYFA will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services, including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and assistance in notifying appropriate local law enforcement.

This information regarding “resources” is not provided to infer that those resources are “crime reporting entities” for NYFA.

ON CAMPUS	Student	Employees & Independent Contractors
Campus Director	Diana Santi <a href="mailto:diana.santi@nyfa.edu">diana.santi@nyfa.edu</a> +39 055 2699556	
Employment Resources		Human Resources <a href="mailto:hr@nyfa.edu">hr@nyfa.edu</a> +1 212 674 4300, ext. 1912
Sexual Misconduct Resource Site	<a href="https://hub.nyfa.edu/florence/sexual-respect">https://hub.nyfa.edu/florence/sexual-respect</a>	

OFF CAMPUS*	Student	Employees (& Independent Contractors)
Counseling/ Mental Health	Centro Donne Contro La Violenza (The Artemisia Anti-violence Center) Via del Mezzetta, 1 - 50135, Florence, Italy <ul style="list-style-type: none"> <li>Tel: +39 055 602311</li> <li>Email: <a href="mailto:cfranci@fol.it">cfranci@fol.it</a></li> <li>Website: <a href="http://www.artemisiacentroantiviolenza.it">http://www.artemisiacentroantiviolenza.it</a></li> </ul>	
Health Services	Ospedale Santa Maria Nuova Piazza S. Maria Nuova, 1 +39 055-69381	
Victim Advocacy	Sexual Assault Support & Help for Americans Abroad (SASHAA) <ul style="list-style-type: none"> <li>First dial the country specific AT&amp;T access code for <b>Italy (800-172-444)</b>. Then, at the prompt, enter our phone number: <b>866-USWOMEN (866-879-6636)</b>.</li> <li>Crisis Email: To reach a SASHAA advocate, you can email us at <a href="mailto:crisis@866uswomen.org">crisis@866uswomen.org</a>.</li> </ul> Centro Donne Contro La Violenza (The Artemisia Anti-violence Center) Via del Mezzetta, 1 - 50135, Florence, Italy <ul style="list-style-type: none"> <li>Tel: +39 055 602311</li> <li>Email: <a href="mailto:cfranci@fol.it">cfranci@fol.it</a></li> <li>Website: <a href="http://www.artemisiacentroantiviolenza.it">http://www.artemisiacentroantiviolenza.it</a></li> </ul>	
Legal Assistance	U.S. Embassy** <a href="https://it.usembassy.gov">https://it.usembassy.gov</a> <i>**Does not provide legal services but can help connect victims with lawyers who speak English and other resources</i>	

Visa and Immigration Assistance	U.S. Embassy <a href="https://it.usembassy.gov">https://it.usembassy.gov</a>
Local Law Authorities	Dial 112

\*The Campus Director, or their designee, may be available to assist victims with accessing existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available within the community

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

- <http://www.rainn.org> – Rape, Abuse, and Incest National Network
- <https://www.thehotline.org> – National Domestic Violence Hotline

## **STUDENT AND EMPLOYEE DISCIPLINARY PROCEEDINGS UTILIZED IN CASES OF ALLEGED SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, & STALKING**

NYFA's disciplinary processes include reasonably 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). NYFA's proceedings are completed within a reasonably prompt timeframe and 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.

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 and conducted by officials who have been trained annually on how to investigate and conduct hearings in a manner that "protects the safety of victims" and "promotes accountability.
- 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 with local law enforcement, NYFA or an individual may file a formal complaint alleging a student, employee, or independent contractor violated NYFA's Sexual Misconduct Policy. The following policies and procedures are derived from NYFA's Sexual Misconduct Policy. New York Film Academy reserves the right to make changes to the policy, as necessary.

NYFA's Sexual Misconduct Policy defines the behaviors that constitute sexual misconduct and provides informal and formal procedures for resolving complaints. 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.

The following procedures may not apply to independent contractors who are Respondents and may be subject to separate procedures set forth in their agreement with NYFA.

### **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 Campus Director by email, phone or visit their office.

Diana Santi, Campus Director

[diana.santi@nyfa.edu](mailto:diana.santi@nyfa.edu)

2nd Floor, Via Torta 9

+39 055 2699556

Under the Sexual Misconduct Policy, a Complainant may request anonymity or ask that the Campus Director not pursue an investigation or take any other action. Such requests will be evaluated by the Campus Director. The Campus Director 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 institution'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 requests of Complainants. If the Campus Director determines that NYFA must proceed with an investigation despite the request of the Complainant, the Campus Director will notify the Complainant. The Complainant is not 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 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 Campus Director.

### **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 within a reasonably prompt timeframe.

The summarized steps listed below are provided to give an overview of NYFA's procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking. To view the process in full detail, refer to NYFA's Sexual Misconduct Policy.

#### **1, Intake**

Upon being informed of a potential sexual misconduct violation, the Campus Director, or their designee, will request a meeting with the Reporting Party or Complainant for the opportunity to:

- Gather more information about the incident and assess the need for supportive measures
- Review reporting options and resources with Reporting Party or Complainant.

If it is determined by the Campus Director, or their designee, that the allegation does not rise to a policy violation, or if there is not sufficient information to investigate the matter, the report may be dismissed. The Reporting Party or Complainant will be notified, in writing, via their NYFA email account if the report is dismissed.

#### **2. Notice of Allegations**

If it is deemed that this Sexual Misconduct Policy should apply and a Formal Complaint is made, the Campus Director, or their designee, will draft and provide the Notice of Allegations to the Complainant and Respondent about the allegations of sexual misconduct. Such notice will occur as soon as practicable, after NYFA determines that this Policy applies to the Formal Complaint. The Parties will be notified by their NYFA email accounts.

NYFA will provide reasonable time for the Parties to review the Notice of Allegations and prepare a response before any initial interview.

### 3. Investigation

NYFA will assign an Investigator, who is trained on how to investigate and conduct hearings in a manner that protects the safety of victims and promotes accountability, to perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute sexual misconduct. The Campus Director may serve as the Investigator, however the individual serving as the Investigator may not be the same individual who reviews the final Investigation Report or issues a determination of responsibility.

NYFA, and not the Parties, has the burden of proof and the burden of gathering evidence, i.e., the responsibility of showing a violation of this Policy has occurred. This burden does not rest with either Party, and either Party may decide not to share their account of what occurred or may decide not to participate in an investigation. This does not shift the burden of proof away from NYFA and does not indicate responsibility.

- **Fact-Finding**

The Investigator will meet separately with the Complainant, Respondent and identified Witnesses. To the extent possible, the Investigator will interview the Complainant, Respondent, or Witnesses either in-person, or through a method like Skype or Zoom, to observe the demeanor and to assist in the determination of the credibility of all involved Parties, including Witnesses.

The Investigator will ask the Parties for all 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.

- **Information Review**

At the conclusion of fact-finding, the Parties will have an equal opportunity to inspect and review the evidence obtained through the investigation that is directly related to the allegations raised in the Formal Complaint, including the Investigation Report before it is finalized. The purpose of the information review process is to allow each Party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

The Complainant and Respondent will be provided the relevant evidence, including the drafted Investigation Report that summarizes relevant evidence, and will have

ten (10) working days to inspect and review the information and submit a written statement to the Investigator.

A Party's written statement can include the Party's response to the information reviewed, additional information to be considered as part of the determination, and or a request for the Investigator to gather additional relevant information, if applicable in the form of:

1. Requests for additional documentation from witnesses
  2. New witnesses
  3. Additional documentation under the control of NYFA
- Investigation Report  
After the information review has concluded, the Investigator will finalize the Investigation Report. The Investigation Report is not intended to catalog all evidence obtained by the Investigator, but only to provide a fair summary of that evidence. Only relevant evidence directly related to the allegations raised in the Formal Complainant will be referenced in the Investigation Report.

The Investigation Report will include an analysis of all disputed information identified throughout the process and an analysis of policy and procedural steps.

The Investigator may redact irrelevant information from the Investigation Report when that information is contained in documents or evidence that is/are otherwise relevant.

### 3A. Informal Resolution

The Investigator may offer Informal Resolution, if appropriate, as means to resolve the conduct reported under the Sexual Misconduct Policy. Informal resolution is designed to address the reported behavior, prevent reoccurrence, and remedy the effects without completing a formal investigation.

Informal Resolution may be offered even if the investigative process has been initiated, however, both parties must agree to the process through informed written consent. This informed written consent will include all terms of the elected informal resolution, including a statement that any agreement reached through informal resolution is binding on the Parties. No party may be required to participate in informal resolution and NYFA may never

condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to informal resolution. The Parties may request a return to the formal resolution process at any point until the informal resolution process is concluded.

#### 4. Determination Regarding Responsibility

- Decision-Making

The Investigator shall send the finalized Investigative Report to a trained Decision-maker for review. For NYFA, this may be an administrator at one of NYFA's other campuses.

The Decision-maker will make a determination regarding the Respondent's responsibility for violations of NYFA policy, based upon evidence gathered throughout the process, and will make a determination about sanctioning.

The possible outcomes for an alleged violation are:

1. Responsible
2. Not responsible
3. Inconclusive

- Final Outcome Letter

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

- Appeals

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.

Appeals will be decided by the Campus Director, or their designee, who will be free of conflict of interest and bias.

### **Standard of Proof**

NYFA uses the preponderance of the evidence standard for investigations and determinations regarding the responsibility of Formal Complaints covered under 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 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 on students for Policy violations:

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

### 3. 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 Decision-maker determines.
- b. A suspended student will be ineligible to enroll in any NYFA courses at any NYFA campuses during the period of suspension. A suspended student may be prohibited from entering specified areas, or all areas, of NYFA property.
- c. During the period of suspension, the Decision-maker 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.
- d. 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.
- e. 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.
- f. 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 Campus Director, one year after the terms of Suspension have been met.

### 4. 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.

#### 5. Revocation of Certificate

- a. If, after a certificate has been awarded, a certificate recipient is found responsible for a policy violation while the student was an enrolled student, the Decision-maker may impose, as a sanction, a revocation of the degree or certificate, subject to the following procedures:
  - i. The Decision-maker will submit a recommendation of revocation of the certificate to the Campus Director.
  - 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 Director within ten (10) working days from the date of the Notice of Intent to Revoke Certificate. The imposition of the revocation of certificate will be deferred until the conclusion of the appeal. The decision of the Campus Director is final.

#### 6. 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



## 7. Additional Actions

- a. Additional actions are intended to help repair any harm that resulted from a violation or 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

## 8. 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

Independent contractors may be subject to termination if found responsible for violation of NYFA's Sexual Misconduct Policy.

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

The following procedures may not apply to independent contractors who may be subject to separate procedures set forth in their agreement with NYFA.

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. 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. 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 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 Campus Director. Appeals will be decided by the Campus Director, or their designee, who will be free of conflict of interest and bias.

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

## APPENDIX A - Clery Reportable Crimes Definitions

**The following definitions are to be used for reporting the crimes listed in the Clery Act, in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program.**

The definitions of murder/non-manslaughter by negligence, rape, robbery, aggravated assault, burglary, motor vehicle theft, weapons: carrying, possessing, etc., law violations, drug abuse violations, and liquor law violations are from the "Summary Reporting System (SRS) User Manual" from the FBI's UCR Program.

The definitions of fondling, incest, and statutory rape are excerpted from the "National Incident-Based Reporting System (NIBRS) User Manual" from the FBI's UCR Program.

The definitions of larceny-theft (except motor vehicle theft), simple assault, intimidation, and destruction/damage/vandalism of property are from the "Hate Crime Data Collection Guidelines and Training Manual" from the FBI's UCR Program.

### ***Crime Definitions from the Summary Reporting System (SRS) User Manual from the FBI's UCR Program***

**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 of another, etc.

**Manslaughter by Negligence:** The killing of another person through gross negligence.

**Murder and Nonnegligent Manslaughter:** The willful (nonnegligent) killing of one human being by another.

**Rape:** 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.

**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 or violence and/or by putting the victim in fear.

**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 and probably would result in serious personal injury if the crime were successfully completed.)

**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 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. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

**Weapons: Carrying, Possessing, Etc.:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

**Drug Abuse Violations:** The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

**Liquor Law Violations:** The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Unfounded Crime Reports:** According to Uniform Crime Report (UCR) guidelines, a reported offense can be cleared as unfounded by a sworn law enforcement authority “if the investigation shows that no offense occurred nor was attempted.” These cases thus remain as official crime reports and are included in the departmental statistics; however, they are explicitly labeled as “unfounded” cases within UCR reports on the various index crimes. According to UCR guidelines, the statistics on unfounded cases should include crime reports that are either: False or Baseless.

***Crime Definitions from the National Incident-Based Reporting System (NIBRS) User Manual from the FBI's UCR Program Sex Offenses***

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

**A. Fondling:** The touching of the private body parts of another person for the purpose 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.

- *Incest:* Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- *Statutory Rape:* Sexual intercourse with a person who is under the statutory age of consent.

***Crime Definitions from the Hate Crime Data Collection Guidelines and Training Manual from the FBI's UCR Program***

**Hate Crimes:** any of the above offenses, and any other crime involving bodily injury, reported to local police agencies or campus security authority that manifest evidence that the victim was intentionally selected because of the perpetrator's bias, or the perpetrator perceived the person to be in one of the protected group categories. Additionally, on August 14, 2008, the Clery Act was amended to include larceny/simple assault, intimidation, and destruction/damage/vandalism (except arson) as reportable categories of hate crimes. These new reporting categories are only reported if motivated by bias as determined by one of the designated bias categories. The types of bias categories include race, gender, religion, sexual orientation, ethnicity, national origin, gender identity, and disability.

Hate Crime Definitions: To ensure uniformity in reporting nationwide, the following definitions have been adopted for use in hate crime reporting:

- **Bias:** a preformed negative opinion or attitude toward a group of persons based on their race, religion, disability, sexual orientation, or ethnicity/national origin.
- **Bias Crime:** a criminal offense committed against a person or property that is motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin; also known as Hate Crime.

Note: Even if the offender was mistaken in their perception that the victim was a member of the group the offender was acting against, the offense is still a bias crime because the offender was motivated by bias against the group.

**Larceny-Theft** (Except Motor Vehicle Theft): The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

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

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

**Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

***Domestic Violence, Dating Violence, and Stalking Additions from the 2014 VAWA Negotiated Rulemaking Final Consensus Language***

**The Federal definition (from VAWA) of Domestic Violence:** a felony or misdemeanor crime of violence committed:

- by a current or former spouse or intimate partner of the victim;
- by a person with whom the victim shares a child in common;
- by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- 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 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

**The Federal definition (from VAWA) of Dating Violence:** the term “dating violence” means violence committed by a person:

- who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- The existence of such a relationship shall be determined based on the reporting party’s statement with consideration of:
  - the length of the relationship;
  - the type of relationship;
  - the frequency of interaction between the persons involved in the relationship
- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse
- Dating violence does not include acts covered under the definition of domestic violence

**The Federal definition (from VAWA) of Stalking:** engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- fear for the person’s safety or the safety of others; or
  - suffer substantial emotional distress
- For the purposes of this definition:
- 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
  - Reasonable Person: means a reasonable person under similar circumstances and with similar identities to the victim
  - Substantial Emotional Distress: means significant mental suffering or anguish that

may, but does not necessarily, require medical or other professional treatment or counseling



## 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.