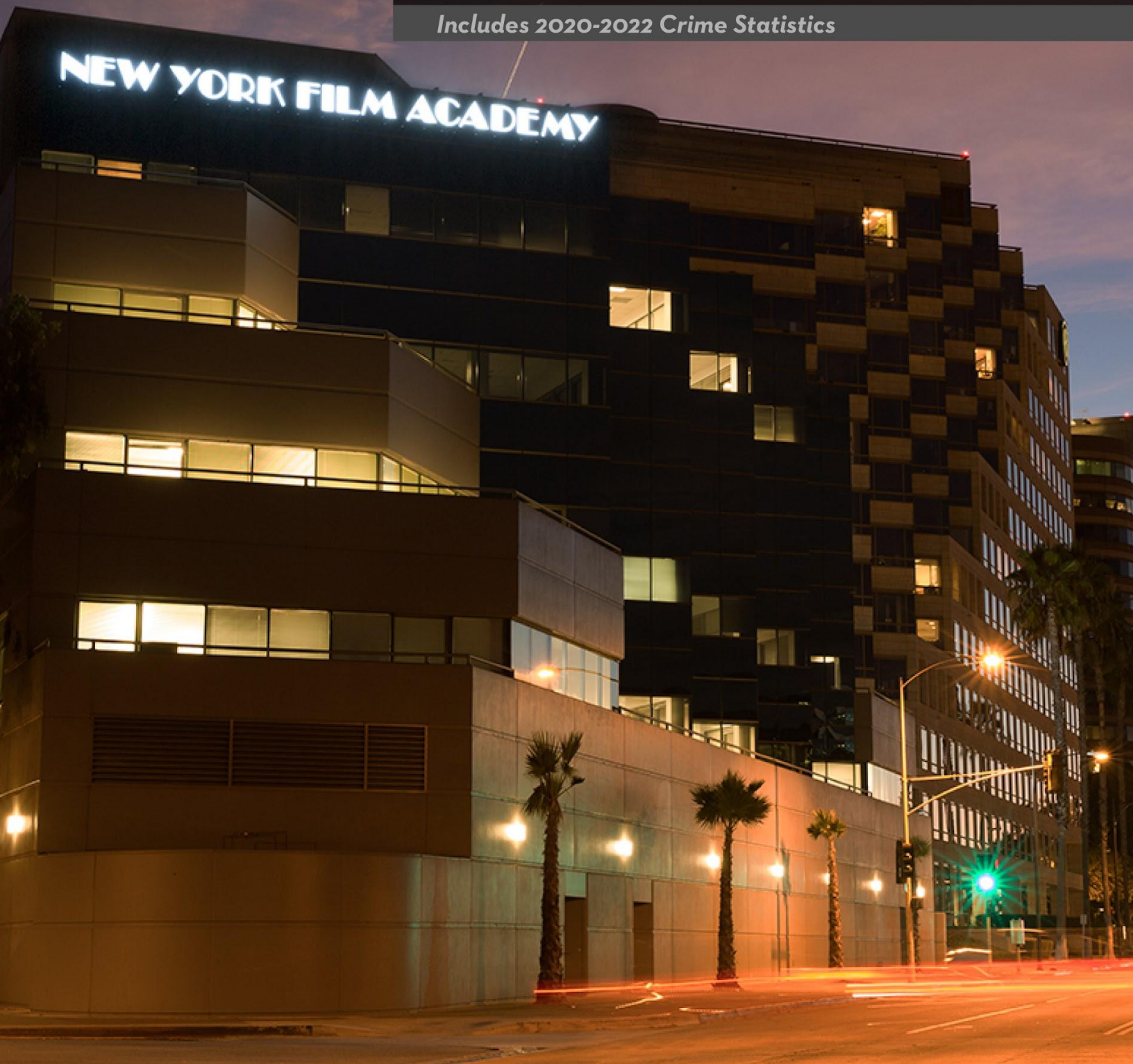


NYFA

NEW
YORK
FILM
ACADEMY

LOS ANGELES 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.

At the Los Angeles Campus, students can choose from a wide range of visual and performing arts programs that include Filmmaking, Acting for Film, Cinematography, Documentary Filmmaking, Animation, Photography, Producing, and Screenwriting. The Los Angeles Campus is registered and has received approval from the Bureau for Private Postsecondary Education (BPPE) to operate as a degree-granting institution in the state of California, meeting the minimum standards established by the Bureau and according to the California Private Postsecondary Education Act of 2009. The programs are registered by the State Education Department. New York Film Academy is accredited by WASC Senior College and University Commission (WSCUC).

THE CLERY ACT

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

- publish an annual report every year by October 1 that contains three years of campus crime and certain campus security policy statements;
- disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non campus facilities. The statistics must be gathered from local law enforcement and other NYFA officials – Campus Security Authorities -- who have "significant responsibility for student and campus activities";

- provide “timely warning” notices of those crimes that have occurred and pose an ongoing “threat to students and employees”; and
- issue an emergency notification, upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus.

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

This Annual Security Report pertains only to the Los Angeles 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, Dean of NYFA Los Angeles, Dean of Students, Associate Dean of Students and Title IX Coordinator, Director of NYFA Security, and the Director of Operations as well as local law enforcement agencies surrounding our campus.

This report includes campus crime statistics for the past three calendar years for crimes occurring on campus property; designated non-campus properties; 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.la@nyfa.edu.

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

All statistics are gathered, compiled, and then shared with the New York Film Academy community via the ASR, which is published by the Clery Coordinator in coordination with the persons/departments 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 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	1	0	0	1
	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	4	0	0	4
VAWA: DOMESTIC VIOLENCE	2020	0	0	2	2
	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	1	0	0	1
	2022	1	0	0	1
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 New York Film Academy Los Angeles campus does not own or control any facilities or properties that qualify as on-campus residential nor does it have any contracts or agreements with residential buildings.

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	Two (2) 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.

Caveat: Clery requires higher education institutions to make a good faith effort to obtain crime statistics from local/state law enforcement; however, local/state law enforcement is not mandated to share information to campuses. Statistics requested from LAPD North Hollywood Division were not made available for Clery reporting and, therefore, are not included in the crime statistics listed above.

SECURITY OF AND ACCESS TO CAMPUS FACILITIES

NYFA currently holds a long-term lease at 3300 West Riverside Dr, Burbank, CA 91505, known as the Riverside Building; occupies floors of a building at 3800 Barham Blvd, Los Angeles, CA 90068, known as the Barham Building; rents out the building at 2101 W. Olive Ave, Burbank, CA 91506, known as the Olive Building; and rents out floors and sound stage space at Burbank Studios, which is located at 3000 W. Alameda Ave, Burbank, CA 91523. The Riverside Building is normally open to students and staff Monday through Friday, from 8:00 a.m. to 10 p.m., and Saturday, from 9 a.m. to 5 p.m. On Sundays, the school remains closed but may open for a special event. Students, faculty, and staff gain access to NYFA via access control systems that require an identification card. Students, faculty, and staff are required to wear their identification cards at all times when on NYFA property.

During normal business hours, (Monday through Friday, from 8 a.m. - 10 p.m.) all guests and other third parties are required to check in with the building entry desk in the lobby of each NYFA building. Guests and other third parties who are granted access to NYFA's campus are given a guest badge for the duration of their visit and must be worn at all times. NYFA is only open to students, faculty, and staff outside of normal business hours, with the exception of scheduled special events.

The New York Film Academy Los Angeles Campus has a proprietary security department, to patrol the campus' facilities. Institutional representatives work with the Burbank Police Department and the Los Angeles Police Department as needed and NYFA is continuing to build relationships with other law enforcement agencies. If a criminal incident were to be reported to Campus Security Authorities, appropriate personnel would investigate and assist in filling the necessary report with Burbank PD or the Los Angeles PD. There are no written agreements currently between the New York Film Academy and the City of Burbank or the City of Los Angeles.

Building management contracts security for the entrances to the 3000 W. Alameda buildings, however, security personnel have zero responsibility for campus security and are not responsible for enforcing institutional policies or state/ federal laws.

The NYFA LA Campus does not own any residence halls or on-campus housing for students nor does it have any contracts or agreements with residential buildings

NEW YORK FILM ACADEMY SECURITY DEPARTMENT

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

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

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

Security Checks

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

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

The Director of Security will occasionally direct all shifts to increase patrols in certain areas due to incidents that might have occurred. For example, as of March 2023, NYFA Security has increased foot patrols in and around the Barham Building due to an increase in homeless encampments in the area.

LOCAL LAW ENFORCEMENT JURISDICTION AND AUTHORITY

Los Angeles Police Department

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

Burbank Police Department

The Burbank Police Department is vested with the authority and responsibility to enforce all applicable local, state and federal laws. Offices have the authority and duty to conduct criminal investigations, arrest violators and suppress campus crime. Burbank PD Officers are duly sworn peace officers under the California Penal Code Section 830.2(b), authorized to carry firearms, and have the authority as municipal police officers to use police powers of arrest. Burbank PD has primary jurisdiction over the NYFA LA campus located at the Riverside Building, 3300 W Riverside Dr., Burbank, CA 91505; Burbank Studios, 3000 W. Alameda Ave, Burbank, CA 91523; and the Olive Building, 2101 W. Olive Ave, Burbank, CA 91506. Burbank PD provides law enforcement services 24 hours a day, 365 days a year.

NYFA also provides unarmed security staff to assist with security in buildings and around the campus.

SECURITY AWARENESS PROGRAMS

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

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

Throughout the year, faculty and staff participate in various programs that encourage responsibility for their own security and that of others. These programs may include CSA Training, and are generally offered on-line through Paycom. Faculty and staff may also participate in fire safety training conducted by the building’s Fire Safety Director. Additionally, faculty and staff are notified of NYFA’s evacuation procedures and protocols for what to do in the case of an emergency on an annual basis. In every classroom, NYFA has an Emergency Response Guide with a QR code that links to NYFA’s Emergency Procedures Handbook.

MAINTENANCE OF CAMPUS FACILITIES

Facilities are maintained in a manner that minimizes hazardous conditions. The Operations Department staff regularly inspects the Riverside Building, to assess and initiate repairs of malfunctioning equipment and other unsafe physical conditions. NYFA community members are helpful when they report equipment problems to the Operations Department. Additionally, maintenance personnel monitor all fire extinguishers on a monthly basis and sign off on them if they are fully charged. This includes all fire extinguishers in public areas as well as in offices.

GENERAL PROCEDURES FOR REPORTING CRIMES OR EMERGENCIES

Students, faculty, staff, and guests are encouraged to accurately and promptly report all crimes, emergencies, and public safety-related incidents directly to the Los Angeles Police Department or Burbank Police Department by dialing 9-1-1, when the victim of the crime elects to or is unable to make such a report.

For any urgent situation or crime that is taking place on the NYFA LA Campus,, faculty and staff can report to the NYFA's Security Department by dialing 818-306-2446, between 8am and 10pm, Monday through Friday or between 8am and 5pm on Saturday.

We encourage people reporting a crime or emergency to LAPD to also report the incident, as soon as possible, to NYFA Campus Security Authorities. The following Campus Security Authorities have been designated as primary reporting structures for campus crime reporting:

1. Dean of Campus
3300 W. Riverside Dr, 4th Floor
818-333-3558, ext. 1087
dan@nyfa.edu
2. Dean of Students
3300 W. Riverside Dr, 1st Floor
susan.ashe@nyfa.edu
818-333-3558, ext. 1113
2. Title IX Coordinator
3300 W. Riverside Dr, 1st Floor
LAtitle9@nyfa.edu
818-333-3558, ext. 1143
3. Director of Operations
3300 W. Riverside Dr, 1st Floor
brad@nyfa.edu
818-333-3558, ext 1001
4. Director of Security
3300 W. Riverside Dr, 1st Floor
818-306-2446, ext 1137
la.nyfasecurity@nyfa.edu
5. Human Resources Director or designee
3300 W. Riverside Dr, 3rd Floor
818-333-3558, ext 3589

To report a crime or emergency as campus community members:

- Emergency situations and other crimes should be reported to LAPD or Burbank PD by dialing 911 and/or NYFA Security Department by dialing 818-306-2446
- Non-emergencies can also be reported to the primary CSAs listed above, or any other CSA.
- Sex offenses and other incidents of sexual misconduct can also be reported to the Title IX Coordinator by email (LAtitle9@nyfa.edu) by phone (818-333-3558 ext. 1143) or in person at the Riverside Building located on the 1st Floor.

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

This publication contains information about on- and off-campus resources and is made available to all NYFA community members. The information regarding "resources" is not provided to infer that those resources are "crime reporting entities" for NYFA. Crimes should be reported to LAPD or Burbank PD officials and NYFA as described above to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate.

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

CAMPUS SECURITY AUTHORITIES (CSA)

Campus Security Authorities (CSA) are individuals at NYFA who, because of their job function, have an obligation under the Clery Act to notify the institution of alleged Clery Crimes that are reported to them in a good faith, or alleged crimes that they may personally witness. Campus Security Authorities are generally someone (a) who has been specified in an institutions policy to which students and employees should report crimes too; (b) an individual who has significant responsibility for student and campus activities; or (c) an

individual who has responsibility for campus security but who do not constitute a campus police department or a campus security department. Examples of individuals who generally meet the criteria for being a CSA at NYFA, include:

- a dean of students;
- a chair of a department;
- an academic advisor or faculty advisor to a student group;
- a staff member who monitors access to campus buildings and facilities;
- a Title IX coordinator.

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

OFF-CAMPUS CRIME

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

MONITORING OF STUDENT ORGANIZATIONS

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

CRIME PREVENTION PROGRAMS

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

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

CONFIDENTIAL REPORTING OPTIONS FOR STUDENTS, FACULTY, AND STAFF

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

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

NOTIFICATION TO NYFA COMMUNITY ABOUT REPORTED CRIMES

TIMELY WARNING NOTICES

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

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

The decision to issue a timely warning will be made on a case-by-case basis depending on an assessment of various factors which include but are not limited to: the nature of the crime, the exact location, the time of the incident, the local police response and guidance to

campus officials, the potential direct effect on the campus community, when NYFA became aware of the incident and/or the amount of information known to NYFA at the time of the report. For example, if an aggravated assault occurs between two students who have a disagreement, there may be no ongoing threat to other NYFA community members, and a Timely Warning would not be distributed. To ensure consistency, a “Timely Warning Decision Matrix” may be used to assist in the implementation decision.

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

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

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

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

NYFA maintains 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 or specifications for distribution of a Timely Warning, as outlined above.

A Public Safety Bulletin will generally be sent to the campus community by email. A Public Safety Bulletin is generally written by the Director of Operations, Title IX Coordinator, Director of Security, or Dean of Students, and they are routinely viewed and approved by the Dean of NYFA Los Angeles prior to distribution. Public Safety Bulletins are disseminated to the campus community by the Webmaster, Director of Security, or their designee.

NATURAL DISASTERS/WEATHER ALERTS

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

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

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

NYFA publicizes a summary of the emergency responses and evacuation procedures via email at least once a year, generally in conjunction with a test and/or exercise that meets all the requirements of the Higher Education Opportunity Act (HEOA). In addition, NYFA's emergency response and evacuation procedures are communicated to employees via Paycom, on an annual basis, and to new students during orientation. Updates to NYFA's emergency response and evacuation procedures are communicated to the campus community via email, NYFA Hub, and Paycom (for employees). Hard copies are made available upon request through any faculty or staff member. In addition, NYFA's emergency response and evacuation procedures are available in the Campus Safety and Security Handbook and *2023-2024 LA Campus Catalog*.

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

EMERGENCY NOTIFICATIONS – NOTIFICATION TO NYFA COMMUNITY ABOUT AN IMMEDIATE THREAT

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

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

Confirmation of the existence of a legitimate emergency or dangerous situation typically involves the response and assessment of a combination of one or more of the following campus officials: Director of Security, Director of Operations, Dean of NYFA Los Angeles, Dean of Students, Clery Coordinator, and/or Title IX Coordinator. Information received from other campus officials, including other CSAs, and/or external agencies such as first

responder agencies or the national weather center, may be used to confirm the existence of an emergency or dangerous situation without the need for further assessment. Any of the individuals listed above have the ability to and authority to issue an alert without delay and without further consultation with any other campus official or external agency.

Upon confirmation of an significant emergency or dangerous situation (through response, investigation, or collaboration with emergency responders), New York Film Academy will, without delay and taking into account the safety of the community, determine the content of the notification, determine the appropriate segments to receive notification, and initiate the notification system, unless issuing a notification will, in the 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 one or more of the campus officials previously identified and based on the type of incident, the context with which it is occurring, the immediate danger or threat to the campus community, and the need to advise campus community members to take action. Consultation among the identified campus officials is not required. NYFA will endeavor to make such notification sufficiently specific so as to enable recipients to take appropriate response to the threat. Templates have been drafted to aid with the rapid communication process.

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

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

Generally, follow-up notices/communications will be provided as necessary, by the Director of Operations, Director of Security, or their designees, during an active incident. When a threat is neutralized or effectively removed, campus community members will be

appropriately informed via all or some the communication methods detailed below. The Dean of NYFA Los Angeles or Dean of Students may also be responsible for providing follow-up communications if the Director of Operations or Director of Security is incapacitated or otherwise detained. This may include determining the content of the follow-up notification(s), the method used to communicate the follow up, and when it should be communicated.

During situations that present an immediate threat to the health and safety of NYFA community members, NYFA has various systems in place for communicating information quickly. Some or all of these methods of communicating may be activated in the event of an immediate threat to NYFA. These methods of communication include emergency text messages, emails, and/or phone calls via Everbridge, notifications on school monitors, and notifications on the school website (www.nyfa.edu); or fire alarm and building public-address systems for extreme situations. The Director of Operations, Director of Security, Webmaster, or their designees, is responsible for deploying the notification and notifying first responders, if not already done so.

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

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

NYFA community members are encouraged to notify 911 and the Security Department and/or Operations Department of any situation or incident in or around a New York Film Academy facility that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or

employees on campus. In the event of an emergency that impacts the larger community, NYFA will contact local authorities.

EMERGENCY ALERT SYSTEM

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

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

EMERGENCY EVACUATION PROCEDURES

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

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

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

Active Shooter Inside Your Building

- Remain calm.
- If possible, exit the building using the safest possible route away from the threat.
- If you cannot get out safely, find the nearest location that provides safety, barricade the doors by any means possible, shut off lights, and move to an area of the room where you cannot be seen or heard. Keep as quiet as possible.

- Silence your phones.
- Call 911 as soon as it is safe to do so.
- Stay focused on survival and keep others around you focused.
- Do not open the door until Law Enforcement Officers advise it is safe to do so.
- When Law Enforcement Arrives:
 - Put down any item in your hand.
 - Immediately raise your hands and spread your fingers.
 - Keep your hands visible at all times.
 - Avoid making quick movements towards any officers.
 - Avoid pointing, screaming, and yelling.

Active Shooter Outside Your Building

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

Bomb Threat

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

- What is your name?

Fire or Explosion

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

Hostage Situation

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

Violent, Threatening or Unusual Behavior

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

Chemical and Hazardous Material Spill

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

Civil Disturbance

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

RESPONSIBILITY OF NYFA COMMUNITY FOR THEIR OWN PERSONAL SAFETY

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

- Report all suspicious activity to LAPD, Burbank PD, NYFA Security, or CSAs immediately.
- Never take personal safety for granted.
- Try to avoid walking alone at night.

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

ALCOHOL AND DRUG POLICIES

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

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

NYFA STANDARDS OF CONDUCT RELATED TO ALCOHOL AND DRUGS

The following is strictly prohibited on NYFA premises and NYFA affiliated facilities and while attending NYFA activities, events, workshops and curricula and co-curricular projects:

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

- Use or possession of drug-related paraphernalia
- Being under the influence, impairment, or being unable to care for one's own safety as pertains to use of alcohol and/or controlled substances and misuse of legal pharmaceutical drugs
- Possession, production, or provision of false ID
- Operating a motor vehicle while under the influence of alcohol or illicit drugs
- Administering drugs to individuals against their will and/or without their knowledge or consent
- Furnishing alcohol to a person under the age of 21
- Violating other federal, state and local laws regarding alcohol, tobacco, and controlled substances
- The smoking of tobacco, including the use of vaporizers and e-cigarettes, in indoor locations on NYFA campuses, outdoor locations not designated as smoking areas, and in attendance of NYFA related events

ALCOHOL AND OTHER DRUGS EDUCATION AND OUTREACH

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

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

Additionally, all BFA students are required to enroll in "First Year Seminar", a semester-long course that incorporates NYFA's resources, policies, and expectations on alcohol and other drugs, as well as habits that promote physical and mental wellness, effect alcohol and other drugs have on your body, consequences of alcohol and other drugs, and where to seek help, into the curriculum. NYFA also promotes healthy norms with non-alcoholic programming throughout the year.

The entire text of Alcohol and Drug Education and Intervention Program(s) for students, as well as NYFA's penalties for possession or distribution of controlled substances by students on a NYFA premises or at institutionally sponsored activities off-campus, are contained in

NYFA's Drug and Alcohol Policy for Students and the Biennial Review of the Drug and Alcohol Policy. Both documents can be found here:

<https://www.nyfa.edu/federal-financial-aid/drug-free-schools-policy.php>.

NOTIFICATION OF FINAL RESULTS

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

SEX OFFENDER REGISTRY

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

California State Sex Offender Registry Information by accessing it online at

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

The State of California requires by law, all sexual offenders and predators to re-register, in person, twice a year. Effective Dec. 1, 2005, in accordance with the California Megan's Law, all sexual offenders and predators that are enrolled, employed, or carrying on a vocation at an institution of higher education in the State of California, shall also provide to the department the name, address, and county of each institution, including each campus attended, and your enrollment and employment status.

You can find sexual offenders/predators in your neighborhood with a map that allows you to search by address, intersection, landmark, or school, here:

<http://www.meganslaw.ca.gov/search.aspx/> .

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

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

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

For a complete copy of NYFA's policies that govern the behaviors that constitute domestic violence, dating violence, sexual assault, and stalking, please visit https://hub.nyfa.edu/title_ix and view/download the Title IX Grievance Policy & Procedure and 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.

California STATE DEFINITIONS of DoV, DaV, SA, and S

The following is a summary of the definitions applicable to Title IX and the Violence Against Women Reauthorization Act (2013) offenses (sexual assault, dating violence, domestic violence, and stalking) under [California state law](#). The California state laws can be found in the California Penal Code (PEN) and California Family Code (FAM) located here: leginfo.legislature.ca.gov.

Consent:

Consent means positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue. (See, Cal Penal Code §261.6.)

Domestic Violence:

Domestic violence is any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member. Domestic Violence is further defined as battery committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship.

Family or Household Members: former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

(See, Cal Penal Code §243.(e) and Cal Family Code §6211)

Dating Violence:

California law has no criminal law that exclusively addresses dating violence. However, California domestic battery and corporal injury laws encompass acts committed within the context of dating relationships. “Dating relationship” means frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement independent of financial considerations. (See, Cal Family Code §6210.)

Sexual Assault:

The California Penal Code establishes three categories of sexual assault and related offenses: rape, spousal rape, statutory rape, and sexual battery.

Rape:

Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

1. Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act.
2. Where it is accomplished against a person’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.
3. Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.
4. Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, “unconscious of the nature

of the act” means incapable of resisting because the victim meets any one of the following conditions:

- a. Where a person was unconscious or asleep.
 - b. Was not aware, knowing, perceiving, or cognizant that the act occurred.
 - c. Where a person is not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact.
 - d. Where a person was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.
5. Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.
 6. Where the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, “threatening to retaliate” means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death. Where the act is accomplished against the victim’s will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, “public official” means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

As used above, “duress” means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.

As used above, “menace” means any threat, declaration, or act which shows an intention to inflict an injury upon another. (See, Cal Penal Code §261)

Spousal Rape:

Spousal rape generally tracks the definition of rape, except that the accused is the spouse of the accuser. (See, Cal Penal Code §262)

Statutory Rape:

Statutory rape is unlawful sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. A “minor” is a person under the age of 18 years and an “adult” is a person who is at least 18 years of age. (See, Cal Penal Code §261.5)

Sexual Battery:

Sexual battery is defined as any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse. (See, Cal Penal Code §243.4)

Stalking:

Stalking is any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family.

The California Penal Code defines

Harasses: engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.

Course of conduct: two or more acts occurring over a period of time, however short, evidencing a continuity of purpose.

Credible Threat: a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated

statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family.

Electronic Communication Device: includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers.

Immediate Family: any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.

(See, Cal Penal Code §646.9)

NYFA POLICY DEFINITIONS

Covered Sexual Harassment, according to NYFA's Title IX Greivance Policy & Procedure: includes any conduct on the basis of sex that satisfies one or more of the following:

1. An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity;
3. Sexual assault (as defined in the Clery Act)
4. Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act)
5. Domestic violence (as defined in the VAWA amendments to the Clery Act)
6. Stalking (as defined in the VAWA amendments to the Clery Act)

Sexual Misconduct, according to NYFA's Sexual Misconduct Policy: 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.

It 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: NYFA's Title IX Grievance Policy & Procedure and Sexual Misconduct Policy defines consent according to the California State definition.

BYSTANDER INTERVENTION

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

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

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

1. Notice potentially problematic situations
2. Identify when it's appropriate to intervene
3. Recognize personal responsibility for intervention
4. Know how to intervene

5. Take action to intervene

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

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

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

RISK REDUCTION

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

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

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

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

Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

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

EDUCATION AND PREVENTION PROGRAMS

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

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

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

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

recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;

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

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

NYFA offered the following primary prevention and awareness programs for students in the 2022 calendar year.

Name of Program	Date Held	Location Held	Prohibited Conduct Covered?
Health & Safety Orientation	Jan, Apr & Aug 2022	online	DoV, DaV, SA, and S
Sexual Respect Training	During enrollment	online	DoV, DaV, SA, and S
Sexual Assault Prevention Month Campaign	Apr. 2022	Various Locations	DoV, DaV, SA, and S
Domestic Violence Awareness Month Campaign	Oct 2022	online	DoV, DaV

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

NYFA offered the following primary prevention and awareness programs for employees in the 2022 calendar year.

Name of Program	Date Held	Location Held	Prohibited Conduct Covered?
Sexual Assault Prevention Month Campaign	Apr. 2022	Various Locations	DoV, DaV, SA, and S
Domestic Violence Awareness Month Campaign	Oct 2022	online	DoV, DaV
Sexual Respect Training	During onboarding	online	DoV, DaV, SA, and S

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

NYFA offered the following ongoing awareness and prevention programs for students in the 2022 calendar year:

Name of Program	Date Held	Location Held	Prohibited Conduct Covered?
Sexual Violence Prevention Fair	Apr. 2022	5th Fl. Lounge	DoV, DaV, SA, and S
Intimacy Coordination & Safe Set Practices	Apr 2022	online	DoV, DaV
Campus Climate Survey	Nov 2022	online	DoV, DaV, SA, and S
Student Ambassador Training	Jan, Apr, Aug 2022	online	DoV, DaV

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

NYFA offered the following ongoing awareness and prevention programs for employees in the 2022 calendar year:

Name of Program	Date Held	Location Held	Prohibited Conduct Covered?
Sexual Violence Prevention Fair	Apr. 2022	online	DoV, DaV, SA, and S
Trauma Informed Pedagogy	Apr 2022	online	DoV, DaV, SA, and S

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

NYFA's ongoing awareness and prevention plans for the 2023 academic year include programs for students, faculty, and staff, such as, Sexual Assault Awareness Month, Domestic Violence Awareness Month, trainings during New Student Orientation, and Bringing in the Bystander workshops. Additionally, NYFA plans to reincorporate more prevention and awareness initiatives back on campus.

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

The Importance of Preserving Evidence

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

Local medical providers can also provide emergency and follow-up medical services to address physical well-being or health concerns, and also conduct forensic sexual assault examinations. A medical exam obtained from a hospital or sexual assault response center serves two purposes: first, to diagnose and treat the full extent of any injury or physical effect including sexually transmitted infection (STI) or possibility of pregnancy; and second, to properly collect and preserve evidence. The exam may include testing and prophylactic treatment for HIV/AIDS, STIs, and pregnancy, a vaginal/anal examination, collection of fingernail scrapings and/or clippings, examination for injuries, and blood testing. There is a limited window of time (typically 72 to 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any course of action. The decision to seek medical attention and gather any evidence will preserve the full range of options to seek resolution through NYFA's complaint processes or criminal action, including obtaining a protection order.

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

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

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

LA County/USC Medical Center 1200 N. State Street Los Angeles, CA 90033 323-226-3961	Santa Monica-UCLA Medical Center Rape Treatment Center 1250 16th Street Santa Monica, CA 90404 310-319-4000, Ext. 3
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Reporting to Law Enforcement

Students, faculty, and staff have the option to report to law enforcement simultaneously or in lieu of reporting to the institution. NYFA encourages members of the community to report incidents of sexual assault, dating violence, domestic violence, or stalking to law enforcement and, if requested, the Title IX Coordinator can provide assistance in notifying LAPD or Burbank PD or other local law enforcement agencies. However, students, faculty, and staff have the right to decline to notify such authorities.

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

Burbank Police Department

200 N 3rd St, Burbank, CA 91502
818-238-3000

Los Angeles Police Department

Emergency: 911

Non-Emergency: 877-275-5273

100 West 1st Street

Los Angeles, CA 90012

Link to: [File a Commendation or Complaint](#)

Burbank PD: Crimes Against Person Detail : 1-818-238-3210

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

Reporting to New York Film Academy

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

Sam Lingrosso

Associate Dean of Students & Title IX Coordinator

3300 W. Riverside Dr, 1st floor

Phone: (818) 333-3558 x1143

Email: LATitle9@nyfa.edu

New York Film Academy encourages prompt reporting to allow for the collection and preservation of evidence that may be helpful during an investigation or criminal proceeding. A delay in filing a complaint may limit the Title IX Coordinator's ability to respond. If the complaint is delayed to the point where one of the Parties (Complainant or Respondent) has graduated or is no longer employed, NYFA will still seek to meet specific obligations under

federal and state laws by taking reasonable action to end the harassment, prevent its recurrence, and remedy its effects.

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

Dr. Stanley Tam, Director of Counseling
Laina Pauker, Campus Therapist
3300 W. Riverside Dr., Fourth Floor
Phone: (818) 333-3558 x1113
Email: CounselingLA@nyfa.edu

CONFIDENTIALITY

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

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

By only sharing personally identifiable information with individuals on a need-to-know basis, NYFA will maintain as confidential any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

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

ASSISTANCE FOR VICTIMS: RIGHTS & OPTIONS

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

1. The procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred;
2. Information about victim services in the institution and in the community;
3. A statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures, including how to request changes to—academic, living, transportation, and working situations; and
4. An explanation of procedures for institutional disciplinary action.

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

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

1. Notify local law enforcement, and/or state police;
2. Have emergency access to a Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault who shall be available upon the first instance of disclosure by a reporting individual to provide information regarding options to proceed, and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible, and detailing that the criminal justice process utilizes different standards of proof and evidence

and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney. The Title IX Coordinator or other appropriate official shall explain their abilities or limitations regarding confidentiality or privacy, and shall inform the reporting individual of other reporting options;

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

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

California Protective Orders

Domestic Violence Restraining Orders

You may request a domestic violence restraining order by visiting the [Superior Court of Los Angeles](#). A domestic violence restraining order is a court order that helps protect people from abuse or threat of abuse from someone they have a close relationship with. You may request for a domestic violence restraining order if:

1. A person has abused (or threatened to abuse) you; AND
2. You have a close relationship with that person. You are:
 - a. Married or registered domestic partners,
 - b. Divorced or separated,

- c. Dating or used to date,
- d. Living together or used to live together (more than roommates),
- e. Parents together of a child, or closely related (parent, child, brother, sister, grandmother, grandfather, in-law).
- f. If you are a parent and your child is being abused, you can also file a restraining order on behalf of your child to protect your child (and you and other family members). If your child is 12 or older, the child can file the restraining order on his or her own.

A restraining order is a court order. It can order the restrained person to:

- Not contact or go near you, your children, relatives, or others who live with you
- Stay away from your home, work, or your children's schools
- Move out of your house (even if you live together)
- Not have a gun
- Complete a batterer intervention program
- Outline specific spousal support or child custody and visitations

If you do not qualify for a domestic violence restraining order, there are other kinds of orders you can ask for:

1. Civil harassment restraining order (can be used for neighbors, roommates, coworkers, or more distant family members like cousins, uncle, or aunt, etc.). Find more information on getting a civil harassment restraining order.
2. Elder or dependent adult abuse restraining order (if the person being abused is 65 or older; or between 18 and 64 and a dependent adult). Find more information on getting an elder or dependent adult abuse restraining order.
3. Workplace violence restraining order (filed by an employer to protect an employee from violence, stalking, or harassment by another person). Find more information on getting a workplace violence restraining order.

Emergency Protective Order (EPO)

An EPO is a type of restraining order that only law enforcement can ask for by calling a judge. Judges are available to issue EPOs 24 hours a day. So, a police officer that answers a domestic violence call can ask a judge for an emergency protective order at any time of the day or night.

The emergency protective order starts right away and can last up to 7 days. The judge can order the abusive person to leave the home and stay away from the victim and any children for up to a week. That gives the victim of the abuse enough time to go to court to file for a temporary restraining order.

To get an order that lasts longer than an EPO, you must ask the court for a temporary restraining order (also called a “TRO”).

Temporary Restraining Order (TRO)

When you go to court to ask for a domestic violence restraining order, you fill out paperwork where you tell the judge everything that has happened and why you need a restraining order. If the judge believes you need protection, he or she will give you a temporary restraining order. Temporary restraining orders usually last between 20 and 25 days, until the court hearing date.

“Permanent” Restraining Order

When you go to court for the hearing that was scheduled for your TRO, the judge may issue a “permanent” restraining order. They are not really “permanent” because they usually last up to 5 years.

At the end of those 5 years (or whenever your order runs out), you can ask for a new restraining order so you remain protected.

Criminal Protective Order or “Stay-Away” Order

Sometimes, when there is a domestic violence incident (or series of incidents), the district attorney will file criminal charges against the abuser. This starts a criminal court case. It is common for the criminal court to issue a criminal protective order against the defendant (the person who is committing the violence and abuse) while the criminal case is going on, and, if the defendant is found guilty or pleads guilty, for 3 years after the case is over.

To find the applicable Superior Court in your jurisdiction, click on the following link:

<https://www.courts.ca.gov/find-my-court.htm>

California Crime Victims Bill of Rights

Marsy’s Law significantly expands the rights of victims in California. Under Marsy’s Law, the California Constitution Article I, §28, section (b) provides victims with the following enumerated rights:

1. To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process.
2. To be reasonably protected from the defendant and persons acting on behalf of the defendant.
3. To have the safety of the victim and the victim's family considered in fixing the amount of bail and release conditions for the defendant.
4. To prevent the disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.
5. To refuse an interview, deposition, or discovery request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.
6. To reasonable notice of and to reasonably confer with the prosecuting agency, upon request, regarding, the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, upon request, to be notified of and informed before any pretrial disposition of the case.
7. To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.
8. To be heard, upon request, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.
9. To a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.
10. To provide information to a probation department official conducting a presentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.
11. To receive, upon request, the pre-sentence report when available to the defendant, except for those portions made confidential by law.

12. To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody.
13. To restitution.
 - a. It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.
 - b. Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.
 - c. All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.
14. To the prompt return of property when no longer needed as evidence.
15. To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender.
16. To have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made.
17. To be informed of the rights enumerated in paragraphs (1) through (16).

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

No Contact Orders

NYFA may issue an institutional no contact order if deemed appropriate or at the request of the Complainant, Respondent, or Witnesses. A no contact order is a directive issued to one or more persons agreeing to no communication (verbal, written, third party contact, or through electronic means) in order to protect the educational and working environment. A

no contact order is not a punitive sanction, though failure to abide by the agreement may constitute a policy violation and result in disciplinary action.

Additional Protective Measures Available to Students, Faculty, and Staff

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

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

- A. Procedural Hold – the removal of a student from classes, or from specified NYFA activities, or from NYFA property during the course of NYFA's grievance procedure. The Title IX Coordinator will consult with the Dean of Students and/or Dean of LA Campus to determine whether a procedural hold is the appropriate course of action.
- B. Administrative Leave – the removal of a faculty or staff from NYFA facilities during the course of NYFA's grievance procedure. The Title IX Coordinator will consult with Human Resources to determine whether the administrative leave is warranted, with or without pay.

Supportive Measures Available to Students, Faculty, and Staff

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

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

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

- 1. Academic assistance: transferring to another section or class time slot, rescheduling an assignment or test, extensions of deadlines or other course-related adjustments, accessing academic support such as tutoring,

arranging for incompletes, a leave of absence or withdrawal from a course(s), preserving eligibility for financial aid, needs-based or talent-based discounts, or international student visas

2. Mental health services, such as counseling
3. Providing resources available for medical assessment, treatment, and crisis response
4. Change in housing: switching residence hall rooms or assistance in finding alternative third- party housing
5. Providing resources and options available for contacting law enforcement
6. Providing an escort for the student to move safely between NYFA classes and programs
7. Providing increased security and monitoring of certain areas of the campus
8. Transportation and parking assistance
9. Assistance in identifying additional resources off campus
10. No Contact Order (NCO)

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

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

On-Campus Resources

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

Area Requesting Assistance	Who/How to Contact
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Academic Resources	Dean of Students 3300 West Riverside Dr, 1st Floor Monday – Friday, 9:00 a.m. to 6:00 p.m. susan.ashe@nyfa.edu , 818-333-3558 x1113
Visa & Immigration Resources	International Student Office 3300 West Riverside Dr, 1st Floor Monday – Friday, 9:00 a.m. to 6:00 p.m. LAInternational@nyfa.edu , 818-333-3558 x3562
Counseling & Wellness Resources	NYFA Counseling Services 3300 West Riverside Dr, 4th Floor Monday – Friday, 9:00 a.m. to 6:00 p.m. CounselingLA@nyfa.edu , 818-333-3558 x1113
Employment Resources	Human Resources 3300 West Riverside Dr, 2nd Floor Monday – Friday, 9:00 a.m. to 6:00 p.m. hr@nyfa.edu , 818-333-3558 x3589
Financial Aid Resources	Financial Aid Office 3300 West Riverside Dr, 1st Floor Monday - Friday, 9:00 a.m. to 6:00 p.m. financialaid@nyfa.edu , 818-333-3558 x3563
Assistance with obtaining additional options and resources	Title IX Coordinator 3300 West Riverside Dr, 1st Floor Monday – Friday, 9:00 a.m. to 6:00 p.m. LATitle9@nyfa.edu , 818-333-3558 x1143

Off-Campus Resources

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

Project Sister:

Provides a 24-hour hotline, accompaniment program, information and referral services, professional counseling series, support groups, and a walk-in clinic.

P.O. Box 1369 Pomona, CA 91769-1369

24 Hour Hotline: 909.626.4357

info@projectsister.org

East Los Angeles Women's Center:

Provides free, confidential, bilingual (Spanish) crisis response and advocacy for survivors of sexual assault, dating/domestic violence, stalking, and human trafficking.

1255 South Atlantic Boulevard Los Angeles, CA 90022

800.585.6231

Peace Over Violence:

Provides comprehensive, free treatment for sexual assault survivors, including 24-hour emergency medical care and forensic services, counseling and psychotherapy, advocacy, and accompaniment services.

West San Gabriel Valley Center 892 N. Fair Oaks Ave., Suite D Pasadena, CA

91103-3046 310.392.8381

info@peaceoverviolence.org

Rape Abuse and Incest National Network(RAINN): A confidential, anonymous national sexual assault hotline.

1.800.656.4673

Rape Treatment Center at Santa Monica-UCLA Medical Center:

Provides comprehensive, free treatment for sexual assault victims, including 24-hour emergency medical care and forensic services, counseling, psychotherapy, advocacy, and accompaniment services.

310.319.4000, Ext. 3

Los Angeles LGBT Center: Provides support and advocacy services for LGBT community members.

1625 N. Schrader Blvd. Los Angeles, CA 90028

323.993.7400

Legal Aid Foundation of Los Angeles:

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

800.399.4529

<http://www.lafla.org/>

SurvJustice:

Legal assistance for survivors in campus, criminal and civil legal systems. SurvJustice provides direct assistance for campus cases and partners with local, regional and national law firms to assist in civil and criminal cases.

1629 K Street NW, Suite 300 Washington D.C. 20006-1631

<http://survjustice.org/>

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

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

Employee Assistance Program

NYFA provides an Employee Assistance Program (EAP) for use by employees. The EAP is available to provide full-time employees assistance with such problems as dealing with conflict of violence, relationship issues, depression, stress, grief, alcohol and drug use, anxiety, and other personal matters. All full-time employees, regardless of performance, are eligible.

For information on how to utilize the services provided by the EAP, employees should visit their Paycom Portal and locate "Benefits Forms and Links".

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

NYFA's disciplinary processes include prompt, fair, and impartial investigations, and adjudication processes, from the initial investigation to the final result. In all instances, the

process will be conducted in a manner that is consistent with the institution's policies and that is transparent to the Complainant and Respondent (Parties). Usually, the resolution of domestic violence, dating violence, sexual assault, and stalking are completed within 90 working days of the report. However, each proceeding allows for extensions of timeframes for good cause with written notice to the Complainant and Respondent of the delay and the reason for the delay.

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, NYFA or an individual may file a formal complaint under the *2023-2024 LA Campus Catalog* alleging a student, faculty, or staff member violated

New York Film Academy's Title IX Grievance Policy & Procedure or Sexual Misconduct Policy. The following policies and procedures are derived from NYFA's Title IX Grievance Policy & Procedure and NYFA's Sexual Misconduct Policy as contained in the *2023-2024 LA Campus Catalog*. New York Film Academy reserves the right to make changes to the catalog, as necessary.

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

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

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

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

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

Complainants are only able to file a Formal Complaint under the Title IX Grievance Policy & Procedure if they are currently participating in, or attempting to participate in, the education programs or activities of NYFA, including as an employee. For Complainants who do not meet these criteria, NYFA will deem the complaint as filed under the Sexual Misconduct Policy or one of NYFA's other relevant policies and procedures.

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

Sam Lingrosso
Associate Dean of Students & Title IX Coordinator
3300 W. Riverside Dr, 1st floor
Phone: (818) 333-3558 x1143

Email: LATitle9@nyfa.edu

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

Individuals may choose not to file a Formal Complaint under the Title IX Grievance Policy & Procedure (or Sexual Misconduct Policy), nor report local law enforcement and NYFA respects and supports such decisions; however, if information about an alleged incident of sexual harassment or sexual misconduct is brought to the attention of NYFA, the Title IX Coordinator may file a Formal Complaint on behalf of the institution and initiate the formal resolution process under the Title IX Grievance Policy & Procedure (or Sexual Misconduct Policy).

How To File a Formal Complaint Under the Sexual Misconduct Policy

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

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

Sam Lingrosso

Associate Dean of Students & Title IX Coordinator

3300 W. Riverside Dr, 1st floor

Phone: (818) 333-3558 x1143

Email: LATitle9@nyfa.edu

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

to take action to protect the health and safety of the Complainant and the campus community.

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

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

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

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

How New York Film Academy Determines Which Policy Will Be Used

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

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in NYFA's education program or activity; and

4. The conduct is alleged to constitute “covered” sexual harassment as defined in the Title IX Grievance Policy & Procedure.

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

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

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

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

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

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

NYFA will make every reasonable effort to ensure that the investigation and resolution of a Formal Complaint occur in a timely and efficient manner as possible. New York Film

Academy's investigation and resolution process will generally be completed ninety (90) working days after the filing of the Formal Complaint.

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

1. FILING A FORMAL COMPLAINT

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

2. NOTICE OF ALLEGATIONS

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

3A. INFORMAL RESOLUTION

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

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

3B. FORMAL RESOLUTION

A. Investigation

- a. The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute “covered” sexual harassment after issuing the Notice of Allegations.
- b. Prior to the completion of the investigation, the Parties will have an equal opportunity to inspect and review the evidence obtained through the investigation.
- c. All Parties must submit any evidence they would like the investigator to consider prior to when the Parties’ time to inspect and review evidence.

B. Investigative Report

- a. The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will create an Investigative Report that fairly summarizes relevant evidence.
- b. Both Parties will be notified of the availability of the Investigative Report for reviewing purposes.

C. Hearing

- a. NYFA will not issue a disciplinary sanction arising from an allegation of covered sexual harassment without holding a live hearing, unless the Title IX Grievance Policy & Procedure has been resolved through one of the Informal Resolution options.
- b. The hearing will be facilitated by and determined by a single Decision-maker. The Title IX Coordinator and the investigator shall be excluded from being the Decision-maker.
- c. The live hearing may be conducted with all Parties physically present in the same geographic location, or, at NYFA’s discretion, any or all Parties, Witnesses, and other participants may appear at the live hearing virtually through Zoom, Skype, or similar technology.

- d. The Parties cannot waive the right to a live hearing. However, NYFA may still proceed with the live hearing in the absence of a Party and may reach a determination of responsibility in their absence.
 - e. The Parties have the right to select an Advisor of their choice, who may be, but does not have to be, an attorney. If a Party does not have an Advisor present at the live hearing, NYFA shall provide, without fee or charge, an Advisor, who shall be selected by NYFA.
 - f. During the live hearing, each Party's Advisor will conduct live cross-examination of the other Party or Parties and Witnesses.
- D. Determination Regarding Responsibility
- a. While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on the documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Decision-maker.
 - b. The written Determination Regarding Responsibility will be issued simultaneously to all Parties through their NYFA email account, or other reasonable means as necessary.
 - c. If there are no extenuating circumstances, the determination regarding responsibility will be issued by NYFA within ten (10) working days of the completion of the hearing.
- E. Appeals
- a. Each Party may appeal: (1) the dismissal of a Formal Complaint or any included allegations, and/or; (2) a determination regarding responsibility and/or sanctions.
 - b. To appeal, a Party must submit their written appeal within five (5) working days of being notified of the decision, indicating the grounds for the appeal.
 - c. Appeals will be decided by an Appeals Decision-panel, who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or hearing Decision-maker in the same matter.

Steps In the Resolution Process Under the Sexual Misconduct Policy

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

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

1. FILING A FORMAL COMPLAINT

A. Receipt and Outreach

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

B. Initial Assessment

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

C. Intake

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

2. NOTICE OF ALLEGATIONS

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

3A. INFORMAL RESOLUTION

- A. A Complainant who files a Formal Complaint may elect, at any time, to address the matter through the informal resolution process. The Parties may elect to enter NYFA's

informal resolution process at any time after the filing of the Formal Complaint through an informed written consent.

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

3B. FORMAL RESOLUTION: INVESTIGATION

- A. The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute sexual misconduct after issuing the Notice of Allegations.
- B. Fact-Finding
 - a. The Title IX Coordinator and/or investigator designated by the Title IX Coordinator will meet with the Parties, separately, and request information related to the allegations, including names of witnesses and documentation related to the incident, which may include documented communications between the Parties, receipts, photos, video, or other information relevant to the allegations.
- C. Information Review
 - a. The Parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the information review process is to allow each Party the equal opportunity to meaningfully respond to the evidence prior to the conclusion of the investigation.
 - b. The Parties can request for additional documentation from witnesses, request for new witnesses, or request for additional documentation under the control of NYFA.

- c. The Title IX Coordinator may ask questions during the Information Review, including questions submitted by the other Party.
- D. Investigative Report
 - a. The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will create an Investigative Report that fairly summarizes relevant evidence.
 - b. Both Parties will be notified of the availability of the Investigative Report for reviewing purposes
- E. Decision-Making
 - a. The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will send the Investigation Report, for review, to a trained Decision-maker.
 - b. The Decision-maker will make a determination regarding the Respondent's responsibility for violations of NYFA policy and will make a determination about sanctioning.
 - c. Where a Respondent faces a potentially severe sanction (such as a lengthy suspension or expulsion for a student, or termination for an employee) and if the determination depends on the credibility of involved Parties or Witnesses, then:
 - i. The Decision-maker shall have the ability to observe live, either in person or by other means, such as through a method like Skype or Zoom, the demeanor of those Parties and/or Witnesses in deciding which Parties and/or Witnesses are more credible.
 - ii. The Decision-maker shall allow for the opportunity for the Parties to cross-examine each other and/or Witnesses, either directly through an advisor, or indirectly by the Decision-maker.
- F. Final Outcome Letter
 - a. The Decision-maker will notify both the Complainant and Respondent, in writing, of the finding(s), any imposed sanctions, and the rationale for the decision(s) via a Final Outcome Letter. This information is communicated through each Party's NYFA email account, or other reasonable means as necessary.
- G. Appeals
 - a. Each Party may appeal: (1) the dismissal of a Formal Complaint or any included allegations, and/or; (2) a determination regarding responsibility and/or sanctions.

- b. To appeal, a Party must submit their written appeal within five (5) working days of being notified of the decision, indicating the grounds for the appeal.
- c. Appeals will be decided by an Appeals Decision-panel, who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or hearing Decision-maker in the same matter.

Standard of Proof

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

Possible Sanctions

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

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

Sanctioning for Students

1. Warning
 - a. Notice to the student that a violation of NYFA policies or regulations has occurred and that continued or repeated violations of NYFA policies or regulations may be cause for further disciplinary action.
 - b. A warning carries no transcript notation.
2. Disciplinary Probation
 - a. A status imposed for a specific period of time in which a student must demonstrate conduct that abides by NYFA's policies and expectations. Conditions restricting the student's privileges or eligibility for NYFA activities may be imposed. A temporary transcript notation may

accompany the probationary period. Further misconduct during the probationary period or violation of any conditions of the probation may result in additional disciplinary action, including but not limited to, suspension or expulsion.

- b. Disciplinary probation carries a temporary transcript notation that is only noted on the student's transcript during the duration of the disciplinary probation. When the disciplinary probation period concludes, the transcript notation is removed.
- c. A student may be placed on disciplinary probation for the remainder of the current semester, one semester, two semesters, one year, or for the remainder of their program.

3. Deferred Suspension

- a. A status imposed for a specific period of time in which the student must successfully complete conditions outlined by the Title IX Coordinator and/or may be a period in which suspension from NYFA is deferred or delayed until a later date. Further violations of NYFA's policies or failure to complete any assigned conditions may result in additional disciplinary action including, but not limited to, suspension or expulsion.
- b. Deferred suspension carries a temporary transcript notation that is only noted on the student's transcript during the duration of the deferred suspension. When the deferred suspension period concludes, the transcript notation is removed.
- c. A student may be placed on deferred suspension for the remainder of their current semester or for the remainder of their program.

4. Suspension

- a. Suspension is the termination of a student's status for a specified period of time, including the remainder of an academic term or for several academic terms. Suspension may take effect at such time as the Title IX Coordinator determines. A suspended student will be ineligible to enroll in any NYFA courses at any NYFA campuses during the period of suspension. During the period of suspension, the Title IX Coordinator may place a hold on the student's NYFA records which may prevent the student from registering, obtaining transcripts, verifications, or receiving a degree from NYFA.
- b. After the period of Suspension, the Student will be reinstated if:

- i. The student has complied with all conditions imposed as part of the suspension.
 - ii. The student is academically eligible.
 - iii. The student meets all requirements for reinstatement including, but not limited to, removal of holds on records, and payment of restitution where payment is a requirement of reinstatement.
 - iv. The student meets the deadlines for filing all necessary applications, including those for readmission, registration, and enrollment.
 - v. Students are required to apply for readmission following a suspension of more than one academic term and must meet all requirements for readmission. Suspended students may be prohibited from entering specified areas, or all areas, of NYFA property. Further violations of NYFA's policies or expectations, or failure to complete any assigned conditions may result in additional disciplinary action including, but not limited to, further suspension or expulsion.
 - c. Notations for Suspension may be permanent. A transcript notation for Suspension may be removed one year following the date Suspension has concluded. A notation may only be removed if a request is made, in writing, to the Title IX Coordinator, one year after the terms of Suspension have been met.
 - d. A student may be suspended for the remainder of their current semester, one semester, two semesters, or one year. Students who are suspended in the middle of a semester may be required to repeat the semester.
5. Deferred Expulsion
- a. A status imposed for a specific period of time in which the student must successfully complete conditions outlined by the Title IX Coordinator and/or may be a period in which expulsion from NYFA is deferred or delayed until a later date. Further violations of NYFA's policies, or failure to complete any assigned conditions will result in additional disciplinary action including, but not limited to, immediate expulsion.
 - b. Deferred expulsion carries a permanent transcript notation that indicates the duration of the deferred expulsion.

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

- iv. Participation in designated educational programs, services, or activities
 - v. Letter of apology
- 9. Transcript Notation

Students that are found responsible for a policy violation may receive a notation on their transcript indicating a sanction of either Disciplinary Probation, Suspension, or Expulsion. Notations for Disciplinary Probation are temporary, and only appear during the duration of Disciplinary Probation. Notations for Suspension may be permanent. Notations for Expulsion are permanent. If findings of responsibility are vacated, any such transcript notation will be removed. Students that are found responsible for a policy violation may also receive a notation on their transcript indicating “Not in good standing” for a duration of one semester of two semesters.
- 10. Additional Actions
 - a. Additional actions are intended to help repair any harm that resulted from a violation or to protect the safety of the NYFA campus community. Additional actions may include, but are not limited to:
 - i. Exclusion from entering specified areas, or all areas, of NYFA property
 - ii. Loss of privileges and/or exclusion from NYFA activities
 - iii. Relocation in residence hall
 - iv. Removal from residence hall
 - v. No Contact Order
- 11. Limits on Sanctions

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

Sanctioning for Employees

- 1. Subbing or rescheduling an instructor from their class assignment(s)
- 2. Replacing an instructor from their class assignment(s)
- 3. Counseling session regarding Policy expectations
- 4. Verbal Warning
- 5. Written Warning

6. Final Written Warning
7. Suspension of employment status
8. Termination of employment status

How to File an Appeal

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

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

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

The limited grounds for appeal available are as follows:

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

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

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

Appeals should be submitted electronically to the Title IX Coordinator, who will forward to the Appeals Decision-panel. Appeals will be decided by an Appeals Decision-panel, who will be free of conflict of interest and bias and will not serve as Investigator or Title IX

Coordinator in the same matter. The Appeals Decision-panel may be made up of one or more trained individuals.

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

APPENDIX A - Clery Reportable Crimes Definitions

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.