

NYFA

NEW  
YORK

NEW YORK FILM ACADEMY  
COURSE CATALOG





# | 2023–2024 NYFA NEW YORK CAMPUS CATALOG ADDENDUM II

## | ABOUT THIS CATALOG ADDENDUM

This is **Addendum II** to the NYFA New York Fall 2023-2024 Catalog. Items listed were updated after NYFA New York Fall 2023-2024 Catalog’s publish date of August 28, 2023.

The Policy updates and changes listed in this Addendum are in immediate effect as of June 28, 2024.

### Bias Related Crime Prevention Policy

- The name of this policy has been updated to Bias-Related and Hate Crime Prevention.
- Clarification of the difference between bias-related incidents and hate crimes.
- Additional information on the investigation and reporting requirements for hate crimes per Article 129-A Section 6434.

### Campus Crime & Security

- Additional information and clarification on safety policy and procedures in place to be in compliance of Article 129-A
  - The Rules for the Maintenance of Public Order per Section 6430.
  - The Advisory Committee on Campus Security per Section 6431.
  - Campus Crime Reporting and Statistics available links per Section 6433.
  - The investigation and reporting requirements for hate crimes per Article 129-A Section 6434.
  - Detailed information on NYFA’s Missing Student Policy and reporting requirements to local law enforcement per Section 6434.
  - Additional information on Fire Safety Practices per Section 6438.
  - Applicable New York State definitions of ‘hate crime’ and ‘violent felony’.

### Prohibition of On-Campus Credit Card Marketing

This policy has been added in compliance with Article 129-A Section 6437. It protects NYFA student from on-campus advertising, marketing or merchandising of credit cards.

### **The Rules for the Maintenance of Public Order**

- Per Article 129A section 6430 of the New York Education Law, NYFA has adopted written Rules for the Maintenance of Public Order on campus and any location nexus to the campus. These rules are already published on the NYFA website (<https://www.nyfa.edu/on-campus/campus-safety/>). They are now added to our NYFA New York Course Catalog.

This, the NYFA New York Campus Catalog Addendum I (published April 29, 2024) and the original NYFA New York Fall 2023-2024 are the documents of authority for NYFA students continuing or commencing their programs at the New York campus starting from the Fall 2023 semester up until the start of the Fall 2024 semester.

# | BIAS-RELATED AND HATE CRIME PREVENTION

Bias-related and hate crimes are crimes motivated by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as their race, color, creed, national origin, ethnicity, ancestry, religion, age, sex, sexual orientation, gender, gender identity, disability or alienage.

Bias-related incidents are behaviors which constitute an expression of hostility against the person or property of another because of the targeted person's perceived or actual race, color, creed, national origin, ethnicity, ancestry, religion, age, sex, sexual orientation, gender, gender identity, disability or alienage.

Hate crimes, according to [New York Penal Law Section 485](#), are when a person commits a specified criminal offense and either:

- Intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or
- Intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

Penalties for bias-related or hate crimes are very serious and range from fines to imprisonment for lengthy periods, depending on the nature of the underlying criminal offense, the use of violence or previous conviction of the offender.

In compliance with Article 129 Section 6434 of New York Education Law, in the event of receiving a report of any hate crime occurring at or on NYFA New York campus premises, NYFA will notify the New York Police Department as soon as is practicable but in no case more than 24 hours after such a report. The New York Police Department, upon receiving a report from NYFA of any hate crime will investigate such a report in accordance with its

procedures. NYFA will cooperate fully with the New York Police Department and will coordinate its own prompt investigation through the Dean of Students' Office with the New York Police Department.

Students, staff, or faculty who are found responsible for bias-related and hate crimes are also subject to NYFA disciplinary procedures and a range of sanctions up to and including suspension, expulsion, or termination of employment.

In order to effectively handle bias-related incidents or hate crimes and prevent future occurrences of such crimes, victims or witnesses of a bias-related incident or hate crime are encouraged to immediately report the incident to the Campus Dean, Deans of Students, Title IX Coordinator, or any other NYFA Administrator. Please remember that any evidence such as graffiti, emails, written notes or voice mail messages should be preserved. NYFA will investigate and follow the appropriate investigation procedures. Victims of bias-related incidents or hate crime can also avail themselves of NYFA Counseling Services or other support services.

## **| CAMPUS CRIME & SECURITY**

### **| JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY & CAMPUS CRIME ACT**

On an annual basis, New York Film Academy prepares an Annual Security Report (ASR) to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The ASR is prepared in cooperation with NYFA's Clery Coordinator, President, Senior Executive Vice President, Dean of Students, Dean of Campus, Title IX Coordinator, and the Operations Department as well as local law enforcement agencies surrounding NYFA's campus; and is distributed via email to every enrolled student and current employee by October 1st of every year.

The ASR 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. The crime statistics published in the ASR are recorded in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook, Violence

Against Women Act (VAWA), and relevant state laws. See [Appendix A](#) for definitions of reportable crimes and New York State Definitions where applicable.

Incidents reported to Campus Security Authorities, New York Police Department (NYPD), or other local law enforcement agencies that fall into one of the required reporting classifications will be disclosed as a statistic, in the year it was reported, in the 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 Campus Security Authorities. Campus Security Authorities are also informed in writing and through training to report crimes in a timely manner, so crimes can be evaluated for timely warning purposes.

All statistics are gathered, compiled, and then shared with the New York Film Academy community via the ASR, which is published by the Clery Coordinator in coordination with the persons listed above. The annual crime statistics are published in the ASR and submitted to the US Department of Education (ED). The statistical information gathered by the ED is available to the public through the ED website. In accordance with Article 129-A Section 6433, the ED website is made available on the NYFA website (<https://www.nyfa.edu/on-campus/campus-safety/>) as a separate link.

In addition to the Annual Security Report, NYFA requires compliance with all of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requirements including the following but not limited to Timely Warnings, Emergency Notifications, safety and prevention programming, emergency response procedures, fire safety practices and standards, and procedures and resources for victims of sexual assault, dating violence, domestic violence, and stalking.

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

New York Film Academy's on-campus facilities consist of the first, fourth, and fifth floors at 17 Battery Place and the twelfth floor at 26 Broadway. The 17 Battery Place campus is open to students and staff Monday through Friday, from 8:30 a.m. to 10 p.m., and Saturday, from 9 a.m. to 7 p.m. On Sundays, the school remains closed but may open for a special event. Students, faculty, and staff gain access to 17 Battery Place via access control systems that require an identification card. The twelfth floor at 26 Broadway is subleased to other institutions not affiliated with NYFA, and generally not occupied by NYFA students, faculty, or staff during the year. However, when NYFA's enrollment is at capacity, typically during the summer months, NYFA may recapture space on the twelfth floor at 26 Broadway. The 26 Broadway location requires an elevator passcode to gain entry to the

twelfth floor. 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 9 a.m. - 8 p.m.) all guests and other third parties are required to check in with the building entry desk at the lobby of 17 Battery Place, who are then directed to the fifth floor to check in with NYFA staff before gaining access to the other floors.

Building management contracts security for the entrances to the 17 Battery Place and 26 Broadway buildings, however, security personnel have zero responsibility for campus security and are not responsible for enforcing institutional policies or state/ federal laws.

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

## **| MAINTENANCE OF CAMPUS FACILITIES**

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

## **| CAMPUS SECURITY AUTHORITIES**

Campus Security Authorities (CSA) are individuals at New York Film Academy 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 criminal offenses; (b) an individual who has significant responsibility for student and campus activities, including but not limited to student housing, student discipline and campus judicial proceedings, 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 CSAs include:

- a dean of students who oversees student housing, a student center or student extracurricular activities;
- a chair of a department;
- a director of athletics, all athletic coaches (including part-time employees and graduate assistants);
- an academic advisor or faculty advisor to a student group;
- a student resident advisor or student leader;
- a staff member who monitors access to campus buildings and facilities;
- a student who monitors access to dormitories or buildings that are owned by recognized student organizations;
- a Title IX coordinator;
- a director of a campus health or counseling

Generally, at the beginning of every calendar year, Campus Security Authorities are identified and notified of their responsibility and obligation to report criminal offenses, hate crimes, and arrests and referrals concerning drug, alcohol, and weapons violations, The notification will generally happen via email and will include where to report Clery Crimes in a timely manner.

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.

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

New York Film Academy does not have a proprietary police or security department, nor do they contract security personnel to patrol the campus' facilities. However, institutional



representatives do work with the New York Police Department (NYPD) as needed, and NYFA seeks 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 the NYPD.

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

New York Police Department, 1st Precinct has primary jurisdiction over New York Film Academy's on-campus properties. In response to a call, the NYPD will take action it deems appropriate, generally either dispatching an officer to the caller's location or asking the caller to report to the nearest NYPD precinct to file a report. The NYPD is responsible for the investigation of any reported crimes and other public safety emergencies. If assistance is required from the New York City Fire Department, they will be sent by the 9-1-1 dispatchers upon receiving an emergency call.

If the New York Police Department is contacted about criminal activity off campus involving New York Film Academy 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.

In compliance with Article 129 Section 6434 of New York Education Law, in the event of receiving a report of any 'hate crime' or 'violent felony offense' occurring at or on NYFA New York campus premises, NYFA will notify the New York Police Department as soon as is practicable but in no case more than 24 hours after such a report. (See [Appendix A](#) for the applicable New York State definitions of 'hate crime' and 'violent felony'.)

Additionally if NYFA receives a report that a student who resides in housing owned or operated by NYFA is missing, NYFA will notify the New York Police Department as soon as is practicable but in no case more than 24-hours after such a report.

The New York Police Department, upon receiving a report from NYFA of any 'hate crime' or 'violent felony offense' or 'missing student' will investigate such a report in accordance with its procedures. NYFA will cooperate fully with the New York Police Department and

will coordinate its own prompt investigation through the Dean of Students' Office with the New York Police Department.

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

Campus community members, students, faculty, staff, and guests are encouraged to accurately and promptly report all crimes, emergencies, and public safety-related incidents directly to the New York 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 NYFA's 17 Battery campus, faculty and staff can report to the Operations/Facilities Hotline at 929-336-6446, between 8am and 10pm, Monday through Friday or between 9am and 7pm on Saturday.

We encourage people reporting a crime or emergency to NYPD 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:

- Dean of Students
- Dean of Campus
- Title IX Coordinator
- Assistant Vice President of Operations and Associate Director of Operations
- Director of Housing
- Human Resources Manager

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

## **| PROCEDURES FOR REPORTING SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING**

New York Film Academy prohibits the offences of domestic violence, dating violence, sexual assault, stalking, and other forms of sexual misconduct and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the New York Film Academy community.

NYFA's Title IX Grievance Policy & Procedure and NYFA's Sexual Misconduct Policy define the behaviors that constitute domestic violence, dating violence, sexual assault, stalking, and other forms of sexual misconduct; provide informal and formal procedures for resolving complaints, which may be followed regardless of whether the incident occurs on or off-campus when it is reported to NYFA; list on and off-campus resources available for victims; and contain information on the education and prevention programs implemented to address domestic violence, dating violence, sexual assault, stalking, and other forms of sexual misconduct.

Please refer to NYFA's [Title IX Grievance Policy & Procedure](#) and NYFA's [Sexual Misconduct Policy](#) for more information.

NYFA encourages members of the community to report domestic violence, dating violence, sexual assault, stalking, and other forms of sexual misconduct to law enforcement. If requested, the Title IX Coordinator can provide assistance in notifying NYPD or other local law enforcement agencies. Students, faculty, and staff have the right to decline to notify such authorities.

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

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A complaint may be filed at any time, regardless of the length of time between the alleged incident and the decision to file the complaint. NYFA understands the sensitive nature of these incidents and acknowledges reports may be delayed. However, 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 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.

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 victims, both within the institution and in the community. For more information on reporting options and resources, contact the Title IX Coordinator or review NYFA's Title IX Grievance Policy & Procedure and NYFA's Sexual Misconduct Policy.

## **| 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 NOTICE**

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

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

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

## **| TIMELY WARNINGS**

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.

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

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

- Date and time or timeframe of the 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 (see below)
- Local PD contact information
- Other information deemed appropriate by NYFA personnel listed above

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

## **| MISSING STUDENT POLICY**

In compliance with the Higher Education Reauthorization Act of 2008 and Article 129A Section 6438 of the New York Education Law the purpose of this policy is to provide the procedures for reporting, investigating and making emergency notifications regarding NYFA students who reside in NYFA's residences leased through EHS who are believed to be missing.

Students who reside in NYFA's housing have the option of identifying a person whom the institution will notify if the student is determined missing by the Dean of Campus, Housing Director or local law enforcement agencies.

The Missing Student information is provided to all students in NYFA's housing agreement and is detailed below.

### **PROCEDURES FOR DESIGNATION OF CONFIDENTIAL CONTACT**

Students aged 18 and above and emancipated minors are provided the option to designate a confidential contact to be contacted by NYFA no more than 24 hours after the time that the student is determined to be missing. Students are provided the option to designate a confidential contact within the Housing Agreement communicated by the Housing Director at the beginning of the semester. Students, 18 and older, may add a designation or change a designation at any time in the semester while residing in NYFA's on-campus residential property(s). To add or change a confidential contact, the student must notify the Housing Director. Students over the age of 18 may also opt out of designating a confidential contact.

For students under the age of 18, who are determined to be missing, a custodial parent or guardian will be notified, by NYFA, no more than 24 hours after the determination.

Students are advised that their confidential contact information will be accessible only by authorized campus officials and law enforcement as appropriate and that it may not be disclosed outside of a missing persons investigation.

### **OFFICIAL NOTIFICATION PROCEDURES FOR MISSING STUDENTS**

Any individual who has information that a residential NYFA student may be a missing person must notify the Housing Coordinator Director as soon as possible. The Housing Director can be reached during normal business hours at 646.640.3029. Outside of normal business hours, a missing person can be reported to the "residential emergency number". The "residential emergency number" is given to NYFA students, residing in on-campus housing, at the beginning of the semester and/or on move-in day.

NYFA will assist outside authorities with these investigations, as required by law. Suspected missing students should be reported to the New York Police Department (9-1-1) within 24 hours of determination that the student is missing.

A residential student is presumed to be missing when their absence is inconsistent with their established patterns of behavior and the deviation cannot be readily explained. Before presuming that a residential student is missing, the Housing Director, or their designee, will initiate an investigation by first gathering all essential information about the residential student who is presumed to be missing, from the student's acquaintances and

reporting individual (description, clothes last worn, where the student might be, who student might be with, vehicle description, information about the physical and mental well-being of the student, an up-to-date photograph, class schedule, etc.) Following, the Housing Director and/or appropriate staff may take the following steps:

- Conduct a wellness check in the student's room.
- Contact associate, if known.
- Contact the Registrar's Office to ascertain the student's recent attendance in class.
- Contact security for residential facility to ascertain the turnstile and room door lock logs

If the above actions are unsuccessful in locating the student or it is immediately apparent that the student is a missing person, the Housing Director will contact the appropriate campus administration and local law enforcement agency will take charge of the investigation.

NYFA will immediately notify the New York Police Department agency within 24 hours of the determination that the student is missing, regardless of whether the student has identified a contact person, unless the local law enforcement agency was the entity that made the determination that the student is missing. No later than 24 hours after the determination that an on-campus residential student is missing, the Housing Director, or a designee, will also notify the missing persons confidential contact and the parent/guardian, for students under the age of 18 and not emancipated, that the student is believed to be missing.

## **| PUBLIC SAFETY BULLETINS**

A Public Safety Bulletin may be sent to the campus community for general crime prevention purposes, to inform the community of crimes and/or incidents that are generally time sensitive or considered to be an ongoing threat, 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, Dean of Campus, Director of Housing, or Dean of Students, and generally viewed and approved by the President or Senior Executive Vice President prior to distribution. Public Safety Bulletins are disseminated to the campus community by the Webmaster or Director of Operations.



## **| 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 a Weather Alert include, but are not limited to, blizzards, snowstorms, hailstorms, or hurricanes. NYFA will utilize the same processes as described above in the Public Safety Bulletin section to initiate and disseminate Weather Alerts. In the case of a school closure due to severe weather, the Webmaster or Director of Operations will post updates on the homepage of NYFA's website ([www.nyfa.edu](http://www.nyfa.edu)), or send email and/or text message updates.

## **| EMERGENCY RESPONSE AND NOTIFICATION TO NYFA COMMUNITY ABOUT AN IMMEDIATE THREAT**

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

New York Film Academy publicizes a summary of the emergency responses and evaluation procedures via email at least once a year in conjunction with a test that meets all the requirements of the Higher Education Opportunity Act (HEOA). In addition, New York Film Academy's emergency response and evacuation procedures are communicated to employees via Paycom, on an annual basis, and to new students during orientation.

NYFA will immediately notify the campus community, or segments of the 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: President, Senior Executive VP, Dean of Students, Campus Dean, Associate VP of Operations, Clery Coordinator, 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 in rapid communication process.

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

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

Generally, follow-up notices/communications will be provided as necessary, by the Associate VP of Operations, or their designee, during an active incident. When a threat is neutralized or effectively removed, campus community members will be appropriately informed via all or some of the communication methods detailed below. The President, Senior Executive VP, Campus Dean or Dean of Students may also be responsible for providing follow-up communications if the Associate VP of Operations is incapacitated or otherwise detained. This may include determining the content of the follow-up notification(s), the method used to communicate the follow up, and when it should be communicated.

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

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 Associate VP of Operations, or their designee, may also initiate the fire alarm or public address system. If an emergency notification has been implemented, then NYFA is not obligated to implement the timely warning notice procedures.

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

NYFA community members are encouraged to notify 9-1-1 and the Operations department or the Director of Housing 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.

## **| EVACUATION PROCEDURES**

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

In the event students, faculty, and staff need to immediately evacuate any New York Film Academy facility, students and staff are instructed to:

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

### **Shelter-in-Place Procedures**

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to seek shelter indoors. Thus, to “shelter-in-place” means to utilize the building you are in as shelter from danger that is outside of the building or in other areas of the building. A shelter-in-place notification may be announced utilizing several sources but will most likely be announced via the building public address system. Students and staff are instructed to stay inside an interior room until they are told it is safe to come out. Once an interior space with the least amount of windows is located, students and staff are instructed to:

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

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

Remain calm.

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

- Immediately raise your hands and spread your fingers.
- Keep hands visible at all times.
- Avoid making quick movements towards any officers.
- Avoid pointing, screaming, and yelling.

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

- Remain calm.
- Proceed to a room that can be locked.
- Close and lock the doors; if 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 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.

### **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.

## **| FIRE SAFETY POLICIES**

Students, faculty, and staff are not permitted to bring to campus nor use on campus any cooking appliances (e.g. George Foreman grills, toasters, hot plates, etc). For your safety, the following items are prohibited:

- Halogen lighting equipment.
- Electric or gas-powered heaters.
- Hot plates, toasters, or any cooking appliances of any nature.
- Sandwich makers, toaster ovens.
- Candles, incense, smoking and/or drug paraphernalia.
- Flammable decorations such as Christmas lights, etc.
- Furniture, television or microwave not provided by NYFA.
- Illegal substances of any nature.
- Explosives, fireworks, weapons of any kind, smoke-laden materials, and/or instruments.
- Hoverboards, self-propelled scooters.

NYFA may have the following additional appliances available to students, faculty, and staff however, assistance must be sought from a member of the Operations Department:

- Electric kettles with an automatic shut off.
- Microwave
- Irons with automatic shut off.
- Hot air popcorn popper.
- Curling irons with automatic shut off.
- One-cup coffee maker such as a Keurig.

NYC Clean Indoor Air Act (NYC Local Law 2), residents, guests, and employees of NYFA are strictly prohibited from smoking in all campus buildings. Smokers must remain 50 feet from any building. Failure to do so may result in a fine and/or disciplinary action.

It is unlawful and prohibited to tamper with the operation of any safety equipment. This includes, but is not limited to; smoke detectors, locks, fire extinguishers, window stops, sprinklers, emergency panic bars, stairwell alarms, fire pull stations, and exit signs. Such behavior may result in disciplinary action, criminal prosecution, or any combination.



While NYFA does not own any residence halls but rather has a contractual agreement with EHS to lease floors at the St. George Residences, NYFA students residing in St. George Residences do receive information on Fire Safety Practices in their NYFA Housing Agreement. Additionally, the Housing Agreement provides links to EHS's Fire Safety Procedure Information.

## **| FIRE EVACUATION PROCEDURES**

17 Battery Place building management or 26 Broadway building management is responsible for overall fire safety. Whenever the fire alarm sounds, it should be regarded as an actual emergency unless or until instructed otherwise via the building public address system.

When the alarm sounds, students, staff, and employees are instructed to stay in their current classroom or office and listen for an announcement from the building's Fire Safety Director. The announcement shall include the following information:

- What has occurred.
- Where it has occurred.
- What provisions of the building's Emergency Action Plan will be implemented.
- Why it is necessary to implement this provision of the Emergency Action Plan.

Students and staff should identify the location of exits and stairwells. Maps are in the lobby of each floor located directly outside the elevators. At 17 Battery Place, each floor has four emergency exits marked A, B, C, and D. At 26 Broadway, each floor has four emergency exits marked E, F, I, J. If instructions from the Fire Safety Director include evacuation, students, staff, and employees should leave the premise via the designated stairways (indicated by the Fire Safety Director). When evacuating, students, staff, and employees should exit down the stairway on the right side, and remain as quiet as possible. The stairway doors are fireproof and will keep fire and smoke out for up to one and a half hours. All doors should be closed while exiting to help prevent the spread of the fire.

In the case that someone should encounter a fire, immediately pull the nearest fire alarm, and listen for announcements from the building Fire Safety Director. Alarms are located next to each of the emergency exits. Do not attempt to extinguish the fire yourself. As soon as it is safe to do so please inform New York Film Academy staff by calling the school's main number, 212-674-4300.

## **| REPORTING FIRES**

Call 9-1-1 in the event of a fire emergency. If there is a fire on campus, students, faculty, and staff should first dial 9-1-1 and then dial NYFA's main number (212-674-4300) and inform the person on the receiving end of the call where the fire is located.

New York Film Academy employees who receive a call regarding a fire emergency are instructed to take the following steps:

- Confirm that 911 has been called.
- Determine who is calling, what happened, and where the fire is located.
- If an instructor is reporting the fire, confirm the current location of their students.
- After the necessary information has been determined, hang up and immediately notify one the Director of Operations, or any other NYFA employee.

Fire emergencies that occur at the St. George Residences should first be reported to local enforcement by dialing 911, and then reported to St. George staff by dialing the duty phone number.

## **| FIRE SAFETY TIPS**

- Do not panic, activate the nearest fire alarm if it has not already been done.
- Do not use the elevators, as they shut down or stop on the floor of the fire.
- Check doors and metal knobs to see if they are hot before you touch them. If they are, do not open the door. If possible, use a wet shirt or towel to cover the crack at the base of the door to prevent smoke penetration.
- If thick smoke is encountered, crawl low to the floor; this will increase your visibility and help avoid inhalation of toxic chemicals from smoke, which can be deadly.
- Taking shallow breaths minimizes smoke inhalation.
- If you are trapped, go to the window to signal for help. If there is a phone, call 911 to report your location. Once you are out of the building, report the location of individuals with disabilities or others needing assistance to emergency personnel. Assemble at least 200 feet from the affected building.
- Individuals with disabilities should look for areas of refuge like stairwells with fire doors or safe areas in classroom buildings.

- Take fire alarms seriously; do not ignore them. Don't worry about taking property with you, time is of the essence.
- Take responsibility for prevention; follow all rules relating to fire safety.

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

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

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

## **| NEW YORK STATE EDUCATION LAW ARTICLE 129-A: REGULATION BY COLLEGES OF CONDUCT ON CAMPUSES AND OTHER COLLEGE PROPERTY USED FOR EDUCATIONAL PURPOSES**

In compliance with New York State Education Law Article 129-A, NYFA also maintains certain policies and procedures relating to campus safety and security, including but not limited to policies and procedures addressing violent felonies and bias-related incidents and hate crimes including training on prevention of such crimes.

NYFA's Bias Related Crime Prevention Policy defines the behaviors that constitute a violent felony and bias-related or hate crime pursuant to Article 129-A. (These definitions can be found in Appendix A.) This policy works in conjunction with NYFA's Discrimination, Harassment and Retaliation Policy and NYFA's Student Code of Conduct which collectively provide informal and formal procedures for resolving complaints regardless of whether the incident occurs on or off-campus when it is reported to NYFA.

Prevention information on bias-related and hate crimes as well as resources for victims are made available to NYFA students through the New Student Orientation.

Please refer to NYFA's Bias Related and Hate Crime Prevention Policy, NYFA's Discrimination, Harassment and Retaliation Policy, and NYFA's Student Code of Conduct for more information.

## **RULES FOR THE MAINTENANCE OF PUBLIC ORDER**

NYFA has adopted written Rules for the Maintenance of Public Order on campus and any location with a nexus to the campus. These rules govern the conduct of students, faculty and other staff as well as visitors and other invitees on NYFA campuses and property and clearly set forth penalties for violations of such rules. These penalties include ejection of a violator from such campus and property, and in the case of a student or faculty violator their suspension, expulsion, or other appropriate disciplinary action, and in the case of an organization which authorizes such conduct, rescission of permission for that organization to operate on campus property. Such institutional penalties shall be in addition to any penalty pursuant to the penal law or any other law to which a violator or organization may be subject.

The Rules for the Maintenance of Public Order are published on the NYFA website at <https://www.nyfa.edu/on-campus/campus-safety/> as well as in this catalog and the Employee and Faculty handbooks.

## **ADVISORY COMMITTEE ON CAMPUS SECURITY**

Additionally in compliance with Section 6436 of Article 129, NYFA's President appoints an Advisory Committee on Campus Security to review current campus security policies and procedures and make recommendations for their improvement. Pursuant to Section 6436, this committee is made up of equal parts one-third student, one-third faculty and one-third administrative staff appointed by the President and half its members are female.

This Advisory Committee specifically reviews NYFA policies and procedures on the following:

- Educating the campus community, including security personnel and those persons who advise or supervise students, about sexual assault, domestic violence and stalking offenses, and bias related and hate crimes
- Educating the campus community about personal safety and crime prevention;

- Reporting sexual assaults, domestic violence, stalking incidents and hate crimes and assisting victims during investigations;
- Referring complaints to appropriate authorities;
- Counseling victims; and
- Responding to inquiries from concerned persons.

At least once each academic year, the Advisory Committee will report, in writing, to NYFA's President on its findings and recommendations.

## **| APPENDIX A: REPORTABLE CLERY 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

## NEW YORK STATE DEFINITIONS

The following is a summary of the definitions applicable to Title IX and the Clery Act offenses (sexual assault, dating violence, domestic violence, and stalking) under New York state law. More information about the New York state laws can be found in the New York Penal Code (PEN) located here: [http://ypdcrime.com/penal.law/article130.htm?zoom\\_highlight=sexual](http://ypdcrime.com/penal.law/article130.htm?zoom_highlight=sexual).

**Consent:** Lack of consent results from: forcible compulsion; or incapacity to consent; or where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor’s conduct. Where the offense charged is rape in the third degree, a criminal sexual act in the third degree, or forcible compulsion in circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor’s situation would have understood such person’s words and acts as an expression of lack of consent to such act under all the circumstances. A person is incapable of consent when he or she is: less than 17 years old; or mentally disabled; or mentally incapacitated; or physically helpless; or committed to the care and custody of the state department of correctional services, a hospital, the office of children and family services and is in residential care, or the other person is a resident or inpatient of a residential facility operated by the office of mental health, the office for people with developmental disabilities, or the

office of alcoholism and substance abuse services, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such department or hospital.

**Domestic Violence:** An act which would constitute a violation of the penal law, including, but not limited to acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted murder, criminal obstruction of breathing or blood circulation, or strangulation; and such acts have created a substantial risk of physical or emotional harm to a person or a person's child. Such acts are alleged to have been committed by a family member. The victim can be anyone over the age of sixteen, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of the act. **Family or Household Members:** Person's related by consanguinity or affinity; Persons legally married to one another; Person formerly married to one another regardless of whether they still reside in the same household; Persons who have a child in common regardless of whether such persons are married or have lived together at any time; Unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; Persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors that may be considered in determining whether a relationship is an "intimate relationship" include but are not limited to: the nature or type of relationship regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an "intimate relationship"; any other category of individuals deemed to be a victim of domestic violence as defined by the office of children and family services in regulation. Intimate relationship status shall be applied to teens, lesbian/gay/bisexual/transgender, and elderly individuals, current and formerly married and/or dating heterosexual individuals who were, or are in an intimate relationship. **Parent:** Natural or adoptive parent or any individual lawfully charged with a minor child's care or custody.

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

**Sexual Assault:** New York State does not specifically define sexual assault. However, according to the Federal Regulations, sexual assault includes offenses that meet the definitions of rape, fondling, incest, or statutory rape as used in the FBI's UCR program. Refer to page 691 for those definitions.

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

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

***Stalking in the 2<sup>nd</sup> degree:*** When a person: (1) Commits the crime of stalking in the third degree and in the course of and furtherance of the commission of such offense: (a) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chukka stick, sandbag, sandclub, slingshot, shuriken, “Kung Fu Star,” dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapons; or (b) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or (2) commits the crime of stalking in the third against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree; or (4) being 21 years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury

or death; or (5) commits the crime of stalking in the third degree, against ten or more persons, in ten or more separate transactions, for which the actor has not been previously convicted.

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

***Hate crimes as defined by Section 485.05 of New York State Penal Law:***

1. A person commits a hate crime when he or she commits a specified offense\* and either:

(a) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or

(b) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

2. Proof of race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of the defendant, the victim or of both the defendant and the victim does not, by itself, constitute legally sufficient evidence satisfying the people's burden under paragraph (a) or (b) of subdivision one of this section.

\* 3. A "specified offense" is an offense defined by any of the following provisions of this chapter: section 120.00 (assault in the third degree); section 120.05 (assault in the second degree); section 120.06 (gang assault in the second degree); section 120.07 (gang assault in the first degree); section 120.10 (assault in the first degree); section 120.12 (aggravated assault upon a person less than eleven years old); section 120.13 (menacing in the first degree); section 120.14 (menacing in the second degree); section 120.15 (menacing in the third degree); section 120.20 (reckless endangerment in the second degree); section 120.25 (reckless endangerment in the first degree); section 121.11 (criminal obstruction of breathing or blood circulation); section 121.12 (strangulation in the second degree); section 121.13 (strangulation in the first degree); subdivision one of section 125.15 (manslaughter in the second degree); subdivision one, two or four of section 125.20 (manslaughter in the first degree); section 125.25 (murder in the second degree); section 125.26 (aggravated murder); section 125.27 (murder in the first degree); section 120.45 (stalking in the fourth degree); section 120.50 (stalking in the third degree); section 120.55 (stalking in the second degree); section 120.60 (stalking in the first degree); section 130.20 (sexual misconduct); section 130.25 (rape in the third degree); section 130.30 (rape in the second degree); section 130.35 (rape in the first degree); section 130.40 (criminal sexual act in the third degree); section 130.45 (criminal sexual act in the second degree);

section 130.50 (criminal sexual act in the first degree); section 130.52 (forcible touching); section 130.53 (persistent sexual abuse); section 130.55 (sexual abuse in the third degree); section 130.60 (sexual abuse in the second degree); section 130.65 (sexual abuse in the first degree); section 130.65-a (aggravated sexual abuse in the fourth degree); section 130.66 (aggravated sexual abuse in the third degree); section 130.67 (aggravated sexual abuse in the second degree); section 130.70 (aggravated sexual abuse in the first degree); section 135.05 (unlawful imprisonment in the second degree); section 135.10 (unlawful imprisonment in the first degree); section 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in the first degree); section 135.60 (coercion in the third degree); section 135.61 (coercion in the second degree); section 135.65 (coercion in the first degree); section 140.10 (criminal trespass in the third degree); section 140.15 (criminal trespass in the second degree); section 140.17 (criminal trespass in the first degree); section 140.20 (burglary in the third degree); section 140.25 (burglary in the second degree); section 140.30 (burglary in the first degree); section 145.00 (criminal mischief in the fourth degree); section 145.05 (criminal mischief in the third degree); section 145.10 (criminal mischief in the second degree); section 145.12 (criminal mischief in the first degree); section 150.05 (arson in the fourth degree); section 150.10 (arson in the third degree); section 150.15 (arson in the second degree); section 150.20 (arson in the first degree); section 155.25 (petit larceny); section 155.30 (grand larceny in the fourth degree); section 155.35 (grand larceny in the third degree); section 155.40 (grand larceny in the second degree); section 155.42 (grand larceny in the first degree); section 160.05 (robbery in the third degree); section 160.10 (robbery in the second degree); section 160.15 (robbery in the first degree); section 230.34 (sex trafficking); section 230.34-a (sex trafficking of a child); section 240.25 (harassment in the first degree); subdivision one, two or four of section 240.30 (aggravated harassment in the second degree); section 240.50 (falsely reporting an incident in the third degree); section 240.55 (falsely reporting an incident in the second degree); section 240.60 (falsely reporting an incident in the first degree); subdivision one of section 265.03 (criminal possession of a weapon in the second degree); subdivision one of section 265.04 (criminal possession of a weapon in the first degree); section 490.10 (soliciting or providing support for an act of terrorism in the second degree); section 490.15 (soliciting or providing support for an act of terrorism in the first degree); section 490.20 (making a terroristic threat); section 490.25 (crime of terrorism); section 490.30 (hindering prosecution of terrorism in the second degree); section 490.35 (hindering prosecution of terrorism in the first degree); section 490.37 (criminal possession of a chemical weapon or biological weapon in the third degree); section 490.40 (criminal possession of a chemical weapon or biological weapon in the second degree); section 490.45 (criminal possession of a chemical weapon or biological weapon in the first degree); section 490.47 (criminal use of a chemical weapon or biological weapon in the third degree); section 490.50 (criminal use of a chemical weapon or biological weapon in the second degree); section 490.55 (criminal use of a chemical weapon or biological weapon in the first degree); or any attempt or conspiracy to commit any of the foregoing offenses.

\* NB Effective until September 1, 2024

4. For purposes of this section:

(a) the term "age" means sixty years old or more;

(b) the term "disability" means a physical or mental impairment that substantially limits a major life activity;

(c) the term "gender identity or expression" means a person's actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender.

***Imprisonment for a Violent Felony as defined by Section 70.02 of New York State Penal Law:***

1. Definition of a violent felony offense. A violent felony offense is a class B violent felony offense, a class C violent felony offense, a class D violent felony offense, or a class E violent felony offense, defined as follows:

\* (a) Class B violent felony offenses: an attempt to commit the class A-I felonies of murder in the second degree as defined in section 125.25, kidnapping in the first degree as defined in section 135.25, and arson in the first degree as defined in section 150.20; manslaughter in the first degree as defined in section 125.20, aggravated manslaughter in the first degree as defined in section 125.22, rape in the first degree as defined in section 130.35, criminal sexual act in the first degree as defined in section 130.50, aggravated sexual abuse in the first degree as defined in section 130.70, course of sexual conduct against a child in the first degree as defined in section 130.75; assault in the first degree as defined in section 120.10, kidnapping in the second degree as defined in section 135.20, burglary in the first degree as defined in section 140.30, arson in the second degree as defined in section 150.15, robbery in the first degree as defined in section 160.15, sex trafficking as defined in paragraphs (a) and (b) of subdivision five of section 230.34, sex trafficking of a child as defined in section 230.34-a, incest in the first degree as defined in section 255.27, criminal possession of a weapon in the first degree as defined in section 265.04, criminal use of a firearm in the first degree as defined in section 265.09, criminal sale of a firearm in the first degree as defined in section 265.13, aggravated assault upon a police officer or a peace officer as defined in section 120.11, gang assault in the first degree as defined in section 120.07, intimidating a victim or witness in the first degree as defined in section 215.17, hindering prosecution of terrorism in the first degree as defined in section 490.35, criminal possession of a chemical weapon or biological weapon in the second degree as defined in section 490.40, and criminal use of a chemical weapon or biological weapon in the third degree as defined in section 490.47.

\* NB Effective until September 1, 2024

\* (a) Class B violent felony offenses: an attempt to commit the class

A-I felonies of murder in the second degree as defined in section 125.25, kidnapping in the first degree as defined in section 135.25, and arson in the first degree as defined in section 150.20; manslaughter in the first degree as defined in section 125.20, aggravated manslaughter in the first degree as defined in section 125.22, rape in the first degree as defined in section 130.35, a crime formerly defined in section 130.50, aggravated sexual abuse in the first degree as defined in section 130.70, course of sexual conduct against a child in the first degree as defined in section 130.75, assault in the first degree as defined in section 120.10, kidnapping in the second degree as defined in section 135.20, burglary in the first degree as defined in section 140.30, arson in the second degree as defined in section 150.15, robbery in the first degree as defined in section 160.15, sex trafficking as defined in paragraphs (a) and (b) of subdivision five of section 230.34, sex trafficking of a child as defined in section 230.34-a, incest in the first degree as defined in section 255.27, criminal possession of a weapon in the first degree as defined in section 265.04, criminal use of a firearm in the first degree as defined in section 265.09, criminal sale of a firearm in the first degree as defined in section 265.13, aggravated assault upon a police officer or a peace officer as defined in section 120.11, gang assault in the first degree as defined in section 120.07, intimidating a victim or witness in the first degree as defined in section 215.17, hindering prosecution of terrorism in the first degree as defined in section 490.35, criminal possession of a chemical weapon or biological weapon in the second degree as defined in section 490.40, and criminal use of a chemical weapon or biological weapon in the third degree as defined in section 490.47.

\* NB Effective September 1, 2024

(b) Class C violent felony offenses: an attempt to commit any of the class B felonies set forth in paragraph (a) of this subdivision; aggravated criminally negligent homicide as defined in section 125.11, aggravated manslaughter in the second degree as defined in section 125.21, aggravated sexual abuse in the second degree as defined in section 130.67, assault on a peace officer, police officer, firefighter or emergency medical services professional as defined in section 120.08, assault on a judge as defined in section 120.09, gang assault in the second degree as defined in section 120.06, strangulation in the first degree as defined in section 121.13, aggravated strangulation as defined in section 121.13-a, burglary in the second degree as defined in section 140.25, robbery in the second degree as defined in section 160.10, criminal possession of a weapon in the second degree as defined in section 265.03, criminal use of a firearm in the second degree as defined in section 265.08, criminal sale of a firearm in the second degree as defined in section 265.12, criminal sale of a firearm with the aid of a minor as defined in section 265.14, aggravated criminal

possession of a weapon as defined in section 265.19, soliciting or providing support for an act of terrorism in the first degree as defined in section 490.15, hindering prosecution of terrorism in the second degree as defined in section 490.30, and criminal possession of a chemical weapon or biological weapon in the third degree as defined in section 490.37.

\* (c) Class D violent felony offenses: an attempt to commit any of the class C felonies set forth in paragraph (b); reckless assault of a child as defined in section 120.02, assault in the second degree as defined in section 120.05, menacing a police officer or peace officer as defined in section 120.18, stalking in the first degree, as defined in subdivision one of section 120.60, strangulation in the second degree as defined in section 121.12, rape in the second degree as defined in section 130.30, criminal sexual act in the second degree as defined in section 130.45, sexual abuse in the first degree as defined in section 130.65, course of sexual conduct against a child in the second degree as defined in section 130.80, aggravated sexual abuse in the third degree as defined in section 130.66, facilitating a sex offense with a controlled substance as defined in section 130.90, labor trafficking as defined in paragraphs (a) and (b) of subdivision three of section 135.35, criminal possession of a weapon in the third degree as defined in subdivision five, six, seven, eight, nine or ten of section 265.02, criminal sale of a firearm in the third degree as defined in section 265.11, intimidating a victim or witness in the second degree as defined in section 215.16, soliciting or providing support for an act of terrorism in the second degree as defined in section 490.10, and making a terroristic threat as defined in section 490.20, falsely reporting an incident in the first degree as defined in section 240.60, placing a false bomb or hazardous substance in the first degree as defined in section 240.62, placing a false bomb or hazardous substance in a sports stadium or arena, mass transportation facility or enclosed shopping mall as defined in section 240.63, aggravated unpermitted use of indoor pyrotechnics in the first degree as defined in section 405.18, and criminal manufacture, sale, or transport of an undetectable firearm, rifle or shotgun as defined in section 265.50.

\* NB Effective until September 1, 2024

\* (c) Class D violent felony offenses: an attempt to commit any of the class C felonies set forth in paragraph (b); reckless assault of a child as defined in section 120.02, assault in the second degree as defined in section 120.05, menacing a police officer or peace officer as defined in section 120.18, stalking in the first degree, as defined in subdivision one of section 120.60, strangulation in the second degree as defined in section 121.12, rape in the second degree as defined in section 130.30, a crime formerly defined in section 130.45, sexual abuse in the first



degree as defined in section 130.65, course of sexual conduct against a child in the second degree as defined in section 130.80, aggravated sexual abuse in the third degree as defined in section 130.66, facilitating a sex offense with a controlled substance as defined in section 130.90, labor trafficking as defined in paragraphs (a) and (b) of subdivision three of section 135.35, criminal possession of a weapon in the third degree as defined in subdivision five, six, seven, eight, nine or ten of section 265.02, criminal sale of a firearm in the third degree as defined in section 265.11, intimidating a victim or witness in the second degree as defined in section 215.16, soliciting or providing support for an act of terrorism in the second degree as defined in section 490.10, and making a terroristic threat as defined in section 490.20, falsely reporting an incident in the first degree as defined in section 240.60, placing a false bomb or hazardous substance in the first degree as defined in section 240.62, placing a false bomb or hazardous substance in a sports stadium or arena, mass transportation facility or enclosed shopping mall as defined in section 240.63, aggravated unpermitted use of indoor pyrotechnics in the first degree as defined in section 405.18, and criminal manufacture, sale, or transport of an undetectable firearm, rifle or shotgun as defined in section 265.50.

\* NB Effective September 1, 2024

(d) Class E violent felony offenses: an attempt to commit any of the felonies of criminal possession of a weapon in the third degree as defined in subdivision five, six, seven or eight of section 265.02 as a lesser included offense of that section as defined in section 220.20 of the criminal procedure law, persistent sexual abuse as defined in section 130.53, aggravated sexual abuse in the fourth degree as defined in section 130.65-a, falsely reporting an incident in the second degree as defined in section 240.55 and placing a false bomb or hazardous substance in the second degree as defined in section 240.61.

## 2. Authorized sentence.

\* (a) Except as provided in subdivision six of section 60.05, the sentence imposed upon a person who stands convicted of a class B or class C violent felony offense must be a determinate sentence of imprisonment which shall be in whole or half years. The term of such sentence must be in accordance with the provisions of subdivision three of this section.

\* NB Effective until September 1, 2025

\* (a) The sentence imposed upon a person who stands convicted of a class B or class C violent felony offense must be an indeterminate sentence of imprisonment. Except as provided in subdivision five of

section 60.05, the maximum term of such sentence must be in accordance with the provisions of subdivision three of this section and the minimum period of imprisonment under such sentence must be in accordance with subdivision four of this section.

\* NB Effective September 1, 2025

(b) Except as provided in paragraph (b-1) of this subdivision, subdivision six of section 60.05 and subdivision four of this section, the sentence imposed upon a person who stands convicted of a class D violent felony offense, other than the offense of criminal possession of a weapon in the third degree as defined in subdivision five, seven or eight of section 265.02 or criminal sale of a firearm in the third degree as defined in section 265.11, must be in accordance with the applicable provisions of this chapter relating to sentencing for class D felonies provided, however, that where a sentence of imprisonment is imposed which requires a commitment to the state department of corrections and community supervision, such sentence shall be a determinate sentence in accordance with paragraph (c) of subdivision three of this section.

(b-1) Except as provided in subdivision six of section 60.05, the sentence imposed upon a person who stands convicted of the class D violent felony offense of menacing a police officer or peace officer as defined in section 120.18 of this chapter must be a determinate sentence of imprisonment.

(c) Except as provided in subdivision six of section 60.05, the sentence imposed upon a person who stands convicted of the class D violent felony offenses of criminal possession of a weapon in the third degree as defined in subdivision five, seven, eight or nine of section 265.02, criminal sale of a firearm in the third degree as defined in section 265.11, the class E violent felonies of attempted criminal possession of a weapon in the third degree as defined in subdivision five, seven, eight or nine of section 265.02, or criminal manufacture, sale, or transport of an undetectable firearm, rifle or shotgun as defined in section 265.50 must be a sentence to a determinate period of imprisonment, or, in the alternative, a definite sentence of imprisonment for a period of no less than one year, except that:

(i) the court may impose any other sentence authorized by law upon a person who has not been previously convicted in the five years immediately preceding the commission of the offense for a class A misdemeanor defined in this chapter, if the court having regard to the nature and circumstances of the crime and to the history and character of the defendant, finds on the record that such sentence would be unduly harsh and that the alternative sentence would be consistent with public

safety and does not deprecate the seriousness of the crime; and

(ii) the court may apply the provisions of paragraphs (b) and (c) of subdivision four of this section when imposing a sentence upon a person who has previously been convicted of a class A misdemeanor defined in this chapter in the five years immediately preceding the commission of the offense.

3. Term of sentence. The term of a determinate sentence for a violent felony offense must be fixed by the court as follows:

(a) For a class B felony, the term must be at least five years and must not exceed twenty-five years, provided, however, that the term must be: (i) at least ten years and must not exceed thirty years where the sentence is for the crime of aggravated assault upon a police officer or peace officer as defined in section 120.11 of this chapter; and (ii) at least ten years and must not exceed thirty years where the sentence is for the crime of aggravated manslaughter in the first degree as defined in section 125.22 of this chapter;

(b) For a class C felony, the term must be at least three and one-half years and must not exceed fifteen years, provided, however, that the term must be: (i) at least seven years and must not exceed twenty years where the sentence is for the crime of aggravated manslaughter in the second degree as defined in section 125.21 of this chapter; (ii) at least seven years and must not exceed twenty years where the sentence is for the crime of attempted aggravated assault upon a police officer or peace officer as defined in section 120.11 of this chapter; (iii) at least three and one-half years and must not exceed twenty years where the sentence is for the crime of aggravated criminally negligent homicide as defined in section 125.11 of this chapter; and (iv) at least five years and must not exceed fifteen years where the sentence is imposed for the crime of aggravated criminal possession of a weapon as defined in section 265.19 of this chapter;

(c) For a class D felony, the term must be at least two years and must not exceed seven years, provided, however, that the term must be: (i) at least two years and must not exceed eight years where the sentence is for the crime of menacing a police officer or peace officer as defined in section 120.18 of this chapter; and (ii) at least three and one-half years and must not exceed seven years where the sentence is imposed for the crime of criminal possession of a weapon in the third degree as defined in subdivision ten of section 265.02 of this chapter;

(d) For a class E felony, the term must be at least one and one-half years and must not exceed four years.

4. (a) Except as provided in paragraph (b) of this subdivision, where a plea of guilty to a class D violent felony offense is entered pursuant to section 220.10 or 220.30 of the criminal procedure law in satisfaction of an indictment charging the defendant with an armed felony, as defined in subdivision forty-one of section 1.20 of the criminal procedure law, the court must impose a determinate sentence of imprisonment.

(b) In any case in which the provisions of paragraph (a) of this subdivision or the provisions of subparagraph (ii) of paragraph (c) of subdivision two of this section apply, the court may impose a sentence other than a determinate sentence of imprisonment, or a definite sentence of imprisonment for a period of no less than one year, if it finds that the alternate sentence is consistent with public safety and does not deprecate the seriousness of the crime and that one or more of the following factors exist:

(i) mitigating circumstances that bear directly upon the manner in which the crime was committed; or

(ii) where the defendant was not the sole participant in the crime, the defendant's participation was relatively minor although not so minor as to constitute a defense to the prosecution; or

(iii) possible deficiencies in proof of the defendant's commission of an armed felony.

(c) The defendant and the district attorney shall have an opportunity to present relevant information to assist the court in making a determination pursuant to paragraph (b) of this subdivision, and the court may, in its discretion, conduct a hearing with respect to any issue bearing upon such determination. If the court determines that a determinate sentence of imprisonment should not be imposed pursuant to the provisions of such paragraph (b), it shall make a statement on the record of the facts and circumstances upon which such determination is based. A transcript of the court's statement, which shall set forth the recommendation of the district attorney, shall be forwarded to the state division of criminal justice services along with a copy of the accusatory instrument.

# **| PROHIBITION OF ON-CAMPUS CREDIT CARD MARKETING STUDENTS**

The on-campus advertising, marketing or merchandising of credit cards directed at New York Film Academy (NYFA) students is prohibited.

## **Reasons for this Policy**

NYFA Campus facilities should not be used to support credit card marketing tactics that are directed at the new student population, especially undergraduate students. Credit card selection should be based on the consumer's review of credit card terms, not based on marketing promotions by NYFA.

## **Who Is Governed by This Policy**

All NYFA employees, students and commercial visitors are governed by this Policy.

## **Who Should Know This Policy**

Anyone conducting NYFA business with banks, credit card companies or financial services vendors, Student Services and Student Affairs administrators, Facilities Operations personnel, and all members of the NYFA community who are responsible for managing space or overseeing events within academic and administrative buildings or on campus should know this Policy.

## **Responsibilities**

Commercial entities that are found to be in intentional and material violation of this Policy may be denied access to the NYFA campus for a specified period, depending on the nature and extent of the violation(s). Any person who intentionally violates this Policy will receive a warning, and violations that are found to be material may result in disciplinary action.

# **| Rules for the Maintenance of Public Order**

New York Film Academy (NYFA) Board of Directors hereby adopts the following rules for the maintenance of public order on NYFA campus premises and other NYFA property used for educational purposes and a program for the enforcement of these rules, and do hereby authorize the President of NYFA to file a copy with the Regents and the Commissioner of Education as provided in Article 129A section 6430 of the New York Education Law.

## **I. Rules of Conduct**

A. All members of the NYFA community—students, faculty members, and members of the staff—shall comply with city, state, and federal laws and ordinances affecting the maintenance of order on NYFA premises.

01. Conduct that is violative of such laws and ordinances occurring on NYFA premises or when there is a nexus to the campus may be subject to both NYFA discipline and public sanctions as circumstances may warrant or dictate.
02. Conduct that is violative of such laws and ordinances that are not governed by Section I.A.01 above will ordinarily not be subject to NYFA discipline, unless such conduct
  - seriously affects the interests of the NYFA or the position of the member within the NYFA community, or
  - occurs in close proximity to NYFA premises and is connected to violative conduct on NYFA premises.

B. All members of the NYFA community are prohibited from engaging in conduct leading to or resulting in any of the following:

01. Interference with or disruption of the regular operations and activities of the NYFA.
02. Denial of, or unreasonable interference with, the rights of others—including persons not members of the NYFA community who are present as invitees or licensees—on NYFA premises. These rights include the right of academic freedom as well as constitutionally protected rights.
03. Injury to NYFA property, real or personal.
04. Unauthorized access to or occupation of nonpublic areas on NYFA premises but not limited to classrooms, seminar rooms, laboratories, libraries, faculty and administrative offices, auditoriums, and recreational facilities.
05. Unauthorized access to or use of personal property, including files and records.
06. Recklessly or intentionally endangering mental or physical health or forcing consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization.

C. Visitors, including invitees and licensees, shall at all times conduct themselves in a manner that is consistent with the maintenance of order on NYFA premises, and their privilege to remain on NYFA property shall automatically terminate upon breach of this regulation. NYFA, in addition, reserves the right in its discretion to withdraw at any time the privilege of an invitee or licensee to be on NYFA premises. A trespasser has no privilege of any kind to be on NYFA property but is nevertheless subject to these regulations governing the maintenance of order.

D. Authorized Members of the NYFA Community, after properly identifying themselves, may in the course of performing their duties, request identification from members of the NYFA community. Refusal to identify oneself shall be considered prima facie evidence of non-NYFA status.

01. "Authorized Members of the NYFA Community" shall include

- NYFA Faculty, Staff, Student Staff
- NYFA Security Officers where situated

E. Nothing contained in these rules is intended, nor shall it be construed, to limit or restrict the freedom of speech or peaceful assembly.

## **II. Program of Enforcement**

A. Visitors (Invitees, Licensees, and Trespassers)

01. When Authorized Members of the NYFA Community in their discretion determine that the privilege of an invitee or licensee to be on NYFA premises should be withdrawn, they shall ask the invitee or licensee to leave the premises, and the invitation or license shall thereby be terminated. If any person, whether initially a trespasser, licensee, or invitee, fails to leave NYFA premises promptly upon request, NYFA will use all reasonable means, including calling for the assistance of the police, to effect the individual's removal.

C. Procedural Hold of Members of the NYFA Community

01. Penalties for violation of NYFA rules shall not be imposed upon members of the NYFA community except after compliance with the disciplinary procedures applicable to students or faculty members, or members of NYFA staff (administrative and other employees).

- However, a Procedural Hold pending disciplinary proceedings may be imposed upon students in accordance with the Student Code of Conduct, or upon faculty members in accordance with Faculty and/or Employee Code of Conduct.

D. Disciplinary Action. A member of the NYFA community found responsible for a violation of NYFA rules set forth in Section I above shall be subject to appropriate disciplinary action as follows:

01. Students

- Discipline shall be governed by the policies and procedures of the NYFA Student Code of Conduct Policy and other applicable and relevant policies.

02. Faculty Members

- Discipline shall be governed by the policies and procedures of the NYFA Faculty and/or Employee Code of Conduct Policies and other applicable and relevant policies.

03. NYFA Staff, Administration

- Discipline shall be governed by the policies and procedures of the NYFA Employee Code of Conduct Policies and other applicable and relevant policies.

04. Organizations

- Any organization which authorizes conduct prohibited under Section I.B.06. shall be subject to having its permission to use the facilities of NYFA and to operate as a NYFA organization rescinded, and shall be subject to any additional penalties pursuant to the penal law or any other applicable provision of law.

E. Penalties. Penalties for violation of NYFA rules that may be imposed upon members of the NYFA community include, but are not limited to, the following:

01. Warning

02. Disciplinary Probation

03. Removal of privileges

04. Deferred Suspension or Suspension

05. Dismissal or Expulsion