



NEW YORK CITY

ANNUAL SECURITY & FIRE SAFETY REPORT
with 2018 - 2020 crime and fire statistics

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ABOUT NEW YORK FILM ACADEMY

The New York Film Academy (NYFA) was founded by veteran producer Jerry Sherlock in 1992, who produced such classics as "The Hunt for the Red October." Encouraged by friends of his who wanted to send their children to film school, but found the prices too costly, Sherlock designed a school that was not only affordable, but more importantly, was founded on the principle of learning by doing.

Inspired by the idea that to learn how to make movies one must actually make movies, Sherlock and his colleagues designed a truly unique curriculum. Blending a mixture of traditional film school instruction with a new approach, the Academy emphasizes coursework based around students going out and shooting films as part of their coursework. Students write, produce, direct, and edit their own original films while also serving as crewmembers on their fellow classmates' films to gain extensive on-set experience.

This commitment to learning by doing applies to all the programs the Academy now offers, with students working with industry-standard equipment in world-class facilities. At the Academy, students can choose from a wide range of visual and performing arts programs that include Filmmaking, Acting for Film, 3D Animation & Visual Effects, Broadcast Journalism, Cinematography, Digital Editing, Documentary Filmmaking, Game Design, Graphic Design, Musical Theatre, Photography, Producing, and Screenwriting.

NEW YORK FILM ACADEMY TODAY

New York Film Academy's current president, Michael Young, has been with the institution since its inception in 1992. With a unique combination of more than 20 years of film industry experience and hands-on administrative expertise, President Young brings fresh insight to New York Film Academy's mission.

Students in New York can choose to enroll in one- and two-month workshops or one- and two-year conservatory programs. As of March 2019, the New York City campus received approval to offer Bachelor of Fine Arts programs in addition to the workshop and conservatory programs. After completion in a one-year program, New York students have the option to transfer to other New York Film Academy degree-granting campuses in either Los Angeles or South Beach, Miami for a BFA, MFA, BA, or MA.

The New York City campus is licensed by the Office of College and University Evaluation (OCUE) and its programs are registered by the State Education Department. New York Film Academy is accredited by WASC Senior College and University Commission (WSCUC).

Each year, the New York City Campus will have anywhere from 500 -1000 students with an average class size of 16.

CRIME STATISTICS

PREPARATION AND DISCLOSURE OF CRIME STATISTICS

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

This report includes campus crime statistics for the past three calendar years for crimes occurring on campus property including 17 Battery Place; 26 Broadway; 33 Beekman residence hall (June- August); designated non-campus properties, including the St. George Residences and space used at Harvard University (June- August); public property adjacent to or contiguous to campus property; and leased, rented, or controlled buildings and facilities. NYFA's Clery geography may vary year to year. A comprehensive and up to date list of NYFA Clery geography can be requested by email to clery.ny@nyfa.edu.

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

All statistics are gathered, compiled, and then shared with the New York Film Academy community via the ASFR, which is published by the Clery Coordinator in coordination with the persons listed above. The annual crime statistics are published in the ASFR and submitted to the US Department of Education (ED). The statistical information gathered by the ED is available to the public through the ED website.

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

SPECIFIC INFORMATION ABOUT CLASSIFYING CRIMES

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

REPORTED CRIMES FOR CALENDAR YEARS 2018, 2019, & 2020

Offense	Year	On Campus	On Campus - Residential*	Non-Campus	Public Property	Total
Murder/ Nonnegligent Manslaughter	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0
Manslaughter by Negligence	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0
Sex Offenses: Rape	2018	0	0	1	0	1
	2019	0	0	2	0	2
	2020	0	0	2	0	2
Sex Offenses: Fondling	2018	0	0	4	0	4
	2019	1	0	2	0	3
	2020	0	0	0	0	0
Sex Offenses: Incest	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0
Sex Offenses: Statutory Rape	2018	0	0	0	0	0
	2019	0	0	1	0	1
	2020	0	0	0	0	0
Stalking	2018	0	0	0	1	1
	2019	1	0	1	0	2

	2020	0	0	0	0	0
Domestic Violence	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0
Dating Violence	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0
Robbery	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0
Aggravated Assault	2018	0	0	0	0	0
	2019	0	0	1	0	1
	2020	0	0	0	0	0
Burglary	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	1	0	0	0	1
Motor Vehicle Theft	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0
Arson	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0
Liquor Law Arrests	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2018	0	0	0	0	0
	2019	1	0	10	0	11
	2020	0	0	1	0	1
Drug Law Arrest	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0
	2018	0	0	0	0	0

Drug Law Violations Referred for Disciplinary Action	2019	0	0	1	0	1
	2020	0	0	1	0	1
Weapons Law Arrests	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0

* As of August 18, 2017, NYFA only controls or leases space that classifies as on-campus residential during the summer months to accommodate for the summer camp programs. On-campus residential statistics were collected in 2018 from June 18, 2018 through August 5, 2018. In 2019, on-campus residential statistics were only collected from June 18, 2019 through August 11, 2019. In 2020, NYFA did not own or control any buildings or facilities that qualified as on-campus residential. Additionally, NYFA did not own or control any buildings or facilities at Harvard University in 2020.

Hate Crime Statistics	
2018	Zero (0) hate crimes, as defined by applicable federal law, were reported at NYFA NY in 2018.
2019	Zero (0) hate crimes, as defined by applicable federal law, were reported at NYFA NY in 2019.
2020	Zero (0) hate crimes, as defined by applicable federal law, were reported at NYFA NYC in 2020.

Unfounded Crimes	
2018	Zero (0) unfounded crimes for the calendar year 2018.
2019	Zero (0) unfounded crimes for the calendar year 2019.
2020	Zero (0) unfounded crimes for the calendar year 2020.

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

SECURITY OF AND ACCESS TO CAMPUS FACILITIES

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

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

During the COVID-19 pandemic, campus hours are limited and restricted to specific NYFA students, faculty, and staff on a day-to-day basis depending on the class schedule. Students, faculty, and staff who are scheduled to be on campus for any given day, enter on the fifth floor of 17 Battery Pl and check in with NYFA staff. Generally, visitors are not permitted on campus during the COVID-19 pandemic. Visitors who are granted access to NYFA's campus are required to check in on the fifth floor of 17 Battery Pl and are given a guest badge for the duration of their visit and must be worn at all times.

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

LOCAL LAW ENFORCEMENT JURISDICTION AND AUTHORITY

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

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

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

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

HUPD has primary jurisdiction over NYFA while on Harvard’s campus. In response to the call, the HUPD will take action it deems appropriate, generally either dispatching an officer to the caller’s location or asking the caller to report to the precinct to file a report. The HUPD is responsible for the investigation of any reported crimes and other public safety emergencies. If assistance is required from the Cambridge Fire Department, they will be sent by the 911 dispatchers upon receiving an emergency call. As guests of Harvard University, NYFA students and staff are responsible for adhering to HU’s policies and procedures, in addition to state/federal laws enforced by HUPD.

RESIDENCE HALLS

NYFA leases floors from EHS (Educational Housing Services) at the St. George Residences and shares the facility with other tenants. Access to the residence hall is restricted to NYFA students, authorized staff, and tenants from other institutions. The residences hall is secured by both contracted security by EHS, and access control systems 24 hours a day, 7 days a week. Residences gain access by swiping their ID card on turnstiles. Currently, residents are not allowed guests due to COVID-19. NYFA does not staff Residential Advisors for The St. George Residences. The St. George Residences is considered a non-campus property for Clery reporting purposes.

During the summer months, New York Film Academy may lease additional residential space to accommodate for the summer camp programs. Although the residential summer camp programs did not run in 2020 due to COVID-19, generally, NYFA will share a facility with other tenants. Access to the residence halls will be restricted to New York Film Academy students, authorized staff, and tenants from other

institutions. In years past, NYFA has leased residential space from Pace University. The residence hall was secured by Pace University contracted security and through access control systems 24 hours a day, seven days a week. Residents gained access by swiping their ID cards at turnstiles. NYFA staffed Camp Counselors/Residential Advisors throughout the duration of the camp and lived on-premises with the campers. NYFA residents were not allowed guests.

HARVARD UNIVERSITY

NYFA's agreement with Harvard University permits access to Lowell Hall, Memorial Hall/Annenburg Hall, and one of Harvard's on-campus dormitories June through August of each year. Due to COVID-19, NYFA did not occupy space at Harvard University in 2020. However, when at Harvard, NYFA staff and students receive a Harvard-issued ID at the beginning of their workshop that grants them access to the facilities identified above. Access is restricted to authorized NYFA and Harvard staff and students. Generally, the facilities are open seven days a week and the hours are determined and set by NYFA, in collaboration with Harvard, before the program starts. The facilities cannot be accessed without the proper identification. The buildings and facilities controlled by NYFA, during the summer months, are considered non-campus property for Clery reporting purposes.

SECURITY AWARENESS PROGRAMS

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

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

Throughout the year, faculty and staff participate in various programs that encourage responsibility for their own security and that of others. These programs may include CSA Training, Cybersecurity, and/or COVID-19 Safety Training, and are generally offered on-line through Paycom. When on campus, faculty and staff may also participate in fire safety training. Additionally, faculty and staff are notified of NYFA's evacuation procedures and protocols for what to do in the case of an emergency on an annual basis.

MAINTENANCE OF CAMPUS FACILITIES

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

GENERAL PROCEDURES FOR REPORTING CRIMES OR EMERGENCIES

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

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

1. Dean of Students
17 Battery Pl, 1st Floor, 101
deanofstudents@nyfa.edu
212-674-4300
2. Title IX Coordinator
17 Battery Pl, 5th Floor, 501
NYtitle9@nyfa.edu
212-674-4300, ext. 1121

3. Director of Operations
17 Battery Pl
security@nyfa.edu
212-674-4300
4. Housing Coordinator
17 Battery Pl, 4th Floor, Room 400A
nyhousing@nyfa.edu
212-674-4300
5. Human Resources
17 Battery Pl, 4th Floor, 413
hr@nyfa.edu
212-674-4300
6. NYFA Program Director at Harvard University (June – August)
harvard.staff@nyfa.edu

To report a crime or emergency as campus community members:

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

To report a crime or emergency as campus community members while on Harvard University campus (June – August):

- Emergency situations should be reported to HUPD by dialing 617-495-1212
- Non-emergencies can also be reported to the primary Campus Security Authority listed above, or any other Campus Security Authority.

Internal reports involving a student, which are made to NYFA CSAs, will be documented and processed for review and further investigation, if warranted, by the Dean of Students. Reports of sexual misconduct will be addressed under the Title IX Office.

This publication contains information about on- and off-campus resources and is made available to all NYFA community members. The information regarding “resources” is not provided to infer that those resources are “crime reporting entities” for NYFA. Crimes should be reported to NYPD (or HUPD) officials and NYFA as described above to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate. For example, crimes reported to the Mount Sinai Beth Israel Victim Services Program would not be included in the institution’s crime statistics.

For additional reporting procedures related to potential Title IX violations, please see page 50.

CAMPUS SECURITY AUTHORITIES (CSA)

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

- Academic advisor or advisor to a student group
- A student or employee who monitors access to dormitories, buildings, and/or other facilities
- Department Chairs

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

OFF-CAMPUS CRIME

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

MONITORING OF STUDENT ORGANIZATION

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

CRIME PREVENTION PROGRAMS

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

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

While at Harvard University, NYFA individuals have access to “Blue Light Phones,” located at outdoor locations throughout the campus. These phones are used to communicate suspicious activity, crimes in progress, or any emergency situations. They can also refer to their Harvard-issued ID for emergency contact information.

CONFIDENTIAL REPORTING OPTIONS FOR STUDENTS, FACULTY, AND STAFF

VOLUNTARY CONFIDENTIAL REPORTING

Students, faculty, and staff who do not want to pursue action within NYFA or the criminal justice system may still want to consider making a confidential report with a CSA. Students, faculty, and staff may choose,

at the time of a report, to withhold personally identifiable information. A CSA can file a report, complete with details regarding the incident, without revealing the person’s identity. The purpose of a confidential report is to comply with the wish to keep the matter confidential while taking steps to ensure the future safety of campus community members. With such information, NYFA can keep an accurate record of the number of incidents involving students, employees, and visitors; determine where there is a pattern of crime with regard to particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

Voluntary confidential reporting may not be an option for reports of dating violence, domestic violence, sexual assault, stalking, or other forms of sexual misconduct. CSAs and other NYFA employees, with the exception of NYFA Counseling Services, who receive reports of sexual misconduct are encouraged to immediately share the details with the Title IX Coordinator.

CONFIDENTIAL REPORTING

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

NOTIFICATION TO NYFA COMMUNITY ABOUT REPORTED CRIMES

TIMELY WARNING NOTICES

In an effort to provide timely notice to NYFA community in the event of a serious incident which may pose a serious or ongoing threat to members of the campus community, a Timely Warning notice that withholds names of victims as confidential and that will aid in the prevention of similar crimes, is sent primarily by blast email to all students, faculty and staff on campus. Additionally, alerts may be communicated through NYFA’s Emergency Alert System, Everbridge, via text message and/or phone call to students, staff, and faculty. In some cases, alerts may also be posted on the NYFA website homepage (www.nyfa.edu) or 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), burglary, robbery, motor vehicle theft, arson, hate crimes, or drug, liquor, and weapons law violations.

The decision to implement a Timely Warning is made on a case-by-case basis, depending on the facts of the situation and the information known to NYFA. Factors taken into consideration may include but are not limited to: the nature of the crime, the timeliness of the report, and the continuing danger to the campus community -- such as whether the perpetrator was apprehended -- and the possible risk of compromising law enforcement efforts. Such Timely Warnings provide an opportunity for individuals to take reasonable precautions for their own safety. For example, if an 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. Typically, Timely Warnings are not issued for any incidents reported that are older than two weeks or 14 days from the date of occurrence as such a delay has not afforded New York Film Academy an opportunity to respond in a timely manner.

In cases involving sexual assault that can be typically reported long after the incident occurred, there may be no ability to distribute a Timely Warning to the community. Therefore, sex offenses will also be considered on a case-by-case basis depending on when and where the incident occurred, when it was reported, and the amount of information known to NYFA.

The Director of Operations, President, Senior Executive Vice President, Dean of Campus, or Dean of Students, in collaboration with the Title IX Coordinator (depending on the case), reviews all criminal and/or serious incidents to determine if there is an ongoing threat to the community and if the distribution of a Timely Warning is warranted. To ensure consistency, a "Timely Warning Decision Matrix" is used to assist in the implementation decision.

Timely Warnings are generally written and executed by the Director of Operations, Dean of Campus, or Dean of Students, and they are routinely viewed and approved by the President or Senior Executive Vice President prior to distribution. The Director of Operations has the authority to issue a Timely Warning without such consultation if consultation time is not available. Timely Warnings are disseminated to the campus community by the Webmaster or Director of Operations.

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

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

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

NYFA does not maintain a daily crime log.

PUBLIC SAFETY BULLETINS

Public Safety Bulletins may be sent to the campus community for general crime prevention purposes, to inform the community of crimes and/or incidents that are generally time-sensitive or considered to be an ongoing threat, but important to be aware of, and/or to inform the campus of incidents occurring on, around, or even off-campus that do not meet the requirements of specifications for distribution of a Timely Warning, as outlined above.

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

A Public Safety Bulletin may also take the form of a Health Alert to notify the campus of a positive case of COVID-19 on campus.

NATURAL DISASTERS/WEATHER ALERTS

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

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

New York Campus

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

NYFA publicizes a summary of the emergency responses and evacuation procedures via email at least once a year in conjunction with a test and/or exercise that meets all the requirements of the Higher Education Opportunity Act (HEOA). In addition, NYFA's emergency response and evacuation procedures are communicated to employees via Paycom, on an annual basis, and to new students during orientation. Updates to NYFA's emergency response and evacuation procedures are communicated to the campus community via email, NYFA Hub, and Paycom (for employees). Hard copies are made available upon request through any faculty or staff member. In addition, NYFA's emergency response and evacuation procedures are available in the Campus Safety and Security Handbook and *2021-2022 NY Campus Catalog*.

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

Harvard University

When NYFA campus community members are on Harvard property, they adhere to the emergency and evacuation procedures set forth by Harvard. Harvard has created emergency evacuation plans for buildings on campus and major outdoor areas. NYFA students and staff are informed of the emergency exit routes via postings throughout Lowell Hall, Memorial/Annenburg Hall, and inside each campus dorm room.

Harvard conducts building evacuation drills throughout the campus annually. The drills are both announced and unannounced based on building occupancy, and are documented with a description of the exercise, the date and time, and whether it was announced or unannounced. Harvard publishes general information about the emergency response and evacuation procedures each year as a part of their Clery compliance efforts. For more information on Harvard's emergency preparedness and response efforts, visit <https://www.ehs.harvard.edu/emergency-management>.

EMERGENCY NOTIFICATIONS – NOTIFICATION TO NYFA COMMUNITY ABOUT AN IMMEDIATE THREAT

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

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

Confirmation of the existence of an emergency typically involves the response and assessment of a combination of the Director of Operations, President, Senior Executive Vice President, Dean of Campus,

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

Upon confirmation of a significant emergency or dangerous situation (through response, investigation, or collaboration with emergency responders), New York Film Academy will, without delay and taking into account the safety of the community, determine the content of the notification, determine the appropriate segments to receive notification, and initiate the notification system, unless issuing a notification will, in the judgement of the first responders, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Notification message content is determined by one or more of the campus officials listed above and based on the type of incident, the context with which it is occurring, and the immediate danger or threat to the campus community and the need to advise campus community members to take action. 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 campus officials, identified above, are responsible for determining the appropriate segments of the campus community to receive the notification based on some of the following factors: location, severity, and time. For example, NYFA may limit the message to a particular segment of the community, if the threat is limited to a particular building. However, given the small size of NYFA’s on-campus properties, in most cases, emergency notifications will be disseminated to the entire campus community.

Generally, follow-up notices/communications will be provided as necessary, by the Director of Operations, during an active incident. When a threat is neutralized or effectively removed campus community members will be appropriately informed via all or some the communication methods detailed below. The remaining campus officials from the previously identified list, may also be responsible for providing follow up

communications, which can include determining the content of the follow-up notification(s), what segment of the campus it should go to, and when it should be communicated

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

The preferred method of reaching all potentially affected parties is via NYFA's emergency alert system, Everbridge. Depending on the situation, the process for deploying a message via this system may require up to 30 minutes or more. If an emergency notification has been implemented, then NYFA is not obligated to implement the timely warning notice procedures.

Additionally, individuals visiting Harvard's during the summer months (June – August) may be notified of a significant emergency or dangerous situation via Harvard's social media handles and/or Harvard's public address systems, where available. HUPD and HPAC (Harvard Public Affairs & Communications) will determine the content of the message and appropriate segments and are responsible for disseminating the notification.

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

NYFA community members are encouraged to notify 911 and the Operations department or the Housing Coordinator (as described in the General Procedures for Reporting section of this document) of any situation or incident in or around a New York Film Academy facility that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students

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

EMERGENCY ALERT SYSTEM

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

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

EMERGENCY EVACUATION PROCEDURES

New York Campus

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

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

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

Active Shooter Inside Your Building

- Remain calm.
- If possible, exit the building using the safest possible route away from the threat.

- If you cannot get out safely, find the nearest location that provides safety, barricade the doors by any means possible, shut off lights, and move to an area of the room where you cannot be seen or heard. Keep as quiet as possible.
- Silence your phones.
- Call 911 as soon as it is safe to do so.
- Stay focused on survival and keep others around you focused.
- Do not open the door until Law Enforcement Officers advise it is safe to do so.
- When Law Enforcement Arrives:
 - Put down any item in your hand.
 - Immediately raise your hands and spread your fingers.
 - Keep your hands visible at all times.
 - Avoid making quick movements towards any officers.
 - Avoid pointing, screaming, and yelling.

Active Shooter Outside Your Building

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

Bomb Threat

- If you receive a bomb threat on campus, remain calm and take the caller seriously.
- If your phone has caller ID, record the number displayed.

- Gain the attention of a coworker and have them contact local Law Enforcement.
- Keep the caller on the phone as long as possible questions:
 - Where is the bomb?
 - When is it set to explode?
 - What kind of bomb is it?
 - What does the bomb look like?
 - Did you place the bomb and if so, why?
 - What is your name?

Fire or Explosion

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

Hostage Situation

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

Violent, Threatening or Unusual Behavior

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

Chemical and Hazardous Material Spill

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

Civil Disturbance

- Civil disturbances include riots, demonstrations, threatening individuals, or assemblies that have become significantly disruptive.
- Call 911 if the disturbance escalates into a situation of an imminent threat to life or safety.
- If the event is in its initial stage and has not reached a critical point, call 911.
- Do not interfere, interrupt, or become involved in the disturbance.

- If the disturbance is outside, stay away from the doors and windows and remain inside.
- If the disturbance is inside, evacuate as soon as it is safe to do so.

Harvard University

The below guidelines, derived from Harvard’s Emergency Management Framework (<https://www.hupd.harvard.edu/emergency-management-plan-evacuations>), are meant to aid in effective communications during emergency events.

During the evacuation

Students and staff must evacuate when a fire alarm is activated. Stop what you are doing and immediately head towards an emergency exit – do not delay the evacuation.

- Shut the door behind you as you leave.
- Do not use elevators and follow exit signs to the nearest fire stairwell or exit.
- Once outside, report to the emergency evacuation meeting location to be accounted for.
- Follow instructions given by HUPD and Fire Department.
- Once the building has been cleared, occupants will be permitted to re-enter.

Occupants with disabilities or other special needs who require additional assistance may:

- Shelter in place in a fully sprinkled building.
- Conduct a horizontal evacuation to a safer area on the same floor.
- Shelter in a fire-rated stairwell.

Where Evacuation is Not Possible

When a fire alarm is activated, always check the doors to see if they are hot or warm to touch before you open them. If heat or smoke is preventing you from evacuating:

- Move away from the door.
- Use towels or other cloth items to seal around the door.
- Hang a white object in the window (if it opens) and then reclose the window.
- Do not reopen your window, unless forced to do so by smoke.
- Call 911 and notify emergency responders of your location and situation.

Shelter In Place

There is no single set of shelter in place procedures because this directive may be the protective recommendation for several emergencies, with differing risks. And because emergencies change as they progress, the questions to ask yourself when determining to shelter in place are: Am I safer inside or outside? Where am I safest inside? Where am I safest outside?

Post Incident

The Fire/Rescue Department or other appropriate emergency official(s) should release the building to Harvard facility leadership after the completion of an incident. The facility should be pronounced as all clear or clear with conditions for re-entry, which will then be communicated to entrance monitors, in person, by Harvard facility leadership.

Active Shooter Safety Guidelines

Since most incidents of this nature are over within minutes, you must prepare to deal with the situation until first responders arrive. Although these situations are unpredictable, there are a few steps that one can take immediately.

If you are in harm's way, you will need to decide rapidly on the safest course of action based on the scenario that is unfolding before you. In an active shooter situation, you will need to decide rapidly on the safest course and most reasonable way to protect your life based on the scenario that is unfolding before you. You should:

1. Run if there is an accessible escape path.
2. Hide if evacuation is not possible.
3. Fight as a last resort and only when your life is in imminent danger or attempt to disrupt the active shooter.

RESPONSIBILITY OF NYFA COMMUNITY FOR THEIR OWN PERSONAL SAFETY

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

- Report all suspicious activity to NYPD (or HUPD) or CSAs 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 the NYPD at the first sign of trouble.
- Never leave valuables unattended.
- Carry your keys at all times and do not lend them to anyone.
- Always lock your door to your residence hall room or apartment, whether or not you are there. Be certain that your door is locked when you go to sleep, and keep windows closed and locked when you are not home.

ALCOHOL AND DRUG POLICIES

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

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

NYFA STANDARDS OF CONDUCT RELATED TO ALCOHOL AND DRUGS

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

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

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

ALCOHOL AND OTHER DRUGS EDUCATION AND OUTREACH

NYFA requires all first-year students to attend New Student Orientation, during Registration Week, where the following are discussed:

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

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

NYFA does not provide additional alcohol and other drugs education and outreach to students and staff completing a workshop at Harvard University (June – August).

The entire text of Alcohol and Drug Education and Intervention Program(s) for students, as well as NYFA's penalties for possession or distribution of controlled substances by students on a NYFA premises or at institutionally sponsored activities off-campus, are contained in NYFA's Drug and Alcohol Policy for Students and the Biennial Review of the Drug and Alcohol Policy. Both documents can be found here: <https://www.nyfa.edu/federal-financial-aid/drug-free-schools-policy.php> .

MISSING STUDENTS

In accordance with the Higher Education Opportunity Act of 2008, all students residing in on-campus housing must have the option of identifying a person whom the institution will notify if the student is determined missing by the Dean of Campus, Dean of Students, Housing Coordinator, Summer Camp Residential Director, or local law enforcement agencies. When a NYFA student, residing in on-campus housing that meets the on-campus residential facility definition set forth by Clery, is determined missing, NYFA will follow the following missing person's policy.

The Missing Student information is provided to all students in any of NYFA's owned or controlled on-campus residential facilities.

PROCEDURES FOR DESIGNATION OF CONFIDENTIAL CONTACT

In addition to registering an emergency contact, students residing in on-campus housing, meeting the definition of on-campus residential facility set forth by Clery, have the option to designate a confidential contact to be notified by NYFA in the event the student is determined to be missing for more than 24 hours.

Students aged 18 and above, including emancipated minors, are provided the option, generally during the enrollment process, to designate a confidential contact that will remain in effect until changed or revoked by the student. To add or change a confidential contact the student must notify the Housing Coordinator or Summer Camp Residential Director. Students over the age of 18 may also opt-out of designating a confidential contact.

If students under the age of 18 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 PERSONS

Any individual in on-campus housing who has information that a residential NYFA student may be a missing person must notify the Housing Coordinator or Summer Camp Residential Director as soon as possible. The Housing Coordinator and Summer Camp Residential Director can be reached during normal business hours at 212-674-4300. Outside of normal business hours, a missing person can be reported to the “duty-phone.” The number for the “duty-phone” 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 NYPD within 24 hours of determination that the student is missing.

The Housing Coordinator or Summer Camp Residential Director will gather all essential information about the residential student from the reporting student and from the student’s acquaintances (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.). Appropriate campus staff will be notified to aid in the search for the student.

The Housing Coordinator, Summer Camp Residential Director, and/or appropriate staff aiding in the search for the student will initiate an investigation which will include, but is not limited to, the following:

- 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 Coordinator or Summer Camp Residential Director will contact the appropriate campus administration and local law enforcement agency will take charge of the investigation. For all missing students, NYFA will immediately notify the local law enforcement agency within 24 hours

of the determination that the student is missing, 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 Coordinator, Summer Camp Residential Director, or a designee, will notify the missing persons confidential contact (for all students regardless of age) and the parent/guardian (for students under the age of 18 and not emancipated) that the student is believed to be missing.

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

NYFA prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking (as defined by Clery) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the NYFA community. Toward that end, NYFA issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault, and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which may be followed regardless of whether the incident occurs on or off-campus when it is reported to a NYFA faculty or staff member. On an annual basis, NYFA provides written notification via email to students, faculty, and staff about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available to for victims, both within the institution and in the community.

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

U.S. DEPARTMENT OF EDUCATION DEFINITIONS

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

1. By a current or former spouse or intimate partner of the victim;
2. By a person with whom the victim shares a child in common;

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

Intimate Partner: Includes persons legally married to one another; persons formerly married to one another; persons who have a child in common, regardless of whether such persons are married or have lived together at any time, couples who are in an “intimate relationship” including but not limited to couples who live together or have lived together, or persons who are dating or who have dated in the past, including same-sex couples.

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

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

For the purposes of this definition—

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

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

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

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

2. **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
3. **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

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

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

For the purposes of this definition—

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

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

NEW YORK STATE DEFINITIONS

Consent: Lack of consent results from: forcible compulsion; or incapacity to consent; or where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor’s conduct. Where the offense charged is rape in the third degree, a criminal sexual act in the third degree, or forcible compulsion in circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than 17 years old.

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

Aggravated Sexual Abuse in the 2nd degree: When a person inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person by (1) forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old.

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

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

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

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

constituting a felony defined in this article; and (2) commits or attempts to commit such conduct constituting a felony defined in this article.

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

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

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

Stalking in the 4th 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 3rd 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 2nd 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 1st 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.

MASSACHUSETTS STATE DEFINITIONS

Consent: Consent is not specifically defined by Massachusetts law. However, Massachusetts law provides that children under 16, persons that are incapacitated or intoxicated, asleep, or mentally impaired can never give consent.

Sexual Assault: Massachusetts does not specifically define sexual assault, but rather uses the terms rape and indecent assault and battery. ***Rape*** is defined as having sexual intercourse or unnatural sexual intercourse with a person and compelling such person to submit by force and against his or her will or compelling such person to submit by threat of bodily injury. Mass. G. L. ch. 265, Section 22. Massachusetts

law also prohibits indecent assault and battery, which includes intentionally having physical contact of a sexual nature with another person, such as the indecent touching of another person’s private parts. Mass. G. L. ch. Section 13H.

Domestic/Dating Violence: Massachusetts does not have one state definition of domestic or dating violence. Under Massachusetts law, a person suffering abuse from a family or household member may seek a restraining order. Abuse includes: attempting to cause or causing physical harm; placing another in fear of imminent serious physical harm; or causing another to engage involuntarily in sexual relations by force, threat, or duress. Mass. G. L. ch. 209A. The term “*family or household members*” includes persons who: (a) are or were married to one another; (b) are or were residing together in the same household; (c) are or were related by blood or marriage; (d) having a child in common regardless of whether they have ever married or lived together; or (e) are or have been in a substantive dating or engagement relationship, which shall be adjudged by district, probate, or Boston municipal courts in consideration of the following factors: (1) the length of time of the relationship; (2) the type of relationship; (3) the frequency of interaction between the parties; and (4) if the relationship has been terminated by either person, the length of time elapsed since the termination of the relationship. Mass. G. L. ch. 209A.

Stalking: Under Massachusetts law, a person who (1) willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and (2) makes a threat with the intent to place the person in imminent fear of death or bodily injury, shall be guilty of the crime of stalking. Mass. G. L. ch. 265, Section 43. The conduct may include threats made by electronic communications such as email, text messages, instant messages and the like. Stalking may be punished by up to five years in state prison. Massachusetts also prohibits criminal harassment. Under Massachusetts law, a person who willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person, which seriously alarms that person and would cause a reasonable person to suffer substantial emotional distress, shall be guilty of the crime of criminal harassment. Mass. G. L. ch. 265, Section 43A.

BYSTANDER INTERVENTION

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of sexual assault, dating violence, domestic violence, or stalking. Bystander intervention includes recognizing situations of potential harm,

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

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

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

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

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

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

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

RISK REDUCTION

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

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

- **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
- **Walk with purpose**. Even if you don't know where you are going, act like you do.
- **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
- **Make sure your cell phone is with you** and charged and that you have cab money.
- **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
- **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
- **When you go to a social gathering, go with a group of friends**. Arrive together, check-in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- **Don't accept drinks from people you don't know or trust**. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.

- **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
 - **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
 - **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

EDUCATION AND PREVENTION PROGRAMS

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

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

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

1. A statement that the institution prohibits the crimes of domestic violence, dating violence, sexual assault and stalking (as defined by Clery);
2. The definitions of domestic violence, dating violence, sexual assault and stalking according to any applicable jurisdictional definitions of these terms;
3. What behavior and actions constitute consent, in reference to sexual activity, in the State of New York and/or using the definition of affirmative consent found in the Title IX Grievance Policy & Procedure and the Sexual Misconduct Policy
4. A description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
5. Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
6. Information regarding:
 - a. Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs (as described in “Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs” elsewhere in this document)
 - b. How the institution will protect the confidentiality of victims and other necessary parties (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
 - c. Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community (as described in “Assistance for Victims: Rights and Options” elsewhere in this document); and

- d. Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
- e. Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this document).

NYFA has developed an annual educational campaign consisting of presentations that include distribution of education materials to new students and participating in and presenting information and materials during orientation(s).

NYFA offered the following primary prevention and awareness programs for students in the 2020 calendar year.

Name of Program	Date Held	Location Held	Prohibited Conduct Covered?
New Student Orientation	Jan. & Sept. 2020	online	DoV, DaV, SA, and S
Sexual Respect	Sept. 2020	online	DoV, DaV, SA, and S
Sexual Assault Prevention Month Campaign	Apr. 2020	online	DoV, DaV, SA, and S
Affirmative Consent Workshop	Sept. 17, 2020	Online	SA
Domestic Violence Awareness Month Campaign	Oct. 2020	online	DoV, DaV
Swipe Left on Dating (App) Violence	Oct. 20, 2020	online	DoV, DaV
Bringing in the Bystander	1 st Sem. (BFA)	online	DoV, DaV, SA, and S

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

NYFA offered the following primary prevention and awareness programs for employees in the 2020 calendar year.

Name of Program	Date Held	Location Held	Prohibited Conduct Covered?
Sexual Assault Prevention Month Campaign	Apr. 2020	online	DoV, DaV, SA, and S
Domestic Violence Awareness	Oct. 2020	online	DoV, DaV

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

NYFA offered the following ongoing awareness and prevention programs for students in the 2020 calendar year:

Name of Program	Date Held	Location Held	Prohibited Conduct Covered?
Sexual Violence Prevention Fair	Apr. 2020	online	DoV, DaV, SA, and S
Sexual Assault Awareness Month Digital Scavenger Hunt	Apr. 2020	online	DoV, DaV, SA, and S
Consent Raffle	Apr. 2020	online	SA
Practicing Safe Sets	May 2, 2020	online	SA
Sexual Violence Myths vs Facts	Apr. 24, 2020	online	DoV, DaV, SA, and S
Student Ambassador Training	Sept. 2020	online	DoV, DaV
Campus Climate Survey	Dec. 2020	online	DoV, DaV, SA, and S
Domestic Violence Awareness Month Resource Fair	Oct. 2020	online	DoV, DaV
Orientation Leader Training	Sept. 2020	online	DoV, DaV, SA, and S

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

NYFA offered the following ongoing awareness and prevention programs for employees in the 2020 calendar year:

Name of Program	Date Held	Location Held	Prohibited Conduct Covered?
Sexual Violence Prevention Fair	Apr. 2020	online	DoV, DaV, SA, and S
Sexual Assault Awareness Month Digital Scavenger Hunt	Apr. 2021	online	DoV, DaV, SA, and S
Consent Raffle	Apr. 2021	online	SA
Domestic Violence Awareness Month Resource Fair	Oct. 2020	online	DoV, DaV

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

NYFA's ongoing awareness and prevention plans for 2021 include programs for students, faculty, and staff, such as, Sexual Assault Awareness Month, Domestic Violence Awareness Month, New Student Orientation, and Bringing in the Bystander. Additionally, NYFA plans to have an online Sexual Respect module available for faculty and staff.

NYFA does not provide additional education or prevention programming regarding sexual assault, stalking, and dating and domestic violence for summer camp students at the Harvard University locations.

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

The Importance of Preserving Evidence

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

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

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

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

NYC HOSPITALS	
Bellevue Hospital Center Sexual Assault Response Team 62 First Avenue, Ground Floor #GA7 NY, NY 10016 212.562.6046	Beth Israel Medical Center Emergency Department 281 1 st Avenue NY, NY 10003 212.420.2000
Mount Sinai St. Luke’s Emergency Department S 1111 Amsterdam Avenue NY, NY, 11201 212.523.4000	Coney Island Hospital Emergency Department 2601 Ocean Parkway Brooklyn, NY 718.616.3001
North Central Bronx Hospital Social Work Department, Room 14A03 3424 Kossuth Avenue Bronx, NY 10467 718.519.3013	Elmhurst Hospital Emergency Department 79-01 Broadway, Room B-1-27 Elmhurst, NY 11373 718.334.4000
CAMBRIDGE/ BOSTON HOSPITALS	
Cambridge Hospital 1493 Cambridge St Cambridge, MA 02139 617.665.1000	Beth Israel Deaconess Medical Center 330 Brookline Avenue Boston, MA 02215 617.667.8141

Reporting to Law Enforcement

Students, faculty, and staff have the option to report to law enforcement simultaneously or in lieu of reporting to the institution. NYFA encourages members of the community to report sexual misconduct to law enforcement and, if requested, the Title IX Coordinator can provide assistance in notifying NYPD (or

HUPD), or other local law enforcement agencies. However, students, faculty, and staff have the right to decline to notify such authorities.

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

When a report is made to HUPD, a uniformed or non-uniformed officer, by request, will respond to your location and assist in obtaining medical assistance, secure your safety, and obtain a description of the alleged perpetrator. The officer will also conduct an interview to obtain information about the incident: description of the incident, location, time, date, injuries, etc.

New York Police Department 1st Precinct

19 Elizabeth Street
NY, NY 10013
212.741.4811

New York Police Department 84th Precinct

301 Gold Street
Brooklyn, NY 11201
718.875.6811

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

Harvard University Police Department

1033 Massachusetts Ave.
6th Floor
Cambridge, MA 02138
617.495.1212

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

Reporting to New York Film Academy

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

Carlye Bowers

Title IX Coordinator

17 Battery Pl, 5th Floor, Office 501

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

Email: NYtitle9@nyfa.edu

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

Students have the option to speak confidentially with one of NYFA's Licensed Mental Health Counselors and Therapists. These employees are deemed Confidential Counselors and are the only NYFA employees who are not required/encouraged to report or disclose information to the Title IX Coordinator. However, if a Complainant, Respondent, or Witness (Parties) discloses "covered sexual harassment" or sexual misconduct to the individuals listed below when that individual is not acting in the role that provides them

privilege, the individual is required to make a report to the Title IX Coordinator. An example of a confidential resource acting outside their primary capacity may be when a Counselor is facilitating an educational workshop.

Jacquelyn Hunt, LCSW
Director of Counseling
17 Battery Place, 1st Floor
Telephone Number: 212-674-4300
Email:counseling@nyfa.edu

CONFIDENTIALITY

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

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

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

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

ASSISTANCE FOR VICTIMS: RIGHTS & OPTIONS

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

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

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

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

7. Privately disclose, if the accused is a NYFA employee, the incident to the Director of Human Resources or designee or the right to request that a confidential or private employee assists in reporting to the Director of Human Resources or designee;
8. Receive assistance from the Title IX Coordinator in initiating legal proceedings in family court or civil court; and
9. Withdraw a complaint or involvement at any time.

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

New York State Crime Victims Bill of Right

1. A free copy of the police report, even if there was no physical injury.
2. Payment waiver of fees for replacing driver's license, permit, registration, and license plates, which were lost or stolen as a result of a crime.
3. Have law enforcement and the District Attorney inform employers that the criminal case may require work absences. They can also explain the circumstances of the crime to creditors.
4. Not to be penalized by an employer when appearing as a Witness in a criminal proceeding, consulting with prosecutors or exercising other rights under the law. A violation of this law by an employer is a B misdemeanor. Employers, however, may withhold wages in these situations.
5. File for victim compensation and assistance with the New York State Office of Victim Services. Victims of physical injury or relatives of murder victims are entitled to out-of-pocket expenses incurred as a result of the crime. These expenses may include the repair or replacement of damaged property, loss of earnings or support, medical and counseling bills, crime-scene clean up or funeral expenses. Crime victims may also be eligible for transportation expenses incurred for necessary court appearances. Kidnapping, stalking and unlawful imprisonment victims may be eligible for an award to cover loss of earnings or support, unreimbursed costs for counseling, rehabilitative training, and the costs of damaged essential personal property and security devices. Claims must be filed within one year of the crime or within one year of the victim's death. You can obtain a claim form from the police, the District Attorney, a hospital emergency room, the Office of Victim Services, or from the Office of the Attorney General. Assistance is also available from other programs such as rape crisis centers and domestic violence and child abuse programs. Ask the District Attorney's office for referrals.

6. Be notified of criminal proceedings. Victims who provide a current address and telephone number to the District Attorney have the right to be notified of the accused's arrest; the first appearance before a judge; release from jail while the criminal proceeding is pending; entry of a guilty plea, trial and sentencing; maximum and minimum terms of imprisonment if the offender is sentenced to prison and parole hearing date.
7. Freedom from intimidation, threats, or harassment. Intimidating a victim or a Witness is a felony, apart from any charges the accused may already face. If you are threatened or your property is damaged by anyone connected to your case, you should contact the District Attorney's office and law enforcement immediately.
8. Notice of discharge, release or escape of offender from a correctional facility. The District Attorney has a form to be completed in order to stay informed. The New York Victim Information and Notification Everyday (VINE) system provides up-to-date information about the custody status of offenders via the telephone or internet. Crime victims and other New Yorkers can call 888-VINE-4NY (888-846- 3469) or go to www.vinelink.com to secure information about incarcerated defendants. By providing an inmate's identification number or date of birth, which you can obtain from the District Attorney, you can learn sentencing and release information. You may also register with VINE for automatic notification by telephone when the inmate is released.

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

1. Make a report to local law enforcement and/or state police.
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously.
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution.
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard.
5. Be treated with dignity and to receive from NYFA courteous, fair, and respectful health care and counseling services, where available.
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations.

7. Describe the incident to as few NYFA representatives as practicable and not be required to unnecessarily repeat a description of the incident.
8. Be protected from retaliation by NYFA, any student, the accused and/or the Respondent, and/or their friends, family and acquaintances within the jurisdiction of NYFA.
9. Have access to at least one level of appeal of a determination.
10. Be accompanied by an Advisor of their choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such processes.
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of NYFA.

New York Orders of Protection

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

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

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

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

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

Massachusetts Abuse Prevention Orders and Harassment Prevention Orders

NYFA complies with Massachusetts State Law in recognizing Abuse Prevention Orders, Harassment Prevention Orders, and other valid orders of protection. If a student obtains an Abuse Prevention Order, Harassment Prevention Order, or other valid orders of protection against another individual, the student is encouraged to disclose that information to the Program Director or Title IX Coordinator so NYFA can assist in making reasonable accommodations. Faculty and staff are encouraged to share information prevention orders with Human Resources, in addition to the Title IX Coordinator and Program Director. NYFA cannot issue an abuse prevention order but will provide information on other available options, such as no contact order.

An abuse prevention order is issued by the court that legally restrains a family or household member from further harming or threatening to harm a victim. A harassment prevention order is issued by the court and can be requested against anyone who is harassing, stalking, or sexually assaulting a victim, no matter what the relationship is between parties. The New York Film Academy cannot apply on behalf of someone else for an abuse prevention order, harassment prevention order, restraining order, or no contact order, but can assist a person in obtaining such an order. Complainants may request, as part of a protection order, that the respondent refrains from contacting, harassing, or abusing the complainant; stay away from the complainant's home or workplace, or pay damages to the complainant for harm suffered as a direct result of the abuse of harassment. There is no filing fee charged for this action, and filing a protection order does not preclude an individual from any other civil or criminal remedies. If a restraining order or harassment

protection order is filed, the victim will meet with a Victim Witness Advocate at the court to discuss the process before going in front of a Judge.

During regular business hours on weekdays, you can go to the Boston Municipal, District, Probate and Family or Superior Court whose jurisdiction covers where you live. If you are unsure what court covers where you live, you can call the closest court on the list, and they will be able to direct you to the right place. To view courts in your area, visit: <http://www.uscourts.gov/court-locator> .

If you have left home since the abuse, you can choose to go to a court whose jurisdiction covers where you are staying. Go to the civil clerk's office and tell them you want to ask for a 209A order. They will give you the forms you need.

If you are in crisis and courts are closed, you can call or go to your local police station. The police will give you the forms to fill out and then call a judge. If the judge grants the order, it is only temporary until the next court business day. The order given to you by the police will tell you which court you need to be at and when.

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

No Contact Orders

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

Additional Protective Measures Available to Students, Faculty, and Staff

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

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

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

Supportive Measures Available to Students, Faculty, and Staff

When a student, faculty, or staff member reports to the Title IX Coordinator that they have experienced sexual assault, dating and domestic violence, stalking, or other forms of sexual misconduct, whether the incident(s) occurred on- or off-campus, NYFA will provide the Complainant with written information that identifies existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available on campus and within the community. The written notification will also describe options for available assistance in--and how to request changes to--academic, living, transportation, and working situations.

NYFA will make such accommodations if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to NYFA or local law enforcement.

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

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

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

1. Academic assistance: transferring to another section or class time slot, rescheduling an assignment or test, extensions of deadlines or other course-related adjustments, accessing academic support such as tutoring, arranging for incompletes, a leave of absence or withdrawal from a course(s), preserving eligibility for financial aid, needs-based or talent-based discounts, or international student visas
2. Mental health services, such as counseling
3. Providing resources available for medical assessment, treatment, and crisis response
4. Change in housing: switching residence hall rooms or assistance in finding alternative third-party housing
5. Providing resources and options available for contacting law enforcement
6. Providing an escort for the student to move safely between NYFA classes and programs
7. Providing increased security and monitoring of certain areas of the campus
8. Transportation and parking assistance
9. Assistance in identifying additional resources off campus
10. No Contact Order (NCO)

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

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

On-Campus Resources

New York Campus

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

Area Requesting Assistance	Who/How to Contact
Residential Resources	Housing Coordinator 17 Battery Pl, 4th Fl, Office 400A Monday - Friday, 9:00 a.m. to 5:30 p.m. housingny@nyfa.edu , 212.674.4300
Academic & Transportation Resources	Dean of Students 17 Battery Pl, 1st Fl, Office 101 Monday - Friday, 9:00 a.m. to 6:30 p.m. deanofstudents@nyfa.edu , 212.674.4300
Visa & Immigration Resources	International Student Office 17 Battery Pl, 1 st Fl, Office 401 international@nyfa.edu , 212.674.4300
Counseling & Wellness Resources	NYFA Counseling Services 17 Battery Pl, 1 st Fl, Office 101 Monday – Friday, 9:00 a.m. to 6:30 p.m. counseling@nyfa.edu , 212.674.4300
Employment Resources	Human Resources 17 Battery Pl, 4 th Fl, Office 413 Monday – Friday, 9:00 am to 5:00 p.m. hr@nyfa.edu , 212.674.4300
Financial Aid Resources	Student Financial Aid Counselor 17 Battery Pl, 4 th Fl, Office 400 Monday – Friday, 9:00 am to 5:00 pm financialaid@nyfa.edu , 212.674.4300
Assistance with obtaining additional resources and options	Title IX Coordinator 17 Battery Pl, 5th Fl, Office 501 Monday - Friday, 9:30 a.m. to 6:30 p.m. NYtitle9@nyfa.edu , 212.674.4300 ext. 1121

Harvard University

New York Film Academy does not have any “on-campus” resources at Harvard University. However, any student or staff member seeking residential, academic, transportation, working, or wellness resources can contact the Program Director or Title IX Coordinator for assistance.

Off-Campus Resources

New York Campus

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

Mount Sinai Beth Israel Victim Services Program

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

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

281 1st Avenue

NY, NY 10003

212.420.4516

Safe Horizon

<https://www.safehorizon.org>

Nation's leading victim assistance organization.

50th Court St, 80th Fl.

Brooklyn, NY 11201

718.943.8631

help@safehorizon.org

New York City & New York State Resources & Hotlines

- New York City Police Department Sex Crimes Report Line, 212-267-7273
- NYS Domestic and Sexual Violence Hotline, 1-800-942-6906
- NYC Gay and Lesbian Anti-Violence Project (open to everyone), 212-714-1141
- Rape, Abuse, Incest National Network (RAINN, www.rainn.org), 1-800-656-4673
- Manhattan District Attorney's Office Sex Crimes Unit, 212-335-9373
- Safe Horizon 24 Hr Hotline: 212.227.3000

Harvard University

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

Beth Israel Deaconess Medical Center, Center for Violence Prevention and Recovery

<http://www.bidmc.org/violenceprevention>

330 Brookline Avenue

Boston, MA 02215

617.667.8141

Boston Area Rape Crisis Center (BARCC)

<http://www.barcc.org>

617.492.8306

24 Hour Hotline: 617.492.7273

Cambridge Health Alliance Victims of Violence Program (VOV)

<http://www.challiance.org/cha-services/victimrs-of-violence.aspx>

617.591.6360

Middlesex County District Attorney's Office, Adult Sexual Assault Unit

<http://www.middlesexda.com>

617.591.7740

Additional resources for Sexual Assault, Domestic Violence, Dating Violence, and Stalking victims:

- The Massachusetts Office for Victim Assistance: <http://www.mass.gov/mova/>
- The Harvard University Police Department: <http://www.hupd.harvard.edu/domestic-violence>
- The National Domestic Violence Hotline: <http://www.thehotline.org/>
- The Rape, Abuse and Incest National Network: <http://www.rainn.org>
- Jane Doe Inc.: <http://www.janedoe.org>
- U.S Department of Justice Sexual Assault page: <http://www.ovw.usdoj.gov/sexassault.html>
- U.S. Department of Education, Office of Civil Rights:
<http://www2.ed.gov/about/offices/list/ocr/index.html>

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

- U.S Department of Justice Sexual Assault page: <http://www.ovw.usdoj.gov/sexassault.htm>

- U.S. Department of Education, Office of Civil Rights:
<http://www2.ed.gov/about/offices/list/ocr/index.html>

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

NYFA's disciplinary processes include prompt, fair, and impartial investigations and adjudication processes, from the initial investigation to the final result. In all instances, the process will be conducted in a manner that is consistent with the institution's policies and that is transparent to the Complainant and Respondent (Parties). Usually, the resolution of domestic violence, dating violence, sexual assault, stalking, and other forms of sexual misconduct are completed within 90 days of the report. However, each proceeding allows for extensions of timeframes for good cause with written notice to the Complainant and Respondent of the delay and the reason for the delay.

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

Furthermore, NYFA's policies provide that:

- The Complainant and Respondent will have timely notice for meetings.
- The Complainant, the Respondent, and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary and hearings.
- New York Film Academy's disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the Complainant or Respondent.
- The Complainant and Respondent will have the same opportunities to have others present during any institutional proceeding. The Complainant and Respondent each have the opportunity to be advised by a support person of their choice at any related meeting or proceeding. New York Film Academy will not limit the choice of an Advisor or presence for either the Complainant or Respondent in any meeting or disciplinary meeting or proceeding. **An Advisor is someone who acts as a support person to the Complainant or Respondent involved in an investigation.**
- The Complainant and Respondent will be notified simultaneously, in writing, of any initial, interim, and final decision of any disciplinary proceeding.
- Where an appeal is permitted under the applicable policy, the Complaint and Respondent will be notified simultaneously in writing of the procedures for the Complainant and Respondent to appeal in the result of the institutional disciplinary proceeding. When an appeal is filed, the Complainant and Respondent will be notified simultaneously in writing or any change to the result prior to the time that it becomes final, as well as of the final result once the appeal is resolved.

Adjudication of Violations

Whether or not criminal charges are filed, NYFA or an individual may file a formal complaint under the *2021-2022 NY Campus Catalog* alleging a student violated New York Film Academy's Title IX Grievance Policy & Procedure or Sexual Misconduct Policy. The following policies and procedures are derived from NYFA's Title IX Grievance Policy & Procedure and NYFA's Sexual Misconduct Policy as contained in the *2021-2022 NY Campus Catalog*. New York Film Academy reserves the right to make changes to this catalog, as necessary.

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

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

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

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

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

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

Carlye Bowers

NYtitle9@nyfa.edu

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

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

How To File a Formal Complaint Under the Sexual Misconduct Policy

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

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

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

Requests for anonymity will be taken seriously, but cannot be guaranteed, as such requests may limit the Title IX Coordinator's ability to investigate and take reasonable action in response to a complaint. NYFA is committed to making reasonable efforts to protect the privacy of all individuals involved in the process and respect the requests of Complainants. If the Title IX Coordinator determines that NYFA must proceed with an investigation despite the request of the Complainant, the Title IX Coordinator will notify the

Complainant. The Complainant will not be required to participate in the investigation, nor any subsequent actions taken by the institution.

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

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

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

How New York Film Academy Determines Which Policy Will Be Used

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

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

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

If any one of these elements is not met, the Title IX Coordinator will notify the Parties that the Formal Complaint is being dismissed for the purposes of the Title IX Grievance Policy & Procedure. Upon

dismissal for the purposes of the Title IX Grievance Policy & Procedure, the Title IX Coordinator may determine the Sexual Misconduct Policy should apply to the Formal Complaint.

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

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

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

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

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

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

1. FILING A FORMAL COMPLAINT

- A. The Title IX Coordinator will inform Complainant of reporting options (formal and informal), supportive measures, and resources on- and off-campus.
- B. The Title IX Coordinator, or their designee, will assess the need for a Timely Warning.

C. The Title IX Coordinator will determine if the Title IX Grievance Procedure should apply to a Formal Complaint.

2. NOTICE OF ALLEGATIONS

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

3A. INFORMAL RESOLUTION

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

3B. FORMAL RESOLUTION

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

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

C. Hearing

- a. NYFA will not issue a disciplinary sanction arising from an allegation of covered sexual harassment without holding a live hearing, unless the Title IX Grievance Policy & Procedure has been resolved through one of the Informal Resolution options.
- b. The hearing will be facilitated by and determined by a single Decision-maker. The Title IX Coordinator and the investigator shall be excluded from being the Decision-maker.
- c. The live hearing may be conducted with all Parties physically present in the same geographic location, or, at NYFA's discretion, any or all Parties, Witnesses, and other participants may appear at the live hearing virtually through Zoom, Skype, or similar technology.
- d. The Parties cannot waive the right to a live hearing. However, NYFA may still proceed with the live hearing in the absence of a Party and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a "statement" by that Party.
- e. The Parties have the right to select an Advisor of their choice, who may be, but does not have to be, an attorney. If a Party does not have an Advisor present at the live hearing, NYFA shall provide, without fee or charge, an Advisor, who shall be selected by NYFA.
- f. During the live hearing, each Party's Advisor will conduct live cross-examination of the other Party or Parties and Witnesses.

D. Determination Regarding Responsibility

- a. While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on the documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Decision-maker.
- b. The written Determination Regarding Responsibility will be issued simultaneously to all Parties through their NYFA email account, or other reasonable means as necessary.
- c. If there are no extenuating circumstances, the determination regarding responsibility will be issued by NYFA within ten (10) working days of the completion of the hearing.

E. Appeals

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

Steps In the Resolution Process Under the Sexual Misconduct Policy

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

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

1. FILING A FORMAL COMPLAINT

A. Receipt and Outreach

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

D. Initial Assessment

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

E. Intake

- a. The Complainant and Respondent may meet with the Title IX Coordinator, separately, to ask questions about the policy and adjudication process before the investigation process begins.

- b. The Title IX Coordinator may use intake to gather more information about the incident and assess the need for additional supportive measures.

2. NOTICE OF ALLEGATIONS

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

3A. INFORMAL RESOLUTION

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

3B. FORMAL RESOLUTION: INVESTIGATION

- A. The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute sexual misconduct after issuing the Notice of Allegations.
- B. Fact-Finding
 - a. The Title IX Coordinator and/or investigator designated by the Title IX Coordinator will meet with the Parties, separately, and request information related to the allegations, including names of witnesses and documentation related to the incident, which may include documented communications between the Parties, receipts, photos, video, or other information relevant to the allegations.

C. Information Review

- a. The Parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the information review process is to allow each Party the equal opportunity to meaningfully respond to the evidence prior to the conclusion of the investigation.
- b. The Parties can request for additional documentation from witnesses, request for new witnesses, or request for additional documentation under the control of NYFA.
- c. The Title IX Coordinator may ask questions during the Information Review, including questions submitted by the other Party.

D. Investigative Report

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

E. Decision-Making

- a. The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will send the Investigation Report, for review, to a trained Decision-maker.
- b. The Decision-maker will make a determination regarding the Respondent's responsibility for violations of NYFA policy and will make a determination about sanctioning.
- c. Where a Respondent faces a potentially severe sanction (such as a lengthy suspension or expulsion for a student, or termination for an employee) and if the determination depends on the credibility of involved Parties or Witnesses, then:
 - i. The Decision-maker shall have the ability to observe live, either in person or by other means, such as through a method like Skype or Zoom, the demeanor of those Parties and/or Witnesses in deciding which Parties and/or Witnesses are more credible.
 - ii. The Decision-maker shall allow for the opportunity for the Parties to cross-examine each other and/or Witnesses, either directly through an advisor, or indirectly by the Decision-maker.

F. Final Outcome Letter

- a. The Decision-maker will notify both the Complainant and Respondent, in writing, of the finding(s), any imposed sanctions, and the rationale for the decision(s) via a Final Outcome

Letter. This information is communicated through each Party's NYFA email account, or other reasonable means as necessary

G. Appeals

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

Standard of Proof

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

Possible Sanctions

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

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

Sanctioning for Students

1. Warning
 - a. Notice to the student that a violation of NYFA policies or regulations has occurred and that continued or repeated violations of NYFA policies or regulations may be cause for further disciplinary action.
 - b. A warning carries no transcript notation.
2. Disciplinary Probation

- a. A status imposed for a specific period of time in which a student must demonstrate conduct that abides by NYFA’s policies and expectations. Conditions restricting the student’s privileges or eligibility for NYFA activities may be imposed. A temporary transcript notation may accompany the probationary period. Further misconduct during the probationary period or violation of any conditions of the probation may result in additional disciplinary action, including but not limited to, suspension or expulsion.
 - b. Disciplinary probation carries a temporary transcript notation that is only noted on the student’s transcript during the duration of the disciplinary probation. When the disciplinary probation period concludes, the transcript notation is removed.
 - c. A student may be placed on disciplinary probation for the remainder of the current semester, one semester, two semesters, one year, or for the remainder of their program.
3. Deferred Suspension
- a. A status imposed for a specific period of time in which the student must successfully complete conditions outlined by the Title IX Coordinator and/or may be a period in which suspension from NYFA is deferred or delayed until a later date. Further violations of NYFA’s policies or failure to complete any assigned conditions may result in additional disciplinary action including, but not limited to, suspension or expulsion.
 - b. Deferred suspension carries a temporary transcript notation that is only noted on the student’s transcript during the duration of the deferred suspension. When the deferred suspension period concludes, the transcript notation is removed.
 - c. A student may be placed on deferred suspension for the remainder of their current semester or for the remainder of their program.
4. Suspension
- a. Suspension is the termination of a student’s status for a specified period of time, including the remainder of an academic term or for several academic terms. Suspension may take effect at such time as the Title IX Coordinator determines. A suspended student will be ineligible to enroll in any NYFA courses at any NYFA campuses during the period of suspension. During the period of suspension, the Title IX Coordinator may place a hold on the student’s NYFA records which may prevent the student from registering, obtaining transcripts, verifications, or receiving a degree from NYFA.
 - b. After the period of Suspension, the Student will be reinstated if:

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

5. Deferred Expulsion

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

6. Expulsion

- a. Expulsion is the permanent termination of a student's status. An expelled student will be ineligible to enroll in any NYFA courses at any NYFA campuses, indefinitely. Expelled students may be prohibited from entering specified areas, or all areas of NYFA property, and/or may be excluded from NYFA activities.
- b. The student record of an expelled student may include a Hold on the student's NYFA records, which may prevent the student from registering, obtaining transcripts, verifications, or receiving a degree from NYFA.
- c. Expulsion carries a permanent transcript notation.

7. Revocation of Awarding Degree or Certificate

- a. If, after a degree or certificate has been awarded, a degree or certificate recipient is found responsible for a policy violation while the student was an enrolled student, the Title IX Coordinator may impose, as a sanction, a revocation of the degree or certificate, subject to the following procedures:
 - i. The Title IX Coordinator will submit a recommendation of revocation of the degree or certificate to the Campus Dean.
 - ii. A Notice of Intent to Revoke Degree or Certificate shall be sent to the student. This notice shall include the details of the violation and the basis for the revocation.
 - iii. The student may submit a written appeal of the revocation to the Campus Dean within ten (10) working days from the date of the Notice of Intent to Revoke Degree or Certificate. The imposition of the revocation of degree or certificate will be deferred until the conclusion of the appeal. The decision of the Campus Dean is final.

8. Educational Sanctions

- a. Educational sanctions are intended to help students learn from their decisions and reflect on what they want to get out of their educational experience. Educational sanctions may include, but are not limited to:
 - i. Reflective or research papers, presentations, or assignments
 - ii. Community Service

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

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

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

Sanctioning for Employees

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

8. Termination of employment status

How to File an Appeal

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

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

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

The limited grounds for appeal available are as follows:

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

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

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

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

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

DISCLOSURE OF THE RESULTS OF DISCIPLINARY PROCESS

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

SEX OFFENDER REGISTRY

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

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

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>

ANNUAL FIRE SAFETY REPORT

NYFA’s Fire Safety Report contains information on fire safety practices and standards for the institution. This information includes statistics for New York Film Academy’s on-campus residence facility for the past three calendar years regarding the (1) number and cause of fires at all on-campus student housing facilities; (2) number of fire-related deaths and/or fire-related injuries that resulted in treatment at a medical facility; and (3) value of fire-related property damage.

FIRE STATISTICS

The below table lists the number of fires, the cause of each fire, the number of deaths related to the fire, the number of injuries related to the fire that resulted in treatment at a medical facility, and the value of property damage related to the fire for fires in on-campus residential facilities. The St. George Residences is considered a non-campus property for Clery reporting purposes.

Annual 2018 Fire Stats

Note: Statistics listed below only account for the number of fires, etc. that occurred from June 18, 2018 through August 3, 2018. These are the only dates NYFA leased space at 33 Beekman in 2018.

Residence Hall	Total Fires in Each Building	Cause of Fire	Injuries Related to Fire*	Number of Deaths	Value of Property Damage by Fire
33 Beekman	0	NA	NA	NA	NA

*Injuries related to a fire that resulted in treatment at a medical facility.

Annual 2019 Fire Stats

Note: Statistics listed below only account for the number of fires, etc. that occurred from June 17, 2019 through August 11, 2019. These are the only dates NYFA leased space at 33 Beekman in 2019.

Residence Hall	Total Fires in Each Building	Cause of Fire	Injuries Related to Fire*	Number of Deaths	Value of Property Damage by Fire
33 Beekman	0	NA	NA	NA	NA

*Injuries related to a fire that resulted in treatment at a medical facility.

Annual 2020 Fire Stats

NYFA did not own or control any building or facility that qualifies as on-campus residential in 2020.

FIRE SAFETY

Although the St. George Residences are not considered to be on-campus residential facilities, this section provides fire safety policies and emergency evacuation procedures for all NYFA currently owned or controlled facilities in an effort to keep our campus community safe and to aid in the prevention of fires.

THE ST. GEORGE RESIDENCES AT EDUCATIONAL HOUSING SERVICES (EHS)

Fire Safety Policies

NYFA requires students to comply with the Code of Conduct Guide set forth by EHS. The following policies under this section have been provided by EHS.

Aside from a refrigerator and microwave provided by EHS, students are not permitted to have any extra cooking appliances in the room (e.g., George Foreman grills, toasters, hot plates, etc). However, a one-cup coffee maker (such as a Keurig) is permitted in the room.

Failure to abide will result in a penalty fee of \$100.00, disciplinary action may be taken through EHS and through NYFA, and the item will be confiscated, donated or discarded. 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 EHS.
- Illegal substances of any nature.
- Explosives, fireworks, weapons of any kind, smoke-laden materials, and/or instruments.
- Hoverboards, self-propelled scooters.

The items listed below are permitted:

- Electric kettles with an automatic shut off.
- Irons with automatic shut off.
- Crockpots.

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

The St. George Residences is protected by a fire alarm detection system that is connected and monitored by a central station company. The fire alarm system is also in direct contact with the Fire Department of New York (FDNY) and in the case of a fire emergency, the FDNY is immediately notified. Additionally, there is an automatic fire sprinkler system throughout the building. EHS adheres to the Kerry Rose Sprinkler Act.

Tampering with fire equipment such as fire alarms, fire extinguishers, sprinkler systems, exit signs, and common area smoke detectors is prohibited. Violations include, but are not limited to:

- Removing smoke alarm from rooms (this includes taking out batteries or removing from hard wire)
- Removing a fire extinguisher from its prescribed location
- Discharging a fire extinguisher for any purpose other than putting out a fire
- Setting false alarms
- Tampering with the covers on fire alarm pull stations
- Tampering with common area and room sprinkler systems

Any action by a resident that places other residents at risk will result in the violator being held financially responsible to all costs associated. Additionally, the violator will be subject to disciplinary sanction taken by EHS, NYFA, and/or legal authorities.

Burning any substances in the residence is not permitted. This includes, but is not limited to, burning of candles, matches, water pipes and incense. Water pipes, candles and incense are prohibited in the residence, if found these will be confiscated and disposed of. EHS reserves the right to enter the rooms at times without warning if EHS has a reasonable suspicion that burning substance is occurring.

Smoking tobacco or any other substance (and including “vaping” or the consumption or use of electronic cigarettes) is not permitted in the rooms or anywhere else in the building. If you need to smoke, it is

required that it take place outside the building but not directly in front of the building or blocking the entrances.

In addition, EHS conducts health and safety inspections a minimum of once per semester and when there is a reasonable cause to believe that a violation has occurred or is taking place. Health and safety inspections are conducted to ensure rooms are maintained in a safe and healthy condition. If it is found that a resident's room is not up to health and safety standards (i.e., cleanliness, hazardous wiring, use of prohibited items, etc) the resident will be given 24 hours to correct. If upon re-inspection, the room still does not pass, the resident may be fined, face probation sanctions and/or be evicted. EHS personnel may also obtain evidence while conducting the inspection, which may be used by law enforcement agencies in the prosecution of criminal behavior.

Emergency Evacuation Procedures

The policies under this section area derived from EHS' safety and security policies. More information can be found here: <https://www.studenthousing.org/student-life/st-george-towers/safety> .

In the event of a fire or other non-fire emergency the Fire Safety Director will communicate directly to the relocation/evacuation floors, as well as the floors that are not affected.

Floor plans and diagrams for emergency staircases and exits are posted in public areas on all floors and within the staircases. Residents should familiarize themselves with these maps to be able to exit promptly during fire drills or actual emergencies.

If you ever see fire or smoke, or smell smoke, do not hesitate to pull the fire alarm nearest your room. It is extremely important that you familiarize yourself with all applicable fire safety procedures. Falsely activating a fire alarm is against the law. Residents will be evicted and are subject to punishment to the fullest extent of the law. As a resident, you are strongly advised to maintain fire/theft insurance. You can usually add your possessions to your parents' homeowner's or tenant homeowner's insurance policy through a rider

If the fire is in your room:

All persons are to vacate the room immediately in the safest possible way. If you are able to, please do the following:

- Call 911 after you exit the building.
- Do not try to extinguish the fire by yourself.
- Close all windows and open shades. Turn on the lights.
- Take your identification and keys with you.
- Close all room doors.
- Pull fire alarm station, if possible, as you exit.
- Alert other people by knocking on their doors or yelling on your way out.
- Use the nearest stairway to exit, never use the elevator.
- Learn your location's evacuation plan and know your predetermined path for exiting from the building.
- Assemble across the street and maintain absolute silence so instructions can be heard.
- Wait until the appropriate officials indicate that you can re-enter the building.

If the fire is not in your room:

- If you cannot safely exit your room or building, call 911 and then provide them with appropriate information (name, address, etc.).
- Stay inside your room and listen for instructions from safety personnel unless conditions become dangerous.
- If you must exit your room, first feel your room door and doorknob for heat. If they are not hot, open the door slightly and check the hallway for smoke, heat or fire.
- If you can exit your room safely, follow the instructions above for a fire in a room.
- If you are unable to safely leave your room, seal the floor in your room with wet towels or sheets and seal air ducts or other openings where smoke may enter.
- Open windows a few inches unless flames and smoke are coming from below.
- Do not break any windows.
- If the condition in the room appears life-threatening, open a window and wave a towel or sheet to attract the attention of firefighters.
- If smoke conditions worsen before help arrives, get down on the floor and take short breaths through your nose.

NEW YORK FILM ACADEMY CAMPUS

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. Smokes 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.

Emergency 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 Fire Safety Director. The announcement shall include the following information:

1. What has occurred.
2. Where it has occurred.
3. What provisions of the building's Emergency Action Plan will be implemented.
4. 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

Students, faculty, and staff are instructed to call the New York Fire Department by dialing 9-1-1 in the event of a fire emergency. If there is a fire at the 17 Battery Place or 26 Broadway campuses, 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:

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

Any fire that has occurred should also be reported to the individuals designated below:

17 Battery Pl and 26 Broadway Campuses: 212-674-4300

- Michael Caputo, Director of Operations
caputo@nyfa.edu

EHS St. George Residences: 347-470-6932

- Linda Gilbert, Housing Coordinator
nyhousing@nyfa.edu

FIRE LOG

NYFA does not currently maintain a fire log. If NYFA acquires (owned or controlled) property that meets the definition of on-campus residential in the future, NYFA will take the necessary steps to maintain a fire log.

FIRE SAFETY EDUCATION AND TRAINING

EHS provides fire safety training to their employees and includes fire safety information in the EHS employee manual. There is fire brigade and fire warden training four (4) times year. Additionally, security staff train and practice mock notification scenarios with the Fire and Safety Directors. EHS staff learn all stairways and where they lead out of the building. During move-in day, NYFA residents receive fire safety training during their Meet & Greet with the EHS RA staff. There is always a Fire Safety Director in the building, who is responsible for making announcements over the building's intercom system in the event of a fire. NYFA residents are told to always listen to the intercom and follow the directions carefully. There are four (4) fire drills each year, one each quarter of the year.

NYFA employees receive biannual fire safety and education training from the 17 Battery and 26 Broadway Fire Marshalls. New York Film Academy students receive fire safety education and training during their New Student Orientation.

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.

FUTURE FIRE SAFETY IMPROVEMENTS

New York Film Academy is committed to the safety of the campus community. We are always reviewing our current policies and procedures and looking for ways to improve them. At this time there are no plans for future improvements to our fire safety systems. In addition, EHS has no plans for future improvements to their fire safety systems at the St. George Residences.

APPENDIX A - Clery Reportable Crimes Definitions

SEX OFFENSES

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

Rape

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

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

Fondling

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

Incest

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

Statutory Rape

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

Aggravated Assault

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

Arson

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

Burglary

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

Motor Vehicle Theft

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

Murder and Nonnegligent Manslaughter

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

Manslaughter by Negligence

The killing of another person through gross negligence.

Robbery

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

Weapon Law Violations

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

Drug Abuse Violations

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

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

Liquor Law Violations

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

APPENDIX B - Clery Geography Definitions

On-Campus: (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in definition (1), that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

On-Campus Residential: student **housing** facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution and is within the reasonably contiguous geographic area that makes up **campus**.

Non-Campus Building or Property: (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.