

# STUDENT CODE OF CONDUCT

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## INTRODUCTION

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The New York Film Academy seeks to promote and advance the art of visual storytelling as a transformational and ennobling vehicle to both the creator and audience, with a profound impact on individuals, communities, and the global society. To build a community that supports this purpose and student success, NYFA is committed to maintaining a safe and healthy learning environment, free from hostility and discrimination. As community members, NYFA expects students to choose behaviors that embody these values. Students are expected to act with honesty and the highest ethical standards; to be good citizens; to be respectful of diverse campus community members; to behave responsibly; to choose actions that reflect well on NYFA; and, to contribute positively to NYFA and the visual storytelling industry.

Being a NYFA student is a privilege, not a right. Therefore, student behavior that is not consistent with NYFA's expectations or the Student Conduct Code is addressed through an process that is designed to promote NYFA's values and, when necessary, hold students accountable through appropriate consequences.

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## STUDENT CONDUCT POLICIES

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Students may be held accountable for the types of misconduct set out in Types of Misconduct (Section II. B.).

Procedures specifically for allegations involving discrimination, sexual misconduct, domestic and dating violence, and stalking are set forth in *Title IX Grievance Policy and Procedure*, NYFA's *Sexual Misconduct Policy and/or NYFA's Student Grievance and Resolution Process*.

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### A. JURISDICTION

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The NYFA Student Conduct Code applies to conduct in and around NYFA property, at NYFA sponsored or related activities, to conduct at NYFA-affiliated or contracted facilities, to off-campus conduct that adversely affects the NYFA community and/or the pursuit of its objectives, in all NYFA programs, locally or abroad, on ground or online. Each student shall be responsible for their conduct from the time of application for admission through the awarding of a degree or certificate, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if the conduct is not discovered until after the degree or certificate is awarded).

The NYFA Student Conduct Code shall apply to a student's conduct even if the student withdraws from NYFA while a disciplinary matter is pending. The Dean of Students, using their sole discretion, shall decide whether the Student Conduct Code shall be applied to conduct occurring off campus on a case-by-case basis.

## **B. TYPES OF MISCONDUCT**

Students may be held accountable for committing, or attempting to commit, a violation of the NYFA Student Conduct Code. Violations include the following types of misconduct:

### **1. Academic Dishonesty**

Any form of academic misconduct that gains an unfair academic advantage.

### **2. Cheating**

Cheating includes, but is not limited to, the use of unauthorized materials, information, or study aid in any academic exercise; the use of sources beyond those authorized by the faculty member in academic assignments or solving academic problems; the acquisition, without permission, of tests or other academic material; the alteration of any answers on a graded document before submitting it for re-grading; engaging in any behavior specifically prohibited by the faculty member in the course syllabus or class discussion; or the failure to observe the expressed procedures or instructions of an academic exercise.

### **3. Plagiarism**

Plagiarism includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgement. Work can include words, ideas, designs, images, or data. This includes, but is not limited to, representing another's work as the student's own original or new work, with or without the intent to deceive, and may include part or all of another's work. It also includes the unacknowledged use of material prepared by another person or agency engaged in the selling of academic materials.

### **4. Fabrication**

Fabrication includes, but is not limited to, falsification or invention of any information or citation in an academic exercise, and can include manipulating, omitting, or inaccurately representing research, data, equipment, processes, or records.

### **5. Multiple Submissions**

Multiple submissions include, but are not limited to, the resubmission of academic material, whether in identical or similar form, when the work has been previously submitted for credit, whether at NYFA or any other institution, without the permission or consent of the faculty member.

### **6. Unauthorized Assistance**

Unauthorized assistance includes, but is not limited to, working with individuals, services, materials, or devices, without the permission or consent of the instructor, on any academic work, whether in draft or final form.

### **7. Solicitation**

Solicitation includes, but is not limited to, giving, receiving, or expecting financial compensation from other students for services or products such as NYFA production, pre-production, post-production, and script consultation.

### **8. Forgery**

Forgery includes, but is not limited to, alteration, or misuse of any NYFA document, record, key, electronic device, or identification, or submission of any forged document or record to NYFA.

### **9. Falsifying Information**

Falsifying information includes, but is not limited to, any individual who knowingly files a false Complaint and who knowingly provides false information to NYFA.

administration, or who intentionally misleads NYFA administration involved in the investigation or resolution of a Complaint.

#### **10. Theft**

Theft includes, but is not limited to, taking, attempting to take, possessing items without permission or consent of the owner, or misappropriation of NYFA property or property belonging to a member of the NYFA community.

#### **11. Vandalism, Damage, or Destruction of NYFA Property**

Unauthorized removal, defacing, tampering, damage, or destruction of NYFA property or the property of NYFA community members.

#### **12. Trespassing or Unauthorized Entry**

Trespassing or unauthorized entry includes, but is not limited to, unauthorized presence in, use of, or misuse of NYFA property.

#### **13. Misuse of NYFA Property, Materials, or Resources**

Misuse of NYFA property, materials, or resources includes, but is not limited to, possession of, receipt of, or use of NYFA services, equipment, resources, or property, including NYFA's name, insignia, seal, or violations of copyright laws, whether by theft, unauthorized sharing or other misuse of copyrighted materials such as music, movies, software, photos, or text. Additionally, includes misuse of NYFA owned computers, technology, or networks, tapping into ethernet lines of NYFA or adjoining businesses, and or Illegal downloading or file sharing.

#### **14. Housing Conduct**

Violations of policy set forth by NYFA affiliated, operated, or leased housing facilities

or other housing facilities.

#### **15. Parking Conduct**

Violations of policy regarding NYFA parking services or NYFA operated parking facilities.

#### **16. Event Conduct**

Event conduct includes, but is not limited to, displaying a lack of respect, civility, professionalism, and proper etiquette at NYFA activities and functions.

#### **17. NYFA Identification**

NYFA Identification includes, but is not limited to, abiding by policies, regulations, or rules related to use of NYFA identification cards, NYFA credentials, and representation of one's identity or misrepresentation of one's own or another's identity.

#### **18. Defamation**

Defamation includes, but is not limited to, false statements of fact that injure the reputation of a member of the NYFA community, either written or spoken.

#### **19. Conduct that Threatens Health or Safety**

Conduct that threatens the health or safety of any person including, but not limited to, physical assault, threats that cause a person reasonably to be in fear for one's own safety or the safety of their immediate family, incidents involving the use or display of a weapon, and intoxication or impairment through the use of alcohol or controlled substances to the point one is unable to exercise care for one's own safety, or other conduct that threatens the health or safety of any person.

#### **20. Sexual Misconduct**

Violations of NYFA's *Title IX Grievance Policy and Procedure* and/or NYFA's *Sexual Misconduct Policy*, may include incidents of domestic

violence, dating violence, stalking, sexual assault, sexual harassment, and other prohibited behavior.

### **21. Stalking**

Stalking includes, but is not limited to, engaging in a repeated course of conduct directed at a member of the NYFA community that would cause a reasonable person to fear for their safety, to suffer emotional distress, or where the threat reasonably causes serious alarm, torment or terror.

For stalking violations of a sexual nature, see *NYFA's Title IX Grievance Policy and Procedure* and/or *NYFA's Sexual Misconduct Policy*.

### **22. Harassment**

Harassment includes, but is not limited to, unwelcome conduct that is sufficiently severe, persistent, and/or pervasive, whether or not intended. The objectively offensive conduct could be considered by a reasonable person to limit a students' ability to participate in or benefit from NYFA services, activities, or opportunities.

For violations involving sexual harassment, see *NYFA's Title IX Grievance Policy and Procedure* and/or *NYFA's Sexual Misconduct Policy*.

### **23. Hazing**

Hazing includes, but is not limited to, any method of initiation or pre-initiation into a recognized or unrecognized student organization in which the conduct, or conspired conduct, is likely to cause serious bodily injury, physical harm, or personal degradation or disgrace resulting in physical or mental harm.

NYFA complies with California, New York, and Florida statutes that prohibit hazing in

connection with initiation of new members into student organizations.

### **24. Retaliation**

Retaliation includes, but is not limited to, threats, intimidation, reprisals, and/or adverse actions taken against a member of the NYFA community, in relation to reporting student misconduct, participating in a student conduct-related investigation, or assisting with a student conduct-related matter.

For incidents of retaliation related to sexual misconduct, see *NYFA's Title IX Grievance Policy and Procedure* and/or *NYFA's Sexual Misconduct Policy*.

### **25. Bullying and Intimidation**

Bullying and intimidation includes, but is not limited to, coercion and aggressive behaviors that cause fear, intentionally harm or control another person physically or emotionally, and are not protected by freedom of expression.

### **26. Discrimination**

All forms of discrimination are governed by the rules of *NYFA's Title IX Grievance Policy and Procedure*, *NYFA's Sexual Misconduct Policy*, and/or *NYFA's Student Grievance and Resolution Process*.

### **27. Fraternalization**

Fraternalization includes, but is not limited to, intimate relationships and socialization outside of professional and academic reasons between NYFA students and NYFA faculty members or staff. This includes social media fraternization such as, "friending" or accepting "friend requests," or "following" NYFA faculty or staff on Facebook, Twitter, Instagram, Snapchat, and any other social media sites. LinkedIn, or other professional sites, are considered exceptions.

### **28. Disorderly, Disruptive, or Disturbing Behavior**

Disorderly, disruptive, or disturbing behavior includes, but is not limited to, obstruction or intrusion of teaching, research, administrative procedures, disciplinary procedures, or other NYFA activities.

### **29. Failure to Comply**

Failure to comply includes, but is not limited to, a failure to abide by the directions, instructions, or request(s) of a NYFA employee or agent acting in an official capacity.

### **30. Controlled Substances**

Use, possession, manufacture, distribution, sale of, or the attempted manufacture, distribution, or sale of, controlled substances (including medical marijuana), identified as unlawful in federal or state law or regulations; the misuse of legal pharmaceutical drugs; use or possession of drug-related paraphernalia; and impairment, being under the influence, or being unable to care for one's own safety because of controlled substances. Further information may be found in NYFA's *Drug and Alcohol Policy*.

### **31. Alcohol**

Use, possession, manufacture, distribution, sale of, or the attempted manufacture, distribution, or sale of, alcohol which is identified as unlawful in federal or state law or regulations; and impairment, being under the influence, or being unable to care for one's own safety because of alcohol. Except as permitted or authorized by NYFA.; Further information may be found in NYFA's *Drug and Alcohol Policy*.

### **32. Smoking**

Smoking of any kind, including vaporizers or e-cigarettes, in or around any NYFA property,

or at NYFA activities, except at designated smoking areas.

### **33. Professional Courtesy**

Professional courtesy includes, but is not limited to, remaining quiet in the hallways, and in general areas in and around NYFA property. Students must not approach or enter neighboring offices or solicit neighboring offices for employment.

### **34. Weapons**

Possession, use, misuse, or distribution of explosives (including fireworks and ammunition), guns (including air, BB, paintball, replica guns, or pellet guns - regardless of license), knives (switchblade or belt buckle) with a blade of longer than two inches, replica weapons, chemicals, using an item as a weapon, or other weapons or dangerous objects (including arrows, axes, machetes, nun chucks, throwing stars), including any item that falls within the category of a weapon, or the storage of in a vehicle parked on NYFA property.

### **35. Expectation of Privacy**

Making a video recording, audio recording, taking photographs, or streaming audio/video of any person in a location where the person has a reasonable expectation of privacy, without that person's knowledge or express consent. This includes non-public conversations and/or meetings, looking through a hole or opening into the interior of a private location. This provision may not be utilized to infringe upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly.

For incidents involving privacy related to sexual misconduct, see NYFA's *Title IX Grievance Policy and Procedure and/or NYFA's Sexual Misconduct Policy*.

### **36. Encouraging, Permitting, or Assisting with a Violation**

Encouraging, permitting, assisting, facilitating, or participating in an act that could subject a student to a violation, including planning an act or helping another commit an act (including academic dishonesty).

### **37. Student Guests**

Students are responsible for the conduct of their guests in and around NYFA property or NYFA affiliated property, or while at NYFA activities.

### **38. Guest Speakers**

Students may not solicit, or attempt to solicit, work to or from NYFA guest speakers, including giving scripts, headshots, reels, or other development materials, or pitching ideas.

### **39. Unauthorized Vehicles or Devices**

Unauthorized vehicles or devices include, but are not limited to, use, possession, charging, or storage of drones, self-balancing battery-powered boards (hoverboards, electronic skateboards or scooters), or other similar equipment, in or around NYFA property or NYFA activities. This also includes the unauthorized use of electronic devices (cell phones, laptops, or tablets in the classroom).

### **40. Personal Care**

Personal care includes, but is not limited to, the maintenance of health and personal hygiene, including the expectation of regular bathing and frequent laundering of clothes to ensure a healthy and comfortable learning environment.

### **41. NYFA Production and Locations**

Violations of policies, rules, or expectations related to Equipment, Props, Production,

Editing and Post-Production Department guidelines. Includes following guidelines for greenlight processes, on-set safety, or action sequence authorization. Behaving respectfully and following location guidelines and expectations while on location (including Warner Bros., Universal, and other third-party entities) at NYFA activities.

### **42. Violation of Any Published NYFA Rule, Regulation, or Policy**

Violation of any published NYFA rule, regulation, or policy.

### **43. Violations of Law**

Any act chargeable as a violation of federal, state, or local law, when there is a reasonable belief that the act poses a threat to the health or safety of any person in the NYFA community, to the security of any NYFA property, or poses a threat of disruption or interference with NYFA activities or operations.

### **44. Violation of Disciplinary Conditions**

Violation of the conditions contained in the terms of a disciplinary action, outcome, sanction, or resolution, imposed through NYFA's student conduct procedures.

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## **STUDENT CONDUCT PROCEDURES**

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The student conduct procedures are established by NYFA to resolve allegations of student misconduct. The procedures and resolution processes are intended to be educational, not adversarial, and all cases are expected to be treated in a fair and equitable manner. Questions concerning student conduct procedures may be addressed to the Dean of Students (deanofstudent@nyfa.edu.).

NYFA Email is the mechanism for official student conduct procedure communications.

### A. REPORTING COMPLAINTS

Complaints involving alleged misconduct by students must be submitted in writing to the Dean of Students via email and/or the filing of the Student Conduct Incident Report Form or the Student Academic Integrity Incident Report Form, both accessible on [The NYFA Hub](#). Complaints must be made within one year following discovery of the alleged misconduct, unless an exception is granted by the Dean of Students. Complaints of student conduct will be investigated and resolved by the Dean of Students or designee. Complaints of Academic Integrity will be investigated and resolved by the Department Chair or the Academic Advisor. The Dean of Students, the Academic Advisor, the Department Chair, or their designees are hereafter referred to as the Student Conduct Administrator.

### B. INITIAL INVESTIGATION

Upon receiving a report regarding alleged violation(s), the Student Conduct Administrator will consider information acquired from the reporting party and may conduct further investigation.

### C. NOTICE OF INVESTIGATION

Upon the Student Conduct Administrator determining that there is sufficient information to proceed with the student conduct process, the Student Conduct Administrator will give notice to the student alleged of violating the Student Conduct Code. Notice shall include the following:

- The nature of the conduct in question and the basis for the allegation.
- Information on how to access a full version of NYFA's Student Conduct Code.
- Notification of the student's right to be accompanied by a Support Person.
- An amount of time by which the student is expected to respond to the notice. NYFA allows for up to three (3) days from the date of notice for the student to respond to the Student Conduct Administrator for the purpose of scheduling an initial meeting.
- If the Student Conduct Administrator fails to hear from the student within the three (3) day period, or if the student fails to attend any scheduled appointment, NYFA allows the Student Conduct Administrator to place a Hold on the student's NYFA records. The student will be notified that this action has been taken. The placement of a Hold on the student's NYFA records may prevent the student from registering and/or from obtaining transcripts, verifications, or a degree from NYFA. The Hold will be removed only when the student attends a scheduled meeting, responds to the allegations, or upon resolution of the student conduct procedures.

In addition, the Student Conduct Administrator may include language directing the student to act or refrain from acting in a manner specified by the Student Conduct Administrator. These directions may include directing the student to have no contact with, or otherwise disturb the peace of others specifically named until the matter is resolved. Violation of these directions would be grounds for separate misconduct under "Types of Misconduct."

## D. MEETING(S) WITH THE STUDENT CONDUCT ADMINISTRATOR & STUDENT RIGHTS

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Meeting with the Student Conduct Administrator provides the student an opportunity to resolve a pending or alleged violation of misconduct. At the initial meeting with the student, the Student Conduct Administrator will:

- Ensure that the student has been provided information on how to access NYFA's Student Conduct Code.
- Discuss privacy; inform the student that the content of meeting and student conduct proceedings will be kept private, per Family Educational Rights and Privacy Act regulations, unless privacy is waived by the student.
- Explain the purpose of the meeting, which is to determine if there has been a violation and to gather information about appropriate resolution and/or disciplinary sanctions.
- Describe to the student the nature of the conduct in question, and sections of the Student Conduct Code that have allegedly been violated.
- Allow the student to have an opportunity to be heard and to respond to the allegations.
- Provide the student with information about the student's right to review documents relevant to the case. (Note: documents may be redacted to comply with state and federal laws and regulations and NYFA policies.)
- Describe potential outcomes and/or a range of sanctions.
- Disclose the length of time NYFA keeps record of disciplinary matters.

If a student requires any reasonable accommodation(s) to attend their meeting, the student must contact the Student Conduct Administrator in advance of the meeting. The Student Conduct Administrator may work with NYFA's Accessibility Services to account for any reasonable accommodation(s).

## E. STANDARD OF PROOF

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The preponderance of the evidence is the standard of proof which will be used in student conduct proceedings. Meaning, the Student Conduct Administrator must establish that it is more likely than not that the student engaged in or committed the misconduct of which the student is alleged to have violated.

## F. RESOLUTION BY THE STUDENT CONDUCT ADMINISTRATOR

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At the conclusion of the investigation, the Student Conduct Administrator may take one of several actions listed below. The student will receive written notification of the outcome of any disciplinary action or Resolution Agreement.

### 1. Insufficient Information

If the Student Conduct Administrator concludes there is insufficient information to determine a violation, then the matter will be closed with no further action taken.

### 2. Imposing Sanctions

If the Student Conduct Administrator concludes there is sufficient information to determine a violation, then appropriate sanctions will be determined. Some factors to be considered in determining disciplinary sanctions may include, but are not limited to:

- The severity and/or number of violations.



- Past disciplinary policy violations (single or repeated acts).
- Any sanctions previously imposed for the same or similar violations.

### 3. Resolution Agreement

If the Student Conduct Administrator concludes there is sufficient information to determine a violation, a Resolution Agreement will detail the outcome and sanctions resulting from the investigation. The Resolution Agreement is considered formal disciplinary action and is binding. If the student fails to abide by the terms of the Resolution Agreement, the student may face further disciplinary action.

A Resolution Agreement will include, at minimum:

- The determination made by the Student Conduct Administrator, based on the investigation.
- The types of misconduct for which the student is being held responsible for violating.
- The assigned sanctions and any deadlines.
- The student's right to appeal the determination.
- The length of time the disciplinary record will be maintained.

A Resolution Agreement may also include:

- Directions for the student to refrain from specific behaviors, and/or to refrain from contacting others involved in the case.
- Expectations for the student to participate in specified educational programs and/or reconciliation processes such as mediation.

### 4. Decisions in Absentia

If the student fails to participate in the disciplinary process or has withdrawn from NYFA while there is pending disciplinary

action, the Student Conduct Administrator may proceed to resolve the matter without the student's participation.

## G. SANCTIONS AND ADDITIONAL NYFA ACTIONS

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1. If the Student Conduct Administrator concludes there is sufficient information to determine a violation, the Student Conduct Administrator will consider the context and seriousness of the violation in determining the appropriate sanction(s).
2. Sanctions may be enhanced if the student is additionally found to have discriminated against another on the basis of an individual's race, color, national or ethnic origin, citizenship, sex, religion, age, sexual orientation, gender identity, pregnancy, marital status, ancestry, service in the uniformed services, physical or mental disability, medical condition, or perceived membership in any of these classifications.
3. The Student Conduct Administrator may impose one or more sanctions or additional actions.

- **Warning**

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.

- i. A warning carries no transcript notation.

- **Disciplinary Probation**

A status imposed for a specific period of time in which a student must

demonstrate conduct that abides by NYFA's Student Conduct Code. 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.

- i. Disciplinary probation carries a temporary transcript notation that is only noted on the student's transcript for the duration of the disciplinary probation. When the disciplinary probation period concludes, the transcript notation is removed.

**c. Deferred Suspension**

A status imposed for a specific period of time in which the student must successfully complete conditions outlined by the Student Conduct Administrator and/or may be a period in which suspension from NYFA is deferred or delayed until a later date. Further violations of the NYFA Student Conduct Code or failure to complete any assigned conditions may result in additional disciplinary action including, but not limited to, suspension or expulsion.

- i. Deferred suspension carries a temporary transcript notation that is only noted on the student's transcript for the duration of the deferred suspension. When the deferred suspension period concludes, the transcript notation is removed.

**d. Suspension**

Suspension is the termination of a student's status for a specified period of time, for the remainder of the term, or for several academic terms. Suspension may take effect at such time as the Student Conduct Administrator determines. Students who have been suspended may be prohibited from entering specified areas, or all areas, of NYFA property. During the period of suspension, the student will be prohibited from attending all classes, seminars and programs, and any NYFA-sponsored activities. 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 Student Conduct Administrator may place a Hold on the student's NYFA records which may prevent the student from registering, obtaining transcripts, verifications, or receiving a certificate or degree from NYFA. Further violations of NYFA's Student Conduct Code or failure to complete any assigned conditions may result in additional disciplinary action including but not limited to further suspension or expulsion.

- i. After the period of Suspension, the student will be reinstated if:
  - o The student has complied with all conditions imposed as part of the suspension.
  - o The student is academically eligible.
  - o 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.

- The student meets the deadlines for filing all necessary applications, including those for readmission, registration, and enrollment.
  - Students are required to apply for readmission following a suspension of more than one academic term and must meet all requirements for readmission.
  - ii. If a student is suspended for less than one academic term, a transcript notation will be temporarily noted, indicating the duration of the suspension. When the suspension period is concluded, the transcript notation is removed.
  - iii. If a student is suspended for more than one academic term, a transcript notation will be permanently noted, indicating the duration of the suspension.
- e. Deferred Expulsion**
- A status imposed for a specific period of time in which the student must successfully complete conditions outlined by the Student Conduct Administrator and/or may be a period in which expulsion from NYFA is deferred or delayed until a later date. Further violations of NYFA's Student Conduct Code or failure to complete any assigned conditions will result in immediate expulsion.
- i. Deferred expulsion carries a permanent transcript notation that indicates the duration of the deferred expulsion.

**f. Expulsion**

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.

- i. 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.
- ii. Expulsion carries a permanent transcript notation.

**g. Revocation of Awarding Degree or Certificate**

If, after a degree or certificate has been awarded, a degree or certificate recipient is found responsible for a violation of NYFA's Student Conduct Code while the student was an enrolled student, the Student Conduct Administrator may impose, as a sanction, a revocation of the degree or certificate, subject to the following procedures:

- i. The Student Conduct Administrator will submit a recommendation of revocation of the degree or certificate to NYFA's 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 NYFA's Campus Dean within ten (10) 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 NYFA's Campus Dean is final.

#### **h. Educational Sanctions**

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
- **Additional Actions**

Additional actions are intended to help repair any harm that resulted from a violation or protect the safety of the NYFA campus community. Additional actions may include, but are not limited to:

    - Exclusion from entering specified areas, or all areas, of NYFA property
    - Loss of privileges and/or exclusion from NYFA activities
  - **Limits on Sanctions**

The loss of NYFA employment or removal from paid student positions

will not be a form of sanction under NYFA's Student Conduct Code. 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.

## **2. PARALLEL CONDUCT PROCEEDINGS**

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NYFA's student conduct proceedings are independent from any criminal, court, or administrative proceedings. If a student is charged in a civil or criminal case, based on the same facts in a NYFA student conduct proceeding, NYFA may continue with their student conduct proceedings before, or simultaneously with, a criminal, court, or administrative proceeding.

In cases involving an active police investigation, if the Student Conduct Administrator determines that the notice to the student may interfere with the criminal investigation, the Student Conduct Administrator may delay sending the notice to the student for a reasonable period of time.

## **3. APPEALS PROCESS**

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If the student does not agree with the determination or Resolution Agreement proposed by the Student Conduct Administrator, the student may appeal the violations and/or the sanction(s). The imposition of any sanction will be deferred until the conclusion of the appeals process. The student may appeal the Student Conduct Administrator's determination and must clearly state the basis for the appeal.

Acceptable reasons for appeal include:

- The student disagrees with the types of misconduct the student is being held responsible for violating.
- The student disagrees with the sanctions, and believes the sanctions assigned are disproportionate to the severity of the violation, or are excessive, insufficient, or inappropriate.
- The student has new evidence, which is sufficient enough to alter the Student Conduct Administrator's determination and was not available during the Student Conduct Administrator's investigation process.
- The Student Conduct Administrator failed to follow the student conduct proceedings.

All appeals must be directed to the Campus Dean, or designee, via the Campus Dean's email (elli@nyfa.edu). All appeals must be written and should clearly articulate and support the basis for appeal. Appeals must be received within five (5) days of the date of the Resolution Agreement. Appeals must be sent from the student's official NYFA e-mail.

The Campus Dean will gather information for the basis of their determination including, but not limited to, information related to the case submitted by the Student Conduct Administrator, information about any previous cases with similar misconduct, the letter of appeal from the responding student, and any additional information the Campus Dean may need to make a determination.

The Campus Dean may uphold the violations determined by the Student Conduct Administrator, may uphold and impose the sanctions determined by the Student Conduct

Administrator, may determine different violations, may adopt and impose different sanctions, or may reject any and all violations and/or sanctions.

The Campus Dean will issue a decision letter within ten (10) days after receiving the appeal. The decision of NYFA's Campus Dean is final.

A decision letter containing the determination of the Campus Dean will be delivered to the student and to the Student Conduct Administrator via NYFA email. The Campus Dean may also notify other parties of the decision or may direct the Student Conduct Administrator to do so, if such parties are authorized to receive such information.

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## INTERIM AND/OR EMERGENCY MEASURES

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The Student Conduct Administrator, the Campus Dean, or designees, may authorize interim and/or emergency measures against a student or organization, pending student conduct proceedings, whenever there is evidence that deems interim measures are reasonable and necessary to protect the personal safety of person(s) within the NYFA community, or NYFA property, and/or to ensure the maintenance of order. Interim and/or emergency measures may include, but are not limited to No Contact directives, limitations on hours of attendance at certain events or in certain NYFA facilities, exclusion from certain events or NYFA activities, or a Procedural Hold.

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### A. PROCEDURAL HOLD

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The Student Conduct Administrator may impose a Procedural Hold, pending student

conduct proceedings, where there is reasonable cause to believe that separation of a student is necessary to protect the personal safety of person(s) within the NYFA community, or NYFA property, and/or to ensure the maintenance of order.

A Procedural Hold may include exclusion from classes, or from specified NYFA activities, or from NYFA property.

1. Within twenty-four (24) hours after the imposition of the Procedural Hold, the Campus Dean or designee will review the information upon which the Procedural Hold was based. The Procedural Hold will stand unless the Campus Dean denounces the Procedural Hold within twenty-four (24) hours of its imposition. If the Campus Dean rescinds the Procedural Hold, the action will be deemed vacated and a reasonable effort will be made to inform the student that the Procedural Hold is vacated.

Should the Procedural Hold be vacated, that will have no bearing on NYFA's student conduct proceedings arising from the conduct, which prompted the Procedural Hold.

2. Upon imposition of the Procedural Hold, the Student Conduct Administrator will notify the student of the alleged violation(s), the length and conditions of the Procedural Hold, and the opportunity for a review with the Campus Dean or designee to challenge the Procedural Hold.
3. Review of the Procedural Hold will have scheduling priority. The student may be accompanied by a Support Person. The student may present information to

contest the Procedural Hold, or to demonstrate that the Procedural Hold is unnecessary or that the conditions of the Procedural Hold should be modified. The Campus Dean is authorized to investigate the facts, which prompted the Procedural Hold and may lift the Procedural Hold or modify its conditions. Within three (3) days of the conclusion of the review, the Campus Dean will determine:

- a) If the Procedural Hold is necessary
- b) If the conditions of the Procedural Hold should be modified.

The result of the Procedural Hold review will have no bearing on NYFA's student conduct proceedings arising from the conduct, which prompted the Procedural Hold.

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## PRIVACY AND RECORDS RETENTION

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Student records are confidential. The disclosure of information from such records is subject to California, Florida, and New York Information Practices statutes, and to the Family Educational Rights and Privacy Act (FERPA), to which NYFA adheres.

In cases where the final outcome is deferred expulsion, expulsion, or suspension, NYFA's Registrar's Office retains the student conduct records permanently.

In all other cases when there is have been violations of the Student Conduct Code, student conduct records will be retained for seven (7) years from the date of the final outcome.

Upon receipt of a request from professional schools, graduate programs, employers, or

others, for the disciplinary records of a student, and after the student provides a waiver authorizing the release of information, NYFA's Registrar Office will only report and/or release records where violations resulted in a sanction of deferred suspension, suspension, deferred expulsion, and/or expulsion.

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## AMENDMENT AND MODIFICATION

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Any amendments or modifications to NYFA's Student Conduct Code will be made by NYFA's Dean of Students, in consultation with appropriate NYFA faculty, staff, and administrators. Prior to adoption, such amendments will be submitted to NYFA's General Counsel for review for consistency with the NYFA policies, and federal and state law.

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## DEFINED TERMS

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### A. NYFA

The term NYFA means New York Film Academy, and all its educational operations.

### B. Faculty Member

Any person hired by NYFA to conduct classroom or teaching activities or who is otherwise considered by NYFA to be a member of its faculty.

### C. NYFA Community Member

A NYFA community member includes, but is not limited to, any NYFA student, faculty member, staff member, administrator, employee, agent acting on behalf of NYFA, guest speaker, visitor, and/or any person affiliated with a NYFA activity during the time of the activity.

### D. NYFA Property

Includes all land, buildings, facilities, and other property in possession of or owned, used, or controlled by NYFA, and includes adjacent streets and/or sidewalks.

### E. NYFA Activities

NYFA activities may occur on or off campus and may include, but are not limited to, NYFA sponsored events, classes, field trips, student organization meetings or events, athletic events or practices, student led productions, and the like.

### F. Student Conduct Administrator

A NYFA official authorized by the Dean of Students to implement NYFA's student conduct procedures and impose sanctions upon any student found in violation of the Student Conduct Code. The term "Student Conduct Administrator" is an internal designation and is not an official title. For the New York campus, this may be a Designee a Department Chair, or an Academic Advisor.

### G. Complainant

A Complainant may be a student, administrator, or third party who presents or alleges information about a NYFA student that may be considered a violation of the Student Conduct Code.

### H. Respondent

A Respondent is a NYFA student or third party who has been alleged to have violated the Student Conduct Code.

### I. Working Days

Working days are Monday through Friday, excluding all official holidays or NYFA campus closures.

### J. Notice

Whenever written notice to a student is required by the Student Conduct Code, it will be conclusively presumed to have been furnished if the notice is sent to the student by NYFA email or the email address most recently filed with the Registrar's office.

#### **K. Student**

The term "student" includes all persons enrolled in or registered for courses at NYFA, either full-time or part-time, pursuing a degree or certificate program. Persons who withdraw after allegedly violating the Student Conduct Code, who are not officially enrolled for a particular term but who have a continuing relationship with NYFA, or who have applied for admission are considered "students." Additionally, persons who have previously been enrolled and are eligible to return following a voluntary medical withdrawal, involuntary withdrawal, withdrawal, leave of absence, or vacation break are considered "students." The Student Conduct Code also applies to former students who committed violations of the Student Conduct Code during their time as a student.

#### **L. Student Organization**

Any number of persons from the NYFA community who have created a group or organization which has met NYFA's requirements of recognition.

#### **M. Support Person**

Any individual accompanying a student during any stage of the student conduct procedures. The Support Person may be any person, including an advocate, attorney, friend, parent, NYFA staff, or NYFA faculty member who is not otherwise affiliated with the investigation. The role of the Support Person is only to provide support. The Support Person is not permitted to speak on

behalf of the student or participate in any meeting or proceeding that is part of the Student Conduct Procedures and may not in any way disrupt any meeting or proceeding.

#### **N. Witness**

Any person that may have information relevant to a case under review through the student conduct procedures. A "witness" may participate in student conduct procedures in person, by video, audio, or other forms of electronic communication, or through a written statement prepared for the purposes of a student conduct procedure.