

THE NEW YORK  
CONSERVATORY FOR  
DRAMATIC ARTS  
FILM + TELEVISION + THEATER

# CODE OF STUDENT CONDUCT

2020 - 2021

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12/16/2020

TO: All Members of the NYCDA Community

FROM: Richard Omar, Artistic Director

SUBJECT: Code of Student Conduct 2020-2021

## LETTER FROM THE ARTISTIC DIRECTOR

### INTRODUCTION

The purpose of the Code of Student Conduct is to create standards of behavior that support the safety and wellness of New York Conservatory for Dramatic Arts’ students. We expect our students to act responsibly and appropriately at all times to make our community a more pleasant experience for everyone attending NYCDA.

As members of the NYCDA community, students are expected to uphold its standards, which can be found in the following pages and are available online. It is each student’s individual responsibility to review and understand the Code of Student Conduct. NYCDA expects students to observe the Code of Conduct and to behave in a professional manner at all times. Conduct that interferes with the education of other students or the operation of NYCDA may result in discipline up to and including expulsion.

The Code of Student Conduct is designed to present to students the policies, rules, and code of conduct in clear and direct language. We will work to continue to communicate the standards, and the consequences for violating these standards, through outreach and educational efforts during the year ahead. Also contained within this publication is our commitment to respect inclusiveness and diversity

at NYCDA. The Code of Student Conduct conveys to all members of our community the continued need for effective communication and the desire to uphold the norms of a respectful community.

Please note that upon enrollment, you agree to all policies, rules and regulations noted in the Code of Student Conduct, Title IX Policy and Sexual Violence Prevention and Response Policy, and the Catalog found on the Student Resources page of NYCDA's main website. Violation of NYCDA policies, or city, state or federal laws, will result in the appropriate disciplinary sanction up to and including expulsion. Further violation of city, state or federal laws, may result in possible legal action.

This Code of Student Conduct is also available at the Student Services window upon request. Please contact Kim Sosa at [ksosa@nycda.edu](mailto:ksosa@nycda.edu) to submit any questions regarding the code or procedures. Student Services is ready to answer your questions. Student Services is located on the Second Floor. Phone: 646-216-2872 Email: [studentservices@nycda.edu](mailto:studentservices@nycda.edu)

As an NYCDA student, you are a valuable member of the NYCDA community. Through your words and actions, you contribute to building an inclusive community in which all can live and learn in an environment of respect, artistic exploration and academic freedom which fosters the success and honors the rights of all students.

Being an NYCDA student is both a privilege and a responsibility. It is the responsibility of all members of the NYCDA community to uphold the values of the institution. Students are expected to conduct themselves in a manner that supports and respects the rights of others. Accordingly, student behavior should be consistent with policy as well as state and federal law at all times. Student behavior that is not consistent with these standards may be addressed through the Code of Student Conduct in an effort to educate students, manage safety and deter behavior that negatively impacts either the individual or the community.

Each student who attends the New York Conservatory for Dramatic Arts has the rights and responsibilities that are guaranteed to all members of our community. The policies and regulations outlined in this document pertain to on-campus conduct (i.e. in classrooms, academic settings and residence halls). While community members are free to participate in off-campus activities that interest them, students should be aware that they represent NYCDA. Students are responsible for their conduct at all times, and they should be cognizant of and in compliance with NYCDA policies, and city, state and federal laws.

#### STUDENTS HAVE THE RIGHT...

- To a safe, clean and secure environment.
- To have written copies of student rules and regulations, or policies which govern individual and group behavior.
- To respect for safety and personal property.
- To study without interruption or interference.
- To enforcement of policy violations.
- To access staff who provide assistance, guidance and support as needed.
- To equitable treatment when behavior is in question.
- To individual and group educational and developmental opportunities.

#### STUDENTS HAVE THE RESPONSIBILITY...

- To adhere to rules and regulations.

- To comply with reasonable requests made by NYCDA staff and those appointed by them.
- To meet expectations of payments.
- To monitor and accept responsibility for non-NYCDA guests.
- To respect the rights of others.
- To report policy violations to appropriate staff.
- To participate in disciplinary hearings to determine appropriate standard of behavior when applicable.
- To contribute positively to the community by participating in educational and developmental activities.
- To abide by all city, state and federal laws.

## SECTION I: DEFINITIONS

1. The term “NYCDA” means the New York Conservatory for Dramatic Arts.
2. The term “student” means an individual enrolled at NYCDA. Persons who are not officially enrolled for a term but who have previously enrolled and have a continuing relationship with NYCDA or who withdraw or are dismissed after an alleged violation of the Code of Student Conduct are also considered students.
3. The term “premises” includes the NYCDA school building and all NYCDA student residence buildings.
4. The term “school official” includes faculty and staff of NYCDA, student employees who are carrying out assigned work responsibilities for NYCDA, Board of Directors of NYCDA, as well as outside service providers used or hired by NYCDA to perform institutional services and functions.
5. The term “policy” means the written regulations of NYCDA as found in published documents such as the Code of Student Conduct, Residence Life Policies, the Title IX Policy and Sexual Violence Prevention and Response Policy, the Catalog, the Housing Agreement and License Agreement.
6.
  - a. The terms “student charged” and “respondent” mean any student accused of violating this Code of Student Conduct.
  - b. The term “claimant” means the victim, survivor or person against whom the alleged violation was committed.
7. The term “reporting individual” encompasses the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used to reference an individual who makes a report of a violation.
8. The term “bystander” means a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of the school’s rules or policies.
9. The term “disciplinary hearing board” means a group of persons authorized by the Artistic Director to determine whether a student has violated the Code of Student Conduct and to impose sanctions that may be enacted when a rules violation has been committed.

10. The term “disciplinary hearing board chair” means the person designated by the Artistic Director to preside over a disciplinary hearing.
11. The term “appeals board” means a group of persons authorized by the Artistic Director to decide the outcome of an appeal of a disciplinary hearing.
12. The terms “Academic Leadership Team” or “ALT” means the Artistic Director, Director of Education, and Program Director for the Musical Theater Performance Program/ALT Associate.
13. The term “Title IX Coordinator” means the person(s) charged with ensuring NYCDA compliance to Title IX, and that NYCDA addresses and prevents sexual violence, retaliation and promotes an environment safe for learning and living.
14. The term “advisor” means any person identified by a student to support said student through the student conduct process.
15. The term “harassment” means intentionally annoying another person:
  - a. by following that person in or about a public place or by engaging in a course of conduct or repeatedly committing acts which place a person in reasonable fear of physical injury;
  - b. by engaging in a course of conduct or repeatedly committing acts which alarm or seriously annoy another person and which serve no legitimate purpose;
  - c. by communicating or causing a communication to be initiated with a person, by any means, electronic or otherwise, that conveys a threat to cause physical harm to a person or their property; and/or
  - d. with intent to harass, annoy, threaten or alarm another person subjects that person to physical contact or threatens to do the same because of a belief or perception about that person’s race, color, sexual orientation, gender, gender identity and expression, religion, age, disability, veteran status, marital status, national origin or ancestry.
16. The term “Affirmative consent” means a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity or gender expression.
  - a. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
  - b. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
  - c. Consent may be initially given but withdrawn at any time.
  - d. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs or other intoxicants may be incapacitated, and therefore unable to consent.

- e. Consent cannot be given when it is the result of any coercion, intimidation, force or threat of harm.
  - f. When consent is withdrawn or can no longer be given, sexual activity must stop.
17. The term “sexual coercion” means the use or attempted use of pressure and/or oppressive behavior with the goal of causing the person who is the object of the pressure and/or behavior to engage in unwelcome sexual activity. Coercion can be physical, verbal, and/or emotional. It can take the form of threats, intimidation, or the use of physical force, either expressed or implied, which places a person in fear of immediate harm or physical injury. Coercion can also take the form of threatening to “out” someone based on sexual orientation or gender identity or pressuring someone to consume alcohol or other drugs prior to engaging in a sexual act.
18. The term “sexual exploitation” means when an individual takes non-consensual or abusive sexual advantage of another for one’s own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to: prostituting another person; going beyond the boundaries of consent (e.g. surreptitiously observing another individual’s nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved); non-consensual sharing or streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved; exposing one’s genitals or inducing another to expose their own genitals in non-consensual circumstances; knowingly exposing another individual to a sexually transmitted disease or virus without their knowledge; sexually-based stalking and/or bullying; and inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.
19. The term “incapacitation” means a state where an individual cannot make an informed and rational decision to engage in sexual activity because they lack conscious knowledge of the nature of the act (e.g., to understand the who, what, when, where, why or how of the sexual interaction) and/or are physically helpless. An individual is incapacitated, and therefore unable to give consent, if they are asleep, unconscious, or otherwise unaware that sexual activity is occurring. Incapacitation may result from the use of alcohol and/or drugs. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation. The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impact an individual’s: decision-making ability; awareness of consequences; ability to make informed judgments; or capacity to appreciate the nature and the quality of the act. Evaluating incapacitation also requires an assessment of whether a respondent knew or should have known, that the complainant was incapacitated.
22. The term “rape” is defined as sexual intercourse with a person:
- a. that is forced, manipulated or coerced through use of verbal coercion, intimidation (emotional and/or physical), threats, physical restraint and/or physical violence; and/or
  - b. where affirmative consent was not given.
23. The term “sexual act” means contact between the penis and the vulva or the penis and the anus; contact involving the penis occurs upon penetration, however slight; contact between the mouth and the penis, the mouth and the vulva or the mouth and the anus; the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object..

24. The term “weapon” means any instrument, device or object capable of inflicting physical harm or death and designed or specifically adapted for use as a weapon, or possessed, carried or used as a weapon.
25. The term “distribute” means to sell, exchange, give, make available or dispose of to another person or to offer or agree to do the same.
26. **Sexual Assault:** As defined in 20 U.S.C. 1092(f)(6)(A)(v), means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
27. **Dating Violence:** As defined in 34 U.S.C. 12291(a)(10), means violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and, the frequency of interaction between the persons involved in the relationship.
28. **Domestic Violence:** As defined in 34 U.S.C. 12291(a)(8), includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.
29. **Stalking:** As defined in 34 U.S.C. 12291(a)(30), means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

In accordance with Title IX of the Education Amendments of 1972, NYCDA prohibits Sexual Harassment (as defined below) committed against persons in the United States as part of its education programs or activities. NYCDA utilizes a separate Grievance Procedure for complaints of Sexual Harassment. For details on the Grievance Procedure, see the NYCDA Title IX Policy under Student Resources at <https://www.nycda.edu/student-resources/>

**Sexual Harassment:** Conduct on the basis of sex that satisfies one or more of the following:

1. A NYCDA employee conditioning educational benefits or participation on an individual’s participation in unwelcome sexual conduct (i.e. quid pro quo);
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to NYCDA’s education Program or Activity; or

3. Sexual Assault (as defined in the Clery Act), or Dating Violence, Domestic Violence or Stalking as defined in the Violence Against Women Act (VAWA) (collectively referred to as “Sexual Violence”)

## SECTION II: RULES OF STUDENT CONDUCT

The following behavior is prohibited. Students engaging, attempting to engage or assisting in the following on NYCDA premises are subject to disciplinary sanctions, including potential dismissal from NYCDA:

1. Possession of alcoholic beverages at NYCDA and/or the NYCDA residence halls. NYCDA is Drug and Alcohol-Free workplace and campus. School campus and residence halls are alcohol-free buildings. Any student in possession of alcoholic beverages will be subject to disciplinary process.
  - a. Students may not use empty alcohol paraphernalia (i.e. bottles) for decoration.
  - b. Students under the age of 21 may not be in the presence of, possess or consume alcoholic beverages.
  - c. Alcohol is strictly prohibited in New York Conservatory for Dramatic Arts housing.
  - d. Students over 21 are prohibited from providing, selling or distributing alcohol to anyone under 21.

### 2. Alcohol Intoxication

Intoxication whether from alcohol, narcotics or prescription medicine, is not acceptable justification for irresponsible or inappropriate behavior. Students aged 21 years or older who consume alcohol are expected to do so in moderation and in a manner that ensures other residents' rights to privacy, sleep and study. When a member of the NYCDA faculty or staff is alerted to a student who becomes incapacitated as a result of drinking or drug use, they will seek medical attention by calling 911. Students will be financially responsible for the costs of the medical care including ambulance and/or hospitalization and will face disciplinary action. In addition, loud or disruptive behavior or drinking habits that are disruptive or injurious to the health of individuals will not be tolerated and disciplinary action will be taken which may lead to dismissal and forfeitures of all monies paid.

3. Possession, personal use or purchasing of marijuana, controlled substances, prescription drugs prescribed to another person, illegal drugs; or possession of drug paraphernalia containing drug residue. Students are required to abide by all federal, state and local laws and regulations regarding the use, sale and distribution of drugs.
  - a. Students are not permitted to be in possession of drug paraphernalia. Drug paraphernalia is defined as any material, product, instrument or item used to create, manufacture, distribute, use or otherwise manipulate drugs. Examples include hypodermic needles, syringes, baggies and/or rolling papers (when used for the purpose of drug use), strainers, grinders, scales, and any device used to ingest drugs including bongos or pipes.
  - b. Students are not permitted to be in possession of prescription drugs prescribed to another person or illegal drugs.
  - c. Students are not permitted to use or consume prescription drugs prescribed to another person or illegal drugs.
  - d. Students are not permitted to manufacture illegal drugs.



- e. Students are not permitted to sell or distribute controlled substances, prescription drugs prescribed to another person or illegal drugs.
4. Theft of property or services or knowingly possessing stolen property.
    - a. No student should take or knowingly possess property other than their own.
    - b. Attempted or actual theft, unauthorized possession, or inappropriate use of property of another member of the community is prohibited.
  5. Manufacture, sale, possession or use of altered or another person's documents, including those used for identification.
  6. Endangering, threatening or causing physical harm to any person or causing reasonable apprehension of such harm.
  7. Stalking or engaging in a course of conduct likely to cause injury, distress or emotional or physical discomfort and which serves no legitimate purpose.
  8. All forms of harassment. Students at NYCDA have the right to live free of intimidation, harassment, or bullying. (Regarding Sexual Harassment and Sexual Violence, see the NYCDA Title IX Policy and NYCDA Violence Prevention and Response Policy made available on the NYCDA website under Student Resources).
    - a. No student should engage in unwelcoming conduct directed at an individual or group of individuals which is so severe or persuasive that it interferes with their sense of safety or well-being.
    - b. No student should engage in repeated conduct directed at a specific individual or group that directly or indirectly distresses, intimidates, or threatens. This includes the use of social media and electronic devices (cyber-bullying).
  9. Hazing: no student should subject another member of the community to degrading or humiliating activities; situations that compromise an individual's health, safety and well-being for the purpose of gaining entry into any group or organization.
  10. Acts/Threats of Violence: engaging in, or threaten to engage in, any behavior that endangers the health or safety of another person or oneself. Students are prohibited from:
    - a. Causing physical harm.
    - b. Communicating a serious expression of an intent to commit an act of unlawful violence to a particular individual, or group of individuals.
    - c. Conduct that threatens or that can be construed as threatening.
    - d. Conduct endangering the health and safety of any person.
  11. Sexual assault, rape, any form of sexual violence, domestic violence and/or dating violence.
    - a. No student should engage in vaginal, penile, oral, digital or anal penetration with any individual if such behavior is against their will and without affirmative consent.
    - b. No student should engage in vaginal, penile, oral, digital or anal penetration to someone who is physically helpless (i.e. drunk and/or under the influence of a substance), unconscious (i.e. "passed out"), or otherwise incapacitated or unable to communicate willingness towards an act.
  12. Discrimination/Bias Related Acts

NYCDA prohibits and will not tolerate the following forms of unlawful discrimination:

- a. Sex or gender-based discrimination including: dating violence, domestic violence, sexual assault, sexual coercion, sexual exploitation, sexual harassment, sexual intimidation, sexual violence, stalking and related retaliation.
- b. Non-sex-based discrimination including: harassment of any kind. NYCDA strictly prohibits any form of unlawful discrimination, including harassment motivated by race, color, age, religion, gender, transgender, national origin, marital status, veteran status, sexual orientation, gender identity, gender status, gender expression, status as a victim of domestic violence or disability in any educational or employment program.

All acts of discrimination should be reported to the [Title IX Coordinator](#).

13. Possession of weapons, dangerous chemicals or explosives.
14. Unauthorized entry into or use of NYCDA premises; unauthorized possession, duplication or use of keys, keycards or access devices to any premises; entering a residence hall without being granted authorized access or without being an invited guest of or accompanied by a current resident of the building.
15. Failing to comply with the directives of NYCDA officials acting in performance of their duties.
  - a. No students shall fail to comply with a legitimate, reasonable and lawful request or direction by any member of the faculty and administrative staff, or other employees of NYCDA.
  - b. No student shall fail to comply with any disciplinary condition imposed upon them by a disciplinary hearing board member.
16. Failing to identify oneself, upon request, to NYCDA officials acting in performance of their duties.
17. Disorderly or disruptive conduct that interferes with the normal operations of NYCDA or its residence halls or infringes on the rights, general comfort, safety or welfare of a person or group:
  - a. Interference with the freedom of another person or group to move about in a lawful manner.
  - b. Intentionally or recklessly interfering with an NYCDA staff member or other NYCDA official exercising his/her assigned duties.
  - c. Conduct that is inappropriate, disorderly, or disruptive in nature; behavior that a reasonable person would consider disorderly.
  - d. Behaving obscenely or indecently in public places.
  - e. Committing pranks that cause or have the potential of causing physical harm, or damage to NYCDA, or anyone's personal or public property.
18. Providing false or misleading information, including false identification, to any NYCDA official.
19. Intentionally initiating or causing to be initiated any false report, warning or threat of fire, explosion or other emergency.
20. Reporting information about NYCDA business or community members if the information reported or circulated is known to be false or baseless.
21. Offering false testimony at any disciplinary hearing.

22. Tampering with fire safety equipment; intentionally, carelessly or recklessly causing a fire to be ignited; or intentionally interfering with or failing to follow emergency procedures.
23. Vandalism: intentionally defacing or destroying public or NYCDA property.
24. Making or distributing unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy. Distribution of authorized nude or sexually explicit images without consent.
25. Violating any disciplinary sanction imposed in accordance with the Code of Student Conduct.
26. Bringing an animal into any NYCDA building with the following exceptions: service animals, disability-related accommodations requested and approved through the Disability Accommodation Policy located in the Catalog.
27. Violations of published NYCDA regulations or policies.
28. Violations of any federal, state or local law.

### **SECTION III: STUDENT CODE AUTHORITY**

1. The Code of Student Conduct exists to foster a safe learning environment for all NYCDA students. In order to promote and maintain this environment, violations of the Code of Student Conduct by any student may lead to administrative actions and/or disciplinary action.
2. In addition to NYCDA actions, students may face criminal arrest when the incident is also a violation of local, state or federal law. Proceedings under the Code of Student Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings at the discretion of the Artistic Director.
3. The New York State 911 Good Samaritan Law allows individuals to notify a staff member or call 911 without fear of arrest if they are having a drug or alcohol overdose that requires emergency medical attention or if they witness someone overdosing. Good Samaritan actions: In cases of alcohol and prohibitive drug intoxication, the primary concern is the health and safety of the individual(s) involved. Individuals are strongly encouraged to call for medical assistance for themselves or for a friend/acquaintance who is suffering alcohol poisoning. No student seeking medical treatment for an alcohol or other drug-related overdose or other life-threatening medical emergency will be subject to NYCDA discipline for the sole violation of using or possessing alcohol or drugs. This policy shall extend to another student seeking help for the intoxicated student or the student who is facing a life-threatening medical emergency.  
Students who live in NYCDA housing may call a Resident Advisor and 911 without consequence if a student:
  - a. is unconscious and cannot be woken up
  - b. is not breathing, breathing very slowly, or making gurgling sounds;
  - c. has lips that are blue or grayish in color.

4. Policy for Alcohol and/or Drug Use Amnesty: The health and safety of every NYCDA student is of utmost importance. NYCDA recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. NYCDA strongly encourages students to report incidents of domestic violence, dating violence, stalking or sexual assault to NYCDA officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking or sexual assault to NYCDA officials or law enforcement will not be subject to NYCDA's Code of Student Conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking or sexual assault.
5. Students are responsible for their conduct from the time of application for admission through the awarding of a certificate or degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year. The Code of Student Conduct applies even if the student withdraws while a disciplinary matter is pending. The Code of Student Conduct also applies to those who are not officially enrolled for a particular term, but who have a continuing relationship with NYCDA.
6. Students who have non-NYCDA guests are responsible for informing their guests of the Code of Student Conduct and may be held responsible for the actions of their guests. Student hosts must be present during their guests' visits.
7. Students are responsible for violations committed by others that occur in their NYCDA residence room or suite unless another NYCDA student(s) takes responsibility for the violation.
8. The Code of Student Conduct applies on all NYCDA premises, including the NYCDA school building and its residence halls.
9. NYCDA will not, as a matter of general practice, pursue alleged off-campus student misconduct. However, in those exceptional cases that endanger the personal safety or property of members of the NYCDA community or others, action may be taken in accordance with the Code of Student Conduct. The Artistic Director will consult Student Services, to determine if student conduct action is warranted under these circumstances. NYCDA will use the following criteria in deciding when to take action for violations of the Code of Student Conduct that occur off campus when there is sufficient information available to conduct a hearing and when:
  - a. The incident involves endangering behavior (defined as violent assault, rape, arson, distribution of illegal drugs or other serious offenses that constitute a threat to the personal safety of others); and/or
  - b. There has been significant loss of or damage to property; and/or
  - c. Alcoholic beverages or drugs are sold or made available to underage persons
10. Retaliation against individuals who file a complaint under the Code of Student Conduct, including complaints of sexual violence, who serve as a witness or who participate in a student conduct or proceeding in any manner is prohibited. Participants who experience any form of intimidation, coercion, threats or discrimination as the result of their participation in an investigation should report the incident to Student Services, an NYCDA official and/or the [Title IX Coordinator](#) as applicable.

11. The Artistic Director in consultation with Student Services shall determine the composition of disciplinary hearing boards and appeal boards.
12. Student Services in consultation with the Artistic Director develops policies for the administration of the student conduct system and procedural rules for hearings, assuring both are consistent with the provisions of the Code of Student Conduct.
14. Decisions made by a disciplinary hearing board are final, pending the appeal process.

## SECTION IV: CODE OF STUDENT CONDUCT PROCEDURE

### A. PROCEDURES FOR REVIEW OF STUDENT CONDUCT

NYCDA student conduct procedures provide guidelines for the handling of charges brought against any NYCDA student for alleged infractions of the Code of Student Conduct. In addressing charges, it is the responsibility of the disciplinary hearing board to determine whether the alleged behavior constitutes a violation of the Code of Student Conduct.

This process emphasizes student involvement and relies on full and open discussion of cases with all parties concerned to determine a fair and appropriate outcome. The disciplinary hearing board is not a court of law; hence, the formal rules of process, procedure and/or technical rules of evidence that are used in the courts do not apply. (For specific details of the difference between the disciplinary hearing board and courts of law, see Section X of the NYCDA Sexual Violence Prevention and Response Policy.)

1. Charges
  - a. Allegations must be submitted in writing to Student Services. Sufficient information is required to support an allegation before the request for charges is accepted. If these two conditions are not met, the request is denied.
  - b. Charges against students must be presented in writing prior to a hearing. Individuals charged with a policy violation will also be notified of their rights within the process and of the procedures to be followed. Charges will be delivered in person, via e-mail or mailed to the most recently recorded address listed with the Office of Financial Aid and Student Records or permanent address if no local address is listed.
2. Handling of Cases
  - a. Student Services and/or the [Title IX Coordinator](#) may conduct an initial inquiry and investigation.
  - b. The Student Services Associate and/or Residence Director may determine if the charges can be handled administratively by mutual agreement of the parties involved.
  - c. If the matter cannot be resolved by mutual agreement, a disciplinary hearing will be scheduled.
  - d. Cases involving allegations of sexual assault, domestic violence, dating violence or stalking are considered serious violations. NYCDA will apply its Title IX policy and Sexual Violence Prevention and Response policy as applicable. Details regarding NYCDA's Title IX Grievance Process can be found under Student Resources at <https://www.nycda.edu/student-resources>. If a disciplinary hearing under NYCDA's Sexual Violence Prevention and Response policy is initiated, the reporting individual and respondent will have:

Throughout both the Grievance Procedure and disciplinary hearing proceedings, the respondent and claimant will have:

- The same opportunity to be accompanied by an advisor of their choice to offer silent support. The advisor may not interject during the proceedings or speak to the board on respondent's or claimant's behalf and is there for consultation purposes only.
- The right to a prompt response to any complaint. The right to have their complaint investigated and adjudicated in an impartial, timely and thorough manner by the [Title IX Coordinator](#) who receives annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is "not responsible" until a finding of responsibility is made, and other issues related to sexual assault, domestic violence, dating violence and stalking.
- The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process (including fairness, impartiality and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.
- The right to receive advance written or electronic notice of the date, time and location of any meeting or hearing they are required to or are eligible to attend. Accused individuals will also be told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated and possible sanctions.
- The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay.
- The right to offer evidence during an investigation and to review available relevant evidence in the case file or otherwise held by NYCDA.
- The right to present evidence and testimony at a hearing where appropriate.
- The right to exclude prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis or treatment from admittance in the college disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking or sexual assault may be admissible in the disciplinary stage that determines sanction.
- The right to ask questions of the decision makers, and via the decision makers, indirectly request responses from other parties and any other witnesses present.
- The right to make an impact statement during the point of the proceeding where the decision makers are deliberating on appropriate sanctions.
- The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanction(s) and the rationale for the decision and any sanctions.
- The right to written or electronic notification about the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding.
- Access to an appeal of a determination before a panel that is fair and impartial and does not include individuals with a conflict of interest.
- The right to have access to a full and fair record of a disciplinary hearing, which shall be preserved and maintained for at least five years.
- The right to choose whether to disclose or discuss the outcome of a disciplinary hearing.

- The right to have all information obtained during the course of the disciplinary process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.

### 3. Disciplinary Hearings

- a. Disciplinary hearings are conducted by a disciplinary hearing board, comprised of three to six faculty and staff members, including a disciplinary hearing board chair. Board members are assigned by the Artistic Director in consultation with Student Services.
- b. One member of the board is appointed chair by the Artistic Director in consultation with Student Services. The chair participates fully in the hearing and is a voting member of the board. The chair is responsible for ensuring that the rights of the accused student are respected and that hearing procedures are followed.
- c. The disciplinary hearing board chair shall:
  - Make decisions concerning information presented at the hearing.
  - Make decisions regarding participation in the hearing in accordance with the Code of Student Conduct.
  - Otherwise conduct the hearing in accordance with the hearing procedures specified in the Code of Student Conduct.
- d. Upon completion of the hearing, the board deliberates to decide on responsibility and imposition of sanction(s) (if applicable). The student charged is notified of the outcome of the hearing in writing.
- e. If the student charged does not attend the hearing, the disciplinary hearing board will consider the information available and make a determination regarding the student's responsibility and sanctions, if any.
- f. Disciplinary hearings are normally closed. Exceptions are made at the discretion of the ALT in consultation with the Title IX Coordinator.
- g. In cases involving more than one student charged, the disciplinary hearing board may permit the hearings concerning each student to be conducted separately or jointly. Students charged may submit a written request for an individual hearing to Student Services.
- h. The Title IX Coordinator and the accused student may identify witnesses to present pertinent information to the disciplinary hearing board. The Title IX Coordinator will notify witnesses of the hearing when those witnesses are members of the NYCDA community.
- i. The student charged has the right to be present (in person or via electronic means) when information is being presented, to respond to and ask questions or to refuse to answer questions. Refusal to answer questions is not considered an admission of responsibility.
- j. The student charged has the right to review any written documents presented. If such documents are available prior to the hearing, the student charged will have the opportunity to review them before the hearing. If they are presented at the hearing, the student charged will have the opportunity to review them at that time.
- k. Presentation of information and questions must be relevant to the case and will be considered by the disciplinary hearing board at the discretion of the board chair.
- l. At the discretion of the board chair, questions will be directed to the board chair rather than directly to any party or witness.
- m. All procedural questions raised during the hearing are subject to the final decision of the disciplinary hearing board chair.
- n. Following the hearing, the disciplinary hearing board will determine whether the student charged has violated the specified section of the Code of Student Conduct and impose appropriate sanctions, if any.

- o. The disciplinary hearing board will make a written transcript of all disciplinary hearings (not including deliberations). Students may have access to their hearing record, for appeal purposes.
- p. If the student charged is not present, the hearing is held in the student's absence. The disciplinary hearing board considers the information available and bases its decision on this information. The absence of the student charged is not an admission of responsibility.
- q. For cases involving sexual assault, sexual harassment, domestic violence, dating violence or stalking, all procedural rights outlined in this document are granted to both the claimant and respondent.

#### 4. No Contact Orders

When the accused/respondent is a student, the reporting individual may request to have NYCDA issue a "No Contact Order," meaning that continuing to contact the protected individual is a violation of NYCDA policy subject to additional conduct charges; if the accused and a protected person observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly contacting the protected person. When a No Contact Order is put in place, in cases involving domestic violence, dating violence, sexual assault or stalking, both the respondent and the claimant may request a prompt review of the need for and terms of the No Contact Order (including potential modification), consistent with NYCDA policy. Parties may submit evidence in support of their request. For further details on No Contact Orders, see the NYCDA Sexual Violence Prevention and Response Policy made available on the NYCDA website under Student Resources at <https://www.nycda.edu/student-resources>.

#### 5. Timelines

Every effort will be made to reach a resolution within 60 days after the receipt of the initial report. Timelines may vary based on the complexity of the case, number of witnesses and the nature of the academic calendar. Upon conclusion of the investigation, both parties will be presented with information regarding next steps in the process will be outlined. Appeals are usually resolved in 20 days.

#### 6. Advisors

Any party may be accompanied by an advisor at any point in the process. Advisors are not permitted to speak or to participate directly in any part of the conduct process unless permitted to do so by the disciplinary hearing board chair. Advisors are present for consultation purposes only.

#### 7. Student Services

Student Services provides information and processes grievances through the student conduct process. An investigation will be launched to determine if student conduct charges are warranted and may include a formal disciplinary hearing.

#### 8. Basis for Decisions

Determinations of responsibility will be made on the basis of whether there is a preponderance of evidence that the student charged violated the Code of Student Conduct.

## B. SANCTIONS



1. When violations of the Code of Student Conduct are addressed, the conduct process attempts to create an active and educational response, taking into consideration the interest of the reporting individual, interest of the accused and the overall well-being of the NYCDA community.
2. Sanctions are intended to deter any subsequent violations and to promote a safe and secure living-learning environment conducive to the success of all students. To restore community, sanctions will be appropriately tied to the offense and tailored to repair actual harm done.
3. Sanctions for incidents involving harassment or sexual violence include suspension and expulsion,
4. The following sanctions may be imposed:
  - a. Educational Projects and Community Service — These sanctions involve the completion of projects, assignments, essays, service to NYCDA, facilitation of or participation in programs or other related assignments.
  - b. Disciplinary Warning — Disciplinary warning is an official acknowledgment that rules have been violated. Warnings are for a designated period of time and include the probability of more severe disciplinary sanctions if the student is found responsible for further violations of the Code of Student Conduct while on warning.
  - c. Disciplinary Probation — Disciplinary probation is a serious and active response to a violation of rules and may include educational sanctions or other requirements as a term of the probation. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found responsible for further violations of the Code of Student Conduct during the probationary period. While on probation, students may be ineligible to receive certain awards or scholarships.
  - d. Loss of eligibility for employment by the school.
  - e. Loss of Privileges — Loss of privileges is the loss of specified privileges such as visitation to a residence hall, contact with an individual or other privileges for a designated period of time.
  - f. Restitution — Restitution may include payment to an individual or to NYCDA to cover the cost of damage, destruction, defacement, theft or unauthorized use of property. It may also include payment for medical bills not covered by insurance.
  - g. Loss of Scholarship – Partial or complete loss of scholarships awarded by NYCDA
  - h. Relocation or Removal from Housing — Relocation is the reassignment of a student from one living space to another. Removal from housing is the removal of a student from all NYCDA housing. Relocation and removal from housing are usually accompanied by loss of visitation privileges to the NYCDA residence halls, and are imposed for a specified period of time.
  - i. Final Probation — Final probation is imposed only in very serious cases or cases where students are currently under a significant sanction. Final probation may include removal from all housing and loss of visitation privileges to residence halls and is imposed for a specified period of time. Students found responsible for any further violation of the Code of Student Conduct while on final probation may be suspended from NYCDA.
  - j. Suspension — Suspension is the separation of the student from NYCDA for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. Students who have been suspended may not be on campus without specific, written permission of the ALT.
  - k. Expulsion — Expulsion is the permanent separation of the student from NYCDA. Students who have been expelled may not be on campus without specific, written permission of the ALT.
5. More than one of the previously listed sanctions may be imposed for any single violation.

6. Following a disciplinary hearing, the disciplinary hearing board chair completes a summary report of its findings and the sanctions imposed, if any, and informs the student charged of the final outcome via email. For cases involving sexual assault, sexual harassment, domestic violence, dating violence or stalking, both parties will be notified of the outcome simultaneously and in writing.
7. Any student found responsible for a violation of the Code of Student Conduct who has targeted a person or group based on factors such as perceived race, color, sexual orientation, gender, gender identity and expression, religion, age, disability, veteran status, marital status, national origin or ancestry may be subject to a more severe sanction than would ordinarily accompany that violation.
8. Student Services will place an administrative hold on a student's records when the student fails to complete the sanction(s) by the assigned deadline. The hold will remain in effect until the assigned sanction(s) are completed.

### C. APPEALS

1. An appeal must be submitted in writing by the student charged to Student Services within five (5) working business days after receiving notification of the outcome of the hearing.
2. For cases involving any form of harassment or sexual violence, sexual assault, domestic violence, dating violence or stalking, the same right of appeal will be extended to both parties. The non-appealing party will be notified of the appeal and may submit a statement of their position with respect to the appeal. Appeals for these cases will be considered by a trained interpersonal violence panel. Decisions of the appeals board are final and there is no further appeal.
3. The appeal must specify the reason(s) for the appeal. The student charged may appeal on any or all of the following grounds:
  - a. appeal the finding that the student violated the Code of Student Conduct;
  - b. appeal the sanction imposed; and
  - c. appeal on the basis of specified procedural errors in the disciplinary process.

For each reason cited, a detailed explanation must be included.

4. Failure to appeal within the allotted time will render the original decision final and conclusive.
5. Appeals of all conduct cases are reviewed by an appeals board. Members of the disciplinary hearing board will not serve on the appeals board. The appeals board will have the responsibility of making a recommendation on the merits of the appeal.
6. Appeals will be decided upon the record of the original proceeding and upon written materials submitted by the parties. The decision of appeals board will be final and there shall be no further appeal.
7. The board reviewing an appeal may:
  - a. Affirm the finding and the sanction imposed by the original board.
  - b. Affirm the finding and reduce, but not eliminate, the sanction.

- c. Dismiss the case.
8. Deference shall be given to the determinations of the disciplinary hearing board:
  - a. Sanctions may only be reduced if found to be disproportionate to the offense.
  - b. Decisions altering the determinations of any hearings shall be accompanied by a written explanation.
9. The imposition of sanctions will normally be deferred while appeals are pending, except that interim actions will continue until there is a final outcome.
10. Appeals will ordinarily be expected to be decided within ten (20) business days.

#### D. INTERIM ACTION

1. Pending final action on a charge (including the appeals process), the status of the student is not altered, unless the continued presence of the student would constitute a clear and present danger to themselves, to the safety of others or to the property of NYCDA.
2. When the continued presence of the student on campus is deemed to constitute a clear and present danger to the safety of others or to the property of NYCDA, interim action may be taken by the Artistic Director in consultation with Student Services. Interim action may include loss of contact with individuals, denial of access to facilities or suspension from NYCDA pending the outcome of a disciplinary hearing.
3. Students under interim action may be required to leave NYCDA facilities or premises immediately and will be considered trespassing if they return.
4. Students under interim action may request a meeting with the Artistic Director in order to appeal the interim action. This request must be made no later than 5 p.m. of the business day following the date the student receives the letter of interim action, including days when classes are not in session.
5. In cases involving domestic violence, dating violence, sexual assault or stalking, both the respondent and the reporting individual shall, upon request and consistent with NYCDA policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of any interim measure that directly affects them, including potential modification, and shall be allowed to submit evidence in support of his or her request.
6. Students who have appealed an interim action must abide by the terms of this action pending the outcome of the appeal.
7. Students will receive written notice of the outcome of their appeal.
8. Students under interim action must have written permission from the Artistic Director and/or Student Services in order to have access to facilities, property or services of NYCDA.

#### E. STUDENT RECORDS

1. Case referrals will result in the development of a disciplinary file in the name of the accused student. Files for students who are found not responsible will be clearly state that there was no violation. NYCDA will maintain documentation of the complaint and its resolution.
2. The files for cases involving sanctions of warning will be expunged at the end of the academic year in which the sanction expires. Files for cases involving disciplinary probation up to and including final probation are maintained for two years from the date on which the sanction expires.
3. Upon completion of all sanctions, disciplinary files may be expunged by the Title IX Coordinator in consultation with the Artistic Director for good cause, upon written petition by the student. Factors to be considered in review of such a petition include:
  - a. the present character of the student including positive contributions to the community;
  - b. the behavior of the student subsequent to the violation including demonstrated personal reflection and growth;
  - c. the nature of the violation and the severity of any damage, injury or harm resulting from it.
  - d. Notwithstanding section E. (3) above, requests to expunge a record of an expulsion may only be directed to the Student Services in writing and will only be considered if at least five years shall have passed from the date of the expulsion. The ALT shall consider information about the present character of the requestor, the degree to which the requestor's subsequent behavior and community contributions demonstrate maturity and an ability to consistently act in conformity with societal norms as well as the nature of the violation and severity of injury resulting from it.
4. Records of suspension are maintained for two years from the date on which the suspended student graduates from NYCDA. If the student does not graduate, the file is maintained as a permanent record.
5. Students who are suspended have the following statement placed on their transcript: "Disciplinary Suspension." The suspension notation is removed when the suspension period expires.
6. Students who have been placed on interim suspension will have a student conduct hold placed on their records until such time as there has been a final outcome of the charges. Upon final outcome, the hold will be lifted and a suspension notation will be placed on their transcript if warranted.
7. In order to verify compliance with the Campus Security Act, all disciplinary referrals for alcohol, drugs and weapons possession are retained for seven years. These records are sealed and are only released to the authorities to which information must be made available under federal and/or state law.
8. Records of expulsion are not destroyed.
9. Records of hearings for cases involving domestic violence, dating violence, stalking or sexual assault will be maintained in accordance with federal and state law, regardless of the outcome of the hearing.
10. Notwithstanding section E.(11) below, students who are expelled have the following statement placed on their transcript: "Disciplinary Expulsion." Ordinarily, notation of expulsion is a permanent notation on the transcript. After five years from the date of the expulsion, expelled students may

submit a written petition to have the notation removed from their transcript. The petition is submitted to the Registrar and must outline the reasons for the request and provide documentation of activities (work, education, etc.) since the student's expulsion from NYCDA.

11. In accordance with NYS Law, for crimes of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII), (crimes covered under the legislation that require a transcript notation are: murder; rape, fondling, incest and statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; manslaughter; and arson) a notation will be placed on the transcript of students found responsible after a conduct process that they were "suspended after a finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." For the respondent who withdraws from NYCDA while such conduct charges are pending, and declines to complete the disciplinary process, a notation will be made on the transcript that they "withdrew with conduct charges pending." Appeals seeking removal of a transcript notation for a suspension should be submitted, in writing, to the Registrar. Such notation shall not be removed prior to one year after conclusion of the suspension. Notations for expulsion shall not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

## **SECTION V: INTERPRETATION AND REVISION**

1. Any question of interpretation or application of the Code of Student Conduct shall be referred to the Artistic Director for final determination.
2. Section 356 of the Education Law of the State of New York directs councils to establish regulations governing the conduct and behavior of students. An advisory committee reviews NYCDA's Code of Student Conduct each spring, and makes recommendations for improvement, specifically regarding educating the campus community, including those persons who advise or supervise students, about sexual assault, domestic violence and stalking, educating the campus community about personal safety and crime prevention, reporting sexual assaults, domestic violence and stalking incidents and assisting victims during investigations, referring complaints to appropriate authorities, counseling victims; and responding to inquiries from concerned persons. This report is available upon request. These changes are brought to the ALT for approval before the Code of Student Conduct is published. After ALT approval, these regulations are filed with the appropriate state agencies. Students are expected to refer to the Code of Student Conduct for a better understanding of the code of standards and behavior expected of them.

## **SECTION VI: STUDENTS' BILL OF RIGHTS**

NYCDA is committed to providing options, support, and assistance to victims/survivors of sexual assault, domestic violence, dating violence, and/or stalking to ensure that they can continue to participate in NYCDA programs, activities, and employment. All victims/survivors of these crimes and violations, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, have the following rights:

All students have the right 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 conduct process and/or criminal justice process free from pressure by NYCDA;
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 NYCDA 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 NYCDA representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by NYCDA, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within NYCDA's jurisdiction;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the conduct process including during all meetings and hearings related to such process;
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or NYCDA's conduct process.

## SECTION VII: RESOURCES

NYCDA has many resources available on campus to provide a supportive environment enabling students to address various concerns and receive assistance. Student Services can provide students with on- and off-campus resource information and available reporting options. NYCDA students will be treated with respect and dignity by all school officials. Student Services may be accessed by visiting the office in person, by phone or by e-mail during traditional business hours. Important note: e-mail is not guaranteed to be confidential so consider this when communicating.

### **Office of Student Services:**

Student Services provides information and processes grievances through the student conduct process. An investigation will be launched to determine if student conduct charges are warranted and may include a formal disciplinary hearing.

Student Services Manager, Kim Sosa  
ksosa@nycda.edu  
39 West 19<sup>th</sup> Street, 2<sup>nd</sup> floor  
New York, NY 10011  
T 646-216-2872

### **Title IX Coordinator:**

The Title IX Coordinator is charged with ensuring NYCDA compliance to Title IX; that NYCDA addresses and prevents sexual violence, retaliation and promotes an environment safe for learning and living.

Title IX Coordinator /Student Services Manager  
Kim Sosa  
O: 646-216-2872  
C: 631-532-7620  
ksosa@nycda.edu

Deputy Title IX Coordinator/Associate Director of Financial Aid  
Dr. Melissa Vargas  
O: 646-216-2869  
C: 631-532-7737  
mvargas@nycda.edu

**Other resources:**

Artistic Director, Richard Omar  
romar@nycda.edu  
39 West 19<sup>th</sup> Street, 2<sup>nd</sup> floor  
New York, NY 10011  
T (646) 216-2863

New York Police Department, 84<sup>th</sup> Precinct  
301 Gold St.  
Brooklyn, NY  
(718) 875-6811  
(near Found Study residence hall)

New York Police Department, 19<sup>th</sup> Precinct  
153 East 67<sup>th</sup> Street  
New York, NY 10065  
(212) 452-0600  
(near 92<sup>nd</sup> Street Y residence hall)

New York Police Department, 10<sup>th</sup> Precinct  
10<sup>th</sup> Precinct  
230 West 20<sup>th</sup> Street  
New York, NY 10011  
T (212) 741-8211  
(near school)

Students may also call 911 in an emergency.

**Confidentiality versus Privacy:**

*Confidentiality* is a guarantee that no information will be shared with third parties without the reporter's permission. Individuals who are confidential resources are not required by law to report incidents of sexual assaults or other crimes to NYCDA officials without students' permission in a manner consistent with state and federal law, except for extreme circumstances, such as a health and/or safety emergency. Examples of resources who are legally permitted to offer confidentiality are pastoral counselors, physicians, licensed medical professionals or supervised interns when they are engaged in

physician/patient relationship, licensed mental health counselors and confidential victim advocates. NYCDA faculty, staff and employees cannot legally provide confidentiality.

*Privacy*; the resource may be obligated to report known names and facts to the [Title IX Coordinator](#). NYCDA may take action. NYCDA faculty, staff and employees, who cannot guarantee confidentiality, will maintain students' privacy to the greatest extent possible. The information a student provides to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution. NYCDA will limit the disclosure as much as possible, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

Off-campus counselors and advocates:

Crisis services offices will generally maintain confidentiality unless you request disclosure and sign a consent or waiver form. More information on an agency's policies on confidentiality may be obtained directly from the agency. Check <http://nyscasa.org/> for more information on other crisis services.

Off-campus healthcare providers:

Note that medical office and insurance billing practices may reveal information to the insurance policyholder, including medication and/or examinations paid for or administered. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency compensation.

- Office of Victim Services: <https://ovs.ny.gov>

Students can receive confidentiality from the following off-campus resources:

- RAINN—Sexual Violence Hotline Phone: 800-656-HOPE (4673)  
<https://www.rainn.org/get-help>
- National Domestic Violence Hotline Phone: 800-942-6906  
<http://www.thehotline.org/>
- National Suicide Prevention Hotline Phone: 800-273-TALK (8255)  
<https://suicidepreventionlifeline.org/>
- Safe Horizon 24 Hour Hotline: 1-800-621-4673
- **Heidi Ross, LCSW**  
**Patrick Walsh, LCSW**  
**Terceira Monlar, LCSW**  
**Chauntel Gerdes, LCSW**  
Mount Sinai Beth Israel Campus Sexual Assault Prevention and Response Team  
212 420 4516  
Mount Sinai Beth Israel  
317 East 17<sup>th</sup> Street  
New York, NY 10003
- **Manuel Moscoso, Clinician**  
St. Mark's Place



Institute for Mental Health  
57 St. Mark's Place  
New York, NY 10003  
mmoscoso@unitas-nyc.org  
Psychiatry and psychotherapy  
(There is a fee for services at this facility.)

Even individuals who can typically maintain confidentiality are subject to exceptions under the law, including when an individual is a threat to him or herself or others and the mandatory reporting of child abuse.

For more information on resources, see the NYCDA Sexual Violence and Prevention Policy on NYCDA's main website under Student Resources.

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