

**ANNUAL SECURITY REPORT**  
**AND**  
**ANNUAL FIRE SAFETY REPORT**  
**OF THE AMERICAN ACADEMY OF DRAMATIC ARTS**

**As Required by the Higher Education Opportunity Act of 2008**

**(Public Law 110-315)**

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## I. CLERY CRIMES DEFINED, COLLECTED & DISTRIBUTED

Crimes, as defined by the Clery Campus Security & Crime Act of 1998, which used the FBI's National Incident-Based Reporting System, include all those listed on Form III, 1) Murder, 2) Rape, 3) Robbery, 4) Sexual Assault, 5) Aggravated Assault, 6) Burglary, 7) Theft, and 8) Hate Crime, as well as 9) Liquor Law Violation, 10) Drug Law Violation, 11) Weapons Possession, 12) Dating Violence, 13) Domestic Violence, and 14) Stalking.

The Academy community has been directed to report crimes to Campus Security Authority (CSA's): Director of Student Services, Facilities Manager, Head of Campus Security and Security Personnel, Senior Director of Operations, the Director of Instruction. The CSA **files a crime** report with the Head of Campus Security, who is responsible for maintaining the campus crime log. The Director of Instruction is notified of all reported incidents of possible crimes and the Title IX Administrators will be informed immediately. The Academy has been fortunate that serious crimes have not taken place at the School.

Students are provided with a safety presentation through their registration/orientation process and information is disseminated annually to students during their academic year. Form III or Attachment A (which combines Los Angeles Police Department statistics received, if any) is also distributed to all employees, as well as the full copy of the Annual Security Report and Annual Fire Safety Report.

## **II. AMERICAN ACADEMY OF DRAMATIC ARTS SECURITY POLICIES**

1. The Academy's policy in complying with the Clery Act, is to prepare and disseminate crime statistics. Any crime reported to a CSA is documented on an Incident Form and forwarded to the Head of Security for documentation and directed to the Senior Director of Operations and Title IX Coordinator. Annually, the Senior Director of Operations will compile and distribute the information covering a three-year profile. Crimes reported will incorporate crime statistics obtained from the Local Police for a given year, unless otherwise noted.
2. The School has one residence hall (on campus) and it opened in June of 2016.
3. During business hours, the Academy is open to students, employees, alumni, parents, guests, prospective students, invitees, and contractors. During off hours, the school is only accessible by students living on campus, the Facilities Manager, the Senior Director of Operations and the Director of Instruction.
4. The Academy has no police authority on campus. The Academy does employ full time security personnel, who have the authority to ask persons for identification and to determine whether persons have lawful business there during the hours that the school is open.
5. Students, faculty and staff are directed to report crimes as soon as possible to CSA's, who are responsible for completing an Incident Report in a timely manner.
6. During orientation or scheduled presentation, students are informed of the need to be aware of their surroundings and take responsibility for their security and the security of others. Students are also provided with a handout covering Academy Safety Information.
7. Crime prevention information is provided to all students at orientation in the form of an Academy Safety Information handout which contains information on specific crimes such as date rape, hate crimes, and the like.
8. The Academy maintains a zero-tolerance policy on drug and alcohol abuse. The manufacture, distribution, possession or use of drugs or alcohol is strictly prohibited. This information is provided in all Handbooks (student, faculty, and staff).
9. The Campus is designated as a drug-free environment. Violation can result in disciplinary action and possibly criminal investigation. This information is given to all members of the campus community via the Handbooks (student, faculty, and staff) A list of resources (Los Angeles support services) is also provided.
10. The Academy has a zero-tolerance policy for sexual harassment/assault or discrimination by any person – student, employee, visitor, or vendor. A student awareness and education program is provided, via a presentation and handouts. A list of community support services is also provided, and procedures are in place in the event of any sexual harassment/assault or discrimination.
11. The Academy does not maintain a list of registered sex offenders but will provide sources for that information as requested.

### III. ANNUAL FIRE SAFETY REPORT

1. Fire statistics requested are:
  - a. Number of fires: 0
  - b. Number of deaths related to fires: 0
  - c. Number of injuries resulting from fires: 0
  - d. Value of property damage related to fires: \$0
2. The Academy has one on-campus housing facility and was first inhabited by students in June of 2016.
3. The Academy has had no fires in this property location.
4. The Academy continues to participate in the annual California Shakeout in October and rehearses our evacuation procedures at least twice-a-year.
5. The Academy's policy is that all portable electrical appliances are to be turned off in the event of a fire.
6. In February 1993, the Board of Trustees voted to create a non-smoking policy for the Academy. Smoking is prohibited throughout the Academy's buildings (except during rehearsals or performances of plays where smoking is either required stage business or an artistic choice approved by the director). Smoking is no longer permitted on campus.
7. Procedures for building evacuation are described under Emergency Response and Evacuation Procedures and are posted on the back of each door.
8. Policies for fire safety education for the campus community are described in all the Handbooks, and include: 1) know the location of the nearest fire extinguisher and how to use it, 2) know the location of the nearest fire alarm box and how to activate the alarm, 3) have a cell phone so that you can call 911 if necessary, and 4) know the location of the nearest stairwell. Only trained staff should use fire extinguishers.
9. The following people should be informed that a fire has occurred: 1) the Facilities Manager, 2) Director of Instruction, 3) Senior Director of Operations, and 4) Head of Campus Security.

#### FIRE DRILL & FIRE LOG

The Fire Drill and Fire Log is maintained as a hard copy log by the Facilities Manager and records the date, time and length of each drill and details of any fire.

**FORM III**

CRIME AWARENESS AND CAMPUS SECURITY ACT OF 1990  
PUBLIC LAW 101-542  
AMENDED IN 1998 AS THE CLERY CAMPUS SECURITY & CRIME ACT  
AND FURTHER AMENDED IN 2008 (HEOA)

*United States law requires institutions of higher education to distribute the following information to all current students and employees, and to any applicant for enrollment or employment.*

*Statistics concerning the occurrence on campus, during the last three school years of the following offenses:*

	2019	2018	2017	2016
Murder	0	0	0	0
Rape	0	0	0	0
Robbery	0	0	0	0
Sexual Assault	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Theft	0	0	1	0
Hate Crime	0	0	0	0

*Statistics concerning the number of arrests for the following crimes occurring on campus:*

	2019	2018	2017	2016
Liquor Law Violations	0	0	0	0
Drug Abuse Violations	0	0	0	0
Weapons Possession	0	0	0	0

*Statistics concerning the number of arrests for the following crimes occurring on campus:*

	2019	2018	2017	2016
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Stalking	0	0	0	0

## SUMMARY OF SECURITY POLICY AND PROCEDURES

### POLICY

The Academy's Security Policy is to provide adequate security and safety for its students, faculty and staff, and provide a safe and secure teaching/learning environment.

### PROCEDURES

1. The first line of protection is Security. The assigned guard (day, evening, and other days as needed) is stationed at the guard kiosk which is located just inside the entrance gate to the campus. Security controls access to the Academy building and premises during normal business hours. A Security member is also stationed at the second guard kiosk to the entrance to the residence hall twenty-four hours a day and seven days a week. Security at both locations has access to view all surveillance cameras and respond when needed. In the event of an emergency, any person has immediate access to security personnel.
2. For building security, the campus is surrounded by gates and access is allowed only through security. All entrances into buildings are opened by security in the morning and locked again at night. The alarm for each building is disarmed by security in the morning and reactivated at night. The rear gate allows for exiting only.
3. The possibility of accessing the campus from the roof is negligible, since there is no direct street access to the buildings.
4. Keys to the main entrances to the educational buildings are only issued to the Facilities Manager, the Director of Instruction, the Head of Campus Security and the Senior Director of Operations.
5. To educate the community about personal safety, crime prevention and security, the school utilizes presenters from community resources.
6. Review reported complaints (Incident Reports) by the appropriate Campus authorities, which includes the Director of Instruction, the Facilities Manager, the Head of Campus Security and the Senior Director of Operations.

### SAFETY COMMITTEE

The Academy currently has an active Safety Committee that meets at least once every three months. This committee is comprised of the Director of Instruction, Facilities Manager, Head of Campus Security, Senior Director of Operations, and the Director of Student Services.

The Committee will review Campus Security Policies and Procedures and make recommendations for improvement. The Committee will notify faculty, staff and students of changing policies and/or procedures as well as review the emergency drills conducted and make recommendations for improvement.

## CIVIL RIGHTS POLICY: DISCRIMINATION, HARASSMENT AND SEXUAL MISCONDUCT

### Introduction

It is the American Academy of Dramatic Art's ("The Academy") policy to adhere to all federal and state civil rights laws prohibiting discrimination in private institutions and to maintain a learning environment free from discrimination, harassment, or sexual misconduct against any employee, applicant for employment, student or applicant for admission on the basis of race, religion, hearing status, personal appearance, color, sex, pregnancy, political affiliation, source of income, place of business, residence, religion, creed, ethnicity, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, family responsibilities, sexual orientation, gender, gender identity, gender expression, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status or any other protected category under applicable local, state or federal law; including protections for those opposing discrimination or participating in any resolution process on-campus or within the Equal Employment Opportunity Commission or other human rights agencies.

All members of The Academy community are expected to conduct themselves in a manner which does not infringe upon the rights of others. When an allegation of misconduct is brought to The Academy's attention, and a respondent is found to have violated this policy, appropriate sanctions will be administered to reasonably ensure a sustained safe classroom and campus environment; and equitable treatment and opportunity related to the academic and employment benefits offered by The Academy.

The Academy complies with all pertinent titles and sections of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, The Rehabilitation Act of 1973, Americans With Disabilities Act of 1990 (ADA and ADAAA), The Clery Act of 1990, and the Violence Against Women Reauthorization Act of 2013; as well as relevant California and New York statutes. The Academy also takes into consideration the sub-regulatory guidance and recommendations of the Department of Education's Office of Civil Rights.

The various titles and sections of the Civil Rights Act of 1964 prevents discrimination or harassment on race, color, sex, religion, or national origin. The Rehabilitation Act of 1973 prevents discrimination and harassment based upon any disability and both the Violence Against Women Reauthorization Act and specifically, Title IX, are landmark federal civil rights legislation which prohibits sex discrimination, sexual harassment, gender-based discrimination, and sexual violence in education. Title IX protects any person regardless of their real or perceived sex, gender identity, sexual orientation, and/or gender expression:

*"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."*

Under this policy, The Academy expressly forbids discrimination, harassment, or sexual misconduct based on all federal, states, and local laws of any Academy community member. Additionally, non-consensual sexual conduct and sexual assault are expressly forbidden.



This policy covers nondiscrimination in employment and in access to educational opportunities. Therefore, any member of the campus community who acts to deny, deprive or limit the educational, employment, residential access, benefits and/or opportunities of any member of the campus community; guest or visitor on the basis of their actual or perceived membership in the protected classes listed above, is in violation of The Academy's policy on nondiscrimination. When brought to the attention of The Academy, any such discrimination will be appropriately addressed and remedied by The Academy. Non-members of the campus community who engage in discriminatory actions within The Academy's programs or on Academy property are not under the jurisdiction of this policy, but can be subject to actions that limit their access and/or involvement with The Academy's programs as the result of their misconduct.

Disciplinary action will be taken promptly against any Academy community member; regardless of student or employee, supervisory or otherwise, who has been found to have engaged in harassing (including bullying/cyberbullying), discriminatory, sexual misconduct, or violent behavior. Individuals who violate these policies will be subject to disciplinary action which may include removal from campus, suspension, termination, or any other appropriate institutional sanctions or any other means necessary to correct the situation. Nothing in this policy alters an employee's "at will" employment status. Prosecution by governmental authorities may also occur in a separate process.

### **Institutional Administrators**

The Institutional Administrator(s) oversee implementation of The Academy's policy on equal opportunity, harassment, sexual misconduct, and nondiscrimination as well as compliance in regard to all training and education. The Institutional Administrator(s) head the Institutional Administrator Team and acts with independence and authority free of conflicts of interest. To raise any concern involving a conflict of interest by an Institutional Administrator(s), contact The American Academy of Dramatic Art's President. To raise concerns regarding a potential conflict of interest with any other administrator involved, please contact an Institutional Administrator. In implementing this policy, all records of all allegations, investigations, resolutions, and hearings will be kept by the main administrator of the policy.

Inquiries about and reports regarding this policy and procedure may be made internally to:

#### **Daniel DeShurley**

*Senior Director of Operations*  
Title IX and Clery Act  
Administrator & Investigator  
DDeShurley@aada.edu  
Los Angeles Campus

#### **James Wojtkiewicz**

*Director of Student Services*  
Deputy Title IX and 504/ADA  
Administrator & Investigator  
JWojtkiewicz@aada.edu  
New York Campus

#### **Juan Tinoco**

*Director of Student Services*  
Deputy Title IX Administrator  
and Investigator  
JTinoco@aada.edu  
Los Angeles Campus

### **Inquiries may be made externally to:**

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Facsimile: (202) 453-6012  
TDD#: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

Equal Employment Opportunity Commission (EEOC)  
Contact: <http://www.eeoc.gov/contact/>

# Definitions

## **Academy / The Academy**

The American Academy of Dramatic Arts and its campuses.

## **Academy Community**

The students, faculty, non-faculty, staff, administration, contractor, vendor, guests, visitors and other employees of The Academy.

## **Advisor**

A member of the faculty, staff, or student body of The Academy or a family member, attorney, or friend selected by a complainant or respondent to assist him or her during the investigation process. The Advisor's role is limited to observing and consulting with and providing support to the complainant or respondent. The Advisor cannot have involvement in the underlying case, and cannot be a witness to the conduct at issue. An Advisor may not participate (speak) in the interview on the party's behalf; and may not in any way disrupt or interfere with the investigative or appeals process. The Advisor should also maintain the privacy of the parties and shall not re-disclose information related to the complaint or investigation.

## **Appeals Officer**

A member of the Academy's senior administration or officers of The Academy selected by the Institutional Administrator from a pre-designated list to hear an appeal of a decision of the investigator.

## **Awareness Programs**

Programs for students and employees that ensure an understanding of what types of conduct can cause discrimination, harassment or sexual misconduct or assault, how to prevent, and how to respond including bystander intervention.

## **Bystander Intervention**

A violence prevention strategy whereby someone interrupts a potentially harmful situation.

## **Coercion**

Unreasonable pressure for sexual activity ("Have sex with me or I'll hit you. Okay, don't hit me; I'll do what you want."). Coercive behavior differs from seductive behavior based on the type of pressure used to get consent. When someone makes it clear they do not want sex, they want to stop, or they do not want to go past a certain point of sexual interaction; continued pressure beyond that point can be coercive.

## **Complaint**

A report, either verbal or in writing, to The Academy by an Academy Community member who believes he or she has been subjected to discrimination, harassment, or assault in violation of this policy on the part of other students, faculty, staff, or employees of The Academy or third parties.

## **Complainant**

An Academy Community member who lodges with The Academy a complaint alleging conduct in violation of this policy.

**Conflict of Interest**

Occurs when an individual's personal objectives or interests are at odds with his or her professional responsibilities.

**Consent**

Clear, ongoing, affirmative, conscious, knowing, mutual and voluntary permission. Consent is active, not passive. It is the responsibility of each person involved in the sexual activity to ensure that s/he has the affirmative consent of the other or others to engage in the sexual activity. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity. In order to give effective consent, one must be of legal age and have the capacity to give consent:

- The legal age of consent in the state of California is 18 years; in New York state, it is 17 years of age.
- Consent to any one form of sexual activity does not imply consent to any other form(s) of sexual activity.
- A previous relationship or prior consent does not imply consent to future sexual acts.
- Consent can be withdrawn at any time. Thus, even if a person agreed to sexual interaction or continued sexual interaction, that person has the right to change their mind, irrespective of how much sexual interaction may have already taken place.

**Discrimination**

Any distinction, preference, advantage for or detriment to, an individual compared to others that is based upon an individual's actual or perceived gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion or sexual orientation that is so severe, persistent, or pervasive that it unreasonably interferes with or limits an employee's or student's ability to participate in, or benefit from, The Academy's educational programs or activities.

**Force**

The use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation [implied threats] and coercion that overcomes resistance or produce consent. Consent obtained through force is not consent. There is no requirement that a party resists a sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force, however, is not demonstrated by the absence of resistance.

**Gender-Based Harassment and/or Misconduct**

Unwelcome conduct of a nonsexual nature based on a complainant's actual or perceived gender, including conduct based on gender identity, gender expression, or nonconformity with gender stereotypes.

**Hostile Environment**

Any situation in which there is harassing conduct that is sufficiently severe, pervasive, or objectively offensive that it alters the conditions of employment or limits, interferes with, or denies educational benefits or opportunities; from both a subjective (the alleged victim's) and objective (reasonable person's) viewpoint.

**Incapacitation**

A state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). Sexual activity with someone who is known to be – or based on the circumstances should reasonably have been known to be – mentally or physically incapacitated (i.e. by alcohol or other drug use, unconsciousness, asleep, or blacked out), constitutes a violation of this policy.

**Institutional Administrator**

Selected responsible employees who are designated to assist The Academy community to comply with federal, state, and local laws, regulations and ordinances.

- ADA/504 Administrator - The person(s) responsible for oversight and implementation of American With Disabilities Act/Section 504 compliance at The Academy and for the effective oversight of The Academy’s Discrimination Prevention Policy and procedures outlined in this policy. The purpose of the ADA/504 Administrator is to protect and promote fair treatment of those with disabilities. The ADA/504 Administrator is an advocate for the policies, processes and resources which address disability equality at The Academy, and not a specific advocate for complainants, respondents or The Academy.
- Clery Act Administrator – The person(s) responsible for administering and leading the compliance efforts relative to The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), The Violence Against Women Reauthorization Act (VAWA), The Campus Sexual Violence Elimination Act (SaVE), Title IX and related regulatory reporting requirements.
- Title IX Administrator - The person(s) responsible for oversight and implementation of Title IX compliance at The Academy and for the effective oversight of The Academy’s Sexual Harassment and Sexual Assault Prevention Policy and procedures outlined in this policy. The purpose of the Title IX Administrator is to protect and promote gender equality. The Title IX Administrator is an advocate for the policies, processes and resources which address gender equality at The Academy, and not a specific advocate for complainants, respondents or The Academy.

**Intimate Partner Violence**

Willful intimidation, physical assault, battery, sexual assault, and/or other abusive behavior as part of a systematic pattern of power and control perpetrated by one intimate partner against another. Unless the behavior occurs under The Academy’s jurisdiction as defined under the section “Jurisdiction,” or could lead to an on-campus hostile environment as defined, The Academy’s role is limited to offering support and referral to third-party services.

**Investigator**

The Title IX Administrator, ADA/504 Administrator, or The Clery Act Administrator, or designated person(s) responsible for the investigation of complaints of harassment, discrimination, sexual misconduct, and sexual assault at The Academy.

**May**

Used in the permissive sense.

**Notification**

A written statement of the specific actions or behaviors on the part of the accused individual(s) who allegedly violated federal law or this policy.

**Non-consensual Sexual Contact**

Any intentional sexual touching, however slight, with any object, by a man or a woman upon a man or a woman that is without consent and/or by force. This includes intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

**Non-consensual Sexual Penetration**

Non-consensual sexual penetration may also include the use of threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress. Penetration, no matter how slight, is of the vagina or anus with any body part or object; or oral penetration by a sex organ of another person, without the consent of the victim.

**Other Policy**

Any official policy of The Academy specified in its publications including, but not limited to, the American Academy of Dramatic Art's Student Handbook, Employment Agreements, Housing Agreements, and/or Residence Guides.

**Peer Sexual Harassment**

Prohibited sexual harassment where the harassing conduct creates a hostile environment. Thus, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when the conduct is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from the educational program or create a hostile or abusive educational environment.

**Physical Harassment**

Touching of another, assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual.

**Privacy**

The Academy will make all reasonable efforts to maintain the privacy of the parties involved in an investigation of a complaint regarding the details of that investigation, and except where permitted by law, the sanctions imposed. The Academy will inform in writing all individuals involved in the investigation and/or hearing process of the critical importance and expectation that, while the processes are ongoing, they maintain the privacy of the process and any information shared with them as a result of their participation. Further, all documents provided in preparation for or related to the hearing proceedings may not be disclosed to any other party under FERPA as such documents constitute education records which may not be disclosed outside of the proceedings, except as may be required or authorized by law. All hearing proceedings will be confidential and will not be discussed outside the process; this includes any witnesses and advisors.

Complainants and respondents are not prohibited from sharing details of complaints with family/partner, counsel, or an advisor, who may support or assist the parties in presenting their case.

Those persons are also expected to maintain the same level of privacy as complainants and respondents and The Academy will provide a writing regarding privacy to complainants and respondents so that they can deliver it to such persons.

Following resolution of an investigation and any related hearing, The Academy does not impose any restrictions on the parties regarding re-disclosure of the following: the name of the student (respondent or complainant), the findings of the hearing, any sanctions imposed by The Academy, and the rationale for the findings and sanctions.

### **Quid Pro Quo**

An exchange of goods or services, where one transfer is contingent on the other.

### **Relationship Violence**

Controlling, abusive, and aggressive behavior in a romantic relationship. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship. Relationship violence includes the use of physical violence, coercion, threats, intimidation, isolation, or stalking on another while in a dating relationship, or a social relationship of romantic or sexually intimate nature. Such violence includes other forms of emotional, sexual or economic abuse directed towards a person who is or has been in a dating relationship, or a social relationship of a romantic or sexually intimate nature with the victim. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Relationship Violence can be a single act or a pattern of behavior in relationships. Unless the behavior occurs under The Academy's jurisdiction as defined in this policy, or could lead to an on-campus hostile environment, The Academy's role is limited to offering support and referral to third-party services.

### **Respondent**

The party to a complaint who allegedly committed conduct that violated this policy.

### **Responsible Employee**

Employees designated by The Academy to mandatorily report all known or suspected incidents of discrimination, harassment sexual misconduct and sexual assault to the Institutional Administrator(s).

### **Result**

Outcome of an investigation: whether the violation occurred, and what sanctions, if any, will be imposed.

### **Retaliation**

Any adverse action by any student, faculty or staff member against another individual as a result of that individual's exercise of a right under this policy, including participation in a complaint and/or investigation of unlawful discrimination, harassment and/or sexual or gender-based assault or misconduct. Retaliation includes adverse actions intended to improperly deter involvement of another in these procedures set forth in this policy, and may involve actions intended either to intimidate or to penalize individuals for their participation. Retaliation is strictly prohibited by law and this policy; any person who is found to have engaged in retaliation shall be subject to disciplinary action. Persons who believe that they have been retaliated against for making a complaint/report or for cooperating in an investigation or hearing should immediately contact the Institutional Administrator(s). A complaint filed in good faith under this policy shall not constitute retaliation.

### **Risk Reduction**

The actions an individual can take which reduce the risk of sexual assault.

**Sexual Assault**

A general term which covers actual or attempted, forcible or non-forcible sexual contact with another person without that individual's consent. Sexual assault includes, but is not limited to, a range of crimes, including rape, forced anal intercourse, forced oral copulation, penetration of the anal or vaginal area with a foreign object, and forcibly touching an intimate part of another person.

**Sexual Contact**

Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

**Sexual Exploitation**

When one takes non-consensual or abusive sexual advantage of another for the benefit of anyone other than the one being exploited without his/her consent. Examples of Sexual Exploitation may include, but are not limited to:

- Prostituting another person;
- Invasion of sexual privacy
- Non-consensual photographing, video or audio-taping of sexual activity;
- Viewing or distributing images of an individual's sexual activity, body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent to have the image shared, or advance consent to view such an image, and for the purposes of arousing or gratifying sexual desire;
- Knowingly transmitting an STD, HIV, or other communicable disease to another;
- Exposing one's body parts in non-consensual circumstances; inducing another to expose their genitals;
- Sexually-based stalking and/or bullying;
- Knowingly contributing to the incapacitation of another person.

**Sexual Harassment**

Unwelcome and/or unwanted, gender or sex-based verbal or physical conduct which is sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies or limits someone's ability to participate in or benefit from The Academy's employment and/or educational programs/activities, and is based on power differentials ("Quid Pro Quo"), the creation of a hostile environment, or retaliation. Sexual Harassment may include sexual assault, sexual favors, and sexual exploitation. In addition, depending on the facts, relationship violence, intimate partner violence, and stalking may also be forms of Sexual Harassment.

**Sexual Misconduct**

A threat or commission of behavior used to obtain sexual gratification against another's will or at the expense of another such as inducing fear, shame, or mental suffering.

**Shall**

Is used in the imperative sense.

**Stalking**

Conduct directed at a specific person that is unwanted, unwelcome, or unreciprocated which would cause a reasonable person to fear for his/her safety or to suffer substantial emotional distress.

**Standard of Proof**

A respondent will be found either responsible or not responsible based on a preponderance of the evidence, meaning that it is more likely than not that s/he has violated The Academy's policy and any other applicable policies and procedures. The determination of responsible or not responsible shall be

based upon the thorough investigation of allegations, and the weighing of evidence in totality by the Institutional Administrator(s), or their designee.

### **Verbal Harassment**

Derogatory comments or slurs, comments about an individual's body, use of sexually degrading words, suggestive or offensive notes, letters or invitations.

### **Visual Harassment**

Display of derogatory posters, cartoons, or drawings which are offensive.

## **Policy on Accommodation of Disabilities**

The Academy is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA and ADAAA) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment which substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the institution whether qualified or not. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking or caring for oneself. The ADA/504 Coordinator is responsible for coordinating efforts to comply with these disability laws, including investigation of any allegation of noncompliance.

### **Students with Disabilities**

The Academy is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs and activities of The Academy.

All accommodations are made on a case-by-case basis. A student requesting any accommodation should first contact the Director of Instruction who coordinates services for students with disabilities. The Director of Instruction reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate to the student's particular needs and academic programs.

### **Employees with Disabilities**

Pursuant to the ADA, The Academy will provide reasonable accommodation(s) to all qualified employees with known disabilities, where their disability affects the performance of their essential job functions, except where doing so would be unduly disruptive or would result in undue hardship.

An employee with a disability is responsible for requesting an accommodation in writing to The Academy and provide appropriate documentation. The Academy will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties.



## **Policy on Discriminatory Harassment**

Students, staff, administrators, and faculty are entitled to a working environment and educational environment free of discriminatory harassment. The Academy's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom which include germane, but controversial or sensitive subject matters protected by academic freedom. The definitions above describe the specific forms of legally prohibited harassment which are also prohibited under The Academy's policy.

### **Jurisdiction**

The Academy maintains jurisdiction over all compliance and infractions in any building or on property The Academy owns or controls within a reasonably contiguous area which directly supports or relates to its educational purposes; any building or property which is owned or controlled by The Academy used in support of its educational purposes, but is not located within a reasonably contiguous area to the campus; and all public property within the reasonably contiguous geographic area of The Academy adjacent to, or accessible from, a facility The Academy owns or controls and is used for educational purposes.

In addition, The Academy also maintains jurisdiction over student-to-student, student-to-employee, or employee-to-employee off-campus conduct and/or actions, including electronic activity (such as e-mail, texting, telephone contact, social media and other technology), when the Institutional Administrator, or its designee, determines the off-campus conduct affects, disrupts, or interferes with the educational mission of The Academy which could lead to the creation of an on-campus hostile environment, or if the off-campus conduct affects a substantial Academy interest. Students employed by The Academy will be considered students for purposes of this policy.

A substantial Academy interest is defined to include: Any action which constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal laws; any situation where it appears that the responding party may present a danger or threat to the health or safety of self or others; any situation which significantly impinges upon the rights, property or achievements of self or significantly breaches the peace and/or causes social disorder; and/or any situation which is detrimental to the educational interests of The American Academy of Dramatic Arts.

### **Free Speech and Expression**

This policy is intended to protect students from discrimination, harassment, and/or sexual misconduct; not to regulate the content of speech. In order to establish a violation of this policy, the discrimination, harassment, or misconduct must be sufficiently serious to deny or limit a student's ability to participate in, or benefit from, the education program.

## **Awareness and Prevention Training Programs**

Through the Institutional Administrator, The Academy is committed to educating The Academy Community of the impact that any Discrimination, Harassment, Sexual Misconduct, Sexual Assault and Gender-Based Misconduct has on an individual and the broader Academy Community. Therefore, The Academy will:

- Provide The Academy community with training, ongoing education, prevention and awareness about Disability Services, Discrimination, Harassment, Sexual Harassment, Sexual Assault and Gender-based misconduct; including Relationship Violence, Intimate Partner Violence, Sexual Assault, or Stalking.
- Post prevention and education resources and information on The Academy's website regarding Disability Services, Discrimination, Harassment, Sexual Harassment, Sexual Assault and Gender-

based misconduct; including Relationship Violence, Intimate Partner Violence, Sexual Assault, or Stalking.

- Advise all reported victims of Disability Services, Discrimination, Harassment, Sexual Harassment, Sexual Assault and Gender-based misconduct; including Relationship Violence, Intimate Partner Violence, Sexual Assault, or Stalking sources of counseling, advocacy, support, and legal options.

In addition, The Academy includes the following information regarding prevention and Risk Reduction, specifically for Sexual Misconduct and Sexual Assault.

### **Prevention**

If you find yourself in the position of being the initiator of discrimination, harassment, sexual misconduct, and/or sexual behavior; you owe sexual respect to your potential partner and yourself. These suggestions may help you avoid committing a non-consensual sexual act and reduce your risk of being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly communicate their intentions to you.
- Understand and respect personal boundaries. Do not pressure a potential partner.
- Do not make assumptions about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity then you do not have consent and you should stop.
- If you think you are receiving unclear or conflicting messages from your partner, it is a clear indication you should stop, defuse any sexual tension, and communicate better.
- Do not take advantage of someone's drunkenness, drugged, or otherwise incapacitated state; even if they did it to themselves.
- Realize your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Do not abuse this power.
- Understand consent to some form of sexual behavior does not automatically equal consent to any other form of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication, and body language. If you are not sure, stop until you receive consent.

### **Risk Reduction**

Risk reduction tips can, unintentionally, take victim-blaming tone. With no intention to victim-blame, and with recognition only those who commit sexual violence are responsible for such conduct, these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act.

- If you have sexual limits, make them known as early as possible.
- If you do not want to engage in a particular activity, tell the other person "NO" clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor, safely.
- If someone is nearby ask for help or if it is safe to do so, text or call someone.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to enter a dangerous situation. Respect them when they do.

## **Reporting Discrimination, Harassment, or Sexual Misconduct**

An individual who is the victim of discrimination, harassment, sexual misconduct, sexual assault or gender-based misconduct, has knowledge of another person being the victim of discrimination, harassment, sexual misconduct, sexual assault or gender-based misconduct, or believes in good faith that s/he has witnessed a possible warning sign of discrimination, harassment, sexual misconduct, sexual assault or gender-based misconduct is encouraged to make a formal report to any Institutional Administrator, and/or local law enforcement authorities. Whether or not a victim or witness elects to report an act of discrimination, harassment, sexual misconduct, sexual assault or gender-based misconduct of the warning signs of sexual misconduct to the police, s/he is urged to contact the Institutional Administrator.

### **Lodging a Formal Complaint**

If a student has been the subject of unlawful discrimination, harassment, or sexual misconduct, or has witnessed another individual of The Academy community being subjected to such acts, s/he may file a formal complaint. Complaints can be made in person or in writing. If in writing, the complaint must be legible, dated, and addressed to any of the Institutional Administrators.

Complaints should generally be submitted within 180 days, and failure to timely report may impede The Academy's ability to effectively investigate and respond. However, The Academy will investigate and take appropriate action in response to all reports regardless of when the alleged conduct occurred. The ability of The Academy to respond to the conduct is limited if the respondent is no longer a member of The Academy community. If a staff member, faculty member, or student leaves The Academy with a pending complaint against them; they will not be permitted to return to The Academy until the case is resolved through these procedures.

### **Required Reporting by Responsible Employees**

In addition to the Institutional Administrators, a report may be made to any Responsible Employee. The following employees of The Academy are designated as Responsible Employees, who are required to report incidents and relevant details of discrimination, harassment, sexual misconduct, sexual assault or gender-based misconduct to the Institutional Administrator and law enforcement, if necessary:

- Managers/Administrators
- All Faculty

Notice to a Responsible Employee is official notice to The Academy. Members of The Academy community have the right and can expect to have incidents of discrimination, harassment, sexual misconduct, sexual assault or gender-based misconduct taken seriously by The Academy when formally reported, and to have those incidents investigated and properly resolved. Formal reporting means only people who need to know will be told, and information will be shared only as necessary.

### **Methods for Reporting Discrimination, Harassment, or Sexual Misconduct**

The Academy has a process in place for students, faculty, staff, administrators, or any Academy Community Member to report any violations of this policy or related criminal acts by:

- 1) Report directly to any of Institutional Administrators, as listed above.
- 2) Contact the American Academy of Dramatic Arts at 800-463-8990 x222.
- 3) Report directly to the established email address at [civilrights@aada.edu](mailto:civilrights@aada.edu)

All incidents where imminent physical danger is known or suspected should be reported to local law enforcement via 9-1-1 immediately.

### **Request for Confidentiality in Connection with a Report of Discrimination, Harassment, or Sexual Misconduct**

If the complainant requests confidentiality or requests the complaint not be pursued, The Academy will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality. However, such a request may limit The Academy's ability to respond appropriately to the complaint.

In addition, The Academy may have an obligation to proceed with an investigation, regardless of a complainant's wishes to the contrary, in order to ensure the safety of The Academy community. Complainants are not required to participate in The Academy's investigation.

The Academy may also weigh the complainant's request for confidentiality against such factors as the seriousness of the alleged conduct, whether there have been other complaints of a similar nature against the same individual, the respondent's rights to receive information about allegations if the information is maintained by The Academy as an "education record" under the Family Educational Rights and Privacy Act (FERPA) and other factors otherwise required by applicable law.

In most cases, information including the complainant's name may be shared with the respondent, witnesses, and with Academy officials who have a legitimate need-to-know or law enforcement as applicable. Beyond that, The Academy will take steps to reasonably protect the complainant's identity and the identity of all individuals involved.

The Academy may publicly disclose results of disciplinary proceedings if a student is found to have committed a crime of violence, or non-forcible sex offense, as determined under this policy.

### **Confidential Reporting Options**

Certain resources are not required to disclose private, personally identifiable information unless there is cause for fear for your safety, or the safety of others. Specifically, reports to counselors/therapist or members of the clergy and chaplains off-campus are confidential resources.

### **Federal Timely Warning Obligations**

Parties reporting sexual misconduct should be aware that under the Clery Act, The Academy's administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The Academy will ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

### **False Allegations**

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

### **Amnesty for Reporting Party and Witnesses**

The Academy community encourages the reporting of misconduct and crimes by reporting parties and witnesses. Sometimes, reporting parties or witnesses are hesitant to report to Academy officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that reporting parties choose to report to college officials, and that witnesses come forward to share what they know. To encourage reporting, The Academy pursues a policy of offering reporting parties and witnesses amnesty from minor policy violations related to the incident.

- **Students:** Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to assist a sexual misconduct victim). The Academy pursues a policy of amnesty for students who offer help to others in need. While policy violations cannot be overlooked, the university will provide educational options, rather than punishment, to those who offer their assistance to others in need.
- **Employees:** Sometimes, employees are also hesitant report harassment or discrimination they have experienced for fear that they may get themselves in trouble. For example, an employee who has violated the consensual relationship policy and is then assaulted in the course of that relationship might hesitate to report the incident to Academy officials. The institution may, at its discretion, offer employee reporting parties amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to witnesses on a case-by-case basis.

## **Rights of the Complainant and Respondent**

Complainants are afforded the following rights:

- To be treated with respect, dignity, and sensitivity throughout the process.
- To be advised and informed of the support services available from The Academy.
- For student complainants, to confidentiality and protection under the Family Education Rights and Privacy Act (FERPA).
- For all complainants, The Academy will make all reasonable efforts to ensure the preservation of privacy, restricting access to information to those with a legitimate need to know. This includes redacting private, confidential (including but not limited to medical) information unrelated to the facts and circumstances of the case pursuant to FERPA and other federal and state, privacy protections, as well as The Academy's Policy.
- To be informed of The Academy's Policy and procedures related to discrimination, harassment, and sexual misconduct.
- To a prompt and thorough investigation of the allegation(s).
- To challenge the appointment of the Investigator(s) or Appeals Officer if a conflict of interest is present.
- To participate or decline to participate in the process related to a discrimination, harassment, and/or sexual misconduct complaint with the understanding that the process may continue without their involvement and that the Investigator and/or Appeals Officer will determine an outcome with the information available to it.
- To appeal the decisions and/or sanctions made pursuant to this policy.
- To be notified, in writing, of the case resolution – including the outcome of any appeal.
- To report the incident to law enforcement or civil authorities if one wishes to do so.
- To understand that information collected in this process may/could be subpoenaed for a criminal or civil proceeding.
- To have an Advisor, including during any interview with the Investigator.

### **Respondents are afforded the following rights:**

- To be treated with respect, dignity, and sensitivity throughout the process.
- To be advised and informed of the support services available from The Academy.
- For student Respondents, to confidentiality and protection under the Family Education Rights and Privacy Act (FERPA).
- For all respondents, The Academy will make all reasonable efforts to ensure the preservation of privacy, restricting access to information to those with a legitimate need to know. This includes

redacting private, confidential (including but not limited to medical) information unrelated to the facts and circumstances of the case pursuant to FERPA and other federal and state, privacy protections, as well as The Academy's Policy.

- To be informed of The Academy's policy and procedures related to discrimination, harassment, and sexual misconduct.
- To a prompt and thorough investigation of the allegation(s).
- To challenge the appointment of the Investigator(s) and/or the Appeals Officer if a conflict of interest is present.
- To participate or decline to participate in the review procedure, with the understanding that the process will continue regardless and the Investigator and/or Appeals Officer will determine an outcome with the information available to it.
- To appeal the decision and/or sanctions made pursuant to this policy.
- To be notified, in writing, of the case resolution – including the outcome of the appeal.
- To understand that information collected in this process may be subpoenaed in criminal or civil proceedings.
- To have an Advisor, including during any interview with the Investigator.

## **Investigation Process and Sanction Determination**

### **Informal Dispute Resolution**

Before pursuing the formal complaint process, every reasonable effort should be made to constructively resolve issues with students, faculty, staff, administrators, or any community member, including following procedures for formal appeal. Whenever possible and safe, and where both parties are amenable, the problem or complaint should first be discussed with the individual involved in the complaint. If the Institutional Administrator or its designee determines such an informal process is appropriate under the facts and circumstances of the case, one or more of the following, or similar, methods may be utilized:

- A meeting of the Institutional Administrator or its designee, the complainant, and the respondent; and/or
- A meeting between the Institutional Administrator or its designee and the respondent; and/or
- A recommendation of training courses or seminars for either principal; and/or
- Referral of the case to a mediator who has both legal and/or personnel relations experience. The mediator will discuss the issues with both principals and seek appropriate actions by the principals involved to reach an acceptable solution.

The Academy does not require a student to contact the person involved, that person's supervisor, or Institutional Administrator if doing so is impracticable, or if the student believes the conduct cannot be effectively addressed through informal means. Moreover, none of the informal resolution alternatives above are options for resolution in cases involving allegations of sexual misconduct or sexual assault. This informal procedure is intended to resolve actual or perceived instances of harassment and discrimination through agreement and mutual understanding between the parties involved without the need for more formal action by The Academy. Mediation will normally be completed within four weeks although it may take longer. If these efforts are unsuccessful or not attempted, the formal complaint process may be initiated.

### **Investigation Procedures: Timeframe for Investigating Sexual Harassment, Sexual Assault and Gender-Based Misconduct Complaints**

The Academy shall use reasonable, diligent efforts to investigate reported incidents of discrimination, harassment, sexual misconduct, sexual assault or gender-based misconduct to the complainant and respondent within sixty (60) calendar days or the date in which the complaint was filed unless there are

extenuating circumstances which prohibit the timeliness of the completion of the investigation. Timeframes for investigations may vary depending on the details of a case or if possible violations occur near, during, or after Academy holidays, breaks, or the end of an academic semester. If an extenuating circumstance exists which prohibits the completion of an investigation within 60 calendar days, The Academy will inform the complainant and respondent in writing of such delay.

### **Alcohol and Drug Use Are Not Barriers to Reporting Discrimination, Harassment, or Misconduct**

The Academy understands students may be reluctant to file complaints of discrimination, harassment, sexual misconduct, sexual assault or gender-based misconduct when alcohol and/or drugs were used. Whenever possible, The Academy will respond educationally, rather than punitively, to the use of drugs and/or alcohol so as to promote the reporting of discrimination, harassment, sexual misconduct, sexual assault or gender-based misconduct. However, The Academy reserves the right to implement other remedies dependent upon the severity of the alcohol or drug use.

### **Anti-Retaliation**

Any form of retaliation against anyone who has complained of or formally reported discrimination, harassment, sexual misconduct, sexual assault and/or gender-based misconduct, or has participated in an investigation of such a complaint, regardless of whether the complaint relates to the complaining person or someone else, will not be tolerated, and violates this policy, and applicable law. Retaliation investigations may run concurrent to any formal investigations.

### **Parallel Student Conduct Proceedings**

Complainants are strongly encouraged to report all incidents of discrimination, harassment, sexual misconduct, sexual assault or gender-based misconduct to law enforcement. Institutional Administrator investigations are independent from court or other administrative proceedings. Discipline may be instituted against a respondent also charged in civil or criminal courts based on the same facts that constitute the alleged violation of the Student Conduct Code, Academy House West Residence Guide, or other applicable policy. The Academy may proceed before, concurrently with, or after any judicial, criminal, or administrative proceedings, except in cases involving Sexual Harassment, Sexual Assault and Gender-Based Misconduct. In Sexual Harassment, Sexual Assault and Gender-Based Misconduct cases, The Academy shall proceed with investigation without undue delay, typically within fourteen (14) calendar days, in accordance with federal and state law requirements.

## **Due Process/Investigation Process**

### **Step 1: Notice**

Once a complaint of discrimination, harassment, sexual misconduct, sexual assault or gender-based misconduct has been received by the Institutional Administrator, or designee, an email will be sent to both the complainant and respondent, separately, with the following information:

- A description of the alleged violation(s);
- A description of the applicable policies;
- A statement of the potential sanctions/responsive actions that could result; and
- A request for an investigative interview.

### **Step 2: Interim Measures and Accommodations**

Once the Institutional Administrator or its designee has received a complaint and/or report of discrimination, harassment, sexual misconduct, sexual assault or gender-based misconduct, The Academy

will make an immediate assessment to determine if any interim measures are warranted, pending an investigation. The Academy may take whatever measures it deems necessary in response to an allegation in order to protect an individual's rights and personal safety, the safety of The Academy community, or if determined to be necessary to ensure the integrity of the investigation or adjudication process.

Determinations regarding interim measures are made by the Institutional Administrator on a case-by-case basis. Such measures include, but are not limited to, an interim suspension (immediate, temporary suspension pending the outcome of investigation and/or hearing process), a "no contact" letter (an order that an individual refrain from direct or indirect contact with another person or persons), restrictions on access to campus or areas of campus, and/or appropriate changes in academic schedule. Interim measures may include reporting the matter to the local police.

A complainant or respondent may request a "no-contact" letter or other protection. Not all of the measures listed in this section will be necessary in every case. If an individual identifies an interim measure which is not already provided by The Academy, The Academy will consider whether the request can be granted. In those instances where interim measures affect both a complainant and respondent, The Academy will minimize the burden on the complainant wherever appropriate.

Failure by any individual to adhere to the parameters of any interim measure is a violation of The Academy's policy and may lead to disciplinary action. Individuals are encouraged to report such failures by another party to the Institutional Administrator. Depending on timing and other circumstances, allegations that an individual has violated any interim measure may be investigated and/or adjudicated (where appropriate) separately from or as part of an ongoing matter.

### **Step 3: Investigation**

Upon notice of any concern regarding discrimination, harassment, sexual misconduct, sexual assault or gender-based misconduct, the Institutional Administrator or its designee will assess whether a formal investigation will be conducted under these procedures; and, if so, whether a formal investigation is appropriate under the circumstances. In circumstances in which the Institutional Administrator determines there is no ongoing risk of harm to the community and that interim measures, such as a "No Contact Letter," have redressed the concerns, the Institutional Administrator may forego a formal investigation.

The Academy is committed to using a balanced and fair investigative process for both complainant and respondent. In reaching an Investigative Finding, The Academy shall use a "preponderance-of-the-evidence" standard, that it is "more likely than not" that a violation of this policy has occurred.

Following receipt by The Academy of a complaint of discrimination, harassment, or sexual misconduct which alleges violation of federal, state, or local laws, the Institutional Administrator shall then directly investigate the complaint or assign the complaint to another Investigator from the staff, administration, or faculty who does not have a conflict of interest to perform an investigation into the allegations contained in the complaint. The Investigator shall be drawn from a pre-designated pool of potential investigators who have received appropriate investigatory and law-related training, typically the Institutional Administrators.

In all investigations conducted by The Academy, the Investigator will make good faith and reasonable efforts to interview the complainant, respondent, and any witnesses (if appropriate). Both complainant and respondent may have an advisor present during their own investigative interview.



The Investigator will also make good faith and reasonable efforts to gather all readily available information, documents, and materials (if any) that are relevant to the case. Cell phones and other video or audio recording devices may not be used in any investigation meetings or interviews.

Once sufficient evidence has been collected, the Investigator will evaluate the evidence to make a determination regarding responsibility based on the preponderance of the evidence (more likely than not) that there has been a violation of this policy.

#### **Step 4: Investigative Findings**

Once the investigation has been concluded, the Investigator will make a determination based on the preponderance of the evidence that the respondent is Responsible or Not Responsible for a violation of this policy:

- **Not Responsible**— If after the conclusion of an investigation, the preponderance of the evidence indicates that it is NOT more likely than not the respondent violated this policy, the respondent will be found Not Responsible for the violation.
- **Responsible**—If after the conclusion of an investigation, the preponderance of the evidence indicates that it IS more likely than not the respondent violated this policy, the respondent will be found Responsible for the violation. Where a respondent is found Responsible for violation of this policy, an investigatory report will be submitted to the sanction committee which will be appointed by The Academy's President and may include a Title IX Coordinator.

Whether a respondent is found to be Responsible or not, both complainant and respondent will be notified of the outcome of the investigative findings in writing by the Institutional Administrator through a Notification. The Notification shall include a brief summary of the investigative process and findings, the outcome of the investigation, and notice of their right to appeal the investigatory findings. Along with the Notification, both parties shall receive a copy of the underlying investigatory report. A copy of the report shall be retained by the Institutional Administrator.

Thereafter, in these cases, the Institutional Administrator will forward that determination to the administration appointed by The Academy's President.

#### **Step 5: Determination of Sanctions for Student Respondents**

Within five (5) calendar days of receipt of the investigatory report and notification, the appropriate administrator(s), appointed by The Academy's President, upon a finding of responsibility, shall determine sanctions for student respondent, and prepare a related determination, informing both parties of the sanctions to be imposed. The sanctions may include remedial or corrective actions as warranted (including, but not limited to, extension of or expansion or any interim measures already in place). In general:

- Expulsion is the expected sanction for any student who is determined to have committed sexual misconduct, sexual assault involving sexual penetration and force and/or incapacity.
- Any determination of responsibility for committing sexual misconduct, including sexual assault involving sexual penetration without force or incapacitation may result in a sanction ranging from suspension of no less than one-year or the complainant's remaining time/tenure on campus (whichever is longer) to expulsion.
- Any determination of responsibility for committing sexual misconduct, including sexual assault involving sexual contact may result in a sanction ranging from conduct warning up to expulsion.
- Any determination of responsibility for engaging in any other prohibited form of conduct (including but not limited to discriminatory or harassment actions) may result in a sanction ranging from conduct warning to expulsion.

The appropriate administrator may issue a single sanction or a combination of sanctions. In considering the appropriate sanction within the recommended outcomes, the appropriate administrator will consider the following factors:

- The impact of the conduct on the complainant;
- The impact of the conduct on the community, its members, or its property;
- The respondent's prior discipline history;
- How The Academy has sanctioned similar incidents in the past;
- The nature and violence of the conduct at issue;
- Whether the respondent has accepted responsibility;
- Whether the respondent is reasonably likely to engage in the conduct in the future based on pattern and practice evidence heard and considered by the investigator and/or external adjudicator;
- The need to deter similar conduct by others; and
- Any other mitigating or aggravating circumstances.

Absent compelling justifications, if the respondent has previously been found responsible under The Academy's policy to have engaged in the same or similar conduct in the past, the sanction will be expulsion.

The following list of sanctions is illustrative rather than exhaustive, and The Academy reserves the right to impose other reasonable sanctions or to combine sanctions as it deems appropriate:

- **Conduct Warning**—A written notification that a violation of the Student Code occurred and that any further responsible finding of misconduct may result in more severe disciplinary action. Warnings are typically recorded for internal purposes only and are not considered part of a student's permanent student conduct record. Though disclosed with a student's signed consent, a student who receives a warning is still considered in good standing at The Academy.
- **Loss of Privileges**—Denial of the use of certain Academy facilities or the right to participate in certain activities or to exercise certain privileges for a designated period of time.
- **Educational Requirements/Referrals**—The Academy reserves the right to impose counseling or substance assessments or other required educational sanctions.
- **Academy Suspension**—The separation of a student from The Academy for a specified period of time, after which the student is eligible to return. Conditions for re-enrollment may be required and will be included in the notification of suspension.
- During the period of suspension, the student may not participate in Academy academic, co-curricular, or extra-curricular activities; may be banned from all property owned or operated by The Academy. Students who are suspended may not be on campus without specific, written permission of the Institutional Administrator.
- Suspension is for a designated period of time and includes the probability of more severe sanctions, including expulsion, if found responsible for violations of the Student Code of Conduct.
- **Expulsion**—Expulsion is the permanent separation of the student from The Academy. Students who have been expelled may not be on campus without specific, written permission from the Institutional Administrator or designee. Where applicable, notification of expulsion will normally be sent to parents, as it results in a change of status.

### **Determination of Sanctions for Staff and Faculty Respondents**

It is the obligation of all employees to cooperate fully in the investigation process. The Academy considers any harassment or sexual misconduct based on unlawful discrimination to be a major offense, which can result in disciplinary action for the employee up to and including termination. In addition, disciplinary action will be taken against any employee who attempts to discourage or prevent another

from bringing the discrimination, harassment, or sexual misconduct to the attention of the administration.

### **Failure to Comply/Complete Sanctions**

All responding parties are expected to comply with conduct sanctions, responsive actions and corrective actions within the timeframe specified by the Institutional Administrator. Failure to abide by these conduct sanctions, responsive actions and corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive/corrective actions and/or suspension, expulsion and/or termination from The Academy and may be noted on a student's official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the Institutional Administrator.

### **Step 6: Appeals to Sanctions**

In any matter involving student respondents, both the respondent and complainant have the right to submit an appeal of the investigative findings as set forth in the Notification. Appeals of a finding, if any, must be submitted in writing to the Institutional Administrator within seven (7) calendar days of the date of receipt of the Notification. Appeals of any subsequent sanctions imposed shall be submitted to the Institutional Administrator within seven (7) calendar days of receipt of written sanctions determination.

### **Appeal Procedures Involving Student Respondents**

Either party may appeal the determination of responsibility or sanction(s) in writing to the Appeals Officer or its designee. Dissatisfaction with the outcome of the hearing is not grounds for appeal. The limited grounds for appeal are as follows:

- **Improper Investigation Procedure**
  - The party may appeal if the procedures outline in the policy are violated. The Appeals Officer shall consider:
    - Whether provisions of the policy were violated in such a clear manner as to deny the appealing party consideration of the party's position during the investigation; and
    - Consideration of the party's position would have led to a different finding concerning the alleged violation of the Policy.
- **New Evidence**
  - During the standard investigation process, sufficient time is allowed to gather all available evidence. However, in extraordinary circumstances a party may appeal if new evidence becomes available.
  - The Appeals Officer shall consider:
    - Whether the evidence was genuinely unavailable and could not have been made available through the appellant's diligent efforts at the time of the original investigation; and
    - Whether the evidence would have led to a different conclusion had it been available.
- **Sanctions**
  - The sanctions imposed were grossly disproportionate to the violation committed.

Requests for appeal and responses to the same shall not exceed 2,500 words (approximately 10 pages double-spaced). Late submissions will not be accepted. The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for the appeal. Upon receipt of an appeal, the Appeals Officer will notify and provide a copy of the appeal to the other party. That party shall then

have an opportunity to respond in writing to the appeal; any response must be submitted within five (5) calendar days from receipt of the appeal.

The appeal consideration will be conducted in an impartial manner by the Appeals Officer. In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The appeal is not a new review of the underlying matter. The Appeals Officer shall consider the merits of an appeal only on the basis of the three (3) grounds for appeal and supporting information provided in the written request for appeal and the record of the original investigation. The Appeals Officer can affirm the original findings, alter the findings, and/or alter the sanctions; depending on the basis of the requested appeal.

If the appeal is granted based on procedural error(s) that materially affected the outcome of the investigation, the Appeals Officer will return the case to the Institutional Administrator for additional review or a new investigation, which may be conducted by an alternate Investigator if the Appeals Officer finds that to be appropriate.

In the case of new and relevant information, the Appeals Officer can recommend that the case be returned to the original Investigator to assess the weight and effect of the new information and render a determination after considering the new facts.

Absent extenuating circumstances, the Appeals Officer will simultaneously and in writing communicate the result of the appeal to the complainant and respondent within 30 calendar days from the date of the submission of all appeal documents by both parties. Appeal decisions are final.

The parties will receive notice of any delay of written notice of any appeal decision. Any sanctions imposed shall remain in effect while the appeal is being considered. In cases where the appeal results in reinstatement to The Academy or of privileges, all reasonable attempts will be made to restore the individual to their prior status, recognizing that some opportunities lost may be irretrievable. Once the appeal process has concluded, regardless of the outcome, the incident at hand will be closed.

## SUBSTANCE & ALCOHOL ABUSE POLICY

### Substance and Alcohol Abuse Policy

The manufacture, distribution, possession or use of controlled or illegal substances or of alcohol is prohibited on Academy premises. Controlled or illegal substances include, but are not limited to: marijuana, narcotics, barbiturates, amphetamines, methamphetamines, club drugs, inhalants, and other controlled substances other than those taken under the direction of a licensed physician. The Academy adheres to federal law, which does not recognize the possession and/or use of medical and/or recreational marijuana. In addition, the possession or use of drug related paraphernalia is prohibited.

The impairment of any student's performance due to the use of a controlled substance or other drug, alcohol usage or addiction is deemed to be The Academy's business and not a reserved aspect of one's private life. Therefore, The Academy will take appropriate action against any student violating this policy including and without limitation:

- Requiring student to satisfactorily complete a drug or alcohol abuse assistance or rehabilitation program
- Removal from the residence
- Suspension
- Expulsion

All students should be aware they may be subject to criminal prosecution under local, state and federal laws which specify penalties ranging from fines and/or probation to imprisonment, fines and seizure of property for felony convictions of drug related offenses.

Students may be tested for the presence of a controlled or illegal substance if there is reasonable suspicion that the student may be using controlled or illegal substances. A reasonable suspicion may be created by a student's quality or quantity of work, increases in mistakes or errors of judgment, increases in absences from class, dilated eyes, changes in temperament, or walking or speaking in a manner which indicates the student may be under the influence.

If a student tests positive for controlled or illegal substances the first time such student is tested, the student may be suspended for a period to be determined by The Academy's administration. A second positive test for controlled or illegal substances at any time in the future will result in immediate expulsion. Failure to submit to a test for controlled substances may also result in immediate expulsion.

Laws governing the possession and abuse of alcohol vary from state to state. In California, the legal age for consuming alcohol is 21. Drivers convicted of misdemeanor or felony DUI in California may receive jail or prison sentences, fines and other severe penalties.

The Drug-Free Schools and Communities Act requires that students be made aware of the health risks associated with the use of illicit drugs and the abuse of alcohol. Alcohol and drug abuse are prohibited not simply because they are against the law, but because of the demonstrated health risks associated with usage, which can cause physical and psychological dependence. Use and abuse can interfere with memory, sensation, and perception, and can impair the brain's ability to synthesize information. Information on specific health-related hazards pertaining to the use and abuse of alcohol and drugs is available from the Student Advisor's office.

Drug and Alcohol Counseling Treatment resource information may be obtained from the Student Advisor's office. To obtain confidential local referrals to Alcoholics Anonymous (A.A.), Al-Anon, Narcotics Anonymous (N.A.), or other 12-Step groups or community agencies, call "211" and an operator will direct students to the appropriate group or agency.

Abuse of drugs or alcohol is considered in the selection process for the Second Year and Third Year.

**IDENTITY THEFT PREVENTION PROGRAM**

As required by the Federal Trade Commission's "Red Flag Rule", the Academy has an Identity Theft Prevention Program designed to recognize, detect, and prevent unwanted and unauthorized access to sensitive information. More details can be located at [FTC.gov](http://FTC.gov).

**FERPA COMPLIANCE**

Compliance with the aforementioned provisions does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Education Rights and Privacy Act of 1974 (FERPA).

**Family Education Rights and Privacy Act**

The Academy's policy regarding confidentiality is in keeping with the Family Educational Rights and Privacy Act of 1974 (FERPA), which affords students certain rights with respect to their education records, a summary of which follows:

- the right to inspect and review the student's own education records within 30 days of the day The Academy receives a request for access.
- the right to request the amendment of the student's education records that the student believes are inaccurate.
- the right to consent to disclosures of personally identifiable information contained in the student's education records.

The Academy maintains student records in the Registrar's Office, and students may review files upon written request to the Registrar. If the student is over eighteen years of age, any parent wishing to review his/her child's educational records must provide written authorization from the student. Requests for review of educational records and/or amendments to a student record should be submitted to: Registrar, The American Academy of Dramatic Arts, 1336 North La Brea Ave, Los Angeles, CA, 90028.

An exception which permits disclosure without student consent is disclosure to school officials with legitimate educational interests. School officials are individuals or entities working for or on the behalf of The Academy. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

As allowed within FERPA guidelines, The Academy may disclose education records without consent to officials of another school, upon request, at which a student seeks or intends to enroll.

Students have the right to file a complaint with the U.S. Department of Education concerning alleged failure by The Academy to comply with the requirements of FERPA.

## Sanctions as Stated in the Student Handbook

The following sanctions may be imposed exclusively or in combination with other sanctions deemed appropriate by the Director of Instruction.

1. **Warning.** Written reprimand for violations of specified Academy policies or regulations, including notice to the student who committed violations of specified Academy policies or regulations. Warning may be cause for further disciplinary action up to and including suspension or expulsion.
2. **Probation.** A period of time specified for observing and evaluating a student's conduct, with or without special conditions. Further violations while on probation may result in more severe disciplinary action, including suspension or expulsion. Probation will be imposed for a specific period of time, and the student will be considered removed from probation following satisfactory reevaluation and expiration of the specified time period.
3. **Suspension.** Termination of student status for a specified period of time, as authorized by Administration. Suspension includes the assumption the respondent must meet specific conditions, outlined in writing at the time of the suspension, in order to return to student status. Violations of the terms of suspension may be cause for further disciplinary action in the form of expulsion.
4. **Expulsion.** Termination of student status. Expulsion from Academy includes the assumption that the student will not be readmitted.

The Academy may impose other types of disciplinary sanctions appropriate to a particular situation. Academy policies are included in this handbook.

1. **Denial of Access.** Exclusion of a student from specified areas of campus. A student who willfully and knowingly enters areas of campus to which access has been denied may be guilty of a misdemeanor pursuant to California Penal Code Section 626.2. In the case of suspension, such entry may be grounds for further disciplinary action in the form of expulsion.
2. **Restitution.** Reimbursement for damage to or misappropriation of property belonging to The Academy or any other person on the campus. Such reimbursement may take the form of monetary payment or appropriate service to repair or otherwise compensate for damages.
3. **Counseling.** In cases involving drug or alcohol abuse or other proscribed behavior, the student may be referred to an appropriate counselor for assessment and treatment.
4. Violations of the terms of other disciplinary sanctions may be cause for further disciplinary action in the form of suspension or expulsion of student status.

## Interim Suspension

1. The Director of Housing and Residence Life and/or the Director of Instruction may immediately impose an interim suspension where there is reasonable cause to believe it is required to protect personal safety or property and to ensure the maintenance of order.
2. A student placed on interim suspension shall be given prompt notice of the charges and the opportunity for a hearing within three (3) working days following the imposition of the suspension. The hearing shall be held pursuant to the provisions of Section I of these procedures.
3. During the period of the interim suspension, the student shall not, without prior written permission of the Director of Housing and Resident Life and/or the Director of Instruction, enter any Academy facilities so designated other than to attend the hearing. Violation of any condition of interim suspension shall be grounds for expulsion.

4. Such a suspension is not deemed a disciplinary action and shall not appear on the student's permanent record unless and until such suspension is confirmed as part of the discipline imposed on the student as a result of the procedures described herein.
5. In the event of such interim suspension, the student shall be entitled to a written statement of the reason for his/her suspension.
6. If requested in writing by the student within two (2) working days following the imposition of the suspension, a hearing will be held to determine whether continued suspension pending a disciplinary hearing is required to protect personal safety or property and to ensure the maintenance of order. This hearing may also serve as a disciplinary hearing in accordance with the procedures outlined under Section E below, provided proper notification has been given.

## Procedures

1. All violations of the Non-academic Student Conduct Code should be immediately reported to the Director of Student Services. All Academic violations should be reported to the Director of Instruction. The Director of Instruction/Director of Student Services shall investigate each complaint filed and determine whether or not charges should be brought. A formal complaint is not necessary for administration to determine charges should be initiated.
2. The Director of Instruction/Director of Student Services will investigate and impose possible sanctions.
3. When a student charges another student with a violation of the Non-academic Code of Student Conduct, the Director of Student Services will function as "complainant." The student initiating the charge agrees to accept the determinations of the Director of Student Services and/or Appeals Hearing Committee in the disposition of any and all sanctions.
4. The Director of Instruction/Director of Student Services shall hold a conference with the respondent to obtain his or her response to the alleged misconduct and to determine whether the allegations of misconduct have merit and if they may be disposed of informally by mutual consent of the student charged and the Director of Student Services. The student may have another person present as an observer or consultant. A student who refuses to cooperate is in further violation of the Student Conduct Code.
5. The Director of Instruction/Director of Student Services, in consultation with the other, will impose whatever sanction(s) he/she deems appropriate. When appropriate the Director of Instruction may consult other administrators regarding proper sanctions.
6. The student shall receive written notification within three (3) working days of imposition of sanctions with copies to the appropriate Academy offices (Financial Aid, Registrar, Human Resources Manager, Director of Student Services, and Director of Instruction). One copy of the letter shall be delivered by certified mail to the student's current address as on file in the Office of the Registrar; a second copy shall be hand delivered to the student. Students are responsible for updating address changes; The Academy is not responsible for mail that is delivered to noncurrent addresses. The notification letter shall include the following:
  - a. A statement of the specific subdivisions of the student code that the student violated.
  - b. A factual description of the behavior upon which the charges are based.
  - c. Sanction(s) imposed.
  - d. Notification the student has the right of appeal as outlined under below.
  - e. Notification the student may waive his or her right to an appeal by accepting the sanction imposed.
  - f. Notification that the appeals committee is not bound by the sanction(s) imposed and may impose a more or less severe sanction than that handed down by The Academy administration.
    - i. In the case of suspension or expulsion, an appeal is for reinstatement and is not a postponement of the action.



- ii. In the case of probation, the student shall have the right to continue going to classes and participating in Academy activities except where specific limitations are provided in the letter of notification.

## **Appeal Process**

The student shall have the opportunity to appeal a disciplinary action under the following procedure:

1. The student may appeal, in writing, to the Senior Director of Operations, giving a statement of reasons for the appeal. If the student desires to furnish witnesses, oral testimony or other documentation, the letter should contain such notice, identifying the witnesses and describing the testimony or documentation.
2. The appeal must be received in the office within five (5) working days after the date of the letter of disciplinary action.
3. The Senior Director of Operations will notify the Director of Housing and Residence Life, who will convene an initial meeting of the appeals committee within three (3) working days after receipt of the appeal. The appeals committee will schedule the appeal hearing to take place between seven (7) and ten (10) working days of the committee's initial meeting.
4. The Director of Housing and Residence Life, in consultation with Senior Director of Operations and the Director of Instruction, shall confer with the committee, provide assistance and make records available.
5. The Director of Housing and Residence Life shall provide the student with a written Notice of Appeal Hearing, which shall include the following:
  6. The date, time and place of the hearing.
  7. Notification that the student may be accompanied at the appeal hearing by another person from The Academy community to be present only as an observer or consultant. Such person shall not examine witnesses or address the appeals committee. The person may not be an attorney or a paralegal.
  8. A copy of these procedures or notification of where the student may obtain a copy without charge is available from the registrar. If consent to remain on campus has been withdrawn from the student at the time the notice of hearing is sent, a copy of these procedures shall be enclosed with the notice.
  9. The notice of appeal hearing shall be mailed to the student no later than one (1) working day after the date of the hearing has been determined. If all parties agree, the hearing may take place as soon as possible.
  10. Notification that the charges and sanctions imposed prior to a hearing may be amended at any time. If the amendment would require the student to prepare a defense which is different from that required by the prior Notice of Appeal Hearing, a hearing which has been scheduled shall upon request be postponed for a reasonable time. If the charges or sanctions are amended after a hearing has commenced, the hearing chair may postpone the hearing for up to five (5) working days.

## **Membership, Selection of Disciplinary Appeal Hearing Committee**

The Review Committee shall consist of members of the Academic Standards Committee.

1. No person shall serve on a Review Committee, in hearing a particular matter, if he/she has been involved in the matter as Director of Housing and Residence Life, Senior Director of Operations, Director of Instruction or Instructor, or has or will be involved as a witness (oral or by written statement). Any member of a Review Committee may disqualify himself/herself from hearing any matter in which he/she considers that he/she may not be disinterested.
2. All votes will be determined by a majority vote of those present and voting. The decision of the appeals committee in matters of probation and expulsion is final.

Members of the Appeals Committee:

1. Shall ensure discussion is restricted to the issue defined in the written notice of the charges of the alleged misconduct.
2. May cross-examine any witness produced by the respondent, the complainant, or by The Academy.
3. Shall receive relevant verbal and documentary evidence.
4. Shall base their findings upon clear and convincing evidence presented during the hearing.

### **Coordinators of Student Discipline and Appeals Hearings**

The Registrar serves as the coordinator of Appeals Hearings. The coordinator of appeals hearings shall:

1. In consultation with the hearing chair, make physical and scheduling arrangements for the hearing held under these procedures.
2. Assist the hearing chair in coordinating the appearance of witnesses for The Academy and all evidence relevant to the charges.

### **The Hearing**

All hearings held under these procedures shall be conducted according to the following:

1. Hearings shall be closed to all persons other than the hearing chair, the respondent, the complainant, the members of the appeals committee, and the adviser or consultant for the respondent.
2. The Academy and the respondent shall have the opportunity of presenting witnesses, subject to the right of cross-examination as well as questioning by the hearing chair. The names of all witnesses shall be provided to the hearing chair at least three (3) working days prior to the hearing. If the respondent elects to testify, he or she shall be subject to cross-examination and questioning by the hearing chair. The respondent shall not be required to give self-incriminating evidence. The respondent's failure to testify on these grounds shall not be used to draw an inference of guilt. The complainant, respondent and his or her adviser shall not be present during hearing deliberations.
3. Witnesses:
  - a. May exercise the privilege against self-incrimination.
  - b. Shall restrict testimony relevant to the charges specified in the written notice and about which they have personal knowledge.
  - c. Shall be present at the hearing only while testifying and responding to cross-examination.
  - d. Shall not be present during deliberations.
4. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. The appeals committee shall consider no evidence other than that received at the hearing.
5. The hearing chair shall make all rulings on matters relating to the conduct of the hearing, including matters regarding admission of evidence. Any evidence deemed relevant by the hearing chair shall be admitted. Unduly repetitious evidence shall be excluded.
6. The respondent shall not be found to have violated the student code solely because he or she fails to appear at the hearing. If the student charged does not appear, the hearing shall proceed without him or her and a decision shall be rendered on the evidence presented.
7. Arguments by the respondent or the complainant concerning legal (as distinguished from factual) applicability, or the validity of any provision with which the respondent is charged or of

these procedures shall not be addressed to the hearing chair, but to the Senior Director of Operations in writing within three (3) working days following the conclusion of the hearing. The Senior Director of Operations shall seek advice on the matter from The Academy's legal counsel. Such advice shall be considered before a final decision is made.

8. The hearing chair is responsible for maintaining order, and may establish such rules as are necessary or appropriate to conducting a fair hearing. The hearing chair shall not permit any person to be subjected to abusive treatment. The hearing chair may eject or exclude anyone who refuses to be orderly.
9. Where more than one student is charged with behavior arising out of a single occurrence or out of connected multiple occurrences, if the Director of Housing and Residence Life and the respondents consent, a single hearing may be held for all of the respondents so charged. The coordinator of student discipline shall make determination regarding consolidation. All such determinations shall, however, be subject to revision by the hearing chair. In the event of such revision by the hearing chair, all cases affected shall be rescheduled for hearing. The separation of one or more cases from a group of the cases previously set for a consolidated hearing shall not be considered to affect the remaining cases in the group. Students may request that their case be consolidated with others, or separated from others.
10. At any time during the hearing process, the respondent may elect to waive the hearing and accept a sanction by the Senior Director of Operations. The waiver and acceptance of the recommended sanction shall be in writing.

### **Hearing Determination**

1. After the presentation of evidence at the hearing, the hearing chair shall conduct the deliberation of the hearing committee. The committee shall make findings of fact and draw conclusions about whether the facts demonstrate a violation of the student code with which the respondent is charged, and impose appropriate sanctions or not. The hearing committee's determination shall be made on the basis of whether it is more likely than not, by a preponderance of evidence, that the respondent charged violated the student code. After having made its determination, the hearing chair shall submit a written report to the Senior Director of Operations which includes a determination as to whether the respondent charged violated the student code, along with imposition of sanctions, if any. The hearing chair's report shall be submitted to the Senior Director of Operations within three (3) working days of the conclusion of the hearing. The Senior Director of Operations will notify the respondent of the outcome of the hearing in writing within three (3) working days of receipt of the report.

### **Other Provisions**

2. Technical departures from any of the Nonacademic Student Conduct Code and Disciplinary Procedures and errors in their application shall not be grounds to withhold disciplinary action unless, in the opinion of the Senior Director of Operations, the departures or errors were such as to have prevented a fair and just determination of the issues.
3. The report of the hearing body or the hearing chair on evidence, proceedings, findings, and recommendations is confidential and shall not be made public by The Academy or by any participant in a hearing, including the respondent, unless required by law. In the event these matters should become public however, The Academy may authorize such public statements as are appropriate and legal.
4. All the time limits imposed or recommended within these procedures may be changed for good cause or reason as determined by the Senior Director of Operations.
5. No audio and or video recording or court reporting of a hearing is permitted by any of the parties involved.

## **Disciplinary Records**

1. Disciplinary actions taken against a student are not noted on the student's academic record. In cases of suspension from The Academy, the Registrar shall indicate on the student's official academic record (from which transcripts are made) "Readmission Subject to Approval of the Director of Instruction." In cases of expulsion from The Academy, the Registrar shall indicate on the student's official academic record (from which transcripts are made) "Expelled for Nonacademic Reasons."



THE AMERICAN ACADEMY OF DRAMATIC ARTS

1336 N. LA BREA AVE., LOS ANGELES, CA 90028

**CAMPUS SECURITY AUTHORITY CRIME & INCIDENT REPORT FORM**

Please use this form if you are an individual identified as a "Campus Security Authority" to report the required information about specified crimes (listed below) pursuant to the Federal Clery Act/Title IX. The information collected from these forms is used to prepare a compilation of statistical crime information for inclusion in the campus' Annual Security Report.

Please forward completed forms to the Registrar's Office, 1st Floor Administrative Building.

**REPORT TAKEN BY:**

Last name, First Name: \_\_\_\_\_

Department: \_\_\_\_\_

Email: \_\_\_\_\_ Phone #: \_\_\_\_\_

**INCIDENT INFORMATION**

Check the Crime you are reporting:

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Murder              | <input type="checkbox"/> Aggravated Assault  | <input type="checkbox"/> Burglary             |
| <input type="checkbox"/> Robbery             | <input type="checkbox"/> Arson               | <input type="checkbox"/> Liquor Law Violation |
| <input type="checkbox"/> Rape                | <input type="checkbox"/> Motor Vehicle Theft | <input type="checkbox"/> Drug Law Violation   |
| <input type="checkbox"/> Sexual Assault      | <input type="checkbox"/> Theft               | <input type="checkbox"/> Weapons Possession   |
| <input type="checkbox"/> Dating Violence     | <input type="checkbox"/> Domestic Violence   | <input type="checkbox"/> Stalking             |
| <input type="checkbox"/> Unknown/Other _____ |  |   |

DATE & TIME OF INCIDENT \_\_\_\_\_

**Incident Detail:**

Describe the incident in detail. This will be used to aide in determining the proper Clery classification and to aide in identifying duplicate reporting.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Police Report Filed? Yes /No/Unknown      Which Agency? \_\_\_\_\_

**LOCATION INFORMATION**

Check appropriate location:

- On Campus
- Public Property  
(Public property immediately adjacent to campus includes sidewalks, streets of N. La Brea Ave, De Longpre Ave and Sycamore Ave)
- Off Campus  
(Hollywood Area, other city)
- Unknown

Location of Incident \_\_\_\_\_  
Specific Building, Address, or Name of Streets, City

**HATE CRIME INFORMATION**

*Hate Crime information must be reported for each of the following crimes: criminal homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson and for any other crime involving bodily injury.*

**Check type of prejudice:**

- |                                   |  |
|-----------------------------------|--|
| <input type="checkbox"/> Race     | <input type="checkbox"/> Sexual Orientation        |
| <input type="checkbox"/> Gender   | <input type="checkbox"/> Ethnicity/National Origin |
| <input type="checkbox"/> Religion | <input type="checkbox"/> Disability                |

**Is there *evidence* that the victim was specifically targeted because of prejudice? Yes/No**

Describe specific hate action or speech:

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**CSA SIGNATURE** \_\_\_\_\_ **DATE:** \_\_\_\_\_

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It is the policy of the American Academy of Dramatic Arts, Los Angeles, to ensure that the victims and witnesses to crime are aware of their right to report criminal acts to the police. However, if a reporting person requests anonymity, this request must be honored to extent permitted by law. Accordingly, no information should be included on this form that would personally identify the victim without his/her consent.

Based on information received, The American Academy of Dramatic Arts will determine the category of the crime or incident and the location under which the incident should be reported in the Annual Security Report.

The legislation requires that records related to the Clery Act/Title IX reportable crime statistics be retained for seven years.

For questions regarding this form, please contact Dan DeShurley at [ddeshurley@aada.edu](mailto:ddeshurley@aada.edu) or (323) 464-2777 x170.