



Bureau for Private Postsecondary Education
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APPEAL OF CITATION INFORMAL CONFERENCE DECISION:

CITATION MODIFIED

February 23, 2016

Jean Sherlock
 New York Film Academy
 3300 Riverside Drive
 Burbank, CA 91505

Date of Issuance	Citation Number	Institution Code
February 23, 2016	1516025	65686790

On November 12, 2015, an informal conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1516025 (Citation) against Jean Sherlock, Owner of New York Film Academy. In attendance were Yvette Johnson, Enforcement Chief, Mina Hamilton, DCA Legal, Larry Lazar, John Sherlock and Sonny Calderon.

Pursuant to Business and Professions Code, §148; California Education Code (CEC), §94944; and Title 5 of California Code of Regulations (5 CCR), §75020 and §75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1516025.

It is the decision of the Enforcement Chief that on February 23, 2016, Citation No. 1516025 is modified and makes the following change(s):

VIOLATION

#	The California Education Code (CEC) and the California Code of Regulations (CCR). Below you will find the code section(s) of law you are charged with violating.
1.	<p>MODIFIED</p> <p>Violation: 5, CCR 71720(a)(8)– Faculty (a) An Educational Program Leading to a Degree. (8) <i>Each institution shall have a written Academic Freedom Policy which describes the latitude the institution allows faculty in the classroom so faculty will not inadvertently violate the principles of academic freedom. These policies shall be made available to any person upon request. The institution shall not take adverse action based on a staff member's exercise of academic freedom consistent with</i></p>

the institution's policy; and

NYFA's Academic Freedom Policy states, in part:

NYFA believes in the free pursuit of intellectual and artistic inquiry, as well as the exchange of ideas between instructors and students. Controversial subjects may be explored without fear of censure, retribution or reprisal, so long as the work occurs within the scope of the NYFA education and is consistent with its stated Academic Freedom Policy..." "Students, faculty and staff are free to express themselves and explore their artistic horizons as they see fit, provided that they remain in compliance with state and federal law, and so long as they can successfully demonstrate that the work discussed/performed/completed was created with artistic intent." "Instructors are free to discuss controversial subjects in class and screen controversial works without fear of reprisal, so long as the work serves the overall goal of NYFA curriculum and does not violate the NYFA Code of Conduct or any institutional or campus-wide policies.

NYFA failed to adhere to its academic freedom policy by prohibiting instructor K.R from teaching the HATM540 (Media and Society) class after students complained that K.R. was racist due to a discussion on various races during a class session. Students alleged that all of K.R.'s discussions were about race. NYFA's course outline states the student learning objectives: "To clarify the distinction between 1) Objective portrayals of social categories in various media, 2) Limiting stereotypes of social categories in various media, and 3) Liberating breakdown of social categories in media – social categories being age, gender, class, ethnic groupings, beauty or "hipness," and other cultural distinctions." "Instructional Methods: This course is taught using a variety of instructional methods, including lecture, class discussions, small group work, project creation, and electronic discussion."

An email from Faculty Director, L.F. stated K.R. should not have lectured on evolution after foreign students complained about his class. L.F. also directed K.R. to modify his teaching style to accommodate his class. NYFA removed K.R. from instructing the HATM540 class, therefore violating 5, CCR 71720(a)(8). K.R. was also prohibited from instructing the Art and Society class for safety concerns, after a loud exchange with students. K.R. was allowed to complete the instruction of a third class (Media and Society) until the end of the semester.

The school asserts that K.R. was dismissed due to safety concerns for the students and faculty.

Order of Abatement:

Meet with faculty and administrative staff to assure staff/faculty understands and adhere to the Academic Freedom Policy. Submit to the Bureau an agenda specifying the training provided. Provide a statement as to how the institution plans to comply with its Academic Freedom Policy.

Assessment of Fine

The fine for this violation is \$[00.00]

TOTAL ADMINISTRATIVE FINE DUE: \$[00.00]

EFFECTIVE DATE OF CITATION

This Citation shall become effective on February 23, 2016.

CONTACT INFORMATION

If you have any questions regarding this Citation, or desire further information, please contact Jody Wright, Enforcement Analyst, at 916-431-6940 or Jody.Wright@dca.ca.gov.



YVETTE JOHNSON
Enforcement Chief

February 23, 2016
Date