

New York University

UNIVERSITY POLICIES

Title: Developing University Policies
Effective Date: February 8, 2015
Supersedes: Policy Formerly Known as “NYU Policy on Policies”
Issuing Authority: Deputy President, Office of the President
Responsible Officer: General Counsel

Policy

It is the policy of New York University (“University”) that University affairs be conducted consistent with applicable laws (which includes regulations for all policies), ethical norms, and accepted best practices. In order to achieve this goal, the process of University policy development, as well as the form and dissemination of policies, must meet University standards for compliance with laws, consistency among policies, accessibility to the University Community and understandability.

Purpose of this Policy

The purpose of this policy is to define the steps by which University policies are promulgated. Through a consistent policy process and format, the University can best ensure that University policies are: consistent with our important academic mission as an institution of higher education; properly developed and regularly updated to remain compliant with the law; easy to find, read and understand; and promote:

- excellence in our work;
- respect and responsiveness to our academic environment;
- operational efficiencies and best practices across the University;
- compliance with applicable laws; and
- compliance with generally accepted accounting and reporting standards.

Scope of this Policy

This Policy applies to any person to whom a University policy can apply. University policies can apply to some or all members of the University Community, including (a) the Board of Trustees, (“Board”), (b) faculty, including visiting faculty, (c) researchers, including persons conducting research at or under the auspices of the University, (d) employees, (e) volunteers, (f) fellows, trainees and post-doctoral appointees, (g) students and (h) others who are performing activities or providing services at or under the auspices of the University, including consultants, vendors, and contractors. Each University policy should set forth, in the “Scope of this Policy” section, the members of the University Community who are subject to the policy. In addition, the University may require persons who are not explicitly

within the scope of specific policies to abide by those policies. See Application of Policy to Specific Constituencies.

Procedures for Implementation

Responsibility for Creating Policies

University policies may be initiated by individual colleges, schools, institutes, operating units, the University Senate, members of the Senior Team, or other bodies and individuals as appropriate.

Every University Policy, however, must be sponsored by either a Senior Team member or pursuant to delegation from a Senior Team member to a senior administrator with the responsibility for creating and implementing University policies as required in his/her area of responsibility. A Senior Team member or members will be listed by title as the Issuing Authority in the header of the standard policy document. In all cases, a specific Senior Team member or members will be listed by title as the Responsible Officer, who will be accountable for the accurate and well-articulated formulation, issuance and timely updating of the policy. There may be more than one Issuing Authority and/or more than one Responsible Officer; and so long as one is a member of the Senior Team member, the other may be a senior administrator appointed by the Senior Team member.

Formulating and Approving a Policy

The procedures for formulating and reviewing University policies may vary depending on the primary constituency for the policy, institutional traditions and bylaws, as well as relevant external legal constraints. For example, academic policies, in particular those appearing in the Faculty Handbook, normally are reviewed by the Faculty Senate.

Each policy should be drafted in the format provided in Appendix A hereto (with such additions as may be appropriate to the context) and should identify the Issuing Authority and Responsible Officer for the policy, the Effective Date and date of the policy, if any, being superseded. Each University Policy also should include the following sections: a Statement of Policy, Policy Purpose, Scope of Policy, Procedures for Implementation, Definitions (where applicable), and Related Policies (where applicable).

Prior to adoption of a policy, a legal review must be conducted by the Office of General Counsel, as well as by offices directly responsible for implementing any substantive aspect of the policy. After all these reviews have been completed, the draft policy is submitted by the member of the Senior Team who is the Issuing Authority to the Senior Team for final review and approval prior to issuing the policy to the University Community. The policy may be issued if it is approved by the Senior Team (based on the approval process determined by the President) or ten days after submission to the Senior Team if no member objects.

University policies may be submitted to the Board and/or a duly authorized committee of the Board for approval by the General Counsel and Secretary of the University. Board

approval for a University Policy may be sought by the President and/or appropriate members of the Office of the President, or as otherwise provided by the University's Charter and Bylaws.

Publication and Distribution of Policies

The Responsible Officer is charged with publishing and distributing approved policies and procedures on the appropriate pages of the University website and by other means as deemed appropriate. The University's Chief Global Compliance Officer will provide assistance to the Responsible Officer with respect to the distribution and publication of the policy upon request. The Chief Global Compliance Officer is responsible for creating and maintaining a central University Policy webpage with links to all University policies.

Amendments to University Policies

The Responsible Officer for each University Policy also is charged with keeping the policy up to date. Accordingly, the Responsible Officer should ensure appropriate review of the policy periodically, as necessary to assure that the policy reflects obligations imposed by current laws and best practices. The Office of Compliance and Risk Management will help assure that Responsible Officers review and update policies as needed. Each policy will cite the date on which it was made effective so that it may be reviewed on a timely basis under this policy. Except when the process or authority for making changes to a policy is included in the policy itself, amendments must follow the same process outlined above for initial issuance.

College, School, Institute, Operating Unit, Global Network University Site and University Affiliate Policies and Procedures

Schools, colleges, institutes, operating units, Global Network University sites, and University Affiliates may supplement University policies by issuing policies or procedures that are consistent with University policies and set forth procedures by which they will carry out University policies or that relate to matters of interest only to them. These policies and procedures are not "University policies" and therefore are not governed by the implementation procedures set forth in this policy. These policies should be reviewed and approved by the relevant dean, institute director, unit head, University Affiliate governing board, or appropriate University officer prior to adoption. Because of the complexities of foreign laws, policies or procedures related to Global Network University sites should be reviewed by the Office of General Counsel for consistency with applicable foreign laws prior to adoption.

Schools, colleges, institutes, operating units, Global Network University sites, and University Affiliates are encouraged to use the standard policy format to help ensure uniformity of form and appearance for policies and procedures throughout the University. Their policies or procedures may not be contrary to University policies in language, purpose, intent or application. Any such policy that is contrary to University policies is void and will not be enforced unless approved in advance by the University President or his/her designee.

A school, college, institute, operating unit, Global Network University site, or University Affiliate may request that the Office of Compliance and Risk Management provide a link from the University's main policy website to any of its policies.

Reservation of Rights

Nothing in this policy limits or circumscribes in any way the power and authority of the Board of Trustees or the President to issue, amend, or revoke University policies or policies of schools, colleges, institutes, operating units, Global Network University sites, or University Affiliates at any time. Members of the University Community are subject to University and other policies as in effect from time to time. For example, if a new policy is promulgated or an existing policy is amended to require the advance written approval of a certain action, then the certain action may not be taken as of the effective date of the new policy or amendment without the required advance approval.

Application of Policy to Specific Constituencies

Application to the Board of Trustees

Only those University policies that are approved by the Board or a duly authorized committee of the Board, as authorized by the University's Charter and/or Bylaws, can be applicable to the Board and/or its Trustee members.

Application to University Affiliates

University policies, including this policy, apply to all University Affiliates to the extent applicable, unless an exception is provided by the President or his/her designee, after notice to the Office of General Counsel. In such cases, "University Affiliate" generally should be substituted for "University" (with other conforming changes as applicable) in connection with the interpretation and application of the policy to the University Affiliate. University Affiliates are separately established entities that are legally independent from the University for liability and other permissible purposes. The adoption and/or application of University policies to an Affiliate is not intended to, and will not be interpreted to, create any additional liability for the University or to suggest that the University is responsible for the actions of University Affiliates. By way of example, in interpreting and applying a University policy that provides for circumstances under which the University indemnifies an employee of the University, that policy should be read as the applicable University Affiliate indemnifying its employee under the circumstances described and not as the University indemnifying the employee of the University Affiliate.

Application Outside of the United States

University policies articulate the values and principles the University upholds and the obligations imposed on members of the University Community. Thus, University policies apply in connection with the operations and activities of the University regardless of location. As a Global Network University that operates in an expanding international environment, the University will encounter varying laws and business practices as it conducts

its affairs outside the United States. To the extent that a University policy or a provision of a policy conflicts with the laws in another country, the University seeks to comply with the laws of the jurisdiction in connection with its operations and activities in that jurisdiction. However, differences between University policy and foreign laws may not be self-evident and can be complex. Therefore, whenever there is a question regarding the University's legal responsibilities at locations outside the United States, the University's Office of General Counsel must be consulted to evaluate the University policy in the context of foreign laws and to advise on the appropriate course of action.

Policy Definitions

University Affiliates: consist of those entities controlled, directly or indirectly, by the University through (a) ownership of more than 50% of the ownership interests in the entity or (b) the power to appoint or elect a majority of the organization's governing body (e.g., directors or trustees).

Board of Trustees or Board: the body authorized under law and the University's Charter and Bylaws to make governance decisions on behalf of the University.

Employees: those individuals who are compensated by the University when they are working for the University, including faculty, staff and student employees, whether as employees who are reported to the applicable taxing authorities as employees (e.g., on Form W-2 in the case of most U.S. employees) or who are otherwise considered to be employees under law (e.g., "common law" employees under U.S. law).

Global Network University: New York University conducts its academic and related operations in New York City and around the world through an interconnected network of sites, including but not limited to New York University in Abu Dhabi, Tisch Asia, NYU Law in Singapore, and the University global sites in Berlin, Buenos Aires, Florence, Ghana, London, Madrid, Paris, Prague, Shanghai, and Tel Aviv.

Issuing Authority: the Senior Team member or members who promulgate a specific University policy in his/her area of responsibility; provided that if a Senior Team member is an Issuing Authority, a senior administrator appointed by a Senior Team member may be an additional Issuing Authority.

Office of the President: the University's President and those individuals designated by the President, including the University President; Provost; Executive Vice President; Executive Vice President for Health; Senior Vice President for University Development and Alumni Relations; Senior Vice President for University Relations and Public Affairs; Counselor to the President; Chief of Staff; Deputy President; and the General Counsel. The President may at any time modify the membership of the Office of the President.

Operating Units: the administrative units and academic support units that conduct the University's affairs under the direction of the Senior Team.

Responsible Officer: the Senior Team member or members who are responsible for the accurate and well-articulated formulation, issuance, and timely updating of the University policy; provided that if a Senior Team member is a Responsible Officer, a senior administrator appointed by a Senior Team member may be an additional Responsible Officer.

Senior Team: Senior Team includes the University President and those individuals designated by the President, including: the Deputy President; the Provost; Senior Presidential Fellow; Executive Vice President for Health; Executive Vice President for Finance and Information Technology; Executive Vice President for Operations; Vice Chancellor for Strategic Planning; Vice Chancellor for Strategic Planning – Asia; Chief of Staff to the President; Senior Vice President, General Counsel, and Secretary; Senior Vice President for University Relations and Public Affairs; Counselor to the President; Senior Vice President for Human Resources; Senior Vice Provost for Research; Senior Vice President for University Development and Alumni Relations; Deputy Provost and Vice Chancellor, Europe; Vice Chancellor for Undergraduates in the Global Network University and Associate Vice Chancellor for Admissions and Financial Support, NYU Abu Dhabi; Senior Vice Provost for Planning, and Senior Vice Provost of NYU Abu Dhabi; and the Senior Vice Provost for Science and Technology for the Global Network University, and Acting President and Provost, Polytechnic Institute of NYU; Senior Vice Provost for Academic Planning; Senior Vice Provost for Undergraduate Academic Affairs; and Provost, NYU Abu Dhabi. The President may at any time modify the membership of the Senior Team.

University Community: The following persons associated with the University: (a) the Board of Trustees, (“Board”), (b) faculty, including visiting faculty, (c) researchers, including persons conducting research at or under the auspices of the University, (d) employees, (e) volunteers, (f) fellows, trainees and post-doctoral appointees, (g) students and (h) others who are performing activities or providing services at or under the auspices of the University, including consultants, vendors, and contractors.

University Policy: any policy that meets all of the following criteria:

- has broad application or impact throughout the University across colleges, schools, institutes and/or operating units, including policies whose subject matter or budgetary impact requires review and approval by a member of the Senior Team;
- seeks to ensure compliance with applicable laws, ethical norms, accepted best practices, promotion of operational efficiencies, enhancement of the University’s mission, and/or reduction of institutional risks; and
- mandates or constrains actions.

Volunteers: individuals who freely give their time to the University on a charitable basis and who have no promise or legitimate expectation of compensation.

Related Policies

None

Appendix A

New York University
UNIVERSITY POLICIES

Title:
Effective Date:
Supersedes:
Issuing Authority:
Responsible Officer:

Policy

Purpose of this Policy

Scope of this Policy

Procedures for Implementation

Policy Definitions¹

Related Policies

¹ Policy Definitions may be placed earlier in the Policy if that facilitates the readability of the policy.