THE OFFICE OF COMMUNITY STANDARDS
UNIVERSITY DISCIPLINARY POLICIES, PROCESS, AND PROCEDURES

The following policies and procedures are those by which alleged violations of University student conduct policies will be reviewed and resolved through the University Student Conduct Process. [Please note that these procedures do not apply in matters of complaints of alleged sexual misconduct (e.g. sexual assault, relationship violence, and/or sexual harassment). Such complaints are addressed through the process for Reporting, Investigating, and Resolving Sexual Misconduct, Relationship Violence, and Stalking Complaints Against Students.]

I. GENERAL:

A. The Complaint: At New York University, a University disciplinary action is commenced when a complaint is filed with the Office of Community Standards in the Division of Student Affairs. Any member of the faculty, administration, or staff or any student may file a complaint against any student for an alleged violation of a University student conduct policy at the University. Complaints may also be filed against a recognized student organization that is alleged to have violated a student conduct policy at the University, or a condition of their recognition, during the course of a sponsored activity.

Although a complaint may be filed at any time, it is strongly preferred that the complaint be submitted as soon as possible after the reporter/complainant became aware of the matter. A complaint should include a description of the incident giving rise to the complaint, the identity of the accused student(s), and the names of others who may have been present, observed the incident, or who otherwise have information related to the matter. Notice of the filing of a formal complaint shall be mailed to the student within 48 hours.

NOTE:
1. A report submitted to the Department of Public Safety or another University office does not constitute a student conduct complaint which automatically initiates a student conduct action.
2. A report filed by a staff member in Residential Life and Housing Services is considered to be a complaint for cases reviewed through the Residential Life student conduct process.
3. An academic school may have different procedures for filing a complaint. Readers are urged to contact the school for specific information.

B. Consideration of Interim Suspension: As provided in by-law 62, the President or the Dean of a school, or their respective designees may determine to suspend the student who is accused of having violated University policy pending consideration of his/her case through the disciplinary process. In matters of Student Affairs jurisdiction, the President’s designee shall be the Vice President for Student Affairs. In matters arising at a Study Away Site, the Vice Chancellor for Global Programs and University Life may also serve as the President’s designee. A student should not summarily be suspended either completely, or for certain purposes (e.g. a suspension from a University class, program, building, Study Away Site, or other University activity/facility) except for reasons relating to his/her physical or emotional safety and well-being, the safety and well-being of students, faculty, or staff, or University property, the maintenance of public order, or the effective continuation of the education process. When this occurs, the student shall be afforded the opportunity to expedite disciplinary proceedings so as to enable the determination of the appropriate resolution at the earliest possible time. Any period of interim suspension shall be
deducted from any ultimate sanction involving suspension. A student who has been subject to interim suspension and who is found “not responsible” shall be allowed full opportunity to make up whatever work was missed due to the suspension.

B. Preliminary Review and Disposition: A staff member in the Office of Community Standards will review a complaint, report and other materials submitted to that office. Based upon the preliminary review, the Office of Community Standards, in consultation with the appropriate University offices, may make the determination to dispose of the matter as follows:

1. Dismissal: The matter may be dismissed if the facts alleged in the complaint, even if they are true, do not constitute a violation of a University policy or a policy of the academic or administrative unit in which the matter arose.

2. Non-Judicial Intervention: The matter may be resolved through a non-judicial intervention (e.g. mediation, educational interventions, administrative actions) if it is deemed to be of a minor nature that is appropriately addressed in such a manner.

3. Referral to Alternate University Venue: The matter may be referred to a University office or process (e.g. an academic college/school, Study Away site, office, etc.) that is deemed to be the appropriate venue through which to address the matter.

4. Assignment to a Venue Overseen by the Office of Community Standards:
   a. Assignment to Office of Community Standards (University) Student Conduct Process: Matters involving alleged violations of University student conduct policies, by an individual student or by a University recognized student organization, are managed through the University Student Conduct Process which is overseen by the Office of Community Standards.
   b. Residential Life Student Conduct Process: Matters limited to alleged violations of Residential Life policies are managed through the Residential Life Student Conduct Process which is overseen by the Office of Community Standards.
   c. Non-Matriculated Summer Resident Process: Matters involving alleged violations of the summer housing license agreement by residents who are not matriculated students at the University are managed by Residential Life and Housing Services through a review by a departmental/building administrator who has authority to render a final decision. Such cases/individuals are not subject to, or afforded the same rights and responsibilities of, the Residential Life Student Conduct Process.
   d. Assignment to the Center for Student Activities, Leadership and Service (CSALS). Matters involving alleged violations of terms of recognition by recognized student organizations are managed through the CSALS Group Conduct Process which is overseen by the Office of Community Standards.
   e. Assignment to a Study Away Site: Matters involving alleged violations of University policies by students at one of the University’s Study Away Sites are managed through the Study Away Site Student Conduct Process.
II. REVIEW OF UNIVERSITY POLICY VIOLATIONS: THE UNIVERSITY STUDENT CONDUCT PROCESS. Matters involving alleged violations of University policy will be managed by the Office of Community Standards through the University Student Conduct Process, as follows:

A. Phase #1: Investigation: The Director of the Office of Community Standards, or their designee(s), will commence the process of investigating the matter by contacting the Complainant or the person filing the report. The Director, or their designee, will also notify the student(s) named in the complaint or report to inform the student(s) of the filing of the complaint/report and request to meet with those individuals. During the respective meetings/discussions, the students (Complainant and Accused) shall be informed of their rights and responsibilities within the student conduct process, be apprised of the University’s related procedures, and asked to discuss the incident giving rise to the report/complaint. The students may also be asked to submit (by a designated date) a written statement about the incident and to provide the name and contact information of any witnesses/others who might be able to offer information regarding the matter.

B. Phase #2: Consensual Resolution: Based upon the results of the investigation, an attempt may be made to address the complaint through the acceptance of a set of terms proposed by the University in lieu of a formal University Judicial Board hearing. The acceptance of the terms of such a Consensual Resolution is considered to constitute an agreement of responsibility for the stated behavior/violation on the part of the accused student and the terms shall be considered to be “disciplinary sanctions”. If, for any reason, the Office of Community Standards deems the resolution of a matter by such terms to be unattainable or inappropriate, the case will be referred to the University Judicial Board for a formal hearing.

1. Terms: The terms of a Consensual Resolution may be rendered directly by the Director of Community Standards, or his/her designee, provided that a suspension, withdrawal or dismissal from the University is not among the terms. If the terms include a suspension, withdrawal or dismissal from the University, the consensual resolution shall be rendered by the Vice President for Student Affairs. The terms by which the University proposes to resolve the matter in lieu of a University Judicial Board hearing will be set forth in a letter of Consensual Resolution.

2. Consent: In most matters, only the consent of the student accused is required. Although a complainant/victim may be consulted as to the nature of the terms, their approval is not required.

3. Response: The student(s) from whom acceptance of the terms is required (as noted above in II.B.2), will be afforded a reasonable period of time, typically not less than 3 calendar days, within which to respond to the letter to indicate their acceptance or rejection of those terms.

4. Disposition: If the proposed terms are accepted, those terms shall be implemented and the matter deemed to be resolved as an agreement of responsibility and resolution. If the terms are rejected, the matter will be referred to the University Judicial Board for a hearing to be convened on the matter.

5. Appeal: The terms of a Consensual Resolution are not subject to an appeal by either the complainant or the student accused of the violation. Should a party from whom consent is required (as noted above in II.B.2) decline the terms, the matter is referred to the University Judicial Board.
6. **Notification:**

   a. In that disciplinary actions are considered part of a student’s education records, the release of such records is subject to the provisions of the Family Educational Rights and Privacy Act (FERPA). Accordingly, in most cases, the terms of the consensual resolution will be communicated to the complainant only to the extent that the complainant needs to be aware of those terms in order to report violations. Examples of such may include an order that the accused student stay away from the Complainant, is prohibited from entering the complainant’s residence hall, or is to have no contact with the Complainant.

   b. The Family Educational Rights and Privacy Act (FERPA) permits a postsecondary institution to disclose, to both the accused student and the complainant/victim, the final results of a disciplinary proceeding involving an alleged crime of violence regardless of whether the institution concluded that a violation was committed.

C. **Phase #3: The University Judicial Board Hearing Process** (if necessary)

1. **General:** A University Judicial Board hearing is an internal administrative process through which those involved in a matter before the board are afforded an opportunity to present information and perspectives on the event/s in question so that the hearing panel can come to a decision as to whether the student against whom a complaint has been filed should be held responsible for a violation of University policy. A Judicial Board hearing is not tantamount to a criminal or civil hearing and fundamentally differs in terms of purpose and procedures. Some examples of such differences are:

   a. A University Judicial Board panel consists of four representatives appointed by each of the respective governing bodies of the University. It shall include one student representing the Student Senators Council, one faculty member representing the Faculty Council, one administrator who represents the Administrative Management Council, and one Dean who represents the Deans Council.

   b. Each Judicial Board Panel will be chaired by one member who has been selected by the Panelists themselves to serve in that capacity, typically the Dean. The Chairperson will conduct the hearing in an orderly manner, state the charges, rule on the relevancy of matters discussed and evidence presented, coordinate the questioning process, be sure that the accused student has been provided with a summary of any written statements made by witnesses, call witnesses, lead the questioning process, and prepare a summary of the hearing and report of the findings.

   c. The Panel has the authority to determine the format of hearing and the manner in which all advisors, if they wish to do so, are to conduct the questioning of witnesses.

   d. The purpose of the hearing process is to elicit relevant information, to afford the participants an opportunity to express their perceptions, and to allow the panelists to compare and contrast the various points of view and information.

   e. The role of the panel is to listen and to ask questions to clarify what has been said or to elicit additional information from witnesses, to reach a decision as to the degree of responsibility of the student for each of the violations with which he/she has been charged, and to determine sanctions, as appropriate and necessary.
f. The panel expects those appearing before it to be forthcoming and honest in their presentations. The panel should not be expected to engage in concerted efforts to discredit the testimony or integrity of any witness and, likewise, participants are expected to refrain from engaging in questioning that the panel deems to be irrelevant, harassing, or unnecessarily repetitive.

g. The standard of evidence utilized in decision-making is that of “preponderance”, whether it is more likely than not that the accused student/group is responsible for engaging in behavior that violates University policy. In reaching a decision, the panel will consider the totality of the evidence/information presented in the hearing, including statements that might be considered “hearsay” and/or evidence that might be construed as circumstantial in a civil or criminal proceeding.

h. The complainant may be the student directly affected by the alleged actions of the accused or a University administrator who has been involved in the matter or has supervisory responsibility for the students or location of the event at which the incident occurred.

i. The panel prefers to hear directly from the students involved in a matter and the procedures utilized by a panel should afford students to opportunity to do so. However, a student cannot be compelled to testify.

j. The accused student and the complainant have the right to have an advisor at the hearing. The role of an advisor, who may be an attorney, may be limited at the discretion of the hearing panel, to assisting the accused student in understanding the process, responding to questions, or formulating questions. If the complainant is a faculty or staff member, and if the student against whom the complaint has been filed has retained an attorney as his/her representative, the complainant may be provided with an attorney through the University Office of Legal Counsel.

k. Judicial Hearings are considered as confidential matters and as such are open only to the accused, the complainant, witnesses and designated staff members from the Office of the Vice President for Student Affairs, the Office of Legal Counsel, and the Office of the Dean of the School in which the students involved in the matter are enrolled. Witnesses will be called to present their testimony and will be asked to leave the hearing room after doing so. They are not allowed to remain in the hearing room to hear testimony from other witnesses.

l. The University Judicial Board may be advised/assisted by the Vice President for Student Affairs or his/her designee in the preparation and administration of the judicial hearing process.

m. The University Judicial Board may be advised/assisted by the Office of Legal Counsel in the preparation and administration of the judicial hearing process.

n. An audio recording will be made of the hearing. The recording will be preserved by the Secretary of the University until the appeal period has elapsed or until all appellate procedures have been completed. A written transcript of the hearing will not be prepared.
2. **University Judicial Board Procedures:**

   a. The student will be notified in writing of the date, time and location of the hearing as well as the specific charges to be reviewed by the University Judicial Board.

   b. The University Judicial Board hearing will be scheduled for no sooner than seven days after the sending of a written notice to the student advising him/her of the date, time and location of the hearing except upon the consent of the accused student.

   c. If despite being notified of the date, time and location of the hearing, the student is not in attendance, the hearing may proceed as scheduled and sanctions may be imposed in his/her absence. In doing so, the Board will consider the available testimony, evidence, and materials. Only if there is clear evidence that emergency circumstances beyond the control of the accused student or the complainant prevented either from being present, will the decision be set-aside pending a reconvening of the hearing.

   d. Permission to postpone a hearing may be granted provided that the request to do so is based on a compelling emergency and is presented in writing to the Office of the Vice President for Student Affairs at least 24 hours prior to the time of the hearing.

   e. All evidence in the form of written statements or other physical evidence should be provided to the Office of Community Standards at least one week prior to the scheduled hearing so that the evidence may be made available to the accused student, the complainant, and the Judicial Board members.

   f. Members of the Judicial Panel, the accused student and the complainant will be provided with the same set of written statements and other documents related to the incident and the related charges.

   g. If either the accused or complainant intends to use audio or video or other such forms for presentations at the hearing, it is his/her responsibility to provide such equipment. If the student is unable to provide such equipment and wishes to request assistance by having the Judicial Board make such equipment available, he/she should make such a request at least 3 days prior to the date and time of the hearing. Although every effort will be made to do so, the Judicial Board cannot guarantee the availability of requested audio, video, or other such equipment at the hearing.

   h. It is the responsibility of the accused student and the complainant to contact and ensure that all witnesses on their respective behalves are present at the hearing. The Office of Community Standards should be given the names of all such witnesses who are expected to present information at the hearing as well as any available written statements from those witnesses at least 48 hours prior to the hearing.

   i. The accused student and the complainant, or their respective advisors, may (at the discretion of, and through a process to be determined by, the Panel) examine and cross examine witnesses either directly or through members of the panel.

   j. At the end of the hearing process, a final written report will be prepared and submitted to the Dean of the School/College in which the accused is enrolled, the student against whom the complaint was filed, and the Secretary of the University within seven (7) calendar days. The report shall state the Board’s finding of fact and the reasons for its
decision in accordance with the Family Education Rights and Privacy Act (FERPA), a complainant is not notified of the outcome of a hearing unless there are sanctions of which that person needs to be aware in order to take an action. (e.g. the accused is ordered not to contact the complainant/victim and would be required to be aware of that and to report any further violations; the complainant/victim is to be reimbursed for damages, etc)

**NOTE:** The Family Educational Rights and Privacy Act (FERPA) permits a school to disclose, to a harassed student, information about the sanction imposed upon a student who was found to have engaged in harassment/violence when the sanction directly relates to the harassed student. This includes an order that the harasser stay away from the harassed student, or that the harasser is prohibited from attending school for a period of time, or transferred to other classes or another residence hall.

3. **The Hearing Process:** As noted above, a Judicial Panel is empowered to conduct hearing proceedings as the panelists deem appropriate. The following is presented only as an example of a typical format. It should not be construed as the process that a panel is obliged to follow.

   a. Call to Order: The Chairperson will formally call the hearing to order.

   b. Introductions: The Chairperson will introduce the members of the Panel and ask others in the room (e.g. accused student and adviser, complainant and adviser, media assistant, University representatives to introduce themselves.

   c. Description of the hearing process and procedures. The Chairperson explains the process by which the hearing will be conducted

   d. Reading of the Charges: The Chairperson will read a copy of the official charges and ask the Accused Student if he/she understands the nature of those charges.

   e. The Complaint: The allegations will be presented as follows:

      - The complainant will be asked to present his/her information
      - The Accused Student, or his/her advisor (in accordance with the process established by the Panel), may ask questions of the complainant.
      - The Panelists may ask questions of the complainant.
      - Each witness who has information supporting the allegations will be called in sequence to provide his/her information and to respond to questions from the Accused Student (or his/her advisor if the panel allows), the Complainant (or his/her advisor if the panel allows), and the Panelists.

   f. The Response: The accused student may respond to the allegations as follows:

      - The Accused Student will be asked to present his/her information
      - The Complainant, or his/her advisor (in accordance with the process established by the Panel), may ask questions of the Accused Student.
      - The Panelists may ask questions of the Accused Student.
      - Each witness who has information supporting the accused student will be called in sequence to provide his/her information and to respond to questions from the Accused Student (or his/her advisor if the panel allows), the Complainant (or his/her advisor if the panel allows), and the Panelists.
4. The Post-Hearing Process:

a. Deliberation: The Judicial Board Panelists will consider the evidence presented at the hearing and will make a determination as to whether the student against whom the complaint has been filed is responsible for the policy violation(s), as charged. Although this phase will typically occur immediately subsequent to the hearing, the Board may decide to meet at a later time.

b. Sanctioning: The sanctions available to the Judicial Board include:

- **Warning**: A notice to the student, orally or in writing, that continuation or repetition of the conduct found wrongful, or participation in similar conduct, within a period of time stated in the warning, shall be a cause for disciplinary action.
- **Censure**: A written reprimand for violation of specified regulation, including the possibility of more severe disciplinary sanction in the event of conviction for the violation of a University regulation within a period of time stated in the letter of reprimand.
- **Disciplinary Probation**: Exclusion from participation in privileges or extracurricular University activities as set forth in the notice of disciplinary probation for a specified period of time. *NOTE: A student on Disciplinary Probation is ineligible to participate in the University Study Abroad program.*
- **Restitution**: Reimbursement for damage to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.
- **Monetary Fine**: For any offense.
- **Suspension of Privileges**: Exclusion from extracurricular activities or other privileges as set forth in the notice of disciplinary probation for a specified period of time. (this may include restrictions on access to certain areas of campus or suspension of other rights and services typically afforded University students).
- **Suspension from the University**: Exclusion from the University, in full or in part, and all related student privileges as set forth in the notice of disciplinary probation for a specified period of time.
- **No Contact Directive**: A directive ordering a student to refrain from any effort to contact, communicate or interact with another individual through, but not limited to, any of the following means: in person, in writing, by phone, by email, by texts or other electronic messaging, through social media, or through a third-party.
• **Dismissal from the University**: Termination of student status for an indefinite period. The conditions for readmission, if any are permitted, shall be stated by the Panel in the order of dismissal.

• **Transcript Notation**: A notation affixed to a student’s internal or external transcript indicating his/her involvement in a disciplinary proceeding. May be permanent or for a designated time period.

5. **Written Report**: At the end of the hearing process, a final written report will be prepared and submitted to the Dean, the student against whom the complaint was filed, and the Secretary of the University within seven (7) calendar days. The report shall state the Board’s finding of fact and the reasons for its decision.

6. **Appeal Process**: An accused student shall have the right to appeal the decision of the hearing panel on the ground that the decision or the proceedings at the hearing were arbitrary or unfair. In most matters, the Complainant does not have the right to appeal the decision. The following appeal procedures shall apply:

   a. Whenever the sanction of suspension or dismissal shall have been imposed in a Senate case, the appeal shall lie to the faculty of the school in which the student is enrolled. In all other cases, the appeal shall lie to the University Judicial Board.

   b. A four-member panel consisting of one student, one faculty member, one Dean, and one member of the Administrative Management Council, none of whom shall have served on the panel that conducted the hearing in the case, shall hear the appeal.

   c. Any appeal must be taken within fifteen (15) calendar days from the date on which the final report of the hearing body was sent to the student. The appeal shall be taken by the filing of a written notice requesting an appeal with the Dean of the school in cases involving the imposition of the sanction of suspension or dismissal or with the Director of the Office of Community Standards in other cases.

   d. The hearing body that has imposed a sanction may stay the sanction pending an appeal. The appellate body shall have the power to stay the sanction imposed by the hearing body but may not vacate the stay granted by the hearing body.

   e. The appellate process shall not consist of a new hearing and shall be limited to a review of the written report of the proceedings before the hearing body.

   f. The appellate body may accept the report without modification; accept the report but reduce the sanction imposed; dismiss one or more of the charges entirely; or remand the case for further proceedings.

   g. When the appellate body accepts the report, the matter shall be deemed finally decided without further recourse as of right.

   h. Upon the discovery of new previously unavailable evidence, which might have had a substantial bearing on the decision rendered, the hearing body may reconsider the case.