New York University
University Policies

Title: NYU NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY AND COMPLAINT PROCEDURES FOR STUDENTS

Effective Date: September 25, 2013

Supersedes: Version December 2006

Issuing Authority: Deputy President; Vice Chancellor for Global Programs & University Life

Responsible Officers: Executive Director-Office of Equal Opportunity; Director-Office of Community Standards

PURPOSE OF THIS POLICY:
New York University is committed to equal treatment and opportunity for its students, to maintaining an environment that is free of bias, prejudice, discrimination, and harassment, and to establishing complaint procedures for allegations involving students.

SCOPE OF THIS POLICY:
This policy applies to all prohibited discrimination or prohibited harassment involving students of NYU and all members of the University Community in their interactions with NYU students, with the following exceptions:

- Allegations of sexual harassment, sexual assault, or sexual misconduct by or against students are governed by the New York University Sexual Misconduct, Relationship Violence, and Stalking Policy.

- Allegations of discrimination or harassment against NYU employees (including students acting in their capacity as NYU employees) are governed by the NYU Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Employees.

I. POLICY DEFINITIONS

NYU includes the Schools and other units of NYU, NYU’s Global Network University sites, and all University Affiliates (as each term is defined in NYU’s Policy on Policies, as amended from time to time).

Prohibited discrimination is adverse treatment of any student based on race, gender and/or gender identity or expression, color, religion, age, national origin, ethnicity, disability, veteran or military status, sexual orientation, marital status, or citizenship status, rather than on the
basis of his/her individual merit. Prohibited discrimination also includes any conduct that constitutes illegal discrimination under the law of the jurisdiction in which the conduct occurs.

**Prohibited harassment** is unwelcome verbal or physical conduct based on race, gender and/or gender identity or expression, color, religion, age, national origin, ethnicity, disability, veteran or military status, sexual orientation, marital status, or citizenship status. Prohibited harassment includes conduct that creates an intimidating, hostile, or offensive academic or residential environment or otherwise adversely affects academic opportunities or participation in an NYU activity or benefit. Prohibited harassment also includes any conduct that constitutes illegal discrimination under the law of the jurisdiction in which the conduct occurs.

Examples of actions that constitute prohibited harassment may include, but are not limited to:

- Verbal abuse or hostile behavior, which could include insulting, teasing, mocking, degrading, or ridiculing another person or group;
- Inappropriate physical contact, comments, questions, advances, jokes, epithets, or demands;
- Physical assault or stalking; or
- Displays or electronic transmission of derogatory, demeaning, or hostile materials.

**School** means each NYU school and college and institute that functions similarly to a school or college (such as IFA, ISAW, Courant, and CUSP), each NYU comprehensive campus (such as New York and Abu Dhabi), and also may include for purposes of this policy other global sites as designated by the Provost.

**School Dean** means the dean, or his or her designee, of each NYU school and college, the director of each NYU institute that functions similarly to a school or college (such as IFA, ISAW, Courant, and CUSP) and the Vice Chancellor of each NYU comprehensive campus (such as New York and Abu Dhabi). In the case of other NYU global sites that have faculty and/or researchers, the Provost may designate someone to fulfill some or all of the duties of a School Dean as described herein with respect to such global sites.

**University Community** means NYU faculty, including visiting faculty; researchers, including persons participating in research at or under the auspices of NYU; employees; professional staff, including medical, dental and nursing staff; volunteers; fellows, trainees and post-doctoral appointees; students; and consultants, vendors and contractors.

### II. COMMITMENT TO EQUAL TREATMENT AND OPPORTUNITY

NYU is committed to equal treatment and opportunity for its students and to maintaining an environment that is free of bias, prejudice, discrimination, and harassment. Prohibited discrimination and prohibited harassment undermine the character and purpose of NYU and may violate the law. They will not be tolerated.

### III. RESPONSIBILITIES TO REPORT

NYU strongly encourages members of the University Community who have been victims of prohibited discrimination or prohibited harassment to report the conduct. In the case of incidents of prohibited discrimination and prohibited harassment covered by this policy,
reports may be made to the Office of The Vice President for Student Affairs, the designee of the applicable School, campus, or site, or the Executive Director of Equal Opportunity. Allegations against any visitor, vendor, or third party of prohibited discrimination or prohibited harassment should be made to the Executive Director of Equal Opportunity.

The written complaint should identify the parties involved; describe the alleged prohibited discrimination or prohibited harassment behavior; state when and where it occurred; and identify by name or description any witnesses. Complaints should be reported promptly so that an investigation can occur while recollections are freshest and evidence is retained, and so that remedial action can be taken in a timely manner where appropriate. In addition, any conduct that becomes known to NYU that may be in violation of this policy will be investigated, regardless of whether a complaint is filed. Efforts will be made to complete the investigation of a complaint within thirty days of the report of the alleged prohibited discrimination or prohibited harassment. Extensions of this time period may be necessary or appropriate in some circumstances. The complainant and respondent will be notified of the extension.

Any questions concerning where or to whom to report an incident of prohibited discrimination or prohibited harassment should be directed to the Executive Director of Equal Opportunity at 212-998-6807. If the Office of Equal Opportunity is implicated in the alleged discrimination or harassment, the report should be made to the Office of the Provost.

IV. CONFIDENTIALITY

NYU will maintain the confidentiality of the complaint to the greatest extent consistent with the goal of conducting a thorough and complete investigation and effecting any appropriate remedial action.

V. INVESTIGATION AND DISPOSITION OF THE COMPLAINT

The individual or office identified in Section III, above, receiving a complaint of prohibited discrimination or prohibited harassment against any student will review the complaint to determine whether an investigation is warranted, and, if an investigation is warranted, that individual or office will designate an investigator to investigate the complaint. The investigator may be any individual with appropriate expertise, including an individual from an office identified in Section III. The investigator will conduct a prompt, thorough, and impartial review of the complaint in the manner the investigator deems appropriate. The parties to the complaint each will have an opportunity to be heard during the investigation. The investigation also may include interviews with any other person who may have information bearing on the allegations of prohibited conduct, each of whom is encouraged to cooperate with any investigation. The investigator also may review relevant documents. The parties will be informed of the status of the investigation as deemed appropriate by the investigator.

At the conclusion of the investigation, the investigator will prepare a written report. The report will describe the scope of the investigation and whether any of the allegations in the complaint were substantiated. The written report will be submitted to the individual or office that designated the investigator. If the investigator determines that a violation of this policy has occurred and remedial action is warranted, the investigator will recommend a remedial action and the process for its implementation. Depending upon the particular facts and circumstances, the investigator may recommend administrative and/or educational interventions to be
implemented or that the matter be referred to the appropriate disciplinary venue. The person receiving the report, after consulting with such other individuals he/she deems appropriate under the circumstances, will render the final determination regarding any remedial or disciplinary action to be taken and will communicate the determination in writing to the complainant and the respondent. In the event that a matter involving allegations against a student is referred for formal disciplinary action, the Student Disciplinary Procedures will apply.

If it is determined that no violation has occurred or that there is insufficient evidence upon which to make a finding whether a violation occurred, such findings will be communicated in writing to the complainant and the respondent. If the results of an investigation show that the complainant knowingly filed false accusations of harassment, or that a witness gave false statements, such individuals will be subject to the appropriate disciplinary action.

Allegations against any visitor, vendor, or third party of prohibited discrimination or prohibited harassment will be investigated by the Executive Director of Equal Opportunity. A final determination regarding any remedial action will be made by an appropriate NYU representative.

VI. RETALIATION

NYU will take all reasonable steps to protect the complainant and any witnesses from retaliation for reporting discrimination or harassment or for participating in the investigation of a complaint. Any member of the University Community who retaliates against an individual who complains of discrimination or harassment or witnesses discrimination or harassment, or participates in the investigation of a discrimination or harassment complaint violates this policy and may be subject to sanctions. Complaints of retaliation should be reported as violations of this policy.

VII. EDUCATION

NYU supports a program for the education of applicable members of the University Community with respect to the meaning and implementation of this policy. Training will be scheduled accordingly.