MINUTES OF THE C-FACULTY SENATORS COUNCIL MEETING OF FEBRUARY 1, 2018

The New York University Continuing Contract Faculty Senators Council (C-FSC) met at 9:00 AM noon on Thursday, February 1, 2018 in the Global Center for Academic & Spiritual Life at 238 Thompson Street, 5th Floor Colloquium Room.

In attendance were Senators Carter, Celik, Davis, Gershman, Howard-Spink, Jahangiri, Killilea, Liston, Paiz, Renzi, Sacks, Saravanos, Slater, Steeves, Stehlik, Watkins, Youngerman; Alternate Senators Anderer, Cohen, Funk, Grillo (for Illingworth), Ritter, Sahin, Shullenberger, and Talib.

APPROVAL OF THE AGENDA

Upon a motion duly made and seconded, the meeting agenda was approved unanimously.

APPROVAL OF THE MINUTES OF THE MEETING HELD DECEMBER 12, 2017

Upon a motion duly made and seconded, the minutes of the December 12, 2017 meeting were approved unanimously.

REPORT FROM THE CHAIRPERSON: MARY KILLILEA

See attached Document A: C-FSC Chair Update

Policy on Personal Relationships in the Workplace

Chairperson Killilea distributed the new policy for the Council’s review.

In response to a Senator’s question, Killilea noted the policy’s focus on New York and DC may be due to labor laws in other countries.

In response to questions on a faculty member’s responsibility, it was stated that faculty members are responsible for reporting any allegations of sexual misconduct from a student, staff, or faculty member to the Office of Equal Opportunity (OEO). A Senator noted faculty members should let the person know of their duty to report at the beginning of the conversation.

A Senator commented on the importance of understanding the role of a responsible employee and legal obligations. Killilea suggested the Council invite Mary Signor to a future meeting to provide information.

A Senator added that schools should ask to bring in the OEO to provide information sessions at the school-level.
Resolutions regarding Representation on the Board of Trustees

Killilea reported the Student Senators Council (SSC) is putting forward a resolution regarding representation on the Board of Trustees at the March University Senate meeting. The Tenured/Tenure Track Faculty Senators Council (T-FSC) also has a resolution for representation.

Senators discussed whether the Council would like to re-visit creating a resolution that asks for representation in light of these resolutions. A Senator mentioned it would be detrimental to the Council if all other Councils had representation but not the C-FSC.

A Senator showed support for being involved with the Board through lunches and other opportunities, rather than a small representation on the Board.

Senators supported the C-FSC moving forward with their own resolution and then bringing their ideas to the T-FSC and other Councils.

Agenda items

A Senator recommended adding an open access policy as an agenda item for this spring. She noted many peer institutions have an open access policy in place. She suggested a good contact person is the scholarly communications librarian.

This will be added to the agenda for the next meeting.

Killilea noted Cecil Scheib, appointed as the Assistant Vice President for Sustainability, will likely present at a University Senate meeting.

A Senator noted the Benefits Committee is meeting with MetLife dental and encouraged anyone with questions or issues regarding dental coverage to let him know.

End of Year Celebration

Senators discussed the End of Year Celebration and ways to increase attendance. It was noted there was discussion of hosting a joint reception with the T-FSC, but it was decided to have separate events. Senators discussed timing in the semester, inviting partners, and locations. A poll will be sent around to collect additional ideas.

The Chair’s Report was accepted into the minutes.

PRESENTATION, DISCUSSION, AND VOTE

Proposed Resolutions from Governance Committee

See attached Document C.

Proposed Resolution Supporting Enforcement of the Policy on the Termination or Reorganization of Academic Programs Affecting Full-Time Continuing Contract Faculty

Committee Chair Senator Saravanos presented the resolution, which asks the Provost and the President to not approve reorganizations and terminations without having being given evidence from the dean that the policy has been followed.

Senators questioned what the current policy covers. Saravanos noted the resolution includes language to clarify that a reorganization includes any changes in the name of a program, department, division, or school, the moving of faculty from one program, department, division, to another, program, department, division, or school,
the moving of a program from one department, division, to another, program, department, division, or school, the elimination of FTCCF positions, as well as the replacement of FTCCF positions with adjunct positions.

It was noted the Committee will send a draft of language to the T-FSC.

Senators discussed the opportunity to review language of current policy and perhaps recommending changes.

A Senator discussed putting resources towards transitions. She suggested a division be created in human resources charged with transitions, reorganizations, and assisting talent to find new positions. Senators made suggestions on fair timelines for transitioning faculty. A Senator suggested there are placement services in packages given to faculty and other members of the organization. It was suggested to better advertise these services. Senators discussed the variations between schools in the processes and practices.

A Senator noted the current policy was devised by the University Senate and then approved by the Board of Trustees. He recommended if the Council wishes to make any suggested revisions to the policy to work with the Senate as a whole. He also suggested establishing best practices to ensure the policy is properly implemented would be better than a change in the policy.

Senators discussed the separation of the two issues as 1) the issue of ensuring the existing policy covers that contract faculty are consulted on the same basis as tenured faculty and 2) working with the T-FSC to understand the definition of what is covered under termination or reorganization.

Senators suggested the following amendments:

Changing the following sentence:

RESOLVED that the C-FSC reaffirms that the Policy is still in effect and applies to FTCCF;

to:

RESOLVED that the Provost affirms that the Policy is in effect and applies to FTCCF;

and removing “we ask” in the following statement:

Further be it resolved we ask that the Provost and President not approve any request for termination or reorganization unless evidence be provided that this policy has been applied.

The resolution, with amendments, was approved by the vote of the Council.

Attendance Policy

See attached Document C.

Saravanos noted a version of this resolution was presented by the Committee at the December meeting and based on responses it was sent back to the Committee for revision. The main difference in this revised version takes into account leaves of absence.

A Senator suggested amending the language to make it clear that a Senator or Alternate is required to attend each meeting, not both Senators and Alternates.

Senators discussed the process for informing the school that a Senator has not been attending meetings and the responsibility for replacement of the Senator. Senators discussed the issue of schools not being represented and leaving it to the deans to seek representation.

Senators discussed a process of notification to the school’s faculty council. Senators discussed the process of communicating the warning and then communicating the removal of the Senator to those in charge of holding school elections.
Senators noted the concern that if a Senator is removed it could take time for a new election and therefore the school would lack representation in the interim. Senators noted some schools have election processes that cause elections to take time, i.e. a set time period between the call for nominations, announcement of slate, and vote.

Senators noted the issue if Alternates are unaware Senators are not attending and are therefore unaware their absences counts towards the attendance policy.

It was noted the attendance list appears at the top of the minutes.

A Senator suggested handling this issue by first examining the attendance lists, monitoring, communicating issues, and seeing if this fixes any problems with attendance. Then next year the Council could revisit the need for a formal policy on expulsion.

The Committee requested that the motion be withdrawn.

The Committee will review the attendance lists and alert any problems to the person who handles the school’s election process.

**Judicial Board: Student Conduct Policy**

See attached Document D.

Committee Member Senator Youngerman presented the amended resolution to the Student Conduct Policy. He noted it addresses the concerns expressed at the University Senate meeting. He added the provision to review the policy annually is still included, and noted some Senators’ concerns over mandated review. He noted students supported this idea given the student turnover rate.

It was noted the policy will be voted on at the next University Senate meeting.

**Proposed Resolution Regarding Disciplinary Procedures**

See attached Document E.

Chairperson Killilea presented the proposed resolution regarding disciplinary complaints against deans to include a recommendation revising policy language to include deans who do not hold faculty titles.

The resolution was passed by vote of the Council with 1 abstention. The resolution will be first sent to the T-FSC for their review and potential support.

**COMMITTEE REPORTS**

See attached Document B: Committee Reports

**Discussion/Questions on the following submitted reports:**

**SCOG**

Committee Member Senator Renzi announced the Student Senators Council (SSC) plans to present a proposed resolution at the University Senate meeting to 1) formalize the Liberal Studies (LS) senator as a statutory senator in the bylaws and 2) to do that by expanding the SSC by an additional seat. It was noted LS has changed over time and now has four-year students.
Senators discussed the C-FSC designating a LS Senator seat. It was noted the Faculty of Arts and Science (FAS) Senators including the LS Senator decided to not formally pursue this.

**No Discussion/Questions on the following submitted reports:**

Educational Policies & Faculty/Student Relations
Governance
Personnel Policies & Contract Issues
Undergraduate Academic Affairs Committee
Undergraduate Program Committee

**Reports at Meeting:**

**Financial Affairs**

Committee Member Senator Stehlik reported the Committee has been advised in this year’s budget planning recommendations to include principles and best practices, along with the AMI percentage request. She added there is a new chief financial officer. She noted the Committee will present the budget proposal at the next C-FSC meeting.

The reports were accepted into the minutes.

**OLD BUSINESS**

**Representation on Board of Trustees (BOT)**

*See attached Document F (not distributed at meeting).*

The Governance Committee’s updated resolution regarding BOT representation, first presented at the December meeting, was tabled to the February meeting. There was not enough time to discuss and vote, so the Governance Committee is going to discuss the proposed resolution with the T-FSC and SSC, but note it has not yet been approved by the Council.

**ADJOURNMENT**

The meeting adjourned at 11:00 AM.
C-FSC—Chair’s Report
Chairperson Mary Killilea

Report for February 1, 2018

1. Cecil Scheib
   As noted in President Hamilton’s January 9th email, Cecil Scheib has been
   appointed as the Assistant Vice President for Sustainability. We should
   consider inviting Cecil to visit the C-FSC later this semester.

2. SPS
   The Provost is halting review of the SPS reappointment and promotion
   policy which was sent to us in November document until the final
   proposed policy is resubmitted to her with assurance that it was fully
   shared with the faculty.

3. Faculty Housing
   On January 24, 2018 the Provost sent the updated
   Faculty Housing Principles and Priorities (see attached) and can be
   found at the Provost’s website under the tab Academic Policies and
   Procedures, which you can access
   at https://www.nyu.edu/about/leadership-university-administration/office-of-the-
   president/office-of-the-provost/academic-policies-procedures.html .
   The website of the Office of Faculty Housing & Residential Services provides
   additional administrative information about procedures related to
   apartment selection, rental rates, sublet policy, and housing upon
   retirement and divorce.

4. Emeritus Resolution
   The Emertius resolution voted on by the C-FSC at our last meeting has
   been sent to the T-FSC for review.

5. Faculty and Student Representation on Board of Trustees
   We have been asked by the T-FSC and SSC to work with them on a
   resolution to be brought to the Senate this semester.

6. Hurricane Maria Assistance Program
   On January 16, 2018, there was a reception to welcome 57 students from
   Puerto Rico who will be spending the semester at NYU.
7. **Yu Shi on Superblock Committee**
   We have asked Yu Shi, Clinical Clinical Associate Professor of Management Communication, from Stern School of Business to serve on the Superblock Stewardship Advisory Committee.

8. **Being@NYU**
   Results will be distributed in April. Early data shows 22,000 people filled out the survey which is an overall response rate of 32%. Full-time continuing contract faculty had a response rate of 44%.

9. **Semester agenda**
   Are there people we should be inviting? Topics we should be discussing?

10. **C-FSC End of the Year Celebration**
    I would like to get a sense for people’s availability and preferences for an end of the year celebration.
FACULTY HOUSING PRINCIPLES AND PRIORITIES

Faculty housing is a critical strategic resource used by the University to recruit and retain exceptional faculty and to create a vibrant and dynamic residential and academic campus. Currently, the University provides housing near Washington Square to more than half of its tenured and tenure-track faculty and although that represents a significant number of housing units, it is not nearly sufficient to address the housing needs of the University community. Accordingly, in light of its limited resources, the University has adopted the following guiding principles and priorities with respect to the allocation of University housing.

Principles and Priorities in Allocating Faculty Housing Units

• In general, housing allocations are made and prioritized in a manner designed to support and further the Deans’ and the Provost’s academic priorities in the recruitment and retention of faculty.

• The University’s first priority is to recruit outstanding tenured and tenure-track faculty, with priority afforded to newly-recruited faculty who do not otherwise have a residence in the metropolitan area. Equally as important, University housing is a tool utilized to retain faculty who have been determined to be of high retention importance. The University also provides housing to a limited number of administrators whose positions at the University require that they reside on or near campus to support the health, safety, and welfare of the University community. Since meeting the foregoing needs exhausts much of the University’s available housing stock, other housing-related requests, including requests for transfers within University housing, although seriously considered, are sometimes unable to be met or may take a considerable amount of time to be met. Continuing contract faculty and administrators may be accommodated in exceptional circumstances only.

• Although the University makes every effort to take family size into account, family size alone is not determinative in a housing assignment. To accommodate growing families, members of the faculty whose family size has decreased or whose children have grown may be offered leases for alternative apartments more appropriate to their now-current situations.

• University housing is intended to be used as a primary residence only, as more fully described in the lease.

• At present, leases are issued for three-year terms, subject to continued employment and other housing eligibility requirements. At retirement, tenants who have no alternative housing options and who are otherwise eligible may normally downsize to a studio apartment.

The University may modify these principles and priorities at any time in its sole discretion.

Additional detailed information and resources related to housing options and assignments are available from the Office of Faculty Housing and can also be found at the Faculty Housing website at http://www.nyu.edu/faculty/faculty-housing.html. Only the Provost and the Office of Faculty Housing as authorized by the Provost have the authority to assign University housing.

Office of the Provost, New York University
Reissued January 2018
First Issued June 2007

1 Excluding faculty in the School of Medicine, NYU Abu Dhabi and NYU Shanghai.
C-FSC Committee on Education Policy and Faculty Student Relations

Members: Joseph Borowiec, Spiros Frangos, Scott Illingworth, Fidelindo Lim, Noelle Molé Liston, Jonathan Ritter, Ethan Youngerman

January 25, 2018

Scott Illingworth from the committee met with Robert Lapiner and Sharon Weinberg from the T-FSC committee on Education Policy and Faculty/Student Relations. He relayed our desire to work with them on the question of spring term admissions and any potential alterations to the existing academic calendar of the university.

We are working to establish a time both committees can meet jointly and are seeking information from colleagues who’s schools or departments are currently engaged in planning or introducing spring term admissions.

We have also reached out again to the Student Senate to seek a time to meet and discuss their priorities for the coming semester.

Respectfully submitted,

Scott Illingworth
C-FSC Governance Committee Report dated January 24th 2018

Committee Members: Lauren Davis, John Gershman, Mitchell Joachim, Antonios Saravanos, Larry Slater, Patrick Ying
Report submitted by: Antonios Saravanos (chair)

The Governance Committee has continued its hard work over the winter intersession.

Our efforts have mainly focused on revising the attendance policy based on the feedback that we received from C-FSC members at our last meeting. In particular we would like to bring to the C-FSC members’ attention the fact that the revised resolution: 1) excuses C-FSC representatives who are on paid or unpaid leave up to 6 months from the attendance requirements. (Note; We feel that a C-FSC members on leave for more than 6 months would no longer be able to effectively represent their respective constituencies); 2) Empowers the C-FSC Governance committee to consider other exceptions as and when they arise from time to time; 3) formalizes the C-FSC Governance committee’s role in notifying the C-FSC leadership of the pending removal of a C-FSC Member; 4) establishes an appeal procedure for a removed C-FSC member.

We also drafted a resolution, “C-FSC Proposed Resolution Supporting Enforcement of the Policy on the Termination or Reorganization of Academic Programs Affecting Full-Time Continuing Contract Faculty”, that proposes for stronger measures to support enforcement of the existing “Policy for the Termination or Reorganization of Academic Programs Affecting Full-Time Continuing Contract Faculty”. There was also discussion that the options available so that any affected full-time contract faculty member could be reassigned and/or given the opportunity to re-skill.
Personnel Policies & Contract Issues Committee

At the end of the spring semester, our committee met and reviewed the SPS policy. Because of the lack of faculty participation in the process of creating the policy, our committee wrote a letter to the T-FSC Personnel Policies committee requesting that both the C-FSC committee and the T-FSC committee return the policy to the SPS faculty. Both committees agreed to do so.

Respectfully submitted,
Heidi White
Co-Chair of PPCI Committee
January 29, 2018
Judicial Board Committee Report

The full Judicial Committee met once since our last December Senate meeting; in addition, there was a smaller meeting of members during the Winter break; several CFSC senators have also had private conversations and correspondences with Craig Jolley and/or Tom Ellett. In short, there’s been a great effort on all sides to come to a consensus on the Student Conduct project.

Attached is a revised bundle of documents. As a matter of scheduling/procedure, note that if we approve of them, they may come to the Senate for votes at the February meeting. If the CFSC (or TFSC) needs more time to approve of them, that may push the vote to the March meeting. It’s the opinion of both the Office of General Counsel and the Student Affairs division that if this is not approved at the March University Senate meeting, there won’t be enough time for individual schools to thoughtfully consider opting in or out – and for the full roll-out to happen – by the beginning of the next school year.

In terms of substance and process: the conversations and meetings have been largely cordial and thoughtful. Mike Funk and Ethan Youngerman have both stressed the CFSC’s respect for both Craig Jolley’s office and the work/insights of the students he worked with to create the policy/procedure drafts. The student senators present at last week’s meeting (there were at least 4) seemed to bear no animus nor anger toward the previous non-vote or toward those who voted down the resolution; they seemed to understand that a sticking point had been one of organizational input/power. They did express an excitement about the overall direction of the conduct policies. And they were particularly keen about the provision which ensures that the Judicial Board will review annually the student conduct policies and procedures.

In terms of communication: the bundle begins with a memo outlining the changes made since the non-vote in December. This is meant to help Senators grasp the whole of the complex proposal and its various parts. I’m happy to answer any other questions in person or via email. And questions I can’t answer, I’ll send to Craig Jolley for his office to address.

Respectfully submitted,
Ethan Youngerman
The committee met on January 24, 2018. Present for the C-FSC were Lauren Davis, John Gershman (by phone), Antonios Saravanos, and Vincent Renzi.

The primary business of the meeting was to conclude consideration of the Student Senators Council draft resolution seeking to regularize the status of the Liberal Studies student senator.

The committee was persuaded that Liberal Studies had evolved to become sufficiently “school-like” that it was plausible to imagine that it might have such a dedicated position, and that its status as such was distinct and would not set a precedent for units such as IFA, ISAW, or CUSP.

The committee therefore will recommend that the Senate Executive Committee bring for the consideration of the Senate the SSC resolution (to be revised in view of the committee deliberations) asking the Board of Trustees to revise the bylaws (1) to establish a dedicated Liberal Studies student senator, and (2) to do so by granting the SSC a new senator.

Regardless of the outcome of that vote or the action of the Board, this now also raises the question of whether we would like to ask that the Liberal Studies C-FSC senator be similarly established in the bylaws. A survey of the FAS C-FSC caucus did not surface this as a pressing concern.

Respectfully submitted,

Vincent Renzi,
Chair, Senate Committee on Organization and Governance
Chair, FAS Contract Faculty Senators Council
At the December meeting of the UAAC, two projects from the semester were finalized, with votes happening via email.

1) With the help of the Registrar, and at the original request of Tandon’s Faculty Executive Committee, the UAAC approved a plan to infinitesimally change how GPAs are calculated. FEC noted that the NYU transcript currently defines grade point values using one decimal (e.g., A- = 3.7; B+ = 3.3; B = 3.0) but displays students’ grade point average (GPA) values using three decimal places (e.g., 2.967). To address this inconsistency, the FEC suggested using three decimal places for both grade point values and grade point averages GPAs. Institutional Research was brought in to assess the impact of such a change, particularly as it related to students whose GPA was on the cusp of not qualifying for scholarships, “good standing”, etc. The number of students affected to such a degree that their status would change was deemed to be extremely low; furthermore, the policy will be implemented going forward, not retroactively. This small issue was studied at great length and it was agreed upon both as a matter of principle and statistics.

2) The UAAC has also approved more robust language and guidance to help faculty support students who miss class because of religious observance. A website with practical and pedagogical advice is being created with the support of the Office of Global Spiritual Life. The move will help faculty do more than merely not penalize students who need to miss class (or parts of class) for religious observance; the aim is to make NYU a more academically inclusive environment for all our students.

Respectfully submitted,
Ethan Youngerman
1. Two Gallatin professors presented a proposal for a new Minor in Psychoanalytic Humanities. After discussing the proposal and suggesting a number of changes, the committee voted to review a revised version at an upcoming meeting.

2. Assistant Dean Ryan Poynter circulated a memo explaining that TSOA will now offer the previously considered Collaborative Arts major as a B.F.A., instead of a B.A. Since this B.F.A. program received NYSED approval in 2011 (following review by the UPC and approval by the Provost), TSOA will submit a program change request, with several modifications.

3. There was a brief conversation about possible refinements to the UPC’s review process. First the committee is considering asking applicants for new programs to submit a letter of intent before the proposal is reviewed by the committee, a practice that the Graduate Program Committee adopted last year. The second proposal is to invite Undergraduate Admissions to comment on new proposals. The committee will explore the possibility of inviting a representative from Undergraduate Admissions to join the UPC as a non-voting ex officio member.

--Jon Ritter  
Jan. 26, 2018
C-FSC Proposed Resolution Supporting Enforcement of the Policy on the Termination or Reorganization of Academic Programs Affecting Full-Time Continuing Contract Faculty

WHEREAS the members of the Full-Time Continuing Contract Faculty (FTCCF) are recognized to be a distinct and important part of the University academic community and contribute significantly to the University’s academic missions;

WHEREAS the Full-Time Continuing Contract Faculty Senators Council (C-FSC) function as the Faculty Personnel Committee of the Senate with respect to the FTCCF;

WHEREAS the New York University Board of Trustees adopted on December 10, 1979 procedures that are in effect as of December 14, 1981, and were previously approved by the University Senate, to govern the termination and reorganization of academic programs, which appear in the Faculty Handbook in the section entitled “Selected University Policies” under the heading “Selected Policies Concerning the Protection of Rights and Other Matters” as “Procedures for Termination or Reorganization of Academic Programs” (Policy);

WHEREAS the Policy highlights that “Because one of the main responsibilities of the faculty is the curriculum, no program leading to a degree or certification in any school of the University should be discontinued or reorganized without the involvement of the faculty of that school in reaching the decision.”

WHEREAS the Principles of Joint Shared Governance with respect to the C-FSC (Principles) were approved on February 19, 2015 and define the roles and responsibilities of the C-FSC with respect to joint shared governance at the University;

RESOLVED that the C-FSC reaffirms that the Policy is still in effect and applies to FTCCF;

FURTHER BE IT RESOLVED that should a termination or reorganization of an academic program take place the affected FTCCF are to be fully included in the processes prescribed by the Policy;

FURTHER BE IT RESOLVED that should a termination or reorganization of a department or division that contains a one or more academic programs take place the Policy is to apply and the affected FTCCF are to be fully included in the processes prescribed by the Policy;

FURTHER BE IT RESOLVED that should a termination or reorganization of an entire school take place the affected FTCCF are to be fully included in the processes prescribed by the Policy;

FURTHER BE IT RESOLVED that should a program comprised entirely of FTCCF undergo termination or reorganization then the policy must be applied and the processes prescribed by the Policy strictly adhered to and include all affected FTCCF;
FURTHER BE IT RESOLVED that a reorganization includes any changes in the name of a program, department, division, or school, the moving of faculty from one program, department, division, to another, program, department, division, or school, the moving of a program from one department, division, to another, program, department, division, or school, the elimination of FTCCF positions, as well as the replacement of FTCCF positions with adjunct positions;

FURTHER BE IT RESOLVED that should a program that includes FTCCF be terminated or reorganized and the Policy is to be applied, the Office of the Provost as a courtesy should inform the C-FSC as it is the Personnel Committee of the Senate with respect to the FTCCF;

FURTHER BE IT RESOLVED as the C-FSC is the Faculty Personnel Committee of the Senate with respect to the FTCCF, and in accordance with the mutually agreed upon Principles, the C-FSC Personnel Policies and Contract Issues Committee is assigned the responsibility of monitoring all termination or reorganizations of academic program that include FTCCF to ensure that the C-FSC is able to adequately participate in joint shared governance and appropriately advise the Senate, the Provost and President of the University;

FURTHER BE IT RESOLVED that all Grievance Policies that have been developed and apply to FTCCF be updated to allow for FTCCF to grieve in instances where a FTCCF has met expectations but was not reappointed due to a termination or reorganization of an academic program and the Policy was not explicitly followed;

FURTHER BE IT RESOLVED we ask that the Provost and President not approve any request for termination or reorganization unless evidence has been provided that this Policy has been applied;

FURTHER BE IT RESOLVED that the University put aside funds and allow adequate time for FTCCF to obtain professional development to ensure that their skills remain current;

FURTHER BE IT RESOLVED that should the Policy be applied and FTCCF will be terminated the University should give priority to them for any internal job application they make;

FURTHER BE IT RESOLVED that should the Policy be applied and FTCCF will be terminated the University should make a good faith effort to find a new position for them within the University.
C-FSC Proposed Resolution To Establish an Attendance Policy for Members of the Full-Time Continuing Contract Faculty Senators Council

WHEREAS members of the Full-Time Continuing Contract Faculty (FTCCF) deserve to be actively represented;

WHEREAS members of the Full-Time Continuing Contract Faculty Senators Council (C-FSC) are expected to actively represent their respective constituents;

FURTHER BE IT RESOLVED if a C-FSC titular Senator and his or her respective Alternate Senator(s) is/are absent from more than three (3) consecutive C-FSC or University Senate (plenary) meetings and not on paid or unpaid leave, that C-FSC Senator and their alternate(s) shall be considered to have resigned their respective seats and elections will be held at the school level to fill the vacated seats and select new representatives;

FURTHER BE IT RESOLVED if a C-FSC titular Senator is on unpaid or paid leave and the respective Alternate Senator(s) is/are absent from more than three (3) consecutive C-FSC or University Senate (plenary) meeting, any C-FSC titular Alternate Senator(s) is/are unable to satisfy the responsibilities of the position, regardless if on paid or unpaid leave, and is/are considered to have resigned the seat(s), and elections will be held at the school level to fill any vacated seats and select new representatives;

FURTHER BE IT RESOLVED if a C-FSC titular Senator is on paid or unpaid leave for a period of time greater than six (6) months, that C-FSC titular Senator is seen as being unable to satisfy his or her responsibilities, and is considered to have resigned his or her seats and the alternate shall assume their position, and elections will be held at the school level to fill the vacated seat and select a new alternate representative.

FURTHER BE IT RESOLVED that if any C-FSC member knows that they will be absent for a period of time but would be affected by this policy, and believes that their absence should be excused, that member may request an exemption from the policy from the C-FSC Governance committee for a period of time to be no greater than four (4) months;

FURTHER BE IT RESOLVED that it shall be the responsibility of the C-FSC Governance committee to notify electronically any C-FSC member of their removal as well as the C-FSC Steering Committee;

FURTHER BE IT RESOLVED that any C-FSC member who has been notified electronically of removal by the C-FSC Governance committee and believe that this is in error, may appeal only once the C-FSC Governance committee’s actions to the C-FSC and this may be only at the C-FSC meeting which immediately follows the notification of removal.
TO: University Senate
FROM: Judicial Board Committee
DATE: 
RE: Summary – Updating the University’s Student Conduct Rules and Procedures

For the past eighteen months, a working group comprised of the Office of Student Conduct, school-based student affairs professionals, and members of the University Senate Judicial Board committee (including representatives from SSC, T-FSC, C-FSC, and AMC) has been developing a proposal to enact a new University-Wide Student Conduct Policy for the 2018-19 academic year. While the overall process of updating and enacting new policy at the University does require a number of procedural steps, this effort is necessary to ensure that our written documents reflect current NYU structure and effectively address contemporary issues facing a modern-day campus.

The Issue

NYU has not updated its student code of conduct in nearly forty years. The policies that we still currently operate under are as follows:

Rules for the Maintenance of Public Order (1969)
University Policy on Student Conduct (1978)
University Disciplinary Procedures (1978)

As a result, the University’s ability to effectively manage student conduct has, for many years, been significantly impaired. Specifically:

a) The existing rules do not reflect contemporary issues in student conduct. Our Rules for the Maintenance of Public Order read from a time before the internet, before campus shootings, and before protections were put in place to protect students with mental health issues from unfair treatment. Moreover, the documents often speak in broad strokes and generalities that can be unclear, confusing, and in many ways, open to interpretation.

b) NYU’s outdated and antiquated rules rely upon a structure that no longer exists at modern-day NYU. They were written before the University had any considerable residential campus or academic sites around the globe.

c) Under the University Bylaws and Rules for the Maintenance of Public Order, all student disciplinary action in matters involving only one college or school technically rests with the faculty of the school; matters involving more than one college or school rest with the University Senate. There is no longer a strong rationale for this jurisdictional rule treating non-academic misconduct cases differently depending on whether they involve one or more schools within NYU.
d) Over the past 25 years, issues of student conduct on college campuses nationally have become decidedly more complex, litigious, professionalized, and regulated by government agencies. Professional organizations such as the Association for Student Conduct Administration (ASCA) and the National Association for College and University Attorneys (NACUA) dedicate significant time and resources to monitoring the state of the profession and providing guidance on best practices. As a result, the reality is that NYU’s schools and the Senate end up relying heavily on specialists in the Office of Student Conduct for cases of any significance.

The Solution

After several months of discussion and development, the working group has drafted new University-wide Student Conduct Policies and Procedures. This new policy is clear and concise, while also comprehensive to include the contemporary student conduct issues facing campuses today. In addition, the new structure will allow each school the option of utilizing centralized student conduct procedures, to be administered by the Office of Student Conduct, which will promote consistency in our application and enforcement.

Summary of Changes to Resolution Since December

The Committee presented to the Senate in December 2017 a Resolution to change the current jurisdictional rules and adopt new University-wide policies and procedures. After voting to approve two amendments to the Resolution, the Resolution itself ultimately failed to gain majority approval. The Committee has made the following amendments to the Resolution to address the concerns raised at the Senate’s December 7, 2017 meeting:

- Adopts the amendments that were approved by the Senate at the December 7, 2017 meeting with respect to the Proposed Amendment to Section 80 of the University Bylaws and the Rules for the Maintenance of Public Order. The amended language makes explicit that authority over the Student Conduct Policy and Procedures rests with the Senate (see pages 18 & 21)
- Includes a draft of the University-wide Student Conduct Procedures (see page 12, Exhibit B to the Resolution) that were developed by the Office of Student Conduct in collaboration with the school-based student affairs deans, in addition to the draft Student Conduct Policy that had been included with the original Resolution. The Policy document sets forth the substantive policies regarding non-academic student misconduct and the Procedures document establishes the process by which the Policy would be enforced. The inclusion of the draft Procedures addresses the concern that the Senate might not have had the opportunity to review the new Procedures prior to the repeal of the 1978 University Disciplinary Procedures, which would have taken effect upon adoption by the Board of Trustees of the recommended amendments to the Bylaws and Rules for the Maintenance of Public Order.
- Sets an effective date of August 12, 2018, for the repeal of the University Policy on Student (1978) and the University Disciplinary Procedures (1978), which would remain in effect until the effective date. As with the original Resolution, repeal of the Senate’s 1978 policies and procedures is contingent on adoption of the recommended amendments by the Board of Trustees to the University Bylaws and Rules for the Maintenance of Public Order.
- Charges the Senate’s Judicial Board Committee with periodically reviewing the Policies and Procedures.
• Highlights the preservation of academic freedom within the Policy. The language in Section II of the draft Policy was adapted from the “Academic Freedom” section of the existing University Policy on Student Conduct and was discussed at length by the Judicial Board. Changes to existing language were made with the intent of enhancing academic freedom.

We hope you will support this important collaborative endeavor.
RESOLUTION OF THE UNIVERSITY SENATE
UPDATING THE UNIVERSITY’S STUDENT CONDUCT RULES AND PROCEDURES

WHEREAS, many aspects of New York University’s rules and procedures governing student conduct, including Section 80 of the University Bylaws, the Rules for the Maintenance of Public Order (1969), the University Policy on Student Conduct (1978) and the University Disciplinary Procedures (1978) (collectively “Rules and Procedures”) have become outdated since their respective dates of adoption; and

WHEREAS, these Rules and Procedures contain references to offices that no longer exist and assign jurisdiction in a manner that no longer comports with the University’s organizational structure, a circumstance which creates confusion over what unit is responsible for addressing allegations of misconduct; and

WHEREAS, these outdated Rules and Procedures do not adequately address many contemporary issues facing the University in regard to student conduct, including student conduct online, campus violence, and mental health issues; and

WHEREAS, the Judicial Board and Office of Student Affairs created a working group (“Student Conduct Working Group”) in 2016 comprised of representatives from the Judicial Board (including representatives from the SSC, T-FSC, C-FSC, and AMC), the Office of Student Affairs, and student affairs administrators from each school within the University; and

WHEREAS, the Student Conduct Working Group developed a new University-wide Student Conduct Policy (Exhibit A) and new Student Conduct Procedures (Exhibit B) (collectively the “Student Conduct Policy and Procedures”) that would supersede the University’s existing Rules and Procedures; and

WHEREAS, the Judicial Board has reviewed the Student Conduct Policy and Procedures and recommends that the Senate endorse their adoption, effective August 13, 2018; and

NOW, THEREFORE, BE IT RESOLVED, that the Senate recommends that the Board of Trustees amend Section 80 of the University Bylaws as presented in Exhibit C; and

BE IT FURTHER RESOLVED, that the Senate recommends that the Board of Trustees amend the Rules for the Maintenance of Public Order as reflected in the proposed revisions in Exhibit D; and

BE IT FURTHER RESOLVED, that contingent on adoption of the recommended amendments by the Board of Trustees to the University Bylaws and Rules for the Maintenance of Public Order, the Senate repeals the University Policy on Student Conduct (1978) and the University Disciplinary Procedures (1978), effective August 12, 2018; and

BE IT FURTHER RESOLVED, that the Senate endorses the adoption of the new Student Conduct Policy and Procedures, as administered under the Senior Vice President of Student Affairs; and
BE IT FURTHER RESOLVED, that the Judicial Board is charged with reviewing the Policies and Procedures on an annual basis.
UNIVERSITY STUDENT CONDUCT POLICY

Effective Date:
August 13, 2018

Supersedes:
University Policy on Student Conduct (1978)
University Disciplinary Procedures (1978)
Statement and Response Guidelines on Bullying, Threatening, and Other Forms of Disruptive Behavior (2014)

Issuing Authority:
Senior Vice-President for Student Affairs

Responsible Officer:
Director, Office of Student Conduct and Community Standards

I. STATEMENT OF POLICY

New York University, like other communities and organizations in our society, has a right to require the cooperation of its members in the performance of its educational functions, and to oversee and regulate the conduct and behavior of such members which, actually or has potential to, impede, obstruct, or threaten the maintenance of order and achievement of the University’s educational goals.

The authority to establish academic standards and address allegations of student academic misconduct is lodged with the faculty of each college or school at NYU. In addition to the academic standards and other policies established by each school, the University Senate has also defined certain areas of non-academic misconduct that are applicable to all students. These standards of non-academic misconduct are set forth in this policy.

II. ACADEMIC FREEDOM, DEMONSTRATION AND PROTEST

The University is a community where the means of seeking to establish truth are open discussion and free discourse. It thrives on debate and dissent, which must be protected as a matter of academic freedom within the University, quite apart from the question of constitutional rights. The University also recognizes that a critically engaged, activist student body contributes to NYU’s academic mission. Free inquiry, free expression, and free association enhances academic freedom and intellectual engagement.
This policy is not intended to discipline students or student organizations for asserting one’s rights of academic freedom, scholarly classroom dissent or civil discourse, nor hinder organized, nonviolent, peaceful protest. However, such conduct must occur within the standards set forth in Section III of this policy, as well as other applicable University policies.

III. PROHIBITED CONDUCT

The following behavior is prohibited for students at New York University (NYU):

A. ALCOHOL AND OTHER SUBSTANCES
   Engaging in behavior prohibited under the NYU Policies on Substance Abuse and Alcoholic Beverages.

B. BULLYING, THREATENING, AND ABUSIVE BEHAVIOR
   1. Engaging in behaviors that, by virtue of their intensity and/or repetitiveness, compromise the health, safety or well-being of an individual student or the general University community, or that disrupt the effective continuation of the academic/educational process for individual students or for the general University community. Such behaviors include, but are not limited to, threatening, tormenting, mocking, defaming, intimidating, and exploiting known psychological or physical vulnerabilities or impairment.
   2. Abusive behavior toward a University employee or agent acting in performance of their duties.
   3. Physical violence, actual or threatened, against any individual or group of persons.
   4. Engaging in, or threatening to engage in, any other behavior that endangers the health or safety of another person or oneself.

C. DESTRUCTION OF PROPERTY
   Vandalizing, damaging, destroying, or defacing University property or the property of others.

D. DISCRIMINATION AND HARASSMENT
   Engaging in behavior prohibited under the NYU Non-Discrimination and Anti-Harassment Policy for Students.

E. DISORDERLY CONDUCT
   1. Disorderly, disruptive, or antagonizing behavior that interferes with the safety, security, health or welfare of the community, and/or the regular operation of the University.
   2. Behaviors that, by virtue of their intensity and/or repetitiveness, interfere with an educational activity (e.g., classroom, online learning environment, advising session, lecture, workshop) such as: persistently talking without being recognized; creating noise that obstructs the learning process; repeatedly interrupting others; maliciously or inappropriately mocking or ridiculing another’s work or comments beyond the scope of scholarly inquiry; speaking in an abusive or derogatory manner; or deliberately engaging in other behaviors that have the effect of disrupting the learning process.
F. FAILURE TO COMPLY
   1. Failure to comply promptly with the reasonable request or instruction of a University employee or agent acting in an official capacity, including, but not limited to, refusing to provide identification, refusing to dispose of or turn over to University authorities prohibited items, leaving the scene of an incident, or violation of a no contact directive.
   2. Failing to abide by or fulfill the terms of a sanction issued through the student conduct process.

G. FIRE SAFETY
   1. Intentionally or recklessly damaging or destroying property by fire or explosives
   2. Creating or maintaining a fire or fire hazard
   3. Tampering with or misuse of emergency or fire safety equipment, including emergency call devices, fire alarms, fire exits, firefighting equipment, smoke/heat detectors, or sprinkler systems
   4. Failing to immediately exit any facility or building when a fire alarm or other emergency notification has been sounded.

H. GLOBAL SITE POLICY VIOLATIONS
   1. Engaging in behavior as prohibited by local Study Away Site policy or Portal Site Policy
   2. Engaging in behavior as prohibited by the Global Housing License Study Away Site housing policy, including leased properties or homestay housing assignments
   3. Engaging in behavior in violation of the Study Away Standard while enrolled as a study away student

I. GUESTS AND VISITORS
   Knowingly allowing one’s visitors or guests to violate this policy or other University policies, or failing to monitor the behavior of one’s visitors or guests to assure their adherence to such standards.

J. HAZING
   Any action taken or situation created, intentionally or unintentionally, whether on or off University premises and whether presented as optional or required, to produce: mental, physical, or emotional discomfort; servitude; degradation; embarrassment; harassment; or ridicule for the purpose of initiation into, affiliation with, or admission to, or as a condition for continued membership in a group, team, or other organization, regardless of an individual’s willingness to participate.

K. INFORMATION TECHNOLOGY
   Engaging in conduct as prohibited under the NYU Policy on Responsible Use of NYU Computers and Data
L. MISREPRESENTATION
   1. Making, possessing, or using any falsified University document or record; altering any University document or record, including identification cards
   2. Assuming another person's identity or role through deception or without proper authorization. Communicating or acting under the guise, name, identification, email address, signature, or indicia of another person without proper authorization, or communicating under the rubric of an organization, entity, or unit without authorization.
   3. Knowingly providing false information or making a false report to the University in bad faith causing disruption to University operations.

M. RETALIATION
   Participating in any adverse action against an individual for making a good faith report of prohibited conduct or participating in any proceeding under this policy. Retaliation includes threatening, intimidating, harassing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy.

N. RESIDENCE HALL VIOLATIONS
   Engaging in behavior prohibited under the NYU Residential Life Handbook

O. SEXUAL MISCONDUCT
   Engaging in behavior prohibited under the NYU Sexual Misconduct, Relationship Violence, and Stalking Policy. Note: procedures for resolving allegations of sexual misconduct are also defined under that policy.

P. SMOKING
   Engaging in conduct in violation of the NYU Smoke Free Campus Policy

Q. THEFT AND UNAUTHORIZED TAKING
   1. Taking (e.g., stealing, theft) of property or services without permission from the owner, regardless of intent to return the item
   2. Knowingly possessing, selling, or distributing stolen property or materials.

R. UNIVERSITY PROPERTIES (MISUSE OF)
   1. Entering or remaining on or in any part of any University premises without proper authorization
   2. Use of University property or space without proper authorization

S. WEAPONS AND RELATED ITEMS
   1. Engaging in conduct as prohibited under the NYU Weapons and Simulated Weapons Policy
   2. Engaging in conduct as prohibited under the NYU Policy on Theatrical Use of Simulated Firearms and other Weapons
T. VIOLATIONS OF OTHER POLICIES
Engaging in behavior as prohibited under other established NYU policies not otherwise cited above.

IV. CONDUCT OUTSIDE THE UNIVERSITY CONTEXT
The University shall not use its powers to interfere with the rights of a student beyond the University environment. Conduct that occurs off-campus, online, over social media, or outside the context of a University program or activity, should generally be subject only to the consequences of public authority and/or opinion. Notwithstanding, the University may take student disciplinary action for conduct occurring outside the University context which substantially disrupts the regular operation of the University or seriously threatens the safety and security of the University community. When conduct constitutes violations of both University policy and public law, a student may be subject to both University student conduct action as well as public sanctions.

V. STUDENT ORGANIZATIONS
Student organizations at the University are expected to abide by the standards of conduct as outlined in Section III above. Whether acting in an official or unofficial capacity, student organizations and individuals within those organizations may be held accountable for violations of this policy.

Where a student organization is alleged to have violated this policy, the applicable procedures for the accused organization shall apply (i.e. Center for Student Life all-square clubs, school-based clubs, etc.)

VI. ENFORCEMENT
In matters involving alleged violation of this policy by individual students, the school of the accused student may establish its own procedures for enforcement or elect to utilize the NYU Student Conduct Procedures administered by the NYU Office of Student Conduct, under the authority of the University Senate.

VII. REVIEW AND UPDATES
This policy has been developed to promote policy education and procedural fairness to students. In accordance with the NYU Policy on Developing University Policies, the responsible officer must ensure that they are up to date and appropriately reflect obligations imposed by current laws, as well as best practices. The Judicial Board Committee will review the policies and procedures on an annual basis and report to the Senate any recommendations for their modification.

VIII. POLICY DEFINITIONS
“NYU” or “University” includes the schools, colleges, institutes (e.g., Institute of Fine Arts (IFA), Institute for the Study of the Ancient World (ISAW), Courant Institute of Mathematical Sciences, and the Center for Urban Science and Progress (CUSP)), and others Units of NYU.
“Student” for the purposes of this policy means an individual properly matriculated or enrolled, full or part-time, in a degree or diploma granting program at NYU. Further, individuals registered and attending a course at NYU as a visiting or non-matriculated student are also expected to abide by the standards set forth in this policy during the period of their enrollment.

“Portal Campus” means NYU Abu Dhabi or NYU Shanghai.

“Study Away Site” means NYU Accra, NYU Berlin, NYU Buenos Aires, NYU Florence, NYU London, NYU Madrid, NYU Paris, NYU Prague, NYU Sydney, NYU Tel Aviv, or NYU Washington, D.C.
NEW YORK UNIVERSITY
STUDENT CONDUCT PROCEDURES

I. GENERAL

The following procedures are those by which alleged violations of the New York University (NYU) Student Conduct Policy will be reviewed and resolved.

Application of these procedures shall be determined based on the school of the student accused of misconduct (“the respondent”). The following schools have adopted these procedures for reviewing and responding to alleged violation of the NYU Student Conduct Policy:

APPLICABLE SCHOOLS HERE

Where a school has not adopted these procedures, the authority for addressing student non-academic misconduct lies with the faculty of the School pursuant to University Bylaw 80.

Note: These procedures do not apply to allegations of sexual misconduct, relationship violence, or stalking. Such allegations are administered under the University’s Sexual Misconduct, Relationship Violence, and Stalking Policy. Allegations of conduct that could constitute a violation of both the University’s Sexual Misconduct, Relationship Violence, and Stalking Policy and the University’s Student Conduct Policy will be administered according to the Sexual Misconduct, Relationship Violence, and Stalking Policy

II. INTERIM SUSPENSION

The President, the Provost, the Senior Vice-President for Student Affairs, or their designee, may suspend a student on an interim basis pending consideration of the case through these procedures. 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 the physical or emotional safety of the student or others, the maintenance of public order, or the effective continuation of the education process. When an interim suspension is issued, 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.
III. FORUMS FOR RESOLUTION

Upon receipt of a report of alleged misconduct, the Office of Student Conduct shall review the matter and determine an appropriate forum for resolution based on its assessment of whether suspension and expulsion are potential sanctions for the conduct in question or whether the conduct is sufficiently minor that it can be adequately addressed through an informal resolution. All forums, as outlined below, are administered to ensure that any student accused of violating University policy (the “respondent”) is afforded fair and impartial process.

A. INFORMAL RESOLUTION/RESOLUTION BY AGREEMENT

The respondent will meet with a representative from the Office of Student Conduct (or a trained administrator from another designated office) to discuss the matter and share their perspective. Outcomes in this forum may include informal discussion, mentoring and coaching, conflict mediation, restorative justice, non-disciplinary intervention, and no-contact directives.

Within this forum, a respondent may also agree to accept specific sanctions or terms for disciplinary action presented by the Office of Student Conduct in lieu of potentially more serious sanctions that might be issued at a conduct conference or panel hearing. NYU may, in its discretion, seek a resolution by agreement at any stage in the disciplinary process, regardless of the severity of the conduct at issue.

B. CONDUCT CONFERENCE

The conduct conference is a one-on-one meeting between the respondent and a trained hearing officer. Written notice will be sent to the respondent detailing the date and location of the incident, nature of the alleged conduct, and applicable policies charged to have been violated. The letter shall also provide the date, time and location for an individual meeting between the respondent and an assigned hearing officer.

The respondent will meet with a hearing officer from the Office of Student Conduct (or a trained administrator from another designated office) to discuss the matter and share their perspective. The hearing officer may conduct such additional investigation as they deem appropriate. After the meeting, the hearing officer will make a determination, based on a preponderance of the evidence, as to whether the respondent violated the policies as charged. If a violation of policy has been found, the hearing officer shall then determine appropriate sanctions. The hearing officer shall issue a written decision to the respondent within seven (7) calendar days of the conduct conference.

As noted in Section IV below, a hearing officer may not issue a suspension from the University, expulsion from the University, or transcript notation via a conduct conference. Such sanctions may only be issued through a panel hearing or resolution by agreement.
C. PANEL HEARING

Written notice will be sent to the respondent detailing the date and location of the incident, nature of the alleged conduct, and applicable policies charged to have been violated. The letter shall also provide the date, time and location for a hearing before a student conduct panel. In addition to the letter of notice, the respondent shall be provided with all evidence to be reviewed by the panel at least five (5) calendar days prior to the scheduled hearing.

If despite being notified of the date, time, and location of the hearing, the respondent is not in attendance, the hearing may proceed and sanctions may be imposed.

The hearing will be conducted by a four-person panel, comprised of a faculty member, an administrator, a student, and a representative from the Office of Student Conduct, who will serve as chairperson of the panel. The pool of panelists that may comprise a panel shall be drawn from elected members of the University Senate Judicial Board committee and school-based appointees that have been specially trained in the application of the NYU Student Conduct Policy and the administration of these procedures.

The specific format of the hearing shall be determined by the chairperson of the panel. During the hearing, the respondent shall be provided the opportunity to be present for all hearing testimony, provide their perspective on the matter, and propose questions to be asked to any participating witnesses.

An audio recording will be made of the panel hearing. The recording will be maintained by the University for at least seven (7) years from the date of the hearing. A written transcript of the hearing will not be prepared. Requests to listen to the audio recording of a hearing should be made to Office of Student Conduct.

After the hearing, the panel will make a determination, based on a preponderance of the evidence, as to whether the respondent violated the policies as charged. If a violation of policy has been found, the panel shall then determine appropriate sanctions, up to and including expulsion from the University.

The panel shall issue a written decision to the respondent, Dean of the respondent’s school, and the Senior Vice-President for Student Affairs within seven (7) calendar days of the hearing.

IV. SANCTIONS

As outlined below, sanctions may be issued by a hearing officer or panel upon the finding of a violation of University policy, or where the respondent has agreed to accept sanctions in lieu of a hearing.

Sanctions are not intended to be solely punitive and should be issued with a thoughtfulness toward educational outcomes. Sanctions shall be crafted in consideration of (i) the seriousness of the conduct, (ii) the corrective and learning opportunities for the respondent, (iii) the prior conduct record of the respondent (if applicable), (iv) the safety and well-being of harmed individuals and the community, (v)
the desirability of treating similar conduct similarly, and (vi) the behavioral standards and values of New York University.

- **Warning**: A notice to the student in writing that continuation or repetition of the conduct found wrongful, or participation in similar conduct, shall be a cause for further 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 policy.
- **No Contact Directive**: A directive ordering a student to refrain from any effort to contact, communicate or interact with another individual. This includes, but is not limited to: in person, in writing, by phone, by email, by texts or other electronic messaging, through social media, or through a third-party acting on the student’s behalf.
- **Educational Assignment**: An assignment to be completed by the student within a specified time period. The assignment will be structured with the goal of fostering continued learning in relation to the violated policies.
- **Mandatory Health Referral**: A mandated assessment with qualified health professional to evaluate a student’s well-being and promote responsible decision making.
- **Restitution**: Reimbursement for damage to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.
- **Suspension of Privileges**: Exclusion from extracurricular activities or other privileges for a specified period of time. This may include restrictions on access to certain areas of campus (Persona Non Grata) or suspension of other rights and services typically afforded University students.
- **Residential Probation**: A defined period of time during which further violation of the University’s residential policies will result in more serious disciplinary sanctions.
- **Residence Hall Reassignment**: Reassignment of a student to a different room or residence hall for the duration of the housing license.
- **Deferred Suspension from University Housing**: A defined period of time during which further violation of the University’s residential policies will result in suspension of the housing license.
- **Suspension from Housing**: Cancellation of a student’s housing license and exclusion from residing in a University residence hall for a defined period of time.
- **Dismissal from Housing**: Cancellation of a student’s housing license and permanent exclusion from residing in a University residence hall.
- **University Probation**: A defined period of time during which further violation of any University policy will result in more serious disciplinary sanctions. University probation may also restrict a student from participation in specified extracurricular University activities. **Note: a student on Disciplinary Probation is ineligible to participate in the University Study Away program during the probationary period.**
- **Suspension from the University**: Termination of a student’s enrollment and all related student privileges for a specified period of time. **Note: suspension from the University may only be issued by a hearing panel or through a resolution by agreement.**
- **Expulsion from the University**: Termination of student’s enrollment and all related privileges with permanent exclusion from future enrollment. **Note: expulsion from the University may only be issued by a hearing panel or through a resolution by agreement.**
• **Transcript Notation:** A notation affixed to a student’s transcript indicating their involvement in a disciplinary proceeding. The notation may be permanent or for a designated time period. Transcript notation options may read as follows: (a) censured after the finding of a code of conduct violation; (b) suspended after the finding of a code of conduct violation; (c) expelled after the finding of a code of conduct violation. *Note: transcript notations may only be issued by a hearing panel or through a resolution by agreement.*

Where the conduct found to have violated the Student Conduct Policy also constitutes a “crime of violence” as defined under New York State Education Law § 6444(6), and where the sanction(s) imposed included either a suspension or expulsion, the transcript of the Student respondent shall include the applicable notation on their transcript: “Suspended after a finding of responsibility for a code of conduct violation” or “Expelled after a finding of responsibility for a code of conduct violation.” If a Student respondent withdraws from NYU with a charge of a violation of the Policy pending, a notation will be made on such student’s transcript that they “Withdrew with conduct charges pending.” If a withdrawing respondent declines to complete the disciplinary process and the University elects, in its discretion, to defer scheduling a hearing until the respondent returns to NYU, the notation of withdrawal will become permanent in the event that the respondent does not return within eighteen (18) months.

**V. APPEAL**

A respondent shall have the right to appeal a decision arising from a conduct conference or panel hearing. Grounds for an appeal are limited to: (1) a material procedural error; (2) previously unavailable relevant evidence that could affect the outcome; and/or (3) the sanction being substantially disproportionate to the violation.

Within the appeal, the student may also request that any issued sanctions be held in abeyance (“stay of sanctions”) until the appeal process has concluded. The request for a stay of sanctions will be evaluated by the Office of Student Conduct on a case-by-case basis in consideration of the circumstances, the impact on the respondent, and the safety and well-being of the University community.

The respondent must submit the appeal in writing to the Office of Student Conduct within seven (7) calendar days from the date of the hearing decision. The Office of Student Conduct will direct the appeal to an appropriate appeal officer as follows:

- **For a conduct conference decision,** the appeal will be reviewed by the supervisor of the decision maker, or appropriate designee.

- **For a panel hearing decision,** the appeal will be reviewed by the Dean (or Dean’s designee) of the school of the respondent, in consultation with the Senior Vice-President for Student Affairs (or designee).

The appeal shall not consist of a new hearing and will be limited to the documentation considered at the hearing, the written decision, and additional appeal materials submitted by the respondent. The appeal
officer may accept the decision without modification; accept the decision but modify the sanction imposed; or remand the case for further proceedings. Upon the discovery of new previously unavailable information, which might have had a substantial bearing on the decision, the matter may be referred back to the preceding forum for consideration of the new information. If the appeal officer accepts the decision without modification, the matter shall be deemed final.

The student shall receive a written decision from the appeal officer within twenty-one (21) calendar days of the submission of the appeal.
PROPOSED AMENDMENT TO SECTION 80 OF THE UNIVERSITY BYLAWS

Section 80 of the University Bylaws currently states:

The power of suspending or dismissing a student in any college or school is lodged with the voting faculty of that college or school, but the President and Chancellor or the dean of a college or school, or their respective representatives, may suspend a student pending the consideration of his or her case by his or her faculty. The Senate will have power to act in situations involving more than one college or school.

The Senate recommends that the NYU Board of Trustees replace the entirety of Section 80 with the following:

Student Conduct. Academic misconduct shall be governed by the policies and procedures established by each individual college or school. All non-academic misconduct shall be governed by the university-wide Student Conduct Policy. In matters involving non-academic misconduct, the school of an accused student may establish its own procedures for enforcement or elect to utilize the NYU Student Conduct Procedures established under the authority of the Senate.
Exhibit D

Title: Rules for the Maintenance of Public Order

Effective Date: TBD


Issuing Authority: New York University Board of Trustees

The Trustees of New York University do hereby adopt the following rules for the maintenance of public order on campus and other University property used for educational purposes and a program for the enforcement of these rules, and do hereby authorize the President of the University to file a copy with the Regents and the Commissioner of Education as provided in section 6430 of the New York Education Law.

I. Rules of Conduct

A. All members of the University community students, faculty members, and members of the staff—shall comply with city, state, and federal laws and ordinances affecting the maintenance of order on University premises.

1. Conduct that is violative of such laws and ordinances occurring on University premises may be subject to both University discipline and public sanctions as circumstances may warrant or dictate.

2. Conduct that is violative of such laws and ordinances occurring off University premises will ordinarily not be subject to University discipline, unless such conduct
   a. seriously affects the interests of the University or the position of the member within the University community, or
   b. occurs in close proximity to University premises and is connected to violative conduct on University premises.

B. All members of the University community are prohibited from engaging in conduct leading to or resulting in any of the following:

1. Interference with or disruption of the regular operations and activities of the University.

2. Denial of, or unreasonable interference with, the rights of others—including persons not members of the University community who are present as invitees or licensees—on University premises. These rights include the right of academic freedom as well as constitutionally protected rights.

3. Injury to University property, real or personal.
4. Unauthorized access to or occupation of nonpublic areas on University premises but not limited to classrooms, seminar rooms, laboratories, libraries, faculty and administrative offices, auditoriums, and recreational facilities.

5. Unauthorized access to or use of personal property, including files and records.

6. Recklessly or intentionally endangering mental or physical health or forcing consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization.

C. Visitors, including invitees and licensees, shall at all times conduct themselves in a manner that is consistent with the maintenance of order on University premises, and their privilege to remain on University property shall automatically terminate upon breach of this regulation. The University, in addition, reserves the right in its discretion to withdraw at any time the privilege of an invitee or licensee to be on University premises. A trespasser has no privilege of any kind to be on University property but is nevertheless subject to these regulations governing the maintenance of order.

D. Any authorized member of the University community, after properly identifying himself, may in the course of performing his duties, request identification from members of the University community. Refusal to identify oneself shall be considered prima facie evidence of non-University status.

“Authorized” members of the University community shall include

1. Members of the University administration.

2. Faculty in the performance of teaching or supervisory duties.

3. Faculty or student marshals designated by the University Senate or the University administration.

4. University security officers.

E. Nothing contained in these rules is intended, nor shall it be construed, to limit or restrict the freedom of speech or peaceful assembly.

II. Program of Enforcement

A. Visitors (Invitees, Licensees, and Trespassers). When an administrative officer or member of the protective service of the University in his discretion determines that the privilege of an invitee or licensee to be on University premises should be withdrawn, he shall ask the invitee or licensee to leave the premises, and the invitation or license shall thereby be terminated. If any person, whether initially a trespasser, licensee, or invitee, fails to leave University premises promptly upon request, the University will use all reasonable means, including calling for the assistance of the police, to effect his removal.

B. Summary Suspension of Members of the University Community. Penalties for violation of University rules shall not be imposed upon members of the University community except after compliance with the disciplinary procedures applicable to students or faculty members, or members of the University staff (administrative and other employees). However, summary suspension pending disciplinary proceedings may be imposed upon
students in accordance with the Bylaws, or upon faculty members in accordance with the Rules of Tenure and Related Provisions, as adopted and subsequently amended by the Board of Trustees, or upon members of the University staff in accordance with administrative practice.

C. Disciplinary Action. A member of the University community who is charged with a violation of the University rules set forth in Section I above shall be subject to appropriate disciplinary action as follows:

1. Students.
   a. If the alleged violation of University rules involves a matter affecting more than one school, disciplinary proceedings shall be carried out under the Rules Regulating Student Disciplinary Proceedings, adopted by the Senate in accordance with the authority delegated to it under Paragraph 34(c) of the University Bylaws.
   b. If the alleged violation of University rules involves a matter affecting only one school, disciplinary action shall be carried out by the faculty of the school in which the student charged is enrolled. The authority of the faculty is derived from Paragraph 61(b) of the University Bylaws. Disciplinary proceedings shall be in accordance with the established practice of the school. In the absence of an established practice in a school, the following procedure shall be used:
      i. When a charge of misconduct has been made, the dean of the school or such other administrative officers or faculty members as may be designated shall try to resolve the matter on an informal basis.
      ii. If the matter cannot be disposed of on an informal basis, the hearing procedure shall follow in principle, though not necessarily in detail, the provisions in the Rules Regulating Student Disciplinary Proceedings, with the following exceptions:
         (a) no verbatim record of the proceeding shall be required,
         (b) the hearing tribunal shall be composed of such persons as the faculty of the school may designate, and
         (c) the appellate tribunal, if any, shall be a person or persons within the school or the University.

2. Faculty Members.
   a. When a faculty member is charged with a violation of these rules, an effort shall be made to resolve the matter informally under the direction of the dean of his or her school at the departmental level or with a committee of the faculty of that school.
b. When the matter cannot be resolved as provided in the preceding paragraph, disciplinary action shall proceed as follows:
   i. If the faculty member charged with a violation has permanent or continuous tenure (and the charge is brought specifically to terminate service), the Rules of Tenure and Related Provisions shall apply.
   ii. If the faculty member does not have continuous or permanent tenure, his or her case shall be referred to a special committee of the faculty designated for that purpose. The special committee shall adopt its own rules of procedure. It shall have the authority to impose any of the penalties other than dismissal listed in Section II.D. and to recommend the penalty of dismissal. A recommendation for dismissal for a faculty member who does not have continuous or permanent tenure shall be submitted to the dean of the faculty member’s school for approval and shall not become effective except on the concurrence of the President as provided in Paragraph 52(a) of the University Bylaws.

3. University Staff, Administrative Officers, and Other Employees. When a member of the University staff, other than a faculty member, has been charged with a violation of University rules, the charge shall be considered and determined administratively in accordance with established practices of the department to which the staff member is assigned. If the person against whom the charge has been made is both an administrative officer and a faculty member, his case shall be governed by this section unless the violative conduct was of such a nature as to call into question his continued qualification for service on the faculty; in the latter event, disciplinary action will proceed in accordance with Section II.C.2. above.

4. Organizations.

Any organization which authorizes conduct prohibited under Section I.B.6. shall be subject to having its permission to use the facilities of New York University and to operate as a University organization rescinded, and shall be subject to any additional penalties pursuant to the penal law or any other applicable provision of law.

D. Penalties. Penalties for violation of University rules that may be imposed upon members of the University community include, but are not limited to, the following:
   1. Reprimand
   2. Censure
   3. Removal of privileges
   4. Suspension
   5. Dismissal or expulsion
C-FSC Proposed Resolution Regarding Additional Language to the “Disciplinary Procedures” Section of the “Faculty Policies Applicable to Full-Time Continuing Contract Faculty,” NYU Faculty Handbook

WHEREAS the current “Faculty Policies Applicable to Full-Time Continuing Contract Faculty” of the NYU Faculty Handbook includes a section on Disciplinary Procedures (p. 59) and states that “any member of the faculty or staff, or any student may file a complaint against a member of the Full-Time Continuing Contract faculty”;

WHEREAS this same passage of the Faculty Handbook does not mention possible complaints against administrative officers who hold no faculty appointments and who are charged, nevertheless, with supervising Full-Time Continuing Contract faculty or part-time faculty;

WHEREAS there are some units at NYU that have administrative officers charged with supervising Full-Time Continuing Contract faculty or part-time faculty and who, nevertheless, hold neither tenured/tenure-track positions nor contract faculty positions;

RESOLVED the following bolded passage should be inserted into page 59 of the NYU Faculty Handbook, under “Disciplinary Procedures,” no. 1, as indicated here:

[Who may file a complaint] Any officer of the University, any member of the faculty or staff, or any student may file a complaint against a member of the Full-Time Continuing Contract faculty (or against any administrative officer charged with supervising Full-Time Continuing Contract faculty or part-time faculty) for conduct prohibited by the rules and regulations of the University, or its schools, colleges, and departments.

FURTHER RESOLVED the C-FSC asks the T-FSC for support in the above resolution.
C-FSC Proposed Resolutions regarding Faculty Representation on the Board of Trustees

C-FSC Resolution for Improving Faculty-Board Communication

WHEREAS New York University’s Board of Trustees (Board) approved the Principles of Joint Shared Governance (Principles) with respect to the Tenured/Tenure Track Faculty Senators Council (T-FSC), formerly the Faculty Senators Council on December 12, 2012, and with respect to the Full-Time Continuing Contract Faculty Senators Council (C-FSC) on February 19, 2015;

WHEREAS, the Board recognizes the faculty’s distinct insights and perspectives on the research and academic missions of New York University (NYU);

WHEREAS, consistent with the Principles, the Board recognizes that clear, open communication between NYU’s Faculty (Faculty) and the Board is essential for effective joint shared governance;

WHEREAS, the Board and the C-FSC are committed to the principles of transparency, consultation and trust outlined in the Principles; and to working together collaboratively and cooperatively to fulfill NYU’s mission and achieve its institutional goals;

RESOLVED, C-FSC hereby calls upon the Board to reaffirm its commitment to Principle # 3 Consultation which states:

Except under rare, extraordinary circumstances, the University administration will provide a reasonable length of time for T-FSC and C-FSC consultation and input on all matters that affect faculty in educational and administrative policy by agreeing to consult with Faculty, either through a liaison or through elected faculty leadership, at critical junctures in their decision-making process, and in no event less frequently than one time every Fall and Spring Semester.

C-FSC Proposed Resolution for Establishing Faculty Representation on the Board of Trustees through University Senate Committees

WHEREAS New York University’s Board of Trustees (the “Board”) approved the Principles of Joint Shared Governance with respect to the Tenured/Tenure Track Faculty Senators Council (formerly the Faculty Senators Council) on December 12, 2012 and with respect to the Full-Time Continuing Contract Faculty Senators Council (C-FSC) on February 19, 2015;

WHEREAS, concomitant with the Principles of Joint Shared Governance, the Board recognizes faculty-board communication as a critical component of shared governance;
WHEREAS, the Board recognizes the NYU Faculty’s distinct perspective on the research and academic missions of our university and the Board has been seeking more engagement with NYU faculty members;

WHEREAS, the C-FSC is committed to the principles of Transparency and Consultation in matters affecting the lives of faculty set forth in the Principles of Joint Shared Governance;

RESOLVED C-FSC hereby calls upon the Board to institute mechanisms for the C-FSC to actively participate on the Board’s committees and have advisory authority on deliberations through regular, direct continuing faculty-board communication, enabling issues to be brought to the Board’s attention by the C-FSC faculty.