NYU STUDY-AWAY SITE/CAMPUS:
STUDENT CONDUCT PROCESS AND PROCEDURES

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

I. Study Away Site Student Conduct Process:

A) Initiation of Disciplinary Process
Upon receipt of a report or complaint concerning an alleged violation of University policies or standards applicable to student conduct, a designated officer for the Site will review the materials and initiate a student conduct action.

B) Consideration of Interim Suspension:
If, in the judgment of the Site Director, or an equivalent designee, a student’s behavior is deemed to be disruptive to the personal or academic well-being of members of the University community, including, but not limited to, threatening or causing injury to the health or safety of self or others, to University property, to the maintenance of public order, or to the effective continuation of the educational process at the site, the Director may recommend to the Vice President of Global Student Affairs, or designee, (in non-academic matters) or the Dean of the School in which the student is enrolled (in academic matters) an interim suspension of the student from the Site, including residential and/or academic programs and facilities, pending the resolution of the matter through an appropriate University student conduct process. When this occurs, the student shall be afforded the opportunity to expedite disciplinary proceedings so that the matter may be resolved at the earliest possible time. The period of interim suspension shall be deducted from any final 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 any work that was missed due to the interim suspension. Should the student be an external or visiting student, NYU may notify the college or university in which the visiting student is permanently enrolled.

C) Review by Site Conduct Administrator:
An administrator at the Site (typically, but not limited to, a Student Affairs administrator) will commence an investigation by speaking with the student who is the subject of the complaint, the complainant or person who prepared the report, and other individuals believed to have been involved or to have knowledge of the matter. Based on a review of the available evidence, the Site Conduct Administrator shall take one of the following courses of action:

1) Informal Resolution: The Site Conduct Administrator, in consultation with the Site Director/Designee, may elect to resolve minor infractions through informal (non-student conduct) interventions including, but not limited to, mediation, education, administrative, verbal warning, etc.

2) Formal Resolution: The Site Conduct Administrator may elect to resolve violations via the imposition of the following disciplinary sanctions which shall be presented in a letter sent to the student within 7 working days of the initial meeting, if at all possible. A preponderance of the evidence will be used to determine whether or not a policy violation occurred.
a) Site/Program Sanctions Available to the Site Conduct Administrator

- **Written Warning**: A notice of admonishment to the student, orally or in writing, that continuation or repetition of the conduct found wrongful, or participation in similar conduct, within a period of time stated in the warning, shall be a cause for disciplinary action.
- **Restriction**: Exclusion from participation in designated privileges, University activities, or rights and services for a specified period of time. May be permanent or for a designated time period.
- **Site Probation**: A status imposed upon the student for a designated period of time, setting forth the disciplinary consequences should it be determined that the student has engaged in specified behavior during that time period.
- **Deferred Housing Suspension**: A notice to the student that their status in University housing is such that should they be determined to have violated any (or a particular one as noted) University and Residential Life policy, they are subject to immediate suspension or dismissal from University Housing.
- **Persona Non Grata**: Restrictions on access to designated areas of the Site or presence at designated University events and activities. May be permanent or for a designated time period.
- **Relocation in Site Sponsored Housing**: Mandatory reassignment from one residence hall or room to another residence hall or room.
- **Restitution**: Reimbursement for damage to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.
- **Restricted/No Contact Directive**: Mandate to cease all efforts to communicate or interact with a designated member of the University community including, but not limited to, in-person conversations, telephone calls or messages, notes, cards, packages, letters, e-mail messages, social media, or efforts to communicate through third parties or by non-verbal means. May be permanent or for a designated time period.
- **Community Service**: Completion of a designated task, project, or service activity intended to foster awareness, educate, or make amends for one’s misconduct
- **Education**: A student may be required to complete an educational experience intended to educate the student on matters associated with the incident in which he/she was involved.

3) **Referral**: When an alleged behavior/violation is considered to be of such a nature that the potential appropriate disciplinary intervention may warrant (based on past practices in such matters) the imposition of sanctions that exceed the sanctioning authority of the Site Conduct Administrator, as noted above, the matter shall be referred to the Site Director or a designee. (typically, but not limited to, another Senior Administrator at the Site.)

D) Review by the Site Director or Designated Senior Site Administrator:
The Site Director/Designee will review the information and take one of the following courses of action:

1) **Individual Meeting/Hearing**: The Site Director/Designee will meet with the students/others involved, make a determination as to whether the responding student violated Site or University policies, and impose any of the following sanctions thought to be applicable. The Site Director/Designee shall communicate the decision to the student in a letter setting forth
the findings, including the imposition of any of the following Site-Specific sanctions available to the Site Director/Designee: (the student should be given adequate notice, typically at least 3 calendar days, of the meeting/hearing and the decision letter sent within 7 calendar days of the meeting date)

a) **Site Level Sanctions Available to the Site Director/Designee:**

- **Written Warning:** A notice of admonishment to the student, orally or in writing, that continuation or repetition of the conduct found wrongful, or participation in similar conduct, within a period of time stated in the warning, shall be a cause for disciplinary action.
- **Restriction:** Exclusion from participation in designated privileges, University activities, or rights and services for a specified period of time. May be permanent or for a designated time period.
- **Site Probation:** A status imposed upon the student for a designated period of time, setting forth the disciplinary consequences should it be determined that the student has engaged in specified behavior during that time period.
- **Persona Non Grata:** Restrictions on access to designated areas of the Site or presence at designated University events and activities. May be permanent or for a designated time period.
- **Relocation in Site Sponsored Housing:** Mandatory reassignment from one residence hall or room to another residence hall or room.
- **Restitution:** Reimbursement for damage to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.
- **Restricted/No Contact Directive:** Mandate to cease all efforts to communicate or interact with a designated member of the University community including, but not limited to, in-person conversations, telephone calls or messages, notes, cards, packages, letters, e-mail messages, social media, or efforts to communicate through third parties or by non-verbal means. May be permanent or for a designated time period.
- **Community Service:** Completion of a designated task, project, or service activity intended to foster awareness, educate, or make amends for one’s misconduct
- **Education:** A student may be required to complete an educational experience intended to educate the student on matters associated with the incident in which he/she was involved.
- **Deferred Housing Suspension:** A notice to the student that their status in University housing is such that should they be determined to have violated any (or a particular one as noted) University and Residential Life policy, they are subject to immediate suspension or dismissal from University Housing.
- **Suspension from Site Sponsored Housing:** Exclusion from living in and/or visiting any/all Site sponsored residence facilities for a specified period of time. [At most Sites, living in Site sponsored housing is mandatory. Thus, suspension from housing is tantamount to a dismissal from the Study Away Program at that Center/Campus. This sanction shall not be imposed without consultation with the Dean of the School in which the student is enrolled, the Office of Global Programs, and the Office of Community Standards and Compliance]
- **Dismissal from the Site and Study Abroad Program:** Immediate dismissal from the program and Center/Campus. [this sanction shall not be imposed without consultation with the Dean of the School in which the student is enrolled, the Office of Global Programs, and the Office of Community Standards and Compliance]
• **Grade Assignment**: Assignment of a course grade, up to and including an F, for the student in a particular course.

b) **University Level Sanctions**: In consultation with, and on behalf of, the Dean of the School in which the student is enrolled in academic matters or the Director of the Office of Community Standards, or designee, in non-academic matters the Site Director/Designee may also impose other University level sanctions or extend the sanctions to other University campuses. Additional University level sanctions that may be imposed in this manner include, but are not limited to, the following:

- **University Housing Probation**: A status imposed upon the student for a designated period of time, setting forth the housing-related disciplinary consequences should it be determined that the student has engaged.
- **University Housing Deferred Suspension**: A status imposed upon the student for a designated period of time, setting forth a suspension or dismissal from University housing as the likely consequence should it be determined that the student has engaged. In specified behavior.
- **University Disciplinary Probation**: A status imposed upon the student for a designated period of time, setting forth the University level disciplinary consequences should it be determined that the student has engaged in specified behavior during that time period.
- **Suspension of University Privileges**: Exclusion from specified extracurricular activities or other programs/privileges or suspension of other rights and services typically afforded University students as set forth in the notice of disciplinary probation for a specified period of time.
- **Persona Non Grata**: Restrictions on access to designated areas of the University or on one’s presence at designated University events and activities. May be permanent or for a designated time period.
- **Restricted/No Contact Directive**: Mandate to cease all efforts to communicate or interact with a designated member of the University community including, but not limited to, in-person conversations, telephone calls or messages, notes, cards, packages, letters, e-mail messages, social media, or efforts to communicate through third parties or by non-verbal means. May be permanent or for a designated time period and applied to all University Campuses.
- **Suspension from the University**: A separation from the University for a designated period of time and setting forth any conditions for reinstatement.
- **Dismissal**: A permanent separation from the University. Transcript Notation: A notation affixed to a student’s internal or external transcript indicating his/her involvement in a disciplinary proceeding. May be permanent or for a designated time period.

2) **Appoint a Site Review Panel**: The Site Director/Designee, at their discretion, may elect to appoint a three person review panel to be drawn from the Site faculty, administration, and student body (a student representative is desirable but not required) to review the matter. The panel will conduct the review according to such procedures as the members of the panel deem appropriate, which may be in the form of a hearing or a series of individual meetings with those involved. The accused student should be afforded sufficient time (not earlier than 7 days after notification unless the student agrees otherwise) to prepare for the process and offered the opportunity to address the allegations. The Panel shall review the information provided by the Site Conduct Administrator, hear from the student and others as deemed
necessary, and make a recommendation to the Site Director/Designee regarding their findings and any Site/Program sanctions thought to be applicable within 3 working days of concluding the review. The recommended sanctions available to the panel are the same as those available to the Site Director/Designee as identified above in paragraph E.1.

**a) Review of Panel Recommendations by the Site Director/Designee:** The Site Director/Designee shall review the recommendation made by the panel and decide whether the findings warrant the suggested sanctions. The Site Director/Designee may take one of the following courses of action:

- Accept the recommendations of the Panel and communicate the decision to the student in a letter setting forth the findings and sanctions within 3 working days of receiving the panel’s report.
- In consultation with the Dean of the School in which the student is enrolled in academic matters or the Director of the Office of Community Standards in non-academic matters, modify the recommendations of the Panel. Such modifications may include extending a Site-Program sanction issued by the panel to other University campuses, imposing University level sanctions, or noting the disciplinary action on the student’s transcript.

b) The Site Director/Designee will communicate the decision to the student in a letter setting forth the findings and sanctions within 3 working days of receiving the panel’s report.

**3) Refer the Matter to a Central University Office:** Should any of the following circumstances exist, upon consultation with the Dean of the School in which the accused student is enrolled (in academic matters) or the Office of Community Standards (in non-academic matters), the Site Director/Designee has the discretion to refer a matter directly to the appropriate office in New York:

- If an alleged behavior/violation is considered to be of such a nature that the disciplinary sanction typically applied in such matters exceeds the sanctioning authority of the Site Director/Designee, as noted above. (e.g. dismissal from the University).

- If an alleged behavior/violation is considered to be of such a nature that an investigation and resolution by administrators with more specific resources and/or specialized training in such matters is warranted (e.g. Sexual Assault, Sexual Harassment, Dating Violence, Domestic Violence, Stalking, Discrimination based on protected class, Unauthorized access of electronic files, etc.).

- In the event the precipitating incident occurred at a time in the semester that resolution at the Site was precluded (i.e., during finals week or if a student departs from a site prior to resolution of a student conduct matter).

- If circumstances at the site (e.g. staff schedules or vacancies, etc) make it impractical or unreasonable to conduct the investigation or conduct process at the site/location.

**The Offices to which a matter may be referred are as follows:**

- Matters involving allegations of academic policy violations may be referred for adjudication directly to the Office of the Dean of the School in which the accused
student is enrolled. The case will be reviewed in accordance with the policies and procedures of the applicable School.

b) Matters involving allegations of non-academic policy violations may be referred for adjudication directly to the Office of Community Standards and Compliance. The case will be reviewed in accordance with the policies and procedures of that Office.

E) **Appeal Process**: Students may request an appeal review of a decision made at any level by submitting a letter to the Site Director/Designee within 5 working days of the date of the notification letter. The letter must request an appeal on one of the following grounds and include the remedy sought. The appeal must be accompanied by supporting documentation. The appeal review will be concluded in a timely manner (typically within 14 working days of the receipt of the request if at all possible) and the student will be notified in writing of the decision.

1) **Grounds for an Appeal**: An appeal must be based on one of the following grounds:

   a) Substantive, new exculpatory evidence has become available that was not known either to the administrator (or panel) who rendered the decision, the accused student, or the Complainant at the time of the initial review. This excludes information that was known at the time of review but not shared.

   b) There was a fundamental procedural error in the manner in which the case was managed that was of such magnitude that it had the effect of rendering the process unfair.

   c) The decision reached and/or the sanctions imposed were arbitrary or disproportionate in regard to the nature of the violation.

2) **Appeal Procedure**:

   a) The appeal review of decisions rendered by the Site Conduct Administrator will be conducted by the Site Director/Designee.

   b) The appeal review of a decision rendered by a Site Director/Designee, including an approved panel decision, will be forwarded to the Office of Global Programs in New York and referred to the Office of Community Standards (for non-academic matters) or to the Office of the Dean in which the student is enrolled (in academic matters).

3) **Appeal Process and Decision**:

   a) An appeal review does not consist of a new hearing. Rather, it involves a review of the letter of appeal, the accompanying supporting documentation, and the initial proceedings.

   b) The appeal officer may call upon the appellant and/or others, as needed, for additional information or clarification.

   c) An appeal may have three possible outcomes:
      - The appeal is denied and the decision remains as issued.
      - The sanctions imposed in the matter are to be modified as deemed appropriate by the appeal officer.
      - A new hearing/review of the matter is to be conducted by an administrator not involved in the initial case.
II) Final Review by University Central Office:

A. **Academic Matters:** The results of all academic policy disciplinary decisions made at a Study Away Site shall be communicated to Office of the Dean of the School in which the student is enrolled and are subject to review by that office for the purpose of determining whether the sanctions imposed at the Site should be extended to all University Centers/campuses. If the sanctions are determined to be so extended, the student shall be notified in writing of that decision and the related implications.

B. **Non-Academic Matters:** The results of all non-academic policy disciplinary decisions made at a Study Away Site shall be communicated to the Office of Community Standards and Compliance and subject to review by that office for the purpose of determining whether the sanctions imposed at the Site should be extended to all University Centers/campuses. If the sanctions are determined to be so extended, the student shall be notified in writing of that decision and the related implications.

III) Disciplinary Records:

All student conduct actions taken at a Study Away Site should be reported to the Office of Community Standards (for non-academic matters), the Dean of the School in which the student is enrolled (for academic matters), or the home institution of a visiting student. Records are maintained as follows:

1) **NYU Students:** Student Conduct actions are disciplinary matters and, as such, part of the student’s educational record that is maintained in the Office of Community Standards and/or the School or College in which the student is enrolled.

2) **External and Visiting Students:** In disciplinary matters involving a visiting student whose home institution is other than New York University, NYU reserves the right to inform the appropriate office at that institution of the results of all disciplinary decisions involving that student, as well as maintaining a record in the NYU Office of Community Standards.