

New York University

UNIVERSITY POLICIES

Title: Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Students

Effective Date: August 16, 2021

Supersedes: Policy dated August 19, 2019

Issuing Authority: Vice Chancellor for Global Programs & University Life

Responsible Officer: Assistant Vice President of Office of Equal Opportunity & Title IX Coordinator;
Director, Student Conduct and Community Standards

Statement of Policy

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

To Whom This Policy Applies

This policy applies to all students of the University, and applies regardless of whether the alleged wrongdoer is a student.

Scope of Policy

This policy demonstrates the University's strong commitment to prevent discrimination and harassment against students on the bases of several protected characteristics as set forth below. This policy applies regardless of whether the alleged wrongdoer is a student. This policy applies when the conduct occurs on NYU premises, in the context of an NYU program or activity (including but not limited to NYU-sponsored study abroad, research, or internship program), or the conduct occurs outside the context of an NYU program or activity but (i) has continuing adverse effects on NYU premises or in any NYU program or activity or (ii) occurs in close proximity to NYU premises and is connected to violative conduct on NYU premises.

This policy must be read and understood in conjunction with related University policies and procedures, including, for example, the University's policies and procedures related to academic freedom, demonstration, and protest. NYU 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. The University interprets this policy in light of such principles and related policies and procedures. When conduct may involve more than one policy, the University will determine which policy or policies shall govern the handling of a potential violation, based on the circumstances of the allegation and the terms of any other policy. Specifically, allegations of acts of sexual assault, sexual exploitation, relationship violence, and stalking, committed against students are governed by the [New York University Sexual Misconduct, Relationship Violence, and Stalking Policy \(the "Sexual Misconduct Policy"\)](#). Allegations of sexual or gender-based harassment committed against students that meet the Sexual Misconduct Policy's definition of sexual harassment are also governed by that policy (e.g., quid pro quo harassment by a University employee and severe, pervasive, and objectively

offensive unwelcome sexual conduct). Allegations of sexual or gender-based harassment committed against students that do not fall within the threshold definition of sexual harassment under the Sexual Misconduct Policy as determined by NYU are addressed under this policy. Questions about which policy applies should be directed to the Assistant Vice President of Office of Equal Opportunity & Title IX Coordinator at 212-998-2370.

DEFINITIONS

Prohibited discrimination is adverse treatment of any student based on actual or perceived race, sex, gender and/or gender identity or expression, color, religion, creed, age, national origin, ethnicity, shared ancestry or ethnic characteristic, disability, veteran or military status, sexual orientation, marital status, pregnancy, citizenship status, or genetic information rather than on the basis of the student's individual merit. ***Prohibited discrimination*** also includes any conduct that constitutes illegal discrimination under the law of the jurisdiction in which the conduct occurs.

Prohibited harassment is unwelcome verbal or physical conduct based on actual or perceived race, sex (including unwelcome verbal or physical conduct of a sexual nature), gender and/or gender identity or expression, color, religion, creed, age, national origin, ethnicity, shared ancestry or ethnic characteristic, disability, veteran or military status, sexual orientation, marital status, pregnancy, citizenship status, or genetic information that, from the viewpoint of a reasonable person under all the relevant circumstances, would create an intimidating, hostile, or offensive academic or residential environment or otherwise adversely affect the individual's academic opportunities or participation in an NYU program, activity, or benefit. ***Prohibited harassment*** also includes any conduct that constitutes illegal discrimination under the law of the jurisdiction in which the conduct occurs.

Examples of actions that can constitute prohibited discrimination or harassment include, but are not limited to:

- Repeated verbal abuse or use of racist, sexist, homophobic, anti-Arab, or anti-Semitic slurs or hostile behavior, which could include insulting, teasing, mocking, degrading, or ridiculing another person or group regardless of whether the person is actually a member of the group;
- Denying access to or refusing to allow an individual to participate in any program or activity or service of the University, including, for example, refusing to grant a student some expected benefit (e.g., such as a letter of recommendation) because of how an individual looks (e.g., because the individual has or lacks stereotypical physical features of a certain ethnic group or conforms or fails to conform to gender stereotypes), dresses (e.g., because the individual wears religious or ethnic attire such as a kippah, Star of David, turban, or hijab or burka), or on the basis of the individual's language (e.g., because the individual speaks a particular language or English with a certain accent), or on the basis of the individual's actual or perceived religious identity, or the individual's actual or perceived association with a religious organization or religious student club, or because that student is actually or perceived to be from a particular country or region;
- Defacing an individual's property with hateful symbols such as a swastika or noose;
- Discrimination based on the country, world region, or place where a person or their ancestors come from or are perceived to come from, or due to a person's English proficiency. Prohibited conduct includes discrimination based on certain perceptions of, which may be described as hatred toward, religious and ethnic groups, such as Jewish, Muslim, Hindu, Sikh, Arab, Hispanic, or Latinx students. For example, anti-Semitism, which is a certain perception of Jews that may be expressed as hatred toward Jews, includes certain rhetorical and physical

- manifestations directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions, and toward religious facilities, is prohibited;
- Inappropriate physical contact, comments, questions, advances, jokes, epithets, or demands based on one or more protected or perceived protected characteristics;
 - Physical assault, intimidation, or stalking on the basis of one or more protected or perceived protected characteristics; or
 - Displays or electronic transmission of derogatory, demeaning, or hostile materials related to one or more protected or perceived protected characteristics.

Retaliation means any adverse action taken against an individual for making a good faith report of a violation of this policy or participating in any investigation or 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.

COMMITMENT TO EQUAL TREATMENT AND OPPORTUNITY

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

RESPONSIBILITIES TO REPORT

NYU strongly encourages all members of the University community who have been victims of prohibited discrimination, prohibited harassment, or retaliation to report the conduct. In the case of incidents of prohibited discrimination and prohibited harassment alleged to have been committed against students, the student complainant or other reporting party may make a report to any of the following:

- the Office of the Chief Strategy Officer, Global Programs and University Life,
- the Director of the Office of Student Conduct and Community Standards,
- the Dean of Student Affairs, or equivalent position, of the applicable School, Portal Campus, or Study Away Site,
- or the Assistant Vice President of Office of Equal Opportunity & Title IX Coordinator.

Any complaint should, to the extent possible, identify the parties involved; describe the alleged prohibited discrimination or prohibited harassment behavior; state when and where it occurred; and identify by name or description any witnesses. Although there is no time limit to file a complaint with NYU, the University encourages prompt reporting so that an investigation can occur while recollections are freshest and evidence is retained, and so that remedial action can be taken in a timely manner where appropriate. In addition, any conduct that becomes known to NYU that may be in violation of this policy may be investigated, regardless of whether a complaint is filed.

Any questions concerning where or to whom to report an incident of prohibited discrimination or prohibited harassment should be directed to the Assistant Vice President of Office of Equal Opportunity & Title IX Coordinator at 212-998-2370. If the Office of Equal Opportunity is implicated in the alleged discrimination or harassment, the report should be made to the Office of the Provost.

CONFIDENTIALITY

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

VIOLATIONS OF THIS POLICY

Acts of prohibited discrimination and prohibited harassment against an NYU student violate this policy. Retaliation is also a separate violation of this policy. NYU is committed to addressing allegations of prohibited discrimination, prohibited harassment, and retaliation promptly, in accord with its investigative procedures, and will take action necessary to ameliorate such prohibited discrimination, prohibited harassment, and retaliation, including by taking disciplinary measures, as necessary.

INVESTIGATION AND RESOLUTION PROCEDURES

Where allegations are made against students for possible violation of this policy, the matter will be investigated and resolved in accordance with the [University Student Conduct Policy](#), which for all students except for students enrolled in the School of Law, the School of Medicine, or noncredit/non-degree students in the School of Professional Studies involves application of the [University Student Conduct Procedures](#). For law students, the pertinent procedures can be found at the [New York University School of Law Policies for Formal Student Discipline and Informal Resolution of Concerns or Complaints](#), for medical students the pertinent procedures can be found in the [NYU GROSSMAN SCHOOL OF MEDICINE STUDENT HANDBOOK](#), and for noncredit/non-degree students in the School of Professional Studies, the pertinent procedures can be found at the [Non Degree Student Conduct Policy and Procedures](#).

Where allegations are made against employees for possible violation of this policy (including allegations that the University has engaged in retaliation), the matter will be investigated and resolved utilizing the procedures of the [Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Employees](#).

Where allegations are made against third parties concerning possible violation of this policy, the Assistant Vice President of Office of Equal Opportunity & Title IX Coordinator shall identify the appropriate procedures that apply based on the role of the third party and the nature of any contractual relationship with NYU.

NOTICE OF NONDISCRIMINATION

In accordance with federal law, New York University does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities. The following person has been designated to handle inquiries regarding the non-discrimination policies:

Mary Signor

Assistant Vice President of Office of Equal Opportunity & Title IX Coordinator

726 Broadway, New York, NY 10003

equal.opportunity@nyu.edu

212-998-2370

<https://www.nyu.edu/about/leadership-university-administration/office-of-the-president/chief-of-staff/equal-opportunity.html>

Related Policies

[University Student Conduct Policy](#)

[University Student Conduct Procedures](#)

[Grossman School of Medicine Honor Code](#)

[School of Law Policies for Formal Student Discipline and Informal Resolution of Concerns or Complaints](#)

[School of Professional Studies Non Degree Student Conduct Policy and Procedures](#)

[Sexual Misconduct, Relationship Violence, and Stalking Policy](#)

[Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Employees](#)

[Speakers and Other Campus Visitors](#)

[Guidelines Regarding Protest and Dissent](#)

[Guidelines for Administrative Implementation of NYU Policies on Speech, Speakers, and Dissent](#)

