

New York University

University Policies

Title: Rules for the Maintenance of Public Order
Effective Date: June 13, 2018
Supersedes: Rules for the Maintenance of Public Order (Adopted on May 26, 1969, and amended through November 17, 1980)
Issuing Authority: New York University Board of Trustees
Responsible Officer: General Counsel

The Trustees of New York University (“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 or herself, may in the course of performing his or her 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 or her discretion determines that the privilege of an invitee or licensee to be on University premises should be withdrawn, he or she 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 or her 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 allegation relates to a matter of academic misconduct (e.g., cheating, plagiarism, forgery), discipline shall be governed by the policies and procedures established by each individual college or school.
- b. If the allegation relates to a matter of non-academic misconduct (e.g., theft or destruction of University property, bullying, harassment, residence hall violations), discipline shall be governed by the university-wide Student Conduct Policy. In matters involving non-academic misconduct, the faculty of 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.

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.

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 or her case shall be governed by this section unless the violative conduct was of such a nature as to call into question his or her 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 the 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