

Student Disciplinary Procedures

(Approved by the University Senate on February 9, 1978.)

In order to ensure the smooth functioning of University activities and to implement the principles expressed in the University Policy on Student Conduct at New York University and the Rules for the Maintenance of Public Order, the Senate has established the following procedures for disciplinary action:

I. Division of Jurisdiction Between the Faculties of the Several Schools and Colleges and the Senate.

Under Sections 34(c), 61(b), and 62 of the Bylaws of New York University, jurisdiction over student disciplinary proceedings is granted under certain circumstances to the faculty of the school in which the student is enrolled and under other circumstances to the Senate. In order to carry out the intention of the Bylaws, the following areas of jurisdiction are designated:

A. Cases of Faculty Jurisdiction.

1. Cheating, plagiarism, forgery of academic documents with intent to defraud.
2. Disruption of a lecture hall, laboratory, or any other premises used for academic purposes.
3. Failure to return library books, or destruction of all or part of a library book or archival document.
4. Interference with access to classrooms, laboratories, or academic offices.
5. Physical detention or restraint of a student, instructor, University staff member, or administrator while that person is attempting to exercise his/her duties.

B. Cases of Senate Jurisdiction.

1. Disruptive or riotous activity in student residence halls by nonresident students, or student centers of nonacademic activity, such as the gymnasium.
2. Violation of dormitory rules by residents (but see I.E.4).
3. Forgery of instruments of identification with intent to defraud.
4. Theft of, or wanton damage to, University property.
5. Engaging in conduct which interferes with or disrupts any academic function involving more than one school, or which prevents or limits the free expression of ideas, or which physically obstructs or restrains another member of the University community or a visitor.
6. Failing to surrender University identification card upon request by clearly identifiable University personnel, or failing to comply with the direction of clearly identifiable University personnel in the performance of their assigned duties.

C. Resolution of Questions of Jurisdiction in Any Particular Case. While questions of jurisdiction are not expected to be numerous or difficult, the following procedures shall be used where such questions arise:

1. Where a question arises as to whether a case should come within faculty or Senate jurisdiction, the question shall be referred for decision to the Office of Legal Counsel of the University.

2. The decision of the Office of Legal Counsel shall be both telephoned and mailed to each student who is the subject of the same or a similar complaint as the one in which the question of jurisdiction has been raised, to the Dean of the faculty of each school in which any such student is enrolled and to the Chairman of the University Judicial Board (hereinafter defined).
 3. If either a student who is the subject of a complaint, or the Dean or Chairman of the Disciplinary Committee of a faculty in which such student is enrolled, or the Chairman of the University Judicial Board disagrees with the decision rendered by the Office of Legal Counsel, such person shall have the right to appeal the decision to the Committee on Organization and Governance of the University Senate.
 4. The Office of the Secretary of the Senate must receive notice of such appeal no later than three days after the initial decision of the Office of Legal Counsel has been communicated to the person taking the appeal. In cases in which the student has been temporarily suspended or dismissed pending disciplinary proceedings, such notice of appeal must be received within eight hours.
- D. Violations of Federal, State, or Local Law.
1. In addition to falling within one of the categories defined in I.A. or I.B. above, certain offenses may violate city, state, or federal laws. It is the policy of the University to discourage such acts by its members, and such offenses, or persons complaining of such offenses, may be referred to the appropriate outside authority. To the extent that such acts also fall within one of the categories defined in I.A. or I.B. above, they may also be subject to applicable disciplinary measures within the University.
- E. Delegates of Jurisdiction.
1. Jurisdiction over offenses listed in I.A. above is in the faculty of the school in which the student is registered, and may but need not be delegated by the faculty to the Dean of that school or to the school's Discipline Committee or its equivalent (hereinafter referred to as "Discipline Committee" in all cases).
 2. Offenses listed in I.B. above shall first be referred to the Vice President for Student Affairs or the equivalent person at the NYU Medical Center (all references hereinafter made to the Vice President for Student Affairs shall be deemed to include the equivalent person at the NYU Medical Center). The Vice President for Student Affairs shall meet with the student(s) complained against and shall try to resolve the matter with the consent of the student(s). In the absence of a resolution by the Vice President for Student Affairs, the matter shall be referred to the University Judicial Board (defined below).
 3. In any case of an offense listed in I.B. above in which the Vice President for Student Affairs has been unable to achieve a resolution by consent, the case shall be referred to a new standing committee of the Senate to be known as the University Judicial Board.

- a. The Board shall consist of twenty-one members all of whom shall be members of the Senate including six students who shall be chosen by the Student Senators Council, six faculty members who shall be chosen by the Faculty Senators Council, six Deans who shall be chosen by the Deans Council, and three members chosen by the Administrative Management Council.
 - b. The Board shall elect its own chairperson.
 - c. Any case referred to the Board shall be heard and decided by a four-person panel consisting of one Senator from each constituency.
 - d. The Board shall adopt its own procedures for the selection of panels to hear individual cases, but such procedures shall be designed to achieve a fair system of rotation in which each member of the Board shall sit in a comparable number of cases and in which members of the Board sit in varying combinations.
 - e. The Senate shall temporarily increase the size of the Board at the request of the Board whenever the hearing and/or appellate caseload (defined below) requires it. Any such temporary increase shall include equal numbers of representatives from each of the constituencies comprising the Board.
 - f. Panels of the Board shall serve in place of the previously created University Review Board wherever any rules of the University call for the participation of the Review Board.
4. Jurisdiction over dormitory offenses shall lie with the Judiciary Committee of such residence and with the Residence Hall manager, in accordance with dormitory procedures, where established. If no Judiciary Committee exists, jurisdiction shall be the same as for other offenses listed in I.B. above.

II. Procedures

A. Filing and Notice of Complaint.

Any member of the faculty, administration, or staff or any student may file a complaint against any student for a student offense with the Dean of the school in which the student complained of is enrolled or with the Vice President for Student Affairs. Notice of the filing shall be mailed to the student within 48 hours.

B. Interim Suspension. A student should not be summarily suspended either completely or for certain purposes, except for reasons relating to his/her physical or emotional safety and well-being, the safety and well-being of students, faculty, staff, or University property, the maintenance of public order, or the effective continuation of the education process.

As provided in Bylaw 62, the President or the Dean of a school, or their respective representatives, depending on the nature of the infraction, may suspend a student pending consideration of his/her case. When this occurs, the student shall be afforded the opportunity to expedite disciplinary proceedings so as to enable the determination of the appropriate sanction, if any, at the earliest possible time, preferably within 48 hours. Any period of interim suspension shall be deducted from any ultimate sanction involving suspension.

- C. Investigation and Notice of Hearing. Whenever a student discipline case has not been satisfactorily resolved by consent, the Discipline Committee of a faculty or the University Judicial Board shall conduct further proceedings. These proceedings may include such lawful investigatory actions as the Committee or Board deems appropriate under the circumstances. Thereafter, the Disciplinary Committee or the University Judicial Board shall send a written notice to the student advising him of the date and time of its hearing to take place not earlier than seven days after the sending of such notice except upon the consent of the student. Should the student fail to appear, the hearing may proceed and sanctions may be imposed in his/her absence.
- D. Hearings. Each Discipline Committee and the University Judicial Board shall provide hearings and make decisions on all disciplinary cases within their respective jurisdictions. They shall conduct such proceedings as they deem appropriate, but shall include the following provisions:
1. That a tape recording be made of all hearings (to be forwarded to and preserved by the Secretary of the University until the appeal period has elapsed or until all appellate procedures have been completed).
 2. That at the end of a hearing, a final written report shall be prepared and submitted to the Dean, the student, and the Secretary of the University within seven calendar days. The report shall state its findings of fact and the reasons for its decision.
 3. That the student has the right to be accompanied by counsel or an adviser. The student or his counsel or adviser shall have the right to examine and cross-examine each witness either by putting questions directly to the witness, or by asking questions through members of the hearing body. The method shall be determined by the hearing body, and may be altered by it at any time.
- E. Faculty Discipline Committee Procedures. Each Faculty Discipline Committee shall, pursuant to Section 61(b) of the Bylaws of the University, file its own additional written rules of procedure with the Secretary of the University. Revisions to such procedures shall be promptly forwarded to the Secretary of the University.
- F. Appeals.
1. A student shall have the right to appeal the decision of the hearing panel in any case involving Senate jurisdiction on the ground that the decision or the proceedings at the hearing were arbitrary or unfair. In cases of faculty jurisdiction, the right of appeal shall be that provided by the rules of the particular faculty.
 2. In Senate cases the following appeal procedures shall apply.
 - a. Whenever the sanction of suspension or dismissal shall have been imposed in a Senate case, the appeal shall lie to the faculty of the school in which the student is enrolled.
 - b. In all other cases of Senate jurisdiction, the appeal shall lie to the University Judicial Board. A four-member panel consisting of one student, one faculty member, one Dean, and one member of the Administrative Management Council, none of whom shall have

served on the panel that conducted the hearing in the case, shall hear the appeal.

- c. Any appeal must be taken within fifteen (15) calendar days from the date on which the final report of the hearing body was sent to the student. The appeal shall be taken by the filing of a written notice requesting an appeal with the Dean of the school in cases involving the imposition of the sanction of suspension or dismissal or with the Chairman of the University Judicial Board in other cases.
- d. The hearing body that has imposed a sanction may stay the sanction pending an appeal. The appellate body shall have the power to stay the sanction imposed by the hearing body but may not vacate the stay granted by the hearing body.
- e. The appellate process shall not consist of a new hearing and shall be limited to a review of the report of and proceedings before the hearing body. The appellate body may accept the report without modification; accept the report but reduce the sanction imposed; dismiss one or more of the charges entirely; or remand the case for further proceedings. When the appellate body accepts the report, the matter shall be deemed finally decided without further recourse as of right.
- f. Upon the discovery of new previously unavailable evidence, which might have had a substantial bearing on the decision rendered, the hearing body may reconsider the case.

III. Disciplinary Sanctions

- A. The decision of a hearing body, in all circumstances, shall be discretionary, shall include what entry shall be made on the record of the student, and may include any one or more of the following sanctions:
 1. Warning.
Notice 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.
 2. Censure.
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 regulation within a period of time stated in the letter of reprimand.
 3. Disciplinary Probation.
Exclusion from participation in privileges or extracurricular University activities as set forth in the notice of disciplinary probation for a specified period of time.
 4. Restitution.
Reimbursement for damage to or misappropriation of property.
Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.

5. Monetary Fine.
For any offenses.
 6. Suspension.
Exclusion from classes and other privileges or extracurricular activities as set forth in the notice of suspension for a definite period of time.
 7. Dismissal.
Termination of student status for an indefinite period. The conditions for readmission, if any are permitted, shall be stated by the panel in the order of dismissal.
- B. A student who has been suspended and who is found “not guilty” shall be allowed full opportunity to make up whatever work was missed due to the suspension.
- C. No record of the disciplinary proceeding will be entered in the student’s file unless a final disciplinary sanction is found to be warranted.