MINUTES OF THE T-FACULTY SENATORS COUNCIL MEETING OF JANUARY 25, 2018

The New York University Tenured/Tenure Track Faculty Senators Council (T-FSC) met at noon on Thursday, January 25, 2018 in the Global Center for Academic & Spiritual Life at 238 Thompson Street, 5th Floor Colloquium Room.

In attendance were Senators Duncombe, Economides, Fenton, Hoffman, Irving, Jacobs, Kamer, Lapiner, Ling, Maniatakos, Merritt, Mincer, Shapley, Smoke, Uelman, Van Devanter, Waltzman, Watson, Weinberg, Zagzag, and Zamir; Active Alternates Bazzi, Daughtry, Manuel, Nonken, and Schilling; Alternate Senators Alter, Dasanayake, Davis (for Davila), Geppert (for Weslake), Gunsalus (for Cappell), Reiss (for Tranchina), Selesnick (for Frankl), Schlick, and Tannenbaum.

APPROVAL OF THE MINUTES OF THE MEETING HELD DECEMBER 14, 2017

Upon a motion duly made and seconded, the minutes of the December 14, 2017 meeting were approved unanimously.

REPORT FROM THE CHAIRPERSON: WEN LING

Tax Reform Act

Chairperson Ling reported on the effects of the Tax Reform Act. She stated that contrary to proposals that were advocated in the House version of the Act that would have been deleterious, tuition remission benefits and faculty housing benefits and graduate student tuition waivers will not be taxed. Other provisions will have implications which will be experienced on an individual basis. She noted that the new tax-rates will be applied for the first time in our February 1st paychecks. She reported that University administration will continue to examine the potential financial impacts of the new tax policies on our institution, including on charitable giving.

Office of Work Life

Ling reported that she met with Grace Cosachov Protos, the new Executive Director for the newly created Office of Work Life. They discussed issues including childcare, eldercare, retirement, and faculty housing. They also discussed the current contracts with childcare providers at Silver Towers and Washington Square Village.

Executive Committee (EC) Meeting with Provost

Chairperson Ling reported the Provost shared her experience visiting NYU Abu Dhabi. She was impressed by the diverse student body, the high energy the faculty and students exhibited, and the strength and growing number of the academic programs.

Senate EC Meeting

President Hamilton reported on the arrival of the 50-60 students from Puerto Rico, now enrolled in spring classes.
He reported on overall NYU undergraduate applications, noting the number of applications increased 12% to 75,000. International also applications increased by 13%.

CALL FOR NOMINATIONS

Candidates for T-FSC Vice Chairperson and Secretary, 2018-2019

Committee Chair Senator Duncombe announced the call for nominations for Vice Chair and Secretary. He asked for nominations, including self, to be sent to sd47@nyu.edu or karyn.ridder@nyu.edu by Monday, February 12. He asked that nominators confirm with nominees that they are willing and able to serve. The Nominating Committee will announce the slate at the February 22 Council meeting, and the election will take place by secret ballot at the March 22 meeting.

T-FSC COMMITTEE REPORTS

See attached Document A: Committee Reports.

Global Network University: Co-Chairs Sylvain Cappell & André Fenton

Committee Co-Chair Senator Fenton reported the Committee scheduled a meeting with the faculty members denied entrance visas on security grounds by the UAE. As a result of these denials, they were unable to teach courses at NYU Abu Dhabi. Due to a family emergency, the committee was only able to meet with one of the faculty members. The committee heard a detailed report by him of his experience. The Committee plans to meet further to discuss this issue and develop recommendations on putting a process in place on how faculty should proceed with visa-related items if they are interested in visiting a portal campus.

Personnel Policies & Tenure Modifications: Co-Chairs Phyllis Frankl & Nancy Van Devanter

Co-Chair Senator Van Devanter reported the School of Professional Studies policy on appointment, reappointment, and promotion of Full-Time Continuing Contract Faculty was sent to the Committee for review. The Committee had begun to read the proposed guidelines and the unusually extensive appendices and support documents, when members discovered a procedural error. The EC brought it to the attention of the Provost’s office. As a result, the Provost’s office returned the proposed guidelines to SPS to prepare for resubmission, and will be requiring that all policies submitted in future from other schools also conform to the procedural requirement. It is expected that SPS will resubmit its policies documents for review later in the spring.

Educational Policies & Faculty/Student Relations: Co-Chairs Robert Lapiner & Sharon Weinberg

Committee Co-Chair Senator Lapiner reported the Committee is seeking to gain a better understanding of the movement to admit some cohorts of undergraduates in the spring term. This year, Liberal Studies began doing so, and next year it has been announced that there will be a roll-out of the program by the Tandon School and Steinhardt School. The chief concern is to ensure faculty involvement in the academic planning processes and the design of these initiatives.

The Committee co-chairs met separately with the C-FSC Senator Scott Illingworth (chair of the C-FSC Educational Policies & Faculty/Student Relations Committee), who expressed similar concern, particularly with the likely impact on his contract faculty colleagues.
Faculty Benefits & Housing: Co-Chairs Magued Iskander & Angela Kamer

Committee Co-Chair Senator Kamer announced the initial plan was to merge the retirement plan with Supplemental Tax-Deferred Annuity plan into a single plan with TIAA as the single record keeper. As the project progressed through the various work streams, it was determined that as opposed to merging the plans, the plans will remain separate, but contributions to the STDA Plan will be frozen. Full-time faculty will make all of their future contributions to the NYU Retirement Plan. Current STDA Plan participants will be able to view and access their STDA account through the TIAA portal, including the ability to change investments, but no future contributions will be made to the STDA Plan.

UNIVERSITY SENATE COMMITTEE REPORTS

Judicial Board

See attached Document B: Student Conduct Policy.

Committee Member Alternate Senator Tannenbaum reported on the status of the Student Conduct policy, which was not passed at the last University Senate meeting. He noted the concern was that the way the language was written did not offer the University Senate the final authority in terms of reviewing and approving any changes to the policy. Following this issue, the University Senate Judicial Board Committee amended the student conduct resolution to make explicit that authority over the Student Conduct Policy and Procedures rests with the Senate.

He stated the proposed amendment to the University Bylaws has been updated to now read:

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.

The proposed amendment to the Rules for the Maintenance of Public Order has been updated to now read:

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.

Committee Member Senator Jacobs summarized the changes alleviated the concerns raised at the December Senate meeting and voiced his support.

The University Senate plans to vote on this policy at the March meeting, and if approved it would be sent to the Board of Trustees (BOT) for their vote. If approved by the BOT, it would be implemented in fall 2018.

SPECIAL GUEST PRESENTATION

Provost Katherine Fleming was accompanied by Jacqueline Erb Cornell from the Office of Equal Opportunity (OEO) to address the Council’s question regarding how NYU handles complaints of sexual harassment.
Fleming described her vantage point as a mandatory reporter, meaning if someone speaks to her about an incident, she lets them know there are certain categories of conversation that she cannot keep confidentially and that she will necessarily reach out to OEO to help handle the situation.

Senators asked how to deal with a situation if a university community member approaches them on an issue. Senators noted that often those involved do not want to go through the official channels of reporting.

Cornell noted that OEO is the location at NYU with the specialized knowledge to address these situations and they have connections with all resources within this area. She noted they encourage Resident Assistants (RA) when in doubt to reach out to OEO. The OEO is uniquely positioned to connect the complainant with whatever services s/he needs, including mental health services, access to a hospital, NYU Wellness, Department of Public Safety, NYPD, etc.

She added that the OEO is neutral, so its responsibility is to both parties, respondent or accused person.

A Senator asked about possible retaliation and how OEO staff helps protect against retaliation and communicate this protection to the complainant.

Cornell noted there is a component in the policy specifically attentive to the issue of retaliation. If the person who has been accused has also done something to thwart the complainant’s career, studies, etc., such behavior is covered under the policy, such that the charge of retaliation will be added to the charge of sexual harassment. Cornell noted OEO staff use all resources at their disposal to ensure protection and safety. She shared the example of her office even arranging safe transport to class in a stalking case.

A Senator questioned how to counsel a student who feared retaliation, such as not receiving a letter of recommendation. Situations in which a student or faculty member did not want to go through a long process of formal reporting were discussed. Cornell noted her office focuses on privacy and ensuring that victims have agency and autonomy over what happens to them in the process. If a victim does not want to go forward with reporting, her office does everything that it can to support the victim. OEO will only go forward against a victim’s wishes if there is a true risk to the safety or integrity of the school.

A Senator asked for any data on the number of people who have left the university based on these cases. Cornell stated while they do not offer specific numbers, only a small handful have left the university as a result of punishment.

Regarding a question on potential conflicts of interest, Cornell responded that the OEO’s charge is not to protect the University, but victims. It investigates every allegation to find out what happened. It is a “justice-focused avenue.”

A Senator asked about sensitivity trainings to better understand what could be considered inappropriate. Cornell identified the course open to all employees: OEO 120: Responding to Sexual Misconduct and Complying with Title IX. This course provides an overview of Title IX and related federal/state laws, as well as a review of NYU resources, policy, and procedures with respect to responding to allegations of sexual misconduct, relationship violence, and stalking.

A Senator asked for clarification if a person goes to the Health and Wellness Center if Wellness is obligated to report to OEO. Cornell stated anything that is shared with Wellness counselors, physicians, or health providers is all confidential under HIPAA. Although Wellness staff and OEO meet weekly to go over cases, Wellness will only share information not otherwise protected by HIPAA requirements. So if complainants have gone to Wellness for assistance, their confidentially is assured. Similarly if complainants reached out to religious counselors for pastoral care, those conversations remain confidential.
Cornell stated if someone discloses information that falls under sexual harassment or assault, the faculty member is under a legal obligation to inform OEO. OEO then reaches out to the person, informs them of their rights and resources, and asks to let OEO know if its staff can help them. The victim has the autonomy and the agency to decide how much or how little to engage with OEO.

A Senator asked about cases of hearsay. Cornell responded these also should be reported to OEO. A staff member will then reach out to the person who passed along the information to possibly get information to the victim. She noted her office is not just about pursuing investigations, but providing assistance.

A Senator questioned if there are plans to establish a similar office in Abu Dhabi or Shanghai. Cornell noted as of now there are no plans to establish any new offices. She noted they use a variety of technology options, i.e. Skype to connect with cases at the portal sites. Mary Signor has visited the portal sites for town halls, etc., but there has not been a case yet that has been determined that her office needs to go to the site to conduct an investigation.

Cornell suggested if there is an interest in having an expanded training for faculty, similar to what was covered today, to contact her office.

She also noted the email sent from President Hamilton on policy reminders with links to the current policies and guidelines:

- Policy on Consensual Intimate Relationships
- Guidelines for Administrative Implementation of University Policies on Speech, Speakers, and Dissent
- Policy on Minors

The e-mail also included the telephone numbers for University offices that can be resources related to these policies and guidelines:

The NYU Office of Equal Opportunity (OEO), NYU's Title IX office: 212-998-2370
The NYU Department of Public Safety: 212-998-2222
The NYU Office of Youth Program Compliance: 212-998-1291
The Wellness Exchange: 212-443-9999
The Center for Student Life: 212-998-4700

ADJOURNMENT

The meeting adjourned at 2:00 PM.
Report of the Educational Policies/Faculty-Student Relations Committee

The Committee met twice in the fall. We are focusing our attention this spring on the university’s announced plans to admit incoming freshmen mid-year. The effort which will have begun with Liberal Studies is expected to expand to Steinhardt and Tandon next academic year. The level of consultation with T-faculty in the planning and presumed execution is unclear. Given the curricular and workload expectations--and possibility of expansion to other NYU undergraduate programs--we believe it is essential that we begin to examine the related issues in depth. Since members of the C-faculty in our schools are likely to be significantly affected, the co-chairs have also opened conversations with our counterpart committee in the C-FSC.

Sharon Weinberg and Robert Lapiner, Co-chairs

Report of the Senate Academic Affairs Committee

SAAC has had a non-controversial meeting agenda this year. In the fall we met to evaluate candidates for consideration for honorary degrees at commencement, and forwarded our recommendations to the Trustees’ counterpart committee which has ultimate authority for the decisions. We will be meeting in advance of the next Senate meeting to examine the implications of a proposed change in the computation of grade point averages university-wide, emerging from a recommendation of the Provost’s Undergraduate Academic Affairs Committee.

Robert Lapiner, Co-chair (C-FSC Co-chair is Beverly Watkins)
January 25, 2018

Changes to the retirement plan since last communication:

The initial plan was to merge the Retirement plan with Supplemental Tax-Deferred Annuity plan into a single plan with TIAA as the single record keeper. As the project progressed through the various work streams, it was determined that as opposed to merging the plans, the plans will remain separate, but contributions to the STDA Plan will be frozen. Full-time faculty will make all of their future contributions to the NYU Retirement Plan. Current STDA Plan participants will be able to view and access their STDA account through the TIAA portal, including the ability to change investments, but no future contributions will be made to the STDA Plan.

The Retirement Plan will be amended to accept employee contributions in excess of 5% up to the IRS maximum, and will also provide:

- Greater account balance available for loans
- Increased access to withdraw money as an active faculty member or employee after attaining age 59 ½
- Auto enrollment of new hires for the employee contribution at 5% of pay

To accommodate the completion of two cycles of end-to-end systems testing of these changes, the “go-live” date has been changed from April 2 to May 7. Communications to all eligible plan participants, including emails, a home mailer, and information sessions held on campus will begin at the end of February and continue through mid-May.

Separate issue: faculty representation: it is discussed as we speak. We will be informed at a later time.
TO: University Senate
FROM: 
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 assure 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 and with the University Senate in matters involving more than one college or school. 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.
- Includes a draft of the University-wide Student Conduct Procedures (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 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.
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 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 this policy is up to date and appropriately reflects obligations imposed by current laws, as well as best practices.

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.
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 Senior Vice-President for Student Affairs 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 he/she deems 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)
prior sanctions issued in cases of a similar nature at the University, 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 Abroad 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 his or her 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 he/she “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.
Exhibit C

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.
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 6450-6430 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