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.¹

Incidents involving residential students occurring in residence halls managed by the Office of Residential Life and Housing Services may be addressed under these procedures, irrespective of a student’s school affiliation.

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 President, the Provost, the Senior Vice-President for Student Affairs, or their designee, 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 meet with the Director of Student Conduct or designee within two business days to request reconsideration of the interim suspension. Furthermore, when an interim suspension has been issued, the student conduct procedures will be expedited to the extent possible to reach resolution as soon as reasonably possible. Any period of interim suspension shall be

¹ Except as noted below, these procedures do not apply to students in the School of Social Work, School of Law, or Medical School. The authority for addressing student non-academic misconduct for students in these Schools lies with the faculty of the School pursuant to University Bylaw 80. NYU Portal campuses also have alternate procedures specific to the location.
deducted from any ultimate sanction involving suspension. Whenever possible as a practical matter, a student who has been subject to interim suspension and who is found “not responsible” shall be allowed the 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 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 respondent shall not be considered responsible for any violation of policy until after the appropriate process has concluded, including any appeals as permitted by policy.

Students with disabilities may request reasonable accommodations to facilitate their participation in the conduct process by contacting New York University’s Moses Center for Students with Disabilities (CSD) at 212-998-4980 or mosescsd@nyu.edu. Information about the Moses Center can be found at www.nyu.edu/csd. The Moses Center is located at 726 Broadway on the 3rd floor.

A. INFORMAL RESOLUTION

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.

B. CONDUCT CONFERENCE

The conduct conference is a one-on-one meeting between the respondent and a trained conduct adviser. 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 conduct adviser.

The respondent will meet with a conduct adviser from the Office of Student Conduct (or a trained administrator from another designated office) to discuss the matter and share their perspective. The conduct adviser may conduct such additional investigation as they deem appropriate. After the meeting, the conduct adviser will make a determination, based on a preponderance of the evidence, as to whether the respondent violated NYU policy. If a violation of policy has been found, the conduct adviser shall then determine appropriate sanctions. The conduct adviser shall issue a written decision to the respondent within seven (7) calendar days of the conduct conference.

Sanctions issued at a conduct conference may not include expulsion from the University.

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C. RESOLUTION BY AGREEMENT

A respondent may agree to accept specific sanctions or terms for disciplinary action presented by the Office of Student Conduct in lieu of going to 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.

D. PANEL HEARING

Within the discretion of the Office of Student Conduct, panel hearings may be held where there is substantial dispute as to the facts regarding the incident(s) in question and where the allegations are sufficiently serious that they could result in separation from the University.

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 respondent may be accompanied at the panel hearing by an adviser of their choice, which may be an attorney, who is not otherwise a party or witness involved in the matter. While the adviser may be present, they may not speak or otherwise participate in the hearing, may not address the panel or question witnesses, and must comport themselves in a manner that is not disruptive to the hearing.

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. Panelists may not hold any substantive conflict that would affect their ability to render an objective decision, as determined by the Director of the Office of Student Conduct. 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 the 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 conduct adviser 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) the desirability of treating similar conduct similarly, and (vi) the behavioral standards and values of New York University. Sanctions that may be imposed include, but are not limited to:

- **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.

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- **Study Away Site Probation:** A defined period of time during which further violation of 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.
- **Suspension from Study Away Site:** Termination of a student’s participation at a study away program.
- **Dismissal from Housing:** Cancellation of a student’s housing license and permanent exclusion from residing in a University residence hall.
- **University Disciplinary Probation:** A defined period of time during which further violation of any University policy will result in more serious disciplinary sanctions. University Disciplinary Probation may also restrict a student from participation in specified extracurricular University activities. *Note: a student on University Disciplinary Probation is ineligible to participate in the University Study Away program during the probationary period.*
- **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.
- **Suspension from the University:** Termination of a student’s enrollment and all related student privileges for a specified period of time.
- **Expulsion from the University:** Termination of student’s enrollment and all related privileges with permanent exclusion from future enrollment, including NYU Portal Campuses and Study Away Sites and a prohibition on participation in any University-sponsored event or activity, whether on- or off-campus. An expelled student shall be persona non grata (PNG), prohibiting access or entry to all NYU facilities. *Note: expulsion from the University 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 their 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 they “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.

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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 three (3) calendar days from the date of the 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. Study away site appeals will be directed to a supervisor or, if appropriate, the Office of Student Conduct.

For a panel hearing decision, or any decision resulting in separation from the University (suspension, expulsion), 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.

VI. RECORDS

In accordance with the University's Policy on Retention and Destruction of Records, Office of Student Conduct files are maintained for seven (7) years from the date of the record. Records related to any matter which resulted in separation from the University (i.e. suspension, expulsion, compulsory withdrawal) are maintained permanently.

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