



**Minutes of a Stated Meeting of the  
Senate of New York University  
February 15, 2018**

A stated meeting of the Senate of New York University was held on Thursday, February 15, 2018, at 9 a.m., in the Colloquium Room of the Global Center for Academic and Spiritual Life, 238 Thompson Street. The meeting was convened with President Andrew Hamilton in the chair.

**Tenured/Tenure Track Faculty Senators Council (“T-FSC”) Members Present:** Wen Ling (Chair), Michael Beckerman (for Anna Harvey), Sylvain Cappell, Stephen Duncombe, André Fenton, Phyllis Frankl, Bob Hoffman, David Irving, Robert Lapiner, Julie Livingston, Michail Maniatakos (by telephone), Allen Mincer, Niyati Parekh, Carol Reiss (for Jim Uleman), Robert Shapley, Paul Smoke, Tamar Schlick (for Daniel Tranchina), Aaron Tenenbein (for Nick Economides), Frank Upham, Susan Waltzman, Amanda Watson, and Sharon Weinberg.

**Full-Time Continuing Contract Faculty Senators Council (“C-FSC”) Members Present:** Mary Killilea (Chair), Joseph Borowiec, Joseph Carter, Aysan Celik, Lauren Davis, Michael Ferguson, Sam Howard-Spink, Scott Illingworth, Leila Jahangiri, Kirk James, Jung Kim, Joshua Paiz, Vincent Renzi, Ezra Sacks, Antonios Saravanos, Geoff Shullenberger (for Noelle Molé Liston), Larry Slater, Susan Stehlik, Beverly Watkins, Heidi White, and Ethan Youngerman.

**Student Senators Council (“SSC”) Members Present:** Juan Calero (Chair), Jacob Abbott, Nicole Acero, Syed Ali Shehryar, Rose Asaf, Mike Avgerinos, Ben Broderick, Tamara Cesaretti, Ghania Chaudhry, Husniye Cogur, Jaylan Daniels, Nicolas Duque-Franco, Joseph Ehrenkranz, Selamawit Gashaw, Annie Gurvis, Christopher Hearn, Jamila Jahangir, Rachel Law, Tyla Leach, Shannon Morgan, Michelle Ng, Victor Okoth, Isaac Oseas, Max Pau, Sena Pottackal, Steven Ramdilal, Pedro Tenreiro, Asiya Vickers, Tahreem Waquar, and Hancheng (Eric) Zuo.

**Deans Council Members Present:** Dominic Brewer (Chair), Charles Bertolami, Tiffany Boselli (for Geeta Menon), Anastasia Crosswhite (for Rangarajan Sundaram), Dennis Di Lorenzo, Aida Gureghian (for Phillip Harper), Cheryl Heaton, Randy Hertz (for Trevor Morrison), Gene Jarrett, Julie Mostov (for Thomas Carew), David Schachter (for Sherry Glied), Nina Servizzi (for Carol Mandel), Karen Shimakawa (for Allyson Green), Iskender Sahin (for Katepalli Sreenivasan), Eileen Sullivan-Marx, and Susanne Wofford.

**Administrative Management Council (“AMC”) Members Present:** Michael McCaw (Chair), Katrina Denney, Regina Drew, Carrie Meconis, Carolyn Ritter, and Pamela Stewart.

**University Administration Members Present:** Martin Dorph, Andrew Hamilton, and Terrance Nolan.

**Senate Committee Chairs (not mentioned above) Present:** Arthur Tannenbaum.

President Hamilton welcomed members of the Senate to the meeting.

### **Review and Approval of the Minutes of the December 7, 2017 Meeting**

Upon motion duly made and seconded, the Minutes of the December 7, 2017 meeting were approved unanimously as presented.

## **STANDING COMMITTEE REPORTS**

### **University Judicial Board**

President Hamilton invited Michelle Ng, Student Senator and member of the University Judicial Board, to introduce the resolution provided to the Senate in advance of the meeting regarding updating the University's Student Conduct Rules and Procedures ("Rules and Procedures"). Ms. Ng said that NYU's Rules and Procedures have not been updated for forty years, which significantly impairs its ability to effectively manage student conduct. She reminded the members of the Senate that a proposal to enact new University-wide Rules and Procedures was presented at the Senate meeting on December 6, 2017, but ultimately failed to pass. Ms. Ng said that through a highly collaborative effort, the University Judicial Board is presenting a revised proposal that addresses the concerns raised by members of the Senate on December 6<sup>th</sup>. She then reviewed the revisions that were made to the resolution and proposal as originally submitted, including the following: 1) the proposed amendments to Section 80 of the University Bylaws and to the Rules for the Maintenance of Public Order are now explicit that authority over the Rules and Procedures rests with the Senate; 2) the Office of Student Conduct, in collaboration with the school-based student affairs deans, drafted new University-wide Student Conduct Procedures so that the Senate could review prior to the repeal of the 1978 University Disciplinary Procedures; 3) repeal of the University Policy on Student Conduct (1978) and the University Disciplinary Procedures (1978) will be effective August 12, 2018; 4) the University Senate Judicial Board is charged with reviewing the Policies and Procedures on an annual basis; and 5) the Rules and Procedures were revised to include language from the "Academic Freedom" section of the existing University Policy on Student Conduct with the intent of enhancing academic freedom.

President Hamilton invited questions and comments from members of the Senate. Following discussion, upon motion duly made and seconded, the following resolution passed unanimously:

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 new 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.

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.

## **Public Affairs Committee**

Arthur Tannenbaum, Public Affairs Committee Chair, said that the Committee is charged with reporting annually about government affairs and University community life. He invited Steve Heuer, Assistant Vice President for Government Affairs, and Arlene Peralta, Senior Director for Community Engagement, to present highlights from their report, which is attached to these minutes as Exhibit E.

Mr. Heuer began with highlights related to federal advocacy priorities. He reported that, following aggressive advocacy from the higher education community including NYU, the most troublesome provisions of the House version of the proposed tax bill that targeted higher education were not included in the final version of the bill that became federal law. Mr. Heuer said that the federal budget process for FY 2018 and FY 2019 is taking place simultaneously. He reported that the FY 2018 budget deal passed in the previous week included an increase in funding for federal research agencies and no cuts to federal student aid programs. While cuts to research and student aid programs are proposed for FY 2019, Mr. Heuer said that he hopes Congress and the Trump Administration will be able to come to an agreement without making these cuts.

The Trump Administration has stated that the Deferred Action for Childhood Arrivals (DACA) program would terminate on March 5, 2018. Mr. Heuer said that NYU continues to strongly advocate for Congress to find a long-term solution that allows DACA participants to remain in the United States without fear of deportation.

Mr. Heuer stated that a major priority for NYU in 2018 is ensuring that the reauthorization of the Higher Education Act (HEA), the federal statute that governs the structure of all federal student aid programs, maintains funding for programs that many NYU students rely on, such as the Supplemental Education Opportunity Grant program, public service loan forgiveness, and Federal Work Study program. The U.S. Senate is set to consider competing HEA legislation later in 2018, and Mr. Heuer said that fortunately the Senate has committed to a bipartisan approach to its review.

Mr. Heuer concluded his presentation with a summary of New York State advocacy priorities. He reported that Governor Cuomo released his budget proposal in January, and the State Legislature will consider the proposal over the next couple months. He said that the most concerning part of the Governor's proposal is his call to discontinue Bundy Aid, a long-standing state program that provides funding to private institutions to be used for financial aid assistance for undergraduate students. NYU receives approximately \$4 million in Bundy Aid on an annual basis, and the University is aggressively advocating for this funding to be retained. Mr. Heuer said that 90 NYU students participated in the New York State Student Aid Advocacy Day on February 13<sup>th</sup> to advocate directly to New York State legislators about the importance of financial aid programs. NYU students will also visit Capitol Hill to voice their support for key federal student aid programs on March 22<sup>nd</sup>.

President Hamilton invited questions and comments from members of the Senate. In response to a question about a provision in the Tax Cut and Jobs Act that requires colleges and universities with endowments over \$500,000 per FTE to pay a 1.4 percent excise tax on their endowment investment income, Mr. Heuer said that NYU is not currently impacted.

Nonetheless, he said that the University fought against this provision alongside other institutions and will continue to advocate for this provision to be rolled back. President Hamilton noted that, especially in these times when higher education appears to be targeted by Congress, it is important for higher education institutions to continually demonstrate their impact and value. He thanked Mr. Heuer and the NYU Government Affairs team for persistently pressing the University's case in Albany and Washington.

President Hamilton invited Ms. Peralta to present highlights regarding community engagement. Ms. Peralta said that NYU's Community Engagement Office is the primary liaison to the surrounding community, including neighbors, nonprofits, businesses, students, faculty, and staff. Among other things, the Community Engagement Office offers free public programming, communicates news about construction and events, and coordinates service and outreach projects. Ms. Peralta said that the Annual Children's Halloween Parade, with about 3,000 participants, is one example of an event that brings the University and surrounding community together. She noted that outreach and engagement in Brooklyn increased in 2017 as NYU's presence there grows. In addition to keeping the local community informed regarding construction at 370 Jay Street, Ms. Peralta said that NYU hosted a STEM (Science, Technology, Engineering, and Mathematics) Activity Fair for children in the fall and will co-sponsor an event with the Brooklyn Historical Society in the spring.

NYU continues to demonstrate its deep commitment to civic engagement through its annual service and outreach projects. Ms. Peralta reported that an average of 16,000 NYU students engage in some form of community service each year, contributing over 1.7 million hours of assistance to local, national, and international communities. As one example of NYU's impact, more than 700 NYU students provide tutoring in public schools in Manhattan, Brooklyn, and the Bronx through the America Reads/America Counts program. In addition, NYU's Combined Campaign, founded in 1982 and supported solely by volunteer donations from NYU employees, distributed over \$118,000 to 84 local nonprofits through the NYU Community Fund and \$31,000 to support the United Way of NYC in 2016-2017. To date, the NYU Combined Campaign has raised more than \$3.9 million for local charities in lower Manhattan and downtown Brooklyn.

Following questions and comments from members of the Senate, President Hamilton thanked Ms. Peralta and the NYU Community Engagement team for their work.

## **COUNCIL REPORTS**

### **Student Senators Council (SSC)**

Juan Calero, SSC Chair, summarized the SSC written report that was distributed to the Senate in advance of the meeting. He said that a recent dinner with students and members of the University's Board of Trustees was a success and brought to light some misconceptions from both sides. Mr. Calero thanked Ellen Schall, Senior Presidential Fellow, for helping to organize the event, which the students hope can be arranged again next semester.

Mr. Calero next invited Nicolas Duque-Franco, Student Senator, and Tamara Cesaretti, Student Senator At-Large, to present the resolution provided to the Senate in advance of the meeting regarding representation of the Liberal Studies Program (LSP) in the SSC. Mr. Duque-Franco said that the resolution proposes allocating an additional Senate seat to the SSC for LSP. As background, he explained that the University Bylaws assign SSC seats to each of the colleges and schools; because LSP is not a college or school, LSP is allocated one of the 14 student at-large Senate seats under the Senate Rules of Procedure. Mr. Duque-Franco argued that because LSP has many of the important attributes of a college or school within the University, including, among other things, degree-granting status, infrastructure, organizational structure, unique identity, dedicated faculty, alumni, student council, and student life programming, LSP should be allocated a regular Senate seat. In addition, he said that at-large seats are intended to represent the interests of underrepresented students.

Ms. Cesaretti next provided an overview of the procedural aspects of the proposal. She said that the SSC passed a resolution in the fall to create an additional SSC seat in the Senate for LSP. The Senate Executive Committee next referred the resolution to the Senate Committee on Organization and Governance (SCOG). Ms. Cesaretti reported that, following discussion and debate, SCOG voted in favor of the SSC's proposal in its entirety. She said that the SSC is asking the Senate to recommend to the University's Board of Trustees that the University's Bylaws be amended to add a regular Senator seat for LSP without reducing the SSC's allocation of at-large Senator seats. The Senate would then be asked to vote at its meeting on March 29<sup>th</sup> to amend Appendix A of the Senate Rules of Procedure to remove the requirement that one at-large Senator seat be allocated to LSP.

President Hamilton invited questions and comments from members of the Senate. Several students expressed their support for the proposal, noting the importance of LSP students having a voice in the Senate without taking a seat away from underrepresented students. Julie Mostov, Dean for Liberal Studies, also expressed her support for the proposal.

Following discussion, upon motion duly made and seconded, the following resolution passed with one opposed and one abstention:

WHEREAS, Liberal Studies Program ("LSP") is an academic unit under the umbrella of Faculty of Arts and Science comprised of a two-year Core Program and the four-year Bachelor of Arts degree; and

WHEREAS, LSP, with a total of 2,663 students enrolled in the 2017-18 academic year, has many important attributes of a college or school within the University, including, among other things, degree-granting status, infrastructure, unique identity, dedicated faculty, alumni, student council, and student life programming, but is not afforded a regular Senator seat in the Student Senators Council ("SSC") of the University Senate; and

WHEREAS, since 2013, in order to provide LSP students with some representation, LSP has been allocated an at-large SSC Senate seat under the Senate Rules of Procedure; and

WHEREAS, the SSC believes that LSP is fundamentally unlike the interests intended to be represented by at-large Senators and requires a regular Senator seat in order to be adequately represented on the University Senate; and

WHEREAS, the SSC voted on October 19, 2017 to recommend to the Senate that LSP be granted a regular Senator seat without reducing the number of at-large Senator seats allocated to the SSC.

NOW, THEREFORE, BE IT RESOLVED, that the Senate recommends to the University's Board of Trustees (the "Board") that the University's Bylaws be amended as set forth in Exhibit A to add a regular Senator seat for LSP without reducing the SSC's allocation of at-large Senator seats;<sup>1</sup> and be it

FURTHER RESOLVED, that in accordance with Section II.8 of the Senate Rules of Procedure, the Senate vote at its March 29, 2018 meeting on whether to amend Appendix A of the Senate Rules of Procedure to remove the requirement that one at-large Senator seat be allocated to LSP.

### **REPORT ON 181 MERCER CONSTRUCTION**

President Hamilton introduced Linda Chiarelli, Vice President for Capital Projects and Facilities, to give an update on the progress of the 181 Mercer project. Ms. Chiarelli reviewed with the Senate slides presenting the building design and details of the building's uses, including spaces for classrooms, performing arts, community and dining, athletics and recreation, student residential, and faculty apartments. She gave an update on the construction progress and timeline, including the following milestones: demolition in October 2016, support of excavation in May 2017, foundations in March 2018, superstructure steel in January 2019, interior fit-out in July 2019, curtainwall in December 2019, and substantial completion in December 2021. Ms. Chiarelli said that the building will include a good number of casual meeting locations and open spaces and noted that the North Atrium will be open to the public. She reported that the project is currently on budget.

President Hamilton invited questions and comments from members of the Senate. Regarding steps being taken to address sustainability, Ms. Chiarelli said that the building will include green roofs, which helps with water retention and localized climate control inside of the building. In addition, the building will include a retention tank to capture rain water underground, co-generator connectivity, low-flow plumbing, and a daylight dimming system. In response to additional questions raised, Ms. Chiarelli said that the facilities will be available to all members of the NYU community, but the process for booking spaces at 181 Mercer has not yet been determined. Regarding public safety concerns, she noted that the Department of Public Safety has been closely involved in the building design process. A concern about the swimming pool smell spreading throughout the building was raised, and Ms. Chiarelli noted that the pool will be treated with salt rather than chlorine, which will prevent odors. Following questions and discussion, President Hamilton thanked Ms.

---

<sup>1</sup> The recommended amendments to the Bylaws are attached to these minutes as Exhibit F.

Chiarelli for her presentation.

## **REPORT FROM THE SUPERBLOCK STEWARDSHIP ADVISORY COMMITTEE**

President Hamilton introduced Larry Maslon, Chair of the Superblock Stewardship Advisory Committee (SSAC) and Arts Professor at the Tisch School of the Arts. Professor Maslon first gave some background on the SSAC, noting that it was established in 2014 to provide advice to University leadership on quality-of-life issues on the Washington Square Village and Silver Towers blocks (collectively, the “Superblocks”), before, during, and after construction of the 181 Mercer Street building. The Committee includes 13 members representing faculty, students, administrators, and the tenant associations. Professor Maslon stressed the importance of community residents being involved in the 181 Mercer project since the Superblocks will be the gateway to that building.

Professor Maslon said that a number of open space enhancements were recently completed around the Superblocks, including improvements to “The Backyard” space in Washington Square Village; new gates at the entrances to Sasaki Garden in Washington Square to make it more welcoming to the public; fence removal and new plantings along West 3<sup>rd</sup> Street; designated dog-friendly areas with convenient waste stations; a redesigned student Agricultural Club space with garden rules and club requirements for upkeep; and a redesigned Urban Farm space.

Professor Maslon then presented on NYU Faculty Housing Happenings Events, which offer free programming to residents of the Superblocks as a way to build community. Recent community events included an open-air movie screening, a back-to-school barbecue, concerts, yoga workshops, dance performances, and an urban gardening workshop.

Finally, Professor Maslon explained the signage and wayfinding program, which aims to provide an enforcement mechanism for open spaces through a coherent and aesthetically pleasing design and consistent messaging. SSAC also hopes to facilitate pedestrian and vehicular wayfinding through this initiative.

President Hamilton invited questions and comments from members of the Senate. In response to a question received about the dangerous pedestrian crossing on West 3<sup>rd</sup> Street, Lynne Brown, Senior Vice President for University Relations and Public Affairs, said the University has requested that the Department of Transportation conduct a study at the crossing, which is the first step in the process of introducing pedestrian safety and traffic calming measures. Following questions and discussion, President Hamilton thanked Professor Maslon for his presentation.

## **REPORT OF THE PRESIDENT**

### **Website Accessibility**

President Hamilton announced that effective February 15<sup>th</sup>, NYU has adopted a Website Accessibility Policy that requires NYU websites and content to be accessible to everyone, including people with disabilities. He said the process began last year when the U.S.

Department of Education's Office for Civil Rights found that NYU's website, along with those of other universities, was not in compliance with accessibility standards. The Policy covers websites and content across NYU, and training is available to those in web development across the University. President Hamilton introduced Kitty Bridges, Associate Vice President of Digital Accessibility, IT Policy and Compliance, and encouraged members of the Senate to contact her with any questions or concerns.

President Hamilton invited questions and comments from members of the Senate. Regarding the accessibility of video content, Ms. Bridges said the first step is ensuring that all videos have captions. She added that audio narration, which is best practice but not required, is much harder to accomplish because it is an entirely manual process and describing what is happening in the video is largely dependent on the video's creator. In response to a question, Ms. Bridges said that online courses should have accessible Word and PDF documents and accessible videos with captions and, when possible, audio narration. She noted that assistance is available for schools that are creating new online content.

### **Sexual Misconduct**

President Hamilton said that the #MeToo movement and current events unfolding nationally have called attention to how pervasive sexual harassment and assault are in our society. He added that it is critically important to make sure members of the NYU community are aware of the University's policies and procedures around sexual misconduct, as well as resources and support services available. As background, President Hamilton said that the University strengthened its Policy on Sexual Misconduct in 2014 to provide greater clarity on the range of conduct prohibited under the Policy, streamline and centralize the procedures for investigation and adjudications, and offer clear guidelines on how to make a report to the University and how to seek confidential assistance. NYU also recently adopted a Policy on Consensual Intimate Relationships, which prohibits intimate relationships in circumstances where one individual has power or authority over another. President Hamilton said that NYU is learning from its experiences as well as the experiences of other institutions with the goal of improving policies, procedures, and support.

President Hamilton introduced Mary Signor, Title IX Coordinator, to provide an overview of the Title IX process. Ms. Signor began by noting that situations of sexual misconduct are highly emotional and stressful for all parties involved. She said that her role is to meet with both the complainant and respondent to inform them of the process and their legal rights. She noted that the process involves partnerships across the University, including the Office of Student Conduct and Community Standards, Public Safety, Wellness Exchange, and the Office of General Counsel.

Ms. Signor explained that changes to the Policy on Sexual Misconduct in 2014 centralized the process so that all matters go through the Title IX Office in the Office of Equal Opportunity (OEO). The Policy covers all students at the University (including those at study away sites and international students) and all faculty, staff, administrators, vendors, and visitors. She said that NYU must take prompt action if it becomes aware of alleged sexual misconduct. In addition, employees in leadership or supervisory positions or who have significant responsibility for the welfare of students or employees (referred to as

“Responsible Employees”) must report if they are made aware of alleged sexual misconduct. Ms. Signor then reviewed an overview of what is considered prohibited conduct according to NYU’s policies, including sexual assault, sexual harassment, sexual exploitation, relationship violence, and stalking, as well as what are considered prohibited relationships.

Ms. Signor reiterated that unless you are a confidential resource, such as a Wellness Exchange employee, then you have an obligation to report alleged sexual misconduct to the Title IX Office at [title9@nyu.edu](mailto:title9@nyu.edu), 212-998-2352, or through a secure online form at [nyu.edu/sexual-misconduct](http://nyu.edu/sexual-misconduct). She then described the process once an incident is reported, noting that cases are either resolved through an administrative resolution or through a formal investigation, depending on the preference of the complainant. Ms. Signor noted that the process is the same for complaints against students and complaints against employees/faculty except that students have the right to appeal decisions. She concluded her presentation by providing information about the resources available to the NYU community, including the Wellness Exchange (212-442-9999), which is a confidential resource for students, and Carebridge (800-437-0911), which is a confidential resource for employees.

President Hamilton invited questions and comments from members of the Senate. In response to questions, Ms. Signor provided additional information about the reporting procedures. She said that while witnesses often ask for status updates, the University is not able to provide updates due to confidentiality concerns; however, she said that witnesses should be told that their participation in the process is appreciated, that they were heard, and that the situation is being addressed. Ms. Signor noted that Title IX is centered around the student, rather than geography. As such, incidents that take place off campus and complaints against someone who is not a member of the NYU community should still be reported. The priority is to connect students to resources that can help. In response to questions about training, it was noted that there is not currently mandatory sexual misconduct training for faculty. It was also noted that Public Safety employees receive training upon hire and on an annual basis.

There being no further business, the meeting was adjourned at 11:00 a.m.

Respectfully submitted,  
Jessica Graham  
Director, Office of the Secretary



**NEW YORK UNIVERSITY**

## **UNIVERSITY STUDENT CONDUCT POLICY**

**Effective Date:**

August 13, 2018

**Supersedes:**

University Policy on Student Conduct (1978)

University Disciplinary Procedures (1978)

Statement and Response Guidelines on Bullying, Threatening, and Other Forms of Disruptive Behavior (2014)

**Issuing Authority:**

Senior Vice-President for Student Affairs

**Responsible Officer:**

Director, Office of Student Conduct and Community Standards

### **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 and other policies 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 they are up to date and appropriately reflect obligations imposed by current laws, as well as best practices. The Judicial Board Committee will review the policies and procedures on an annual basis and report to the Senate any recommendations for their modification.

#### **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.

# NEW YORK UNIVERSITY

## STUDENT CONDUCT PROCEDURES

### 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 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 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 they deem 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)

the desirability of treating similar conduct similarly, 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 Away 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 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.

## **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.

## 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

**Supersedes:** Rules for the Maintenance of Public Order (Adopted on May 26, 1969, and amended through November 17, 1980)

**Issuing Authority:** New York University Board of Trustees

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.~~

~~1. Students.~~

~~a. If the allegation relates to a matter of academic misconduct (e.g., cheating, plagiarism, forgery), discipline shall be governed by the policies and procedures established by each individual college or school.~~

~~a.b. If the allegation relates to a matter of non-academic misconduct (e.g., theft or destruction of University property, bullying, harassment, residence hall violations), discipline shall be governed by the university-wide Student Conduct Policy. In matters involving non-academic misconduct, the faculty of the school of an accused student may establish its own procedures for enforcement, or elect to utilize the NYU Student Conduct Procedures established- **under the authority of the Senate.**~~

2. Faculty Members.

a. When a faculty member is charged with a violation of these rules, an effort shall be made to resolve the matter informally under the direction of the dean of his or her school at the departmental level or with a committee of the faculty of that school.

b. When the matter cannot be resolved as provided in the preceding paragraph, disciplinary action shall proceed as follows:

- i. If the faculty member charged with a violation has permanent or continuous tenure (and the charge is brought specifically to terminate service), the Rules of Tenure and Related Provisions shall apply.
- ii. If the faculty member does not have continuous or permanent tenure, his or her case shall be referred to a special committee of the faculty designated for that purpose. The special committee shall adopt its own rules of procedure. It shall have the authority to impose any of the penalties other than dismissal listed in Section II.D. and to recommend the penalty of dismissal. A recommendation for dismissal for a faculty member who does not have continuous or permanent tenure shall be submitted to the dean of the faculty member's school for approval and shall not become effective except on the concurrence of the President ~~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



TO: Arthur Tannenbaum, Ph.D., Associate Curator, Collections & Research Services

FROM: Steve Heuer, Assistant Vice President for Government Affairs  
Arlene Peralta, Senior Director for Community Engagement

DATE: February 15, 2018

RE: Government Affairs and Quality of Life Report to Public Affairs Committee  
Chair, Senate Public Affairs Committee

---

## **GOVERNMENT AFFAIRS REPORT**

### **Summary of Federal Advocacy Priorities**

#### **Tax Cut and Jobs Act – Implementation of the Federal Tax Law**

- NYU Government Affairs spent most of last year advocating against numerous provisions included in the U.S. House of Representatives-passed tax bill that would have been detrimental to students and universities.
- Following aggressive advocacy from the higher education community and NYU, many of the most troublesome provisions were NOT included in the final version that became federal law. Provisions NOT included were proposals to tax graduate student tuition stipends and employee tuition remission benefits and a proposal to eliminate the Student Loan Interest Deduction (SLID). In addition, NYU was not affected by the new law's provision to tax the endowment earnings of certain schools with endowments over \$500,000 per FTE.
- Provisions that will affect NYU in the new tax law include:
  - Charitable Giving – the increase in the standard deduction to \$12K (\$24K if filing jointly) will likely reduce the amount of small dollar donations coming to the university.
  - Unrelated Business Income Tax (UBIT) – the new law requires universities to separately calculate the net unrelated taxable income of each trade or revenue generating activity. Previously, universities were able to deduct UBIT losses to offset any revenue generating activities. Because of this change, NYU will likely incur some limited new tax liabilities related to changes in how UBIT is calculated.
- Bottom line is that NYU students and employees – and the institution overall – was able to avoid many of the more costly and problematic provisions that had been included in the U.S. House of Representatives-passed bill.

#### **Fiscal Year (FY) 2018 Appropriations and the Deferred Action for Childhood Arrivals (DACA) Program**

- Congress and the Trump Administration have yet to agree on final FY 2018 Appropriations package, which will affect funding levels for the federal research agencies and the federal student aid programs.
- Republicans in Congress are committed to increasing spending on national defense beyond the budget caps mandated under current law – and Democrats in Congress are

insisting that any increases in defense spending also include commensurate increases in domestic spending.

- Democrats had also been insisting on finding a long-term solution related to the status of students (“Dreamers”) who had been enrolled in the Deferred Action for Childhood Arrivals (DACA) program as part of any final FY 2018 Appropriations deal.
- Following the recent three-day government shutdown in January, Congress enacted its fourth “continuing resolution” that keeps funding at current levels through February 8<sup>th</sup>. Congress is expected to pass another “continuing resolution” on or around February 8<sup>th</sup>, but it is unclear of that status as of this writing. NYU Government Affairs will provide a verbal update on the FY 2018 spending situation at the February 15<sup>th</sup> Senate meeting.
- NYU Government Affairs has been continuously advocating for increases – or flat funding at a minimum – to key research and student aid programs. In addition, President Hamilton sent a letter to Congress in January urging the continuation of DACA in any final FY 2018 spending deal.

### **Reauthorization of the Higher Education Act (HEA)**

- The U.S. House Education & The Workforce Committee last December passed its version of legislation to reauthorize the Higher Education Act (HEA), the federal statute that governs the structure of all federal student aid programs. The full House of Representatives will likely consider the HEA sometime in 2018. NYU and the higher education community will be closely monitoring and conducting advocacy on the following issues:
  - Funding for the Supplemental Education Opportunity Grant (SEOG) program which some in Congress want to fold into the Pell Grant Program.
  - Public service loan forgiveness and income-based repayment plans, which many in Congress want to consolidate and streamline into a single program.
  - Changes to existing Federal Work Study (FWS) funding formulas designed to increase funding for FWS programs at community and for-profit colleges at the expense of programs being run at traditional four-year institutions such as NYU.
- Low and middle-income NYU students rely heavily on the FWS and SEOG programs – therefore NYU Government Affairs will be aggressively advocating against major changes to these programs.
- The U.S. Senate is set to consider competing HEA legislation later this year. Because the Senate has committed to a more bipartisan, inclusive legislative approach, this version will likely be preferable from an institutional and student perspective.
- NYU Government Affairs along with the higher education associations are aggressively making the case to Congress about the importance of student aid and loan forgiveness as the HEA attempts to address the affordability of a higher education.

### **Overall Federal Priorities (FY 2018 and FY 2019)**

- **Budget Items**
  - Core Student Aid Accounts: Funding for Pell, FWS and SEOG
  - Federal Research Agencies: Funding for NIH, NSF, DOE, DOD, NEH, IES
- **Policy Items**
  - Protect key university tax priorities related to charitable giving, endowments and student/institutional deductions

- Protect the Federal Research Agencies: Funding for NIH, NSF, DOE, DOD, NEH, IES)

### **Summary of New York State Advocacy Priorities**

Governor Cuomo's Executive Budget Proposal released in January included a few provisions that will negatively impact students at private institutions throughout New York State. The budget is just a proposal at this point; the State Legislature will now spend the next couple of months considering the governor's proposal. The most concerning part of the Governor's proposal is his call to discontinue "Bundy Aid", a long-standing state program that provides funding to private institutions to be used for financial aid assistance for undergraduate students. The state provides \$35 million statewide to private schools through this program and NYU receives approximately \$4 million in Bundy Aid on an annual basis. This funding is used to support approximately 160 institutional aids awards to NYU students.

The loss of this program would impact NYU's ability to provide institutional financial aid to students. NYU Government Affairs is working closely with our association and fellow private institutions in the state to educate lawmakers about the importance of this program. The Governor's proposal will ultimately require legislative approval before a final budget is agreed to on or before April 1, 2018.

### **Additional State Budget Proposals:**

- **Funding for State "Opportunity Programs":** The Governor's Proposed Budget reduces funding for all Opportunity Programs, including HEOP, CSTEP/STEP, and the Liberty Partnership Program (LLP). The Governor's proposal removes the additional funding the Legislature added last year to these programs and NYU will be working to restore this funding to current levels with lawmakers.
- **State DREAM Act:** The Governor also called for the enactment of the New York State DREAM Act, making educational aid programs available to young immigrants who were brought to the U.S. as children. NYU has long been supportive of the NYS Dream Act.
- **Addressing Student Debt:** The Governor also included in his Executive Budget a series of proposals to address rising student debt nationwide. These proposals include instituting more consumer protection around loan service providers, creating a Student Loan Ombudsman within the State, and requiring all colleges and universities to provide annual loan information to students. NYU is supportive of these efforts and we are working with the Governor's office to ensure that we are able to provide any required information regarding student loans.

### **NYU Government Affairs Student Advocacy Days**

- Albany: Approximately 80 NYU students will participate in the New York State Student Aid Advocacy Day on Tuesday, February 13<sup>th</sup> that includes students from institutions from across the state.
- Washington, DC: NYU will hold its annual Washington DC Student Advocacy Day on Wednesday, March 22<sup>nd</sup> with 30-35 students traveling to DC to advocate for financial aid programs.

## **COMMUNITY ENGAGEMENT REPORT**

The Community Engagement team fosters connections between neighbors, nonprofits, businesses, students, faculty, and staff. Local neighbors and nonprofits connect with the office to find out about the University's resources (i.e. free and public events, space requests, etc.), nonprofit grants through the University's employee giving program, outreach projects, and information about NYU's construction projects.

Community Engagement's primary activities involve:

### **Community Affairs**

As the University's primary liaison to the community, the office addresses issues of interest, responds to community inquiries, and provides the University with timely information on neighborhood issues. Community Engagement also supports a variety of community groups throughout the year through event sponsorship, on-campus space reservations, fostering connections to University resources, and collaboration on various events. Some organizational partners include Village Alliance, Greenwich Village Chelsea Chamber of Commerce, Washington Square Music Festival, Union Square Partnership, NoHo Bowery Stakeholders, NoHo BID, Washington Square Association, Washington Square Park and Washington Square Park Conservancy, Remember the Triangle Fire Coalition, Brooklyn Chamber of Commerce, Downtown Brooklyn Partnership, the Downtown Brooklyn Arts Alliance, and various community boards and block associations, etc.

### **Free & Public Events**

Community Engagement continues to offer quality free and open to the public programming throughout the year that highlights the University's intellectual and creative capital. Examples of such events include partnering with local nonprofits to host children's programming, participating in Open House New York, co-hosting the Annual Children's Halloween Parade with Community Board 2, partnering with the community to host the semiannual Edgar Allan Poe event, collaborating with the Administrative Management Council and the 9<sup>th</sup> Police Precinct on their annual toy drive, among many more.

### **Office Communications**

Community Engagement also communicates about a variety of items (construction, events, news, etc.) through the office and construction webpages, monthly newsletters, email blasts, events blog, and community meetings. The goal is to communicate the breadth and scope of NYU's community engagement efforts. To learn more or sign up for the Community Engagement newsletter visit [www.nyu.edu/community](http://www.nyu.edu/community).

### **Communication & Outreach on Construction at 181 Mercer Street**

Work on 181 Mercer Street, the new multi-use building, commenced in February 2016 and is expected to be complete in late 2021. Below grade demolition and excavation work is underway. Foundation work began in fall 2017 and is scheduled to continue through late 2018. There is a dedicated construction page for the project. To learn more visit the website at

<https://www.nyu.edu/community/nyu-in-nyc/construction/current-projects/181-Mercer-Street.html>

A 181 Mercer Street Open House Space is located at Washington Square Village Building 2, on West 3rd Street between Mercer Street and LaGuardia Place. This space features renderings, schematics, and a model, and will remain open for the duration of construction. It is open to the public and the NYU community on Tuesdays from 3:00pm-5:00pm, and by appointment by emailing [community.engagement@nyu.edu](mailto:community.engagement@nyu.edu).

NYU is committed to minimizing the effects of dust, noise, and traffic in the vicinity of the construction. The Restrictive Declaration, a memorialized agreement with the City, requires that an independent third-party oversee the implementation and performance of NYU's commitments and project components related to mitigation, monitoring, and the environment, on behalf of the NYC Department of City Planning (DCP). With the approval of the DCP, Henningson, Durham & Richardson Architecture and Engineering, P.C. (HDR) has been retained as the independent third-party monitor for the 181 Mercer Street project.

As part of NYU's commitment to improve public open space, the University continues to fund the maintenance of the public open spaces designed and built along Bleecker Street and LaGuardia Place in spring 2016.

### **Update on Outreach in Brooklyn**

In December 2017, the first phase of 370 Jay Street opened and the Center for Urban Science and Progress (CUSP) moved into the new facility. Construction continues on the remaining floors of the building, which will soon be home to additional academic programs from Tandon, Tisch, and MAGNET. Overall the building is focused on combining academic programs that integrate technology and creativity.

Over the past 18 months, Community Engagement has actively engaged the local community regarding NYU's plans and growing presence in Brooklyn as construction at 370 Jay Street has progressed. This outreach included over 50 meetings and/or tours of the building with community leaders, organizations, and elected officials. In addition, the department began hosting community-focused events in Brooklyn. In the fall, the office hosted a STEM Activity Fair for children, and this spring the office is co-sponsoring an event with the Brooklyn Historical Society. This outreach and engagement with the community will continue to grow as more academic programs locate to the area in the coming months.

Community Engagement also continues to connect with the Brooklyn community through the Brooklyn monthly community newsletter and an active social media presence, promoting Brooklyn community events happening around NYU's campus.

### **Update on Outreach & Civic Engagement**

NYU continues to demonstrate its deep commitment to civic engagement through its vast array of annual service and outreach projects at the main campus in New York City, portal sites in Abu Dhabi and Shanghai, as well as throughout 11 global study away sites.

Through the clinical and outreach programs of NYU's professional schools, and the volunteer support of thousands of students, faculty, and staff, NYU continues to play a critical role in addressing community needs and in joining with hundreds of partnering institutions to make a significant impact upon the quality of life of our community, city, and world.

On average each academic year, over 16,000 students engaged in some form of community service, contributing over 1.7 million hours of assistance to local, national, and international communities.

Examples of NYU's impact include:

- More than 700 students participate in America Reads/America Counts, each providing 6-15 hours per week of tutoring in one of 70 public schools in Manhattan, Brooklyn, and the Bronx. Over the last 20 years, NYU's America Reads/America Counts program has been the largest in the country, and student tutors have provided more than 2.4 million hours of literacy assistance to local NYC schools.
- NYU's Jumpstart program is celebrating its 11<sup>th</sup> year with a corps of 70 students working in small teams to help ensure academic success among 150 Pre-K children on the Lower East Side of Manhattan.
- NYU's Combined Campaign, founded in 1982 and supported solely by volunteer donations by NYU employees, distributed over \$118,000 to 84 local nonprofits through the NYU Community Fund and \$31,000 to support the United Way of NYC in 2016-2017. To date, the NYU Combined Campaign has raised more than \$3.9 million for local charities in lower Manhattan and downtown Brooklyn.
- NYU College of Dentistry students continue to provide critical clinical care to over 50,000 low-income New Yorkers. The Smiling Faces, Going Places mobile dental care van performed over 10,000 screening visits and comprehensive preventive services to over 5,000 children.
- Over 250 students participate in over 20 Alternative Break (AB) trips, spending their winter and spring breaks in service across the country and globe. Recent AB trips provided over 15,000 hours of service; cleaning parks, reading to children, building houses, and experiencing new cultures.
- In the Rory Meyers College of Nursing, 1,500 students placed in community health settings to participate in experiential learning projects. Future nurse placements include settlement houses, hospitals, urgent care facilities, and hundreds of nonprofits whose clients benefit from this highly skilled "volunteer" support.
- Nearly 300 students within the Robert F. Wagner School of Public Service provide more than 30,000 hours of service, working in Capstone teams to address challenges with 90 nonprofits.

- NYU School of Law offers the most comprehensive public service infrastructure of any law school in the nation. Last year nearly 900 student placements provided over 185,000 hours of service through institutional partnerships with local, state, federal, and international, nonprofit agencies, schools, and government offices.

## University Bylaws

### 61. Members

The Senate will consist of the President and Chancellor, and not more than one hundred and thirty-~~eightseven~~ voting members as follows: (a) not more than thirty-eight members of the Tenured/Tenure Track Faculty Senators Council, including one representative of the Division of the Libraries of the University; (b) not more than twenty-nine members of the Full-Time Continuing Contract Faculty, including one representative of the Division of the Libraries of the University; (c) not more than twenty-one academic members of the Deans Council; (d) not more than thirty-~~eightseven~~ members of the Student Senators Council; (e) not more than seven representatives of the Administrative Management Council; and (f) not more than five senior members of the administration of the University, including the President and Chancellor, the Provost, The Executive Vice President, if there is one, the Executive Vice President for Health, the Secretary and General Counsel, or such other senior members of the administrators of the University as may from time to time be designated by the President and Chancellor.

### 68. The Student Senators Council

(b) Members. The Student Senators Council will consist of not more than thirty-~~eightseven~~ members. There will be twenty-~~fourthree~~ regular student Senators, elected as follows: two from each of the Steinhardt School of Culture, Education, and Human Development and the Tisch School of the Arts; ~~and~~ one from each of the other colleges and schools and each of the Abu Dhabi and Shanghai portal campuses, except that for this purpose the School of Medicine and the Post-Graduate Medical School will be considered one school; ~~and one from Liberal Studies~~. There will be in addition not more than fourteen student Senators appointed at large by the Executive Committee of the Senate in accordance with the rules of procedure adopted by the Senate. The name of every student Senator should be transmitted to the Secretary of the Senate within five days of the University Commencement in May. Should no student Senator be elected from a college, school or portal campus by the date of the October meeting of the Senate, the dean of that college or school or the vice chancellor of that portal campus is authorized to appoint a Senator who will serve until replaced by a duly elected Senator.