

## II. University and Federal Policies and Procedures

### A. Family Educational Rights and Privacy Act

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#### Annual Notice to Students

Annually, New York University informs students of their rights under the Family Educational Rights and Privacy Act (FERPA) and the regulations relating to FERPA promulgated by the Department of Education. Together, FERPA and the FERPA regulations provide that (a) each student has a right to inspect and review his or her education records; (b) each student may request that any such record be amended if he or she believes that it is inaccurate, misleading, or otherwise in violation of his or her privacy rights; (c) the University will obtain the student's written consent prior to disclosing personally identifiable information about the student from his or her education records, unless such consent is not required by FERPA and the FERPA regulations; (d) each student has a right to file a complaint with the Family Policy Compliance Office of the Department of Education if he or she feels the University has failed to comply with the requirements of FERPA and the FERPA regulations; and (e) each student may obtain a copy of the University's Guidelines for Compliance with the Family Educational Rights and Privacy Act. These guidelines are available from the Office of Academic Program Review, 194 Mercer Street, Room 403F, and at [nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/FERPA.html](http://nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/FERPA.html), or at the Law School from the Office of the Vice Dean, VH 402. (Copies are also available in the Office of Records and Registration, FH 400) Mr. Barnett W. Hamberger, Assistant Provost and Director of the Office of Academic Program Review, is responsible for administering FERPA at New York University.

#### Access to Records

Requests for record reviews at the Law School should be directed to Michelle Kirkland, Assistant Dean for Academic Services and Registration, FH 400.

Students who wish to review their records must complete a record request form available online as well as in the Office of Academic Services, FH 400. The request should specify what records are to be inspected. Students will be notified when the records are available for inspection.

Per university policy, we do not grant third parties the right to obtain copies of student files. Please be advised that the procedures in effect at New York University under the Family Educational Rights and Privacy Act of 1974 require that a student or former student who wishes to obtain copies of his or her educational records must complete a record request form. Thereafter, once the files have been collected from the University offices in which they are located, the student or former student may inspect and copy materials other than transcripts at a cost of 10 cents per page.

#### Amendment of Records

If a student believes that any of the education records relating to her or him contain information that is inaccurate, misleading, or in violation of her or his rights of privacy, she or he may ask the University to correct or delete such information. The student may also ask that additional explanatory material be inserted in the record. Requests for amendment of a record or the addition of explanatory material should be submitted at the conclusion of the record review on form PL 93-3803, available from the appropriate record review officer. The reasons for the request should be set forth on the form and should clearly identify the part of the record the student wants changed and specify why it is inaccurate or misleading. There is no obligation on the part of the University to grant such a request. If the University declines to amend the records as requested by the student, it will so inform the student, and the student may request a hearing.

The right to challenge the contents of an educational record may not be used to question substantive educational judgments that have been correctly recorded. For example, a hearing may not be requested to contest the assignment of a grade. Grades given in the course of study include written evaluations that reflect institutional judgment of the quality of a student's academic performance. Information concerning hearing procedures is outlined in the University's FERPA Guidelines.

### **Disclosure of Personally Identifiable Information**

Among other exceptions authorized by FERPA, prior consent of the student is not needed for disclosure of directory information (see next section) or for disclosure to school officials with a legitimate interest in access to the student's educational record. School officials having a legitimate educational interest include any university employee acting within the scope of her or his university employment, and any duly appointed agent or representative of the University acting within the scope of his or her appointment. In addition, the University may, in its sole discretion, forward education records to the officials of another institution (a) in which a student seeks or intends to enroll if that institution requests such records, or (b) if the student is enrolled in--or receiving services from--that institution while she or he is attending NYU.

### **Notice Designating Directory Information**

Pursuant to FERPA and the FERPA regulations, New York University hereby designates the following student information as "directory information": name, dates of attendance, NYU school or college, class, previous institution(s) attended, major field of study, full- or part-time status, degree(s) conferred (including dates), honors and awards (including dean's list), and past and present participation in officially recognized activities (including positions held and official statistics related to such participation and performance).

Such information may be disclosed for any purpose, at the discretion of the University, except as provided below. Under federal law, address information, telephone listings, and date and place of birth are also considered directory information for military recruitment purposes. Address refers to "physical mailing address" but not e-mail address.

Currently enrolled students may refuse to permit disclosure of this information. To do so, students in the Law School should complete the nondisclosure form available in the Records Office. Students will be informed if they must file a new nondisclosure form each academic year.

If a student does not specifically request the withholding of directory information by filing the appropriate University form as indicated above, the University assumes that he or she approves of the disclosure of such information. The University disclaims any and all liability for inadvertent disclosure of directory information designated to be withheld.

## **B. Rules for the Maintenance of Public Order**

Adopted May 26, 1969

Amended November 17, 1980

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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 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 restrain 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 University Campus Safety in his or her discretion determines that the privilege of an invitee or licensee to be on University premises should be withdrawn, he or she shall ask the invitee or licensee to leave the premises, and the invitation or license shall thereby be terminated. If any person, whether initially a trespasser, licensee, or invitee, fails to leave University premises promptly upon request, the University will use all reasonable means, including calling for the assistance of the police, to effect their removal.

### B. Summary Suspension of Members of the University Community

Penalties for violation of University rules shall not be imposed upon members of the University community except after compliance with the disciplinary procedures applicable to students or faculty members, or members of the University staff (administrative and other employees). However, summary suspension pending disciplinary proceedings may be imposed upon students in accordance with the Bylaws, or upon faculty members in accordance with the Rules of Tenure and Related Provisions, as adopted and subsequently amended by the Board of Trustees, or upon members of the University staff in accordance with administrative practice.

### C. Disciplinary Action

A member of the University community who is charged with a violation of the University rules set forth in Section I above shall be subject to appropriate disciplinary action as follows:

1. Students
  - a. If the alleged violation of University rules involves a matter affecting more than one school, disciplinary proceedings shall be carried out under the Rules Regulating Student Disciplinary Proceedings, adopted by the Senate in accordance with the authority delegated to it under Paragraph 34(c) of the University Bylaws.
  - b. If the alleged violation of University rules involves a matter affecting only one school, disciplinary action shall be carried out by the faculty of the school in which the student charged is enrolled. The authority of the faculty is derived from Paragraph 61(b) of the University Bylaws. Disciplinary proceedings shall be in accordance with the established practice of the school. In the absence of an established practice in a school, the following procedure shall be used:
    - i. When a charge of misconduct has been made, the Dean of the school or such other administrative officers or faculty members as may be designated shall try to resolve the matter on an informal basis.
    - ii. If the matter cannot be disposed of on an informal basis, the hearing procedure shall follow in principle, though not necessarily

in detail, the provisions in the Rules Regulating Student Disciplinary Proceedings, with the following exceptions: (a) no verbatim record of the proceeding shall be required, (b) the hearing tribunal shall be composed of such persons as the faculty of the school may designate, and (c) the appellate tribunal, if any, shall be a person or persons within the school or the University.

## 2. Faculty Members

- a. When a faculty member is charged with a violation of these rules, an effort shall be made to resolve the matter informally under the direction of the Dean of his 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 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 his school for approval and shall not become effective except on the concurrence of the President and Executive Vice President for Academic Affairs 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 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

### **C. University Policy on Student Conduct**

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#### **Preamble**

The Bylaws of New York University, entrusting the “educational conduct of each school to the faculty and officers of that school, provide that “subject to approval of the Board and general University policy, it is the duty of each faculty member... to make and enforce rules for the guidance and conduct of the students.” These Bylaws also authorize the University Senate to act upon such matters which affect more than one school, and in these instances, the Senate speaks for the joint faculties of the University.

The University operates under a University common law, developed with respect to both substance and procedure over more than a century of existence, as well as under the University’s Charter and Bylaws. In the past, questions of student conduct referred to disciplinary committees have generally concerned problems of academic honesty, such as cheating or plagiarism, and were properly dealt with by the single school involved. More recently, instances of questionable student conduct have involved problems such as the maintenance of order in University buildings and grounds in connection with protest demonstrations, and have frequently involved students from more than one school. In light of this development, the Senate believes that a statement of University-wide policies on student conduct, reflecting the University common law is necessary.

#### **1. Statement of Principles**

It is our judgment that the University, like other communities and organizations in our society, has an inherent right to require the cooperation of its members in the performance of its educational functions, and to control and regulate the conduct and behavior of such members which tend to impede, obstruct, or threaten the maintenance of order and achievement of the University’s educational goals. We further believe that the relationship between the University and its students is a special educational relationship involving rights, and obligations, as well as considerations and procedures, which are distinct from those in the courtroom, the political arena, or the marketplace, and that from the very nature of the University as an educational community both the substantive rules and the procedural processes related to student conduct must be equitable and just.

#### **2. Basic Rules of Conduct**

Students are expected to conduct themselves as mature and law-abiding members of both the University community and the general community, and to comply with requests of the administrative authorities of the University for maintenance of order on University premises. Behavior which jeopardizes the health or safety of the University community, or disrupts the educational activities and supporting services of the University, is subject to review and possible penalty in accordance with the procedures and practices of the University and its colleges, schools, or divisions. Where activities sponsored by student

organizations constitute violations of University rules or public laws and regulations, sanctions may be imposed on such organizations as well as on individual students.

The University should not use its powers to interfere with the rights of a student outside the University campus. In general, a student's off-campus activities should be subject only to sanctions of the public authorities. Where a student is convicted of a violation of law, he should not be subject to University discipline for the same offense unless his conduct seriously affects his position as a member of the academic community. Where a student's conduct on campus constitutes violations of both University rules and public law, he may be subject to both University discipline and public sanctions.

### **3. Academic Freedom**

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. Free inquiry, free expression, and free association are indispensable to the purposes of the University, and must be protected as a matter of academic freedom within the University, quite apart from the question of constitutional rights.

Accordingly, conditions must be such as to allow this freedom for all. Causes may be supported by orderly means; but the University cannot tolerate suppression of ideas, nor the forceful disruption of the regular and essential operations of the University community. Regardless of sincerity, no individual or group of individuals has the right to disrupt or to interfere unreasonably with the workings of the colleges, schools, or divisions of the University or with the regular processes of education and service to its members. Regardless of moral impetus, no student or group of students has the right to deny the freedom of other members of the University community.

### **4. Invitations, Demonstrations, Protests**

Students are entitled to invite and hear persons of their own choosing. Since no outside person or agent has an independent right to use University facilities, each must be directly or indirectly invited through appropriate University channels, and by the University to an invited visitor. It is improper for students to harass the visitor or impede the purposes of his visit by violent means or threats, or by any other method that is offensive or unacceptable to an educational community.

Forums are to be encouraged, particularly on subjects where there are differences of opinion. Career counseling and job interviewing are also considered a legitimate part of the activities of the University in support of its educational program. Where counseling or recruitment is connected with a controversial issue, every effort should be made to allow a general discussion of the issue, but apart from the job interviewing. Such discussion of the issue should not be considered a necessary condition precedent to counseling or interviewing. It is improper, as inconsistent with the purpose of the University, to subject speakers, recruiters, job interviewers, or other official visitors to political, social, or moral sanctions or tests.

It is expected that all such activities, whether forums, lectures, recruitment programs, job interviews and the like, will be conducted in a manner appropriate to an academic community. The right to engage in peaceful protest must be honored and protected, but such protests must take place in a manner that does not interfere with normal academic procedures. Freedom of discussion does not include the license to disrupt a meeting or interview. Demonstrations, including those which are described as peaceful, cannot be allowed to interfere with the rights of others to have normal access to the persons

against whom the demonstration is addressed; nor can demonstrations be used to harass or intimidate other individuals or groups.

#### **5. Use of University Facilities**

The University administration necessarily has the right to control the access to and use of institutional facilities. If in the judgment of a University official, or an administrative officer of a college, school, or division, or a member of the faculty who has responsibility for a particular activity, a student or group of students or other persons are interfering with the rights of other individuals or groups, as above, said official has the right to ask the student or group of students to leave the room, hall or building. Refusal of a student or group to do so after warning shall be considered a sufficient basis for the institution of disciplinary proceedings, subject to the defense in such proceeding that the order to leave was *ultra vires* or unreasonable.

#### **6. Disciplinary Proceedings**

The University Bylaws provide that the power of suspending or dismissing a student in any school is lodged with the faculty of that school, but the President or the Dean of a school may suspend a student pending consideration of his case by the faculty. Each faculty has the duty of enforcing not only its own rules of conduct but also, in appropriate cases, the University rules of conduct established by the Senate under the authority granted to it by the University Bylaws.

### **D. Student Disciplinary Procedures**

Approved by the University Senate on February 9, 1978

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

#### **I. Division of Jurisdiction between the Faculties of the Several Schools and Colleges and the Senate**

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

##### **A. Cases of Faculty Jurisdiction**

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



## **B. Cases of Senate Jurisdiction**

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

## **C. Resolution of Questions of Jurisdiction in Any Particular Case**

While questions of jurisdiction are not expected to be numerous or difficult, the following procedures shall be used where such questions arise:

1. Where a question arises as to whether a case should come within Faculty or Senate jurisdiction, the question shall be referred for decision to the Office of Legal Counsel of the University.
2. The decision of the Office of Legal Counsel shall be both telephoned and mailed to each student who is the subject of the same or a similar complaint as the one in which the question of jurisdiction has been raised, to the Dean of the faculty of each school in which any such student is enrolled and to the Chairman of the University Judicial Board (hereinafter defined).
3. If either a student who is the subject of a complaint, or the Dean or Chairman of the disciplinary committee of a faculty in which such student is enrolled, or the Chairman of the University Judicial Board disagrees with the decision rendered by the Office of Legal Counsel, such person shall have the right to appeal the decision to the Committee on Organization and Governance of the University Senate.
4. Notice of such appeal must be received by the Office of the Secretary of the Senate no later than three days after the initial decision of the Office of Legal Counsel has been communicated to the person taking the appeal. In cases in which the student has been temporarily suspended or dismissed pending disciplinary proceedings, such notice of appeal must be received within eight hours.

## **D. Violations of Federal, State, or Local Law**

1. In addition to falling within one of the categories defined in I.A. or I.B. above, certain offenses may violate city, state, or federal laws. It is the policy of the University to discourage such acts by its members, and such offenses, or persons complaining of such offenses, may be referred to the appropriate outside authority. To the extent that such acts also fall within one of the categories defined in I.A. or I.B. above, they may also be subject to applicable disciplinary measures within the University.

## **E. Delegates of Jurisdiction**

1. Jurisdiction over offenses listed in I.A. above is in the faculty of the school in which the student is registered, and may but need not be delegated by the faculty to the Dean of that school or to the school's Discipline Committee or its equivalent (hereinafter referred to as "Discipline Committee" in all cases).
2. Offenses listed in I.B. above shall first be referred to the Vice President for Student Affairs and Services or the equivalent person at the NYU Medical Center (all references hereinafter made to the Vice President for Student Affairs shall be deemed to include the equivalent person at the NYU Medical Center). The Vice President for Student Affairs and Services shall meet with the student(s) complained against and shall try to resolve the matter with the consent of the student(s). In the absence of a resolution by the Vice President for Student Affairs and Services, the matter shall be referred to the University Judicial Board (defined below).
3. In any case of an offense listed in I.B. above in which the Vice President for Student Affairs and Services has been unable to achieve a resolution by consent, the case shall be referred to a new standing committee of the Senate to be known as the University Judicial Board.
  - a. The Board shall consist of nine members all of whom shall be members of the Senate including three students who shall be chosen by the Student Senators Council, three faculty members who shall be chosen by the Faculty Council, and three deans who shall be chosen by the Deans Council.
  - b. The Board shall elect its own chairperson.
  - c. Any case referred to the Board shall be heard and decided by a three-person panel consisting of one Senator from each constituency.
  - d. The Board shall adopt its own procedures for the selection of panels to hear individual cases, but such procedures shall be designed to achieve a fair system of rotation in which each member of the Board shall sit in a comparable number of cases and in which members of the Board sit in varying combinations.
  - e. The Senate shall temporarily increase the size of the Board at the request of the Board whenever the hearing and/or appellate caseload (defined below) require it. Any such temporary increase shall include equal numbers of representatives from each of the constituencies comprising the Board.
  - f. Panels of the Board shall serve in place of the previously created University Review Board wherever any rules of the University call for the participation of the Review Board.
4. Jurisdiction over dormitory offenses shall lie with the Judiciary Committee of such residence and with the Residence Hall manager, in accordance with dormitory procedures, where established. If no Judiciary Committee exists, jurisdiction shall be the same as for other offenses listed in I.B. above.

## **II. Procedures**

### **A. Filing and Notice of Complaint**

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

### **B. Interim Suspension**

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

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

### **C. Investigation and Notice of Hearing**

Whenever a student discipline case has not been satisfactorily resolved by consent, the Discipline Committee of a faculty or the University Judicial Board shall conduct further proceedings. These proceedings may include such lawful investigatory actions as the Committee or Board deems appropriate under the circumstances. Thereafter, the Disciplinary Committee or the University Judicial Board shall send a written notice to the student advising him or her of the date and time of its hearing to take place not earlier than seven days after the sending of such notice except upon the consent of the student. Should the student fail to appear, the hearing may proceed and sanctions may be imposed in his/her absence.

### **D. Hearings**

Each Discipline Committee and the University Judicial Board shall provide hearings and make decisions on all disciplinary cases within their respective jurisdictions. They shall conduct such proceedings as they deem appropriate, but shall include the following provisions:

1. That a tape recording be made of all hearings (to be forwarded to and preserved by the Secretary of the University until the appeal period has elapsed or until all appellate procedures have been completed).
2. That at the end of a hearing, a final written report shall be prepared and submitted to the Dean, the student, and the Secretary of the University within seven calendar days. The report shall state its findings of fact and the reasons for its decision.
3. That the student has the right to be accompanied by counsel or an adviser. The student or his or her counsel or adviser shall have the right to examine and cross-examine each witness either by putting questions directly to the witness, or by asking questions through members of the hearing body. The method shall be determined by the hearing body, and may be altered by it at any time.

#### **E. Faculty Discipline Committee Procedures**

Each Faculty Discipline Committee shall, pursuant to Section 61(b) of the Bylaws of the University, file its own additional written rules of procedure with the Secretary of the University. Revisions to such procedures shall be promptly forwarded to the Secretary of the University.

#### **F. Appeals**

1. A student shall have the right to appeal the decision of the hearing panel in any case involving senate jurisdiction on the ground that the decision or the proceedings at the hearing were arbitrary or unfair. In cases of faculty jurisdiction, the right of appeal shall be that provided by the rules of the particular faculty.
2. In senate cases the following appeal procedures shall apply:
  - a. Whenever the sanction of suspension or dismissal shall have been imposed in a senate case, the appeal shall lie to the faculty of the school in which the student is enrolled.
  - b. In all other cases of senate jurisdiction, the appeal shall lie to the University Judicial Board. The appeal shall be heard by a three-member panel consisting of one student, one faculty member and one dean, none of whom shall have served on the panel which conducted the hearing in the case.
  - c. Any appeal must be taken within fifteen (15) calendar days from the date on which the final report of the hearing body was sent to the student. The appeal shall be taken by the filing of a written notice requesting an appeal with the Dean of the school in cases involving the imposition of the sanction of suspension or dismissal or with the Chairman of the University Judicial Board in other cases.
  - d. The hearing body which has imposed a sanction may stay the sanction pending an appeal. The appellate body shall have the power to stay the sanction imposed by the hearing body but may not vacate the stay granted by the hearing body.
  - e. The appellate process shall not consist of a new hearing and shall be limited to a review of the report of and proceedings before the hearing body. The appellate body may accept the report without modification; accept the report but reduce the sanction imposed; dismiss one or more of the charges entirely; or remand the case for further proceedings. When the report is accepted by the appellate body, the matter shall be deemed finally decided without further recourse as of right.
  - f. Upon the discovery of new previously unavailable evidence, which might have had a substantial bearing on the decision rendered, the case may be reconsidered by the hearing body.

### **III. Disciplinary Sanctions**

**A.** The decision of a hearing body, in all circumstances, shall be discretionary, shall include what entry shall be made on the record of the student and may include any one or more of the following sanctions:

1. **Warning.**  
Notice to the student, orally or in writing, that continuation or repetition of the conduct found wrongful or participation in similar conduct, within a period of time stated in the warning, shall be a cause for disciplinary action.

2. Censure.  
Written reprimand for violation of specified reputation, including the possibility of more severe disciplinary sanction in the event of conviction for the violation of a University regulation within a period of time stated in the letter of reprimand.
  3. Disciplinary Probation.  
Exclusion from participation in privileges or extracurricular University activities as set forth in the notice of disciplinary probation for a specified period of time.
  4. Restitution.  
Reimbursement for damage to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.
  5. Monetary Fine.  
For any offenses.
  6. Suspension.  
Exclusion from classes and other privileges or extracurricular activities as set forth in the notice of suspension for a definite period of time.
  7. Dismissal.  
Termination of student status for an indefinite period. The conditions for readmission, if any are permitted, shall be stated by the panel in the order of dismissal.
- B.** A student who has been suspended and who is found “not guilty” shall be allowed full opportunity to make up whatever work was missed due to the suspension.
- C.** No record of the disciplinary proceeding will be entered in the student’s file unless a final disciplinary sanction is found to be warranted.

## **E. New York University Anti-Harassment Policy and Complaint Procedures**

### **I. Statement of Policy**

New York University is committed to maintaining a learning and working environment that is free of bias, prejudice, and harassment - an environment that supports, nurtures, and rewards career and educational advancement on the basis of ability and performance. Harassment based upon race, gender, color, religion, age, national origin, ethnicity, disability, veteran or military status, sexual orientation, marital status, citizenship status, or any other legally protected basis is prohibited by law and undermines the character and purpose of the University. Such harassment is illegal and against University policy, and will not be tolerated.

This policy covers all members of the University community and those who affect the University community such as vendors or visitors. The University encourages everyone to report all incidents of harassment regardless of who the offender may be.

#### **A. Definition of Prohibited Harassment**

Prohibited harassment is conduct based on race, gender, color, religion, age, national origin, ethnicity, disability, veteran or military status, sexual orientation, marital status, citizenship status, or any other legally protected status when:

- (1) submission to or rejection of the conduct is either an explicit or implicit term or condition of employment, basis for participation or advancement in an academic program, or basis for participation in a University activity or benefit; or
- (2) such conduct creates an intimidating, hostile or offensive work, academic or residential environment; or
- (3) such conduct otherwise adversely affects employment or academic opportunities.

Examples of such prohibited conduct when based upon a legally protected status include, but are not limited to:

- Verbal abuse or hostile behavior such as insulting, teasing, mocking, degrading or ridiculing another person or group;
- Unwelcome or inappropriate physical contact, comments, questions, advances, jokes, epithets or demands; physical assault or stalking;
- Displays or electronic transmission of derogatory, demeaning or hostile materials; unwillingness to train, evaluate, assist, or work with an employee, faculty member, or student.

Harassment is unacceptable in the workplace, classroom, student and faculty housing, sports, University facilities, and in other University-related settings, such as study-abroad programs and University-sponsored social functions and events. This behavior violates University policy even when it may not be sufficiently severe or pervasive to constitute a violation of law.

#### **B. Responsibilities to Report**

All members of the University community should report incidents of harassment in order to support the University policy. In order to assure the University is free of prohibited harassment, University officers, deans, department heads, faculty members, directors, and supervisors are required to report all incidents of harassment that they may have witnessed or have been advised of.

The most appropriate recipients of reports are:

- (1) The Office of the Vice President for Student Affairs or the appropriate school's designee if the alleged harasser is a student<sup>1</sup>;
- (2) The Human Resources Representative of the appropriate school or Department or the Office of Employee Relations of the Human Resources Division if the alleged harasser is an employee, including a student employee<sup>2</sup>;
- (3) The Dean of the appropriate school or faculty or the Dean's designee if the alleged harasser is a faculty member<sup>3</sup>;

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<sup>1</sup>University- Thomas Grace, 212-998-4403, Law School- Asst. Dean for Student Affairs, (212) 998-6638

<sup>2</sup>University Department or Human Resources, (212) 998-1242, Law School- 998-6665

<sup>3</sup>Law School- Vice Dean (212) 998-6200

- (4) The Director of Equal Opportunity if the alleged harasser is a visitor, vendor, or other third-party<sup>4</sup>.

It is not always easy to interpret words or actions that may be ambiguous and one may think are inappropriate. Therefore, the offices noted above are available to discuss the circumstances and address matters before they become severe or pervasive.

If a report is made to any of these offices, and that is not the appropriate office to receive the report, it becomes the responsibility of that office to forward the report to the appropriate office. If any of the persons at these offices is implicated in the harassment, or if a conflict of interest arises, the report should be made to the Director of Equal Opportunity. If that office is implicated, the report should be made to the Provost.

### **C. Reporting a Harassment Complaint**

All individuals who believe they have been harassed should file a complaint with the appropriate individuals or offices cited above. Verbal complaints should be reduced to writing by either the complainant or the individual who receives the complaint in order to preserve an accurate record. The written complaint should identify the parties involved; describe the harassing behavior; when and where it occurred; and identify by name or description any witnesses.

Complaints should be promptly reported so that appropriate action may be taken in a timely manner. However, the late reporting of complaints may not prevent appropriate remedial action.

Any conduct that may be in violation of this policy will be investigated, regardless of whether a complaint is filed, and appropriate remedial action will be initiated.

Effort shall be made to complete the investigation of a complaint within thirty (30) days of the report of the harassment. Extensions of the time frame may be necessary in some circumstances. The complainant and alleged harasser will be notified of the extension.

### **D. Confidentiality**

The University will maintain the confidentiality of the complaint to the greatest extent consistent with our goal of conducting a thorough and complete investigation. Effort will be made to safeguard the privacy and rights of all persons involved.

### **E. Investigation and Disposition of the Complaint**

The investigator will conduct a prompt, thorough and impartial investigation of the complaint in the manner he or she deems necessary. The parties to the complaint will each have an opportunity to be heard during the investigation. The parties will also be informed of the status of the investigation as deemed appropriate.

If it is determined that a violation of the University's harassment policy has occurred, prompt remedial action shall be taken. The nature of the remedial action and the process for its implementation will depend upon the particular facts and circumstances. If remedial action involves the imposition of sanctions, appropriate disciplinary procedures will be used. Sanctions imposed may be appealed through the appropriate appeals process. The findings and intended actions shall be communicated to the complainant and the alleged harasser.

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<sup>4</sup>Sharon Weinberg, (212) 998-2370

If it is determined that no violation has occurred, such findings shall be communicated to the complainant and the alleged harasser.

If the results of an investigation show that the complainant knowingly filed false accusations of harassment, or that a witness gave false statements, such individuals will be subject to the appropriate disciplinary action.

**F. Retaliation**

The University will take every step necessary to protect the complainant and any witnesses against retaliation for reporting the harassment or for participating in the investigation of a complaint.

Any employee, faculty member, or student who retaliates against an individual who complains of harassment, witnesses harassment, or participates in the investigation of a harassment complaint violates University policy and may be subject to sanctions. Complaints of retaliation should be reported as violations of this policy.

**G. Sexual Assault**

Sexual assault is a sexual act against the will and without the consent of the victim or where the victim is incapable of giving consent. This includes conduct that would be considered criminal under the New York State Penal Code. Since the medical, emotional, and legal needs of a sexual assault complainant may differ from those of other harassment complaints, sexual assault victims should, in addition to filing a University complaint, report the assault to the police and pursue counseling and other services available at the University. Students should consult the publication, *New York University's Polices and Procedures Concerning Sexual Assault* for guidance on medical and counseling services. Faculty members and employees should consult New York University's Faculty and Staff Assistance Program for medical and counseling service referrals.

**H. Consensual Relationships**

Sexual behavior that is welcome or consensual does not constitute sexual harassment under the law. However, romantic relationships in situations where one individual has greater power or authority over another frequently result in claims of harassment when the relationship ends and a perception of favoritism while the relationship continues. Such relationships are inappropriate. A "consensual" relationship between a professor and his/her student, a supervisor and a subordinate, or a coach and team player are examples of inappropriate relationships. If a consensual relationship occurs, any situation of authority must be discontinued and appropriate action may be taken.

**I. Education**

The University supports a complete program for the education of its community with respect to the meaning and implementation of this policy. Training will be scheduled accordingly.

*This policy does not form a contract. The University reserves the right to change or modify this policy as it deems appropriate and without notice. Any comments or suggestions concerning this policy should be forwarded to Sharon Weinberg, Director of Equal Opportunity and Vice Provost for Faculty Affairs.*



The above is a portion of New York University's Sexual Assault Policy. For the complete text, see:

[nyu.edu/content/dam/nyu/compliance/documents/sexualassaultharassmentpolicyrevised10.26.11.pdf](https://nyu.edu/content/dam/nyu/compliance/documents/sexualassaultharassmentpolicyrevised10.26.11.pdf)

## **F. University Policy on Substance Abuse and Alcoholic Beverages**

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New York University believes that the best way to maintain an appropriate campus environment with respect to alcohol and other drugs is through preventive education about the dangers of drug abuse and compassionate attention to the needs of those who may require help with alcohol or other drug-related problems. To that end, the University provides on-campus support programs and services as well as information about related services that are available in the local community. Information about these programs and services may be obtained at [nyu.edu/shc/promotion/aod.html](https://nyu.edu/shc/promotion/aod.html) or by calling (212) 443-1234.

For the entire University Policy on Substance Abuse and Alcoholic Beverages, see:

[nyu.edu/content/dam/nyu/studentAffairs/documents/AODpolicy.pdf](https://nyu.edu/content/dam/nyu/studentAffairs/documents/AODpolicy.pdf)

## **G. University Sanctions**

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Any member of the faculty, administration, or staff or any student may file a complaint against a student under the University's Student Disciplinary Procedures if he or she knows or believes that a student has violated the University's Policy on Substance Abuse or its Policy on Alcoholic Beverages.

If you are alleged to have violated either or both of these policies, you may be suspended pending a hearing under the circumstances as described in the University's Student Disciplinary Procedures. Moreover, if it is determined that you have violated either or both of these policies, the consequences may be severe. Sanctions can include dismissal (i.e., expulsion) from the University, suspension from classes and other activities or privileges, or other penalties permitted by University codes. For example, you can be expelled from University housing or barred from participating in athletic or other extracurricular activities.

Students may also be required to undergo evaluation and/or participate in and satisfactorily complete an appropriate counseling or rehabilitation program. Sanctions may become part of a student's permanent academic record, including being noted on the student's transcript.

If University policies are violated at an event sponsored by a student organization, the student organization, along with its members, may be held responsible for such violations. A variety of sanctions can be imposed on the organization, including loss of funding or other privileges, denial of access to University facilities and services, and dissolution.

## H. Guidelines for the Use of University Facilities

Adopted by the University Senate on May 13, 1971

Revised May 12, 1977

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1. For the purpose of these Guidelines, the following definitions apply:
  - a. A University facility is one which is primarily academic, social, dormitory-residential, or noncommercial in nature. Excluded from the scope of these Guidelines is space within a University facility used for offices of faculty, staff, or other employees; non-dormitory residences (e.g., Silver Towers apartments); or for commercial purposes (e.g., space rented to a public restaurant).
  - b. A University organization whose membership is limited exclusively to students, faculty, administration, staff, or alumni of New York University. A non-University organization is any organization whose membership is not so limited.
  - c. Members of the University community are persons who are currently students, faculty, administration, staff, or alumni of New York University.
2. The use of University facilities shall be limited to lawful purposes consistent with the educational purposes of the University. The assignment of space within University facilities shall be determined within the Guidelines by the primary function of the facility, the attendant priority in its use, and the purpose for which the space is designed and for which it is suitable.
3. It is recognized that the assignment of space in University facilities for academic and administrative use is not covered by these Guidelines, and is the responsibility of administrative officials designated by the President.
4. Reasonable charges, including overhead, for the use of space and related equipment, facilities, or amenities may be made to users of University facilities.
5. For each University facility the President shall designate the appropriate Dean or Officer (hereinafter, the local office) who shall be primarily responsible for allocating space available for nonacademic purposes and for coordinating the nonacademic use of such space with its academic use. A local office may be responsible for more than one facility.
  - a. The local office shall prepare a list of space within the facility available for nonacademic use, which shall be determined in accordance with the purposes for which the space was designed and its customary use. Such space may include classrooms or seminar rooms when not in academic use or held in reserve for academic use.
  - b. The Office of Vice President for Administration in consultation with the local offices shall prepare and publish, consistent with these Guidelines, a schedule of fees, if any, for the use of space within the facility for nonacademic purposes. The schedule may include the requirement of a deposit according to the proposed use of the facility.
  - c. The local office shall prepare a reservation form\*\* and a summary of special rules and regulations governing the use of space for nonacademic purposes within the facility. The reservation form shall indicate the persons assuming responsibility for the use of the space and the nature of the responsibility for charges, extra expenses, and damages. The form shall also indicate whether persons other than members of the University

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\*\* A standard space reservation form is available from the Office of Room Assignments, 7 E. 12 St., 3rd Fl.

community are to participate, whether by invitation or otherwise, in the use of the facility. The summary of the rules and regulations shall include notice of legal limitations on the number of persons who can be accommodated in the given space, as well as opening and closing hours.

6. The assignment of space listed as available for nonacademic use will be governed by these Guidelines. If an applicant, otherwise qualified to reserve and use space within a University facility is denied requested space by the local office on the grounds that the proposed use is inappropriate, the Office of the Vice President for Administration shall endeavor to find alternative space suitable for the user's purpose.
7. All space assignments for nonacademic purposes must be made in writing on the appropriate reservation form and approved by the local office responsible for the facility.
8. Assignment of the use of space within a University facility available for nonacademic purposes may be made to a non-University organization on meeting the following conditions:
  - a. The applicant must be sponsored by a unit of the University administration or faculty, by a faculty organization, or by a registered student organization that will assume responsibility, including financial obligations, for the non-University organization in connection with the application.
  - b. The purpose and objectives of the non-University organization must be consistent with the educational purposes of the University and not conflict with any legal restrictions on the use of University facilities.
  - c. The organization must qualify as a nonprofit organization eligible for tax exemption under section 421 of the New York Real Property Tax Law. The burden of establishing eligibility rests with the organization, but doubtful cases shall be referred to the Office of General Counsel for decision.
9. An application for assignment of space for one or more occasions made by a member of the University community or in the name of a University organization shall be deemed to be made by a non-University organization and subject to all the requirements of those guidelines applying to non-University organizations when, for any occasion, the expected attendance of persons who are not members of the University community exceeds the expected attendance of persons who are members of the University community.
10. The acceptance of reservations and the assignment of space within a University facility available for non-academic purposes will be made in accordance with the following schedule of priorities:
  - a. Members of the University community for whose use the facility was primarily designed, e.g., School of Education administration, faculty, or students in Education Building; Weinstein residents in Weinstein; student organizations in the University Student Center.
  - b. University organizations of faculty, administration, staff, or alumni and registered student and student faculty organizations.
  - c. Meetings (limited to two) to organize a University organization, as defined above, sponsored by a member of the student body, faculty, or administration.
  - d. Other use by students, faculty, and administration.

- e. Non-University organizations meeting the requirements of paragraph 8 above.
11. Recognizing the need to create conditions in which people of all shades of political opinion are given an opportunity to meet and discuss their views, University facilities may be used by members of the University community for the purposes of engaging in political activities when those activities are directed to and conducted within the University. However, the University cannot under its charter and the obligations of a not-for-profit educational institution in New York State become a source of subsidy for strictly political action groups. University facilities are not available to non-University organizations for use in political activities. Questions of appropriate use of University facilities for political activities should be referred to the Office of Legal Counsel.
  12. The use of University facilities for the purpose of raising funds whether through charter admission to an event by soliciting voluntary contributions, or otherwise, is permitted only under the following conditions:
    - a. By University organizations, provided the funds raised are intended for purposes consistent with the purposes of the University and its exemption from registration under the New York Social Services Law, and in no event are intended to be used for the support of political activities.
    - b. By non-University organizations, qualifying under paragraph 8 above to use University facilities, provided the funds are to be used for the purposes upon which their eligibility for tax-exempt status is based.
  13. Local offices may designate areas within University facilities for the distribution of literature or other materials by students as long as such activity does not (a) impede the flow of traffic or (b) disrupt the normal functions of the facility. Sales persons, advertising distributors, or other persons not members of the University community are prohibited from soliciting or distributing literature in University facilities at any time.
  14. The University Senate Committee on Public Affairs shall be responsible for the review of these Guidelines and for developing additional Guidelines, if needed, for approval by the Senate; for hearing grievances and arbitrating disputes; and for determining violations of the Guidelines. Appeals from decisions of the Committee may be made to the Senate.
  15. Any violation of University regulations, including these Guidelines, shall be sufficient cause for the cancellation of, or limitation on, assignment of space without prejudice to any other sanctions that may be imposed by any disciplinary body within the University.
  16. A list of areas normally available for nonacademic purposes is attached as Appendix A. This list will be periodically updated by the Office of the Vice President for Administration. Copies may be obtained from Administrative Services, 726 Broadway, 2nd Floor.

## **I. Guidelines Regarding Protest and Dissent**

Adopted April 4, 1991

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### **1. Commitment and Responsibilities of the University**

New York University is committed to maintaining an environment where open, vigorous debate and speech can occur. This commitment entails encouraging and assisting University

organizations that want to sponsor speakers as well as informing members of the University community who seek guidance concerning forms of protest against speakers. It may also involve paying for extraordinary security measures in connection with a controversial speaker. Consistent with these obligations, the University promulgates these guidelines, which are intended to be applied without regard to the content of any proposed speaker's speech.

## **2. Application of Guidelines**

These guidelines apply to all meetings held at the University which are not part of academic courses of instruction or regular University or school or department administration to which speakers are invited.

## **3. Meetings to be Designated as Open or Closed**

- a. The sponsoring organization may designate a meeting to which a speaker is invited as "open" or "closed." In either case, incidental University facilities such as room and utilities may be used.
- b. If a University organization or group uses University funds for other than incidentals, the meeting must be designated and treated as open. Use of room and utilities is considered "incidental" and therefore available for a closed meeting; all expenses of substance (e.g., a speaker's travel expenses or provisions of more than de minimum refreshments) are not considered "incidental," and may only be paid from University funds if the meeting is open. This requirement does not apply to meetings for which University funds have been authorized to finance a training event carried on by an organization designated by the dean or appropriate administrator as a University training organization (e.g., University clinical organization or University journal).
- c. Closed Meetings
  - i. A meeting at which the sponsoring organization limits the attendance to membership in the organization or to invited or designated individuals or groups (including members of the press), and from which members of the University community, not related to the sponsoring organization or to the meeting are excluded, shall be deemed closed. The meeting may not be closed on the basis of any category which is, or is a pretext for, discrimination in violation of the University's published anti-discrimination policies.
  - ii. To the extent that a closed meeting is advertised to those who are not invited to attend, there must be clear disclosure that the meeting is closed.
- d. Open Meetings
  - i. A meeting is considered open even though the sponsoring organization limits the audience to members of the University community or to portions thereof (e.g., first-year graduate students) other than as provided in paragraph 3(a).
  - ii. At an open meeting, the sponsoring organization must provide that at least a majority of the seats be available to the University community or portion thereof, as the case may be.
  - iii. The sponsoring organization must provide adequate and timely notice for an open meeting.

## **4. Identification**

- a. The sponsoring organization or University administration may require attendees to produce identification, so long as:
  - i. Advance notice is given as to what specific types of ID will be required.

- ii. Identification procedures are enforced consistently and uniformly.
- b. When required in an open meeting, identification and, when appropriate, press credentials should be checked by an official perceived to be neutral (e.g., an administrator, or designated general student monitor), not by a member of the sponsoring organization or by any person perceived as partisan.

## 5. Dissent/Protest

### a. General Principles

The right to dissent is the complement of the right to speak, but these rights need not occupy the same forum at the same time. The speaker is entitled to communicate his or her message to the audience during her or his allotted time, and the audience is entitled to hear the message and see the speaker during that time. The dissenter must not substantially interfere with the speaker's ability to communicate or the audience's ability to hear and see the speaker.

When a meeting is closed, dissent by non-attendees is limited to activity outside the meeting that does not impede access to the meeting or substantially interfere with the communication inside. When a meeting is open, the acceptable form of dissent will depend on whether the dissenter is inside or outside the meeting, and on whether the dissenter is acting before or after the meeting or during the meeting.

### b. Some Examples of Dissent

The following guidelines, which are neither comprehensive nor absolute, suggest the limits of acceptable dissent:

- i. Picketing; literature. Picketing in an orderly way or distributing literature outside the meeting is acceptable so long as it does not impede access to the meeting. Distributing literature inside an open meeting is acceptable before the meeting is called to order and after the meeting is adjourned.
- ii. Silent or symbolic protest. Protesting noiselessly such as by displaying a sign, wearing clothing, gesturing, or standing, is acceptable so long as the protest does not interfere with the audience's view or prevent the audience from paying attention to the speaker. Any use of signs, prolonged standing or other activity likely to block the view of anyone in the audience should be confined to the back of the room.
- iii. Noise. Responding vocally to the speaker, spontaneously and temporarily, is generally acceptable, especially if reaction against the speaker is similar in kind and degree to reaction in his or her favor. Chanting or making other sustained or repeated noise in a manner which substantially interferes with the speaker's communication is not permitted, whether inside or outside the meeting.
- iv. Force or violence. Using or threatening force or violence, such as defacing a sign or assaulting a speaker or member of the audience is never permitted. Any interference with freedom of movement, or with freedom from personal force and violence, is a serious violation of personal rights.

### c. The Audience's Responsibility

The audience, like the host and the speaker, must respect the right to dissent. A member of the audience or the host organization who substantially interferes with acceptable dissent is violating these guidelines in the same way as a dissenter who violates the rights of the speaker or audience.

- d. Question and Answer Period in Open Meetings  
In any open meeting the sponsoring organization is strongly encouraged to arrange with the speaker to assure a reasonable opportunity for a question and answer period.

## **6. Security**

- a. Senior University officials shall determine, either on their own initiative or after hearing from campus organizations or groups, whether the protection of free speech at an open meeting requires measures to provide security.
- b. Upon making this determination that security measures are required, these University officials, acting in consultation with the University Security Department, will have and will exercise the responsibility to determine the nature and extent of security measures required and ensure their implementation in a way which will not unfairly discriminate against nor intimidate any participant. The University will fund these measures. They may include but are not limited to, the following:
  - i. Bags and other containers may be subject to search by University security officers, and may be required to be put in a checkroom before entrance to the event.
  - ii. Coats or outerwear may be required to be put in a checkroom before entrance.
  - iii. Videotaping, audiotaping, and/or photographing of the event may be done, with prior notice to the audience.
- c. When a meeting is closed, the sponsoring organization will ordinarily be responsible for planning, obtaining, and funding its own security. Any provision for the use of force as a security measure will be planned with participation of the University Security Department. Only the Security Department or police officers may use force as a security measure.

## **7. Use of Moderator/Facilitator**

- a. **Determination of Need**  
Senior officials may determine that the protection of free speech at an open meeting requires the use of a moderator/facilitator. If so, the meeting shall be held with a moderator/facilitator.
- b. **Selection**  
The moderator/facilitator will be selected by the sponsoring organization, subject to approval by the University administration. The person selected shall be perceived to be neutral and non-partisan.
- c. **Role**  
The moderator/facilitator should make clear at the meeting that her/his role reflects no position for or against the views of the speaker or sponsoring organization. In any open meeting at which a moderator/facilitator has been assigned he or she shall be empowered to preside over any question and answer period.

At the event, final decisions regarding balancing the rights of the speaker with the rights of those who disagree will be made by the moderator/facilitator. These decisions include, but are not limited to:

- i. Whether to eject a disrupter from the room.
- ii. Whether to suspend a speech temporarily if disruption occurs.
- iii. Whether to move an event because of disruption or security.
- iv. Whether to cancel an event because of security concerns.

The moderator/facilitator should take any of the above actions only as a necessary resort and, if possible, only after a good faith attempt to consult with the sponsoring organization.

## **8. Sanctions**

Violation of the free speech rights of any person, as protected in these guidelines, will be treated seriously. Violators will be subject to the following sanctions:

- a. Expulsion from the meeting or event.
- b. Arrest or other legal action.
- c. As to members of the University community, disciplinary procedures before an appropriate tribunal, which may impose any of the following sanctions:
  - i. Warning
  - ii. Written reprimand
  - iii. Suspension
  - iv. Expulsion.

Pursuant to existing procedures, these sanctions may be noted on a student's transcript or employee's personnel file and later reported to appropriate external officials.

## **9. Advisory Committee on Free Speech**

The Committee on Organization and Governance of the University Senate shall maintain its oversight of this subject and should as appropriate:

- a. Advise the University administration concerning the further development and the enforcement of these guidelines through content-neutral policies related to time, place, and manner.
  - b. Review the effectiveness of these guidelines and proposals for change.
  - c. Development recruitment and training, if needed, of moderator/facilitators.

Inquiries concerning the application of these Guidelines or the use of a moderator/facilitator should be addressed to the Office of the Assistant Vice President for Student Life, Kimmel Center, 60 Washington Square South, Suite 601, (212) 998-4411.

## **J. Student Grievance Procedure**

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Articles I, IV, V, VI, and VII below shall be applicable to all of the schools of New York University. Article II and Article III shall also be applicable to each school unless and until a school adopts and files with the Secretary's Office procedures for the equivalent stages. To ensure compliance with the law and integration with the final appeal level, the procedures adopted by a school shall meet the following requirements:

- a. Any written document required by the procedures shall be filed with the Office of the Executive Assistant to the President and the procedures shall provide that information regarding grievance procedures can be obtained there.
- b. Each decision level shall render a decision to the grievant within fifteen (15) working days of the day when the matter was referred to that level, and the decision of the highest decision level shall be in writing.



- c. A grievant shall provide the School's highest decision body, if he or she appeals to it, with a written complaint. The complaint shall state the written policy of the school or University that has allegedly been violated, describe the facts and evidence supporting the alleged violations, indicate what redress the grievant seeks, and provide a brief history of the attempts to resolve the grievance.

- d. Every publication of the school's grievance procedures shall include this document.

#### **I. Coverage**

These grievance procedures are available to any New York University student to resolve any grievance involving an alleged violation directly affecting that student, by any member of the University community while acting in an official capacity, of any of the written policies of the University or the school in which the student is enrolled.

#### **II. Informal Resolution**

Students wishing to grieve an alleged violation of the University's policies shall first contact, within twenty (20) working days of any occurrence or the time they could reasonably have learned of such occurrence, the person responsible for the matter being grieved (the respondent) and attempt to resolve the grievance informally. Students uncertain about how to proceed may consult the Executive Assistant to the President who shall identify the appropriate person. At the request of the grievant or respondent, the ombudsperson in the school in which the student is enrolled (if there is one, otherwise the Executive Assistant to the President) shall arrange for a meeting of the parties, attend such meetings(s) and attempt to aid in the resolution of the grievance.

#### **III. Formal Complaint**

If the grievance is not resolved informally within fifteen (15) working days after the grievant contacted directly the appropriate person to attempt an informal resolution, a student may obtain review by submitting a written complaint within twenty (20) working days of the first direct contact to the Executive Assistant to the President, the respondent, and the appropriate University appeal officer. The complaint shall state the University policy that allegedly has been violated, describe the facts and evidence supporting the alleged violation, indicate what redress the grievant seeks, and provide a brief history of the attempts to resolve the grievance. The appeal officer, if the grievance arises out of a program or educational activity within a school, shall be the Dean of that school. Otherwise, the appeal officer shall be the highest ranking University officer other than the President responsible for the subject matter of the grievance. This will generally be the Vice President for Administration, External Affairs, Finance or Student Affairs, but students in doubt should consult the Director of Affirmative Action, who shall determine the appropriate appeal officer.

The appeal officer shall meet with the complainant and with such other persons as he or she shall deem appropriate for the purpose of ascertaining the facts and attempting to resolve the complaint; the appeal officer shall render a written decision on the merits to the grievant, the respondent, and the Executive Assistant to the President.

#### **IV. University Judicial Board**

The University Judicial Board is a standing committee of the University Senate. The Board consists of six members all of whom are members of the Senate including six students who are chosen by the Student Senators Council; six faculty members who are chosen by the Faculty Council, and six Deans who are chosen by the Deans Council. Any case referred to the Board shall be heard and decided by a three-person panel consisting of one Senator from each constituency. Student and respondent may appeal the decision of the appeal

officer, or the highest decision provided for by the school in which the student is enrolled, within ten (10) working days of receiving it, by submitting the decision and the complaint to the chairperson of the University Judicial Board.

The University Judicial Board may dismiss the complaint without a hearing if it determines that there would be no violation of University policy even if the facts alleged by the grievant were true. It shall conduct such proceeding as it deems appropriate, provided that:

- a. It shall not consider any matters not included in the written complaint. If the committee feels the grievant did not have access to the facts necessary to make his complaint complete when first submitted, the panel of the University Judicial Board may allow the grievant to submit an amended complaint.
- b. Both parties shall have access to all documents submitted to the committee and shall have the right to question all witnesses.
- c. It shall not hold public sessions unless both parties and a majority of the panel's members agree to do so, and shall not do so without all members present.
- d. The grievant may be accompanied by another person before the committee. The Review Board shall render a written decision within thirty (30) working days of the day it was designated, with copies to the grievant, the respondent, the Executive Assistant to the President, and the President. The decision shall include findings of fact, a statement of policy that is alleged to have been violated, an opinion on the validity of the grievance and, if appropriate, remedial recommendations.

#### **V. Final Review by the President**

Any part of the University Judicial Board's decision which calls for redress for the grievant shall be subject to review and change by the President. The President shall act on the remedial recommendations, if any, of the Judicial Board within fifteen (15) working days of receiving the decision.

The President's decision as to the appropriate remedy and whether the Judicial Board has accurately determined University policy shall be in writing and final, and copies shall be sent to the grievant, the respondent, the chairperson of the University Judicial Board, and the Executive Assistant to the President.

#### **VI. Time Limits**

The Executive Assistant to the President may grant extensions of the time limits under this grievance procedure of up to ten (10) working days.

#### **VII. Record-keeping**

The Executive Assistant to the President shall retain a copy of the complaint, any amended complaint, any decision of the President for five full calendar years following the year in which the grievance is resolved.

### **K. University Policy on Affirmative Action/Equal Opportunity**

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New York University is committed to a policy of equal treatment and opportunity in every aspect of its relations with its faculty, students, and staff members, without regard to age, citizenship status, color, disability, marital or parental status, national origin, race, religion, sex or sexual orientation. This includes, but is not limited to, recruitment, hiring or appointment, selection for training, transfer, layoff, promotion, granting of tenure, rates of pay and other forms of compensation, and participation in University-sponsored educational, social, and recreational programs.

The University shall exclude from its placement offices and all other facilities recruiters from any entity which in employment matters has been determined to have a practice of either (a) unlawfully

discriminating on any of the foregoing bases, or (b) discriminating on the basis of sexual preference. Nothing contained in this paragraph shall be construed to bar any religious or denominational institution or organization or any organization operated for charitable or educational purposes, which is operated, supervised, or controlled by or in connection with a religious organization, from recruiting for employment or from making such selection for employment as is calculated by such organization to promote the religious principles for which it is established or maintained.

Notwithstanding the provisions of (the preceding) paragraph that as long as entities that fund the scholarly and academic pursuits of the members of the NYU community are required to withhold funding from institutions of higher learning pursuant to section 606(a) of Public Law 92-436 and similar and successor statutes, the University may allow recruitment by such entities, including the Armed Forces of the United States.

Inquiries concerning the application of the federal laws and regulations concerning equal employment and education opportunity at New York University may be referred to:

**Mary Signor**  
Executive Director, Office of Equal Opportunity  
726 Broadway, Rm. 721  
New York, NY 10003  
(212) 998-2352

Inquiries may also be referred to the director of the Office of Federal Contract Compliance, U.S. Department of Labor.