

# New York University School of Law – 2014-2015

## Student Policies and Procedures for the J.D., LL.M., and J.S.D.

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### NOTICE

This handbook describes the procedures and rules that will ordinarily govern academic and student life at the New York University School of Law. No effort has been made, nor could one be made, to anticipate all issues that might arise in the course of the academic career of all students. These procedures and rules may be amended from time to time by the Law School Administration, Law School committees, or the faculty of the Law School. The rules and procedures in the handbook may also be superseded, suspended, or complemented by the Law School or University administrators as they may deem it necessary and proper, in particular extenuating circumstances, in the discharge of their responsibility to protect the Law School's academic objectives and reputation, including its learning environment and the safety of its students, faculty and staff. Nothing in this handbook is intended to create, nor shall anything be understood to create, contractual or legally enforceable rights.

Please review the handbook when you first arrive at the Law School and again, as needed, when particular questions arise.

This guide describes the policies and procedures that will govern Class Attendance and Residence Requirements, Grading System, Examinations and the School of Law Policies and Procedures for: Student Organizations; Student Files; Freedom in the Classroom, Attendance, Performance; Freedom of the Press and Disciplinary Procedures along with the University and Federal Policies and Procedures for the entire student body.

Additionally, the Academic Regulations, Course and Graduation Requirements have been included for the JD and LLM programs respectively. Should you have any questions or concerns, you should contact the appropriate office for assistance for your program of study as listed:

Office of Academic Services – J.D  
Furman Hall, Suite 400  
212-998-6020  
212-998-4535 (fax)  
[law.acadservices@nyu.edu](mailto:law.acadservices@nyu.edu)

Office of Graduate Affairs – LL.M./J.S.D/Exchange  
Furman Hall, Suite 340  
212-998-6015  
212-995-4656 (fax)  
[law.graduateaffairs@nyu.edu](mailto:law.graduateaffairs@nyu.edu)

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## Class Attendance and Residence Requirements (J.D. and LL.M. Students)

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Rules of the American Bar Association, the New York State Court of Appeals, other state high courts, and the Law School itself all require regular classroom attendance. Students are advised that excessive absenteeism can result **without warning** in: 1) grade lowering or 2) denial of permission to complete course work and/or sit for the exam or receipt of a grade of WD (withdrawn) or FAB (failed for absence). Missing more than one-fifth of classes is presumptively excessive. **Any student who finds himself or herself at risk of missing more than one-fifth of classes for any course should immediately speak with the instructor and/or Assistant Dean for Student Affairs.** Please note that these rules supersede the policy that a student may drop a course up until the last day of the class without receiving a WD on his or her transcript.

Faculty members may establish a higher standard of regular attendance than that described above, and may also take this higher standard of attendance, class participation, and the quality of class performance into account in determining the student's grade as long as the faculty member has, during the first week of classes, announced an intention to do so or has included that intention in the syllabus or other class materials distributed in the first week of class. (See also *Classroom Performance* on page 7).

The student's obligation to be in regular attendance derives both from faculty rule and the rule of state bar examiners. As a prerequisite to a student's admission to the bar, the Dean must certify to state boards of law examiners that the student has been in regular attendance. The Law School must be the student's principal commitment during each semester. Extensive employment is disfavored because of its tendency to interfere with the student's academic life at the Law School. In no event may a student devote more than 20 hours in any week to such employment during the semester.

J.D. students must complete six full-time semesters within five years of their initial registration at and through the Law School unless extended or modified by the Vice Dean or vote of the Executive Committee, consistent with ABA and Court rules. This requirement is a prerequisite to receipt of the Juris Doctor (J.D.) degree. **Certification of attendance and graduation is a prerequisite for admission to the bar examination.**

LL.M. students must complete their degree requirements within five years of their initial registration at and through the Law School unless extended or modified through the Vice Dean or vote of the Executive Committee. This requirement is a prerequisite to receipt of the Master of Laws (LL.M.) degree. If the LL.M. is needed for bar eligibility, certification of attendance and graduation is a prerequisite for admission to the bar examination. Further, note that if the LL.M. is needed for New York bar eligibility, the rules of the New York Court of Appeals require the degree to be completed within two years.

Students **will not** be registered for courses with overlapping times. This is against the attendance policies of the ABA and the Court of Appeals.

### 1. Calendar

NYU School of Law publishes an official calendar for each academic year. Individual faculty members may elect to reschedule classes where circumstances require, but general suspension of classes in the Law School is reserved for those holidays appearing on the official calendar.

### 2. Classes During Religious Holidays

Students who have to miss a class because of a religious observance can arrange, with the permission of the instructor, to audiotape the class. It is the student's responsibility to make arrangements for taping by asking a classmate to tape the class or request that the instructor ask for a volunteer. Students may check out audiotape recorders, subject to availability, from the Media Center in the law library or may use their own recorders.

## **Grading System and Academic Standards (J.D. and Graduate Students)**

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To a great degree, a student's final grade in many of the courses offered at NYU School of Law is dependent upon the grade received on the final examination. As a result, *adequate preparation for the examination cannot be recommended too highly*. No grade will be recorded for a course or section of a course in which the student is not officially registered and retroactive registration is not permitted.

### **Grading System**

The grading system used for J.D.s beginning Fall 1990 and LL.M.s beginning summer 1987 through summer 2008 was A, 4.0; A-, 3.67; B+, 3.33; B, 3.0; B-, 2.67; C, 2.0; D, 1.0 and F, 0.

The new grading system for J.D.s and LL.M.s effective fall 2008 is A+, 4.33; A, 4.0; A-, 3.67; B+, 3.33; B, 3.0; B-, 2.67; C, 2.0; D, 1.0 and F, 0.

Other symbols used on Law School transcripts are:

**CR (Credit).** This symbol is used (1) to show successful completion of participation on student publications or as Teaching Assistants (J.D. students only), (2) in specified courses in which the student has elected the Credit option, rather than a grade (J.D. students only), (3) in cases where a student in good standing withdraws for military service, provided he or she does not receive a tuition refund and has continued in attendance through two-thirds of the semester for which credit is sought, and (4) in other cases where a student receives credit for completion of a course but the Executive Committee has decided that it would be impossible or improper to assign a grade to such work (e.g., a lost examination paper). A grade of credit cannot be granted for required courses and/or Directed Research. A grade of credit is awarded for certain zero credit LL.M. courses and the J.D. Lawyering course.

**EXC (Excused).** This symbol reflects an absence from an examination that has been excused by the Office of the Vice Dean for good cause. Where practical, the absence should be approved before the examination is scheduled to be given. If excused from the scheduled exam, the student may take the exam at the next time regularly scheduled during the student's tenure at the Law School. If the course is required, the student must take the exam.

**FAB (Fail/Absence).** This symbol denotes an un-excused absence from an examination or an un-excused failure to hand in a take-home examination or paper in the time allowed by the instructor. If an excuse for absence is accepted as satisfactory by the Office of the Vice Dean or the Executive Committee, "FAB" will be replaced by "EXC." If this absence is not excused, the grade of "FAB" will become final.

**FX.** This symbol denotes failure due to cheating or plagiarism or violation of other rules governing academic honesty. See the discipline rules beginning at page 46.

**INC (Incomplete) / IP (In Progress).** In the following situations, students received an "INC" prior to fall 2009; beginning fall 2009 students receive a grade of "IP." This symbol is used in seminar courses, directed research, or similar study when the student has made prior arrangements with the instructor to submit work later than the end of the semester in which the course is given. Third-year students who have grades of incomplete in courses from prior semesters must complete and submit all work required for the course no later than May 1 of their sixth semester or at such earlier date as the faculty member requires. Full-time LL.M. students must submit a final version of incomplete work no later than May 1 of their second semester. The May 1 deadline is necessary to enable faculty sufficient time to evaluate the student's work and submit a grade and for the School to be able to certify the student for graduation and to sit for the July bar exam. It is the student's responsibility to arrange a submission schedule with the instructor. An extension may only be granted by the Office of the Vice Dean in consultation with the faculty member.

January graduates must submit all work required for the course by January 5, and September graduates by September 1.

Part-time LL.M. students must adhere to the work submission deadline of the term in which they are graduating.

If the work remains incomplete at the end of this period, students will not be certified to graduate nor certified to sit for the bar UNLESS they have sufficient credits to graduate without the credit for the incomplete course. If the student has sufficient credits to graduate, the "INC" will be replaced by "WD." The course work cannot be completed after the student has been certified to graduate.

If the work remains incomplete at the end of this period, and the student does not have sufficient credits to graduate, the "INC" will remain on the transcript for two years after which the "INC" will be replaced by "FAB."

Because the faculty member who will be grading the student's work may not be in residence at the School during the student's final semester, students are advised to ascertain the expected whereabouts of any faculty member for whom they have yet to complete work and make arrangements for timely submission of their work so it can be graded in time for graduation and bar certification. This is the student's responsibility. Students are advised that faculty members may be absent from the School for many reasons. For example, the faculty member may be on sabbatical or leave; or he or she may have been a visitor to the School or a Global Faculty Member who teaches intermittently and resides in a foreign country.

**WD (Withdrew).** This symbol denotes a withdrawal in writing from a course. Students who withdraw from a course by the last day of classes in the semester will not have a "WD" noted on their transcript. Thereafter, the student must take an examination or produce a paper (where the course is graded on the basis of a paper or the instructor agrees to allow a paper in lieu of examination). Failure to take an examination or produce a paper will result in an "FAB" unless for good cause, on timely application, the Executive Committee is willing to change the grade to a "WD." A faculty member may require withdrawal with a grade of "WD" for poor attendance or for failure to make satisfactory progress.

#### **Grading Guidelines Prior to Fall 2008**

The grading guidelines for J.D.s beginning fall 1990 and LL.M.s beginning summer 1987 through summer 2008 are listed below. Percentages are rounded to the closest integer. For prior guidelines, consult earlier editions of this handbook available in the Office of Student Affairs.

<b>First-Year J.D. (Mandatory)</b>	<b>All other J.D. and LL.M. (Non-Mandatory)</b>
A: 4-8% (target = 6%)	A: 4-8% (target = 6%)
A: 10-16% (target = 13%)	A: 10-16% (target = 13%)
B+: 24-33% (target = 28-29%)	B+: 24-33% (target = 28-29%)
B: Remainder	B: Remainder
B-: 4-11% (target = 7-8%)	B-: 4-11% (target 7-8%)
C: 0-5%	C: 2-5%
D/F: 0-5%	D/F: 0-5%

The guidelines for first-year J.D. courses are mandatory and binding on faculty members. In all other cases, they are advisory but strongly encouraged. **They do not apply to seminar courses, defined for this purpose to mean any course in which there are no more than 28 students.**

In classes in which credit/fail grades are permitted, these percentages are calculated only using students taking the course for a letter grade. If there are fewer than 29 students taking the course for a letter grade, the guidelines do not apply.

### **Grading Guidelines Effective Fall 2008**

New grading guidelines for J.D. and LL.M. students have been adopted by the faculty effective fall 2008. These guidelines represent the faculty's collective judgment that ordinarily the distribution of grades in any course will be within the limits suggested.

**The guidelines for first-year J.D. courses are mandatory** and binding on faculty members. In addition, **the guidelines with respect to the A+ grade are mandatory in all courses**. In all other cases, the guidelines are only advisory.

With the exception of the A+ rules, the guidelines do not apply at all to seminar courses, defined for this purpose to mean any course in which there are fewer than 28 students.

In classes in which credit/fail grades are permitted, these percentages should be calculated only using students taking the course for a letter grade. If there are fewer than 28 students taking the course for a letter grade, the guidelines do not apply.

#### **J.D. & LL.M.**

<b><u>First-Year J.D. (Mandatory)</u></b>	<b><u>All other J.D. and LL.M. (Non-Mandatory)</u></b>
A+: 0-2% (target = 1%) (see note 1 below)	A+: 0-2% (target = 1%) (see note 1 below)
A: 7-13% (target = 10%)	A: 7-13% (target = 10%)
A-: 16-24% (target = 20%)	A-: 16-24% (target = 20%)
<b>Maximum for A tier = 31%</b>	<b>Maximum for A tier = 31%</b>
B+: 22-30% (target = 26%)	B+: 22-30% (target = 26%)
<b>Maximum grades above B = 57%</b>	<b>Maximum grades above B = 57%</b>
B: remainder	B: remainder
B-: 4-8% (target = 6%)	B-: 4-11% (target 7-8%)
C/D/F: 0-5%	C/D/F: 0-5%

#### **Important Notes**

1. The cap on the A+ grade is mandatory for all courses. However, at least one A+ can be awarded in any course. These rules apply even in courses, such as seminars, where fewer than 28 students are enrolled.
2. Normal statistical rounding rules apply for all purposes, so that percentages will be rounded up if they are above .5, and down if they are .5 or below. This means that, for example, in a typical first-year class of 89 students, 2 A+ grades could be awarded.

#### **Submission of Grades by Faculty**

Except in unusual circumstances, and with permission from the Office of the Vice Dean, grades must be submitted to the Office of Records and Registration (FH 400) in accordance with the following schedule. Grades are deemed submitted when the Office of Records and Registration receives the final grade roster in the form appropriate for submission to the University Registrar.

##### **A. For Fall Semester**

- (1) for full semester courses,

(a) **for instructors with 100 examinations or fewer** in one or more courses, grades will be due no later than January 16 (or if a weekend day or holiday then the first immediately preceding business day); since January 16, 2015 is a Friday, all grades for instructors with 100 exams or less are due January 16, 2015.

(b) **for instructors with between 101 and 159 examinations**, all grades are due no later than the Tuesday after Martin Luther King Jr. Day or three days before the International Students Interview Program (or if a weekend day or holiday then the first immediately preceding business day), whichever is later. In 2015, Martin Luther King Jr. holiday is January 19, and the International Students Interview Program is January 30. Therefore, these grades are due January 27, 2015.

(c) **for instructors with 160 or more examinations**, grades in one of the classes are due as in paragraph (b) and in the other class ten calendar days thereafter (or if a weekend day, the first business day thereafter) (i.e. February 6, 2015).

(d) provided however that all first-year grades are due as prescribed in paragraph 1 (a).

(2) for courses that end four or more weeks before the last day of classes, no later than the last day of final examinations.

#### B. For Spring Semester

(1) for full semester courses, no later than June 8 (or if a weekend day or holiday then the first immediately preceding business day) (i.e., Monday, June 8, 2015);

(2) for courses that end four or more weeks before the last day of classes, no later than the last day of final examinations.

#### C. For Summer Semester, all grades are due by Friday, September 4, 2015.

#### **Changing Grades**

After a professor has submitted a grade to the Office of Records and Registration, the professor may not change the grade unless he or she certifies in writing that it was incorrect as a result of a mechanical computation or transcription error. If a grade is changed as a result of mechanical computation or transcription error the professor must send a memo to the student explaining the reason for the grade change with a copy to the Office of Records and Registration. A grade may not be changed as a result of a reevaluation of a student's work.

Under University rule grades may not be changed for any reason after the student has graduated. [August 10, 2012 note: this rule may be changed pending University approval.]

#### **Reporting of Grades**

Grades may be obtained by logging onto Albert through NYUHome after the exam period is over and once grades have been entered. Grade distribution information will be posted online on our website as soon as possible after it is received by the Records Office. Students who are in financial arrears will not be able to obtain official transcripts.

#### **Classroom Performance**

For non-seminar courses (other than those with 28 or fewer students, including students taking the course on a credit/fail basis, and for which the instructor elects seminar treatment as described below), classroom performance may be a factor in determining the final grade of a student, in the discretion of the faculty member, provided that (a) oral or written notice is given to the class in the first week of class and (b) the student's grade shall not, on the basis of such performance, be raised or lowered more than one step (except that a grade may be raised from an "F" to a "D"), and in no event lowered to an "F."

Any faculty member wishing to exercise this discretion shall (after his/her final examination papers have been blind graded and tentative grades submitted) receive a list of identifying student information from the Records Office. The faculty member shall then provide to the Records Office a list of such students whose grades may have been raised or lowered. It shall be the faculty member's responsibility to prepare and transmit to the Records Office a list of his/her final grades.

For seminar courses, classroom performance may be used as a basis for the final grade without limitation on the weight accorded to the participation and without notice to students.

For lecture courses of 28 or fewer students (counting those who take the course on a credit/fail basis), the instructor may elect to grade the class as if it were a seminar and thus may use classroom performance as a basis of the final grade without limitation on the weight accorded, provided that the instructor provides oral or written notice of this election during the first week of class.

In all cases, if an examination is given it must be administered and graded anonymously according to standard practice.

### **Multiple Submissions and Plagiarism**

Regardless of the type of project involved students are, of course, expected to submit original non-duplicative work for each and every course. Moreover, plagiarism or reuse of the student's work done for another course or academic credit without permission are serious offenses that may merit severe discipline. (See Procedures for Offenses Requiring Formal Discipline, page 46. When in doubt about multiple submissions or the proper use of a citation or quotation, discuss the issue with the instructor.

### **Dismissal and Suspension**

Students are expected to familiarize themselves with and to comply with the rules of conduct and academic regulations of the University and of the NYU School of Law. If, in conformance with these rules and regulations, the withdrawal of a student is required before the end of the term for which tuition has been paid, a refund will be made according to the standard schedule for refunds. Dismissal from the School may be honorable, as in the case of a student dropped solely for poor scholarship, or dishonorable, as in the case of expulsion for violation of the examination rules or other serious breaches of discipline. Lesser infractions of the rules of the Law School will render the student liable to suspension from classes and cancellation of examinations, with consequent loss of credit or other sanction, including a record notation of "FX."

Students in the Law School shall not, without the consent of the Dean of the Law School, either as individuals or as a group, use the name of New York University or the Law School in any kind of activity outside the regular work of the School. Violation of this rule is regarded as sufficient cause for dismissal.

### **Ombudsperson**

The Vice Dean is the ombudsperson of the Law School and entertains queries and complaints dealing with University or Law School policy, classes or personnel. The Vice Dean may enlist the assistance of another office of the Law School or University in addressing the particular inquiry. When the Vice Dean is unable to address an issue, he or she may designate a Faculty member. If the Vice Dean has a conflict, the Dean will designate a Faculty member.

## Examinations (J.D. and Graduate Students)

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### Examination Numbers

Examinations at the NYU School of Law are taken on an anonymous basis; unless otherwise specifically authorized by the Executive Committee, students' examinations are identified by number only.

### General Rules

#### In-Class Examinations

*(supplemental rules for use of exam computer applications will be provided separately)*

1. Each student will be assigned an examination number for each semester. This number must be noted by the student on each examination.
2. Under no circumstances should a student include his/her name or student ID number on the examination or answer. An exam answer will be rejected if it identifies a student other than by examination number.
3. An un-excused absence from an examination may result in a failing grade. Inquiries concerning an excused absence should be directed to the Office of Academic Services, FH 400.
4. Final exams for classes ending 4 or more weeks before the last day of classes posted on the academic calendar will be scheduled within one week of the final meeting of the class.
5. Final exams for classes that end less than 4 weeks before the last day of classes posted on the academic calendar are scheduled according to regular exam period dates and rules.
6. In all in-class exams, students will receive a receipt form for use during the examination period from the proctor. The space provided for each subject is to be filled in by the student and presented to the proctor for signing after the exam has ended. Students are responsible for retaining all receipts until their grades are entered online.
7. A student who arrives up to 15 minutes late for an exam that is less than 3 hours or up to 30 minutes late for an exam that is 3 hours or more, may take the examination as scheduled but will not receive any additional time to complete the exam. A student who arrives at an in-class examination later than the times identified above, or who fails to appear for it, may be permitted to take the examination at the discretion of the Vice Dean or his or her designee at such time and under such conditions or penalties as the school administration determines.
8. A student who is ill and feels that he or she will not be able to complete the examination **should not begin the examination** and should immediately report such illness to the proctor, who will in turn send the student to the Office of Records and Registration (FH 400), the Office of Academic Services (FH 400), or the Office of Student Affairs (FH 474) for further instructions.
9. A student who becomes ill during the examination should immediately report such illness to the proctor, who in turn will send the student to the Records Office (FH 400), the Office of Academic Services (FH 400), or the Student Affairs Office (FH 474) for further instructions. (The student may have to wait until the next time the examination for that course is offered to take the examination.)
10. Students are permitted to have in their possession in the examination room only materials authorized by the instructor in the written exam instructions. Possession of any other

materials relating to the course is not permitted. The mere possession of impermissible materials in the exam room may result in a failing grade for cheating and additional sanctions regardless of whether a student has referred to the materials during the exam. Materials may not be shared during the examination.

11. Unless faculty has affirmatively indicated otherwise, students are permitted to bring foreign language dictionaries and calculators into in-class examinations.
12. No alcoholic beverages (opened or unopened) are allowed in the examination room.
13. No recording devices are allowed in the examination room. Cell phones must be turned off during exams. The use of headphones, earphones or other devices (other than basic earplugs) is prohibited.
14. Improper conduct in connection with an examination may result in a failing grade for cheating and other sanctions. Communicating with another student during an exam may result in a failing grade for cheating and other sanctions *regardless of whether* the communication is about the exam. Proctors will at a minimum warn those suspected of improper conduct, but sanctions may apply at the first instance of improper conduct *regardless of whether* there has been any warning. All students must stop typing when instructed to stop by a proctor. Misconduct will be reported to the faculty member involved, to the Vice Dean, or both.
15. Absent special permission by the Executive Committee, which is seldom granted and only for extraordinary and unexpected circumstances, alterations in the examination schedule for individual students may be made only in accordance with the published guidelines provided below, and *only* by the Office of Academic Services (FH 400); an individual faculty member does not have the authority to reschedule an exam.

### **Take-Home Examinations**

1. All take-home exams will be administered through THES ("Take Home Exam System").
2. Students MUST complete a take-home exam within the number of hours designated for that exam. For example, on a fixed-schedule take-home exam a student might have a five (5) hour window in which to complete a four (4) hour exam. In all cases once a student downloads the exam from THES the clock starts ticking and the student must use consecutive hours to complete the exam. Regardless of when a student starts the exam: (1) he or she may not exceed the number of hours designated by the faculty member for the exam and (2) may not continue the exam beyond the specified THES window.

- **Full-period take-home examinations:**

Will be available to students on THES not later than the first day of the examination period, in which case the latest date and time for submitting answers to the examination will be 11:59 p.m. on the last day of the examination period; or

- **Fixed-scheduled take-home examinations:**

Some take-home exams will be on a fixed schedule and must be taken on the day scheduled by the Office of Academic Services (see exam schedules). A fixed-schedule upper-class exam will not last longer than 8 hours, though the window for completion may be longer. A first-year exam may last up to 8 hours within an 11 hour window.

3. In the case of classes scheduled to end 4 or more weeks before the last day of classes posted on the academic calendar the exam must be available on THES on the day of the last meeting of that class. Students will have six business days (including the last day of class) in which to submit their answers. Answers may be submitted no later than 9:00am on this sixth business day.

Final exams for classes that end less than four weeks before the last day of classes posted on the academic calendar are scheduled according to regular exam period dates and rules.

4. Improper conduct in connection with an examination may result in a failing grade for cheating and other sanctions. Students must work independently on examinations, and any answers to an examination submitted by a student must be that student's own work, unless the instructor expressly authorizes a cooperative effort. A violation of this rule will be deemed "improper conduct" and may be grounds for disciplinary action.

5. In the event of a server problem, the time allotted for completion of the exam will run from the time at which the exam is successfully downloaded or ten minutes after ITS confirms that the problem is resolved, whichever is earlier. Students who experience technical problems and are unable to download their exam questions should send an e-mail to [Exams@exchange.law.nyu.edu](mailto:Exams@exchange.law.nyu.edu) detailing the time and specifics of the problem. Students should not distribute copies of the exam questions to classmates, even in the event of a server problem.

6. Students who are not comfortable reading exams on their computer screens for both fixed-scheduled and full period take home exams should be prepared to print out the exam questions for themselves. **No hard copies of exams will be made available.**

7. THES exam answers will be identified only by exam number, and not by name, student identification number or any other identifier.

8. When a student is ill and feels he or she will not be able to complete the exam within the designated exam period, **the student should not download the exam from THES**. The student should contact the Office of Records and Registration (FH 400) or the Office of Academic Services (FH 400) or the Student Affairs Office (FH 474) for further instructions. (The student may have to wait until the next time the examination for the course is offered to take the examination.)

9. Absent special permission by the Executive Committee, which is seldom granted, and only for extraordinary and unexpected circumstances, alterations to the exam schedule for fixed-scheduled exams and the THES window for flexible-scheduled exams for individual students may be made only in accordance with the published guidelines, provided below, and only by the Office of Academic Services (FH 400). **Individual faculty members do not have the authority to modify the published THES schedule for individual students.**

10. Individual faculty members will keep THES exam answers on file for 12 months. The extent, if any, to which an individual faculty member will permit review of these materials or discuss an examination with a student lies within the reasonable discretion of the faculty member and is subject to review by the Vice Dean.

#### **Examinations in Absentia**

By special permission of the Vice Dean, a student may take an examination at an ABA approved law school other than New York University School of Law, or at a foreign law school. The student is required to obtain a letter from an official of the law school in which the

official indicates willingness to administer and proctor the examination. The examination will be sent directly to the official. The rules governing examinations apply equally to examinations taken *in absentia*. A fee may be charged for each examination taken *in absentia*.

### **Postponing Examinations**

Students who wish to be excused from one or more scheduled examinations, including fixed-scheduled or full-period THES exams, because of illness, Sabbath observance, or other circumstances of unusual personal hardship should make an appropriate request before the administration of the exam. An unexcused failure to take an examination will result in an automatic "FAB" grade for the course. When a satisfactory explanation for absence has been submitted to the Vice Dean, an "EXC" may be temporarily recorded and will be replaced by the regular course grade earned in the make-up examination. In seminars, a grade is submitted for each student at the conclusion of the semester. A grade of "IP" may be recorded for students who have made prior arrangements with the instructor to complete the assigned work at a later date. Such a grade must be removed before the student's graduation.

1. The policy of NYU School of Law is that all students must take examinations at the scheduled time unless there exist compelling circumstances, as defined below:

- A student who is scheduled for two exams on the same day: the exam given at the later time will be postponed to the morning of the first day on which the student does not have a scheduled examination and that does not create a need for further postponement.
- A student who has an evening exam (starting at 6:00 pm) followed by a morning exam: the morning exam will be postponed to the afternoon that does not create a need to further postponement.
- A student with an 8-hour fixed take-home exam who has an in-class or take-home examination scheduled for the following day may postpone the second exam to the morning of the first day that does not create a need for further postponement.
- A student with a fixed take-home exam that is 6 hours to less than 8 hours who has an examination scheduled for the following morning may postpone the morning exam to the afternoon of that day that does not create a need for further postponement.
- A student who has three exams on consecutive days with course credits totaling 11 credits or greater may postpone one exam of their choice to the fourth day. A student who has four exams on consecutive days within one calendar week may postpone one exam on their choice to the next available day in the following week (Monday through Friday).

2. An examination will be rescheduled, subject to approval of the Vice Dean, in the following circumstances:

A) Where illness or pregnancy of the student actually prevents a student from taking an exam, upon a physician's written certification to the Vice Dean's office. Once an exam is completed and handed in, a grade for that exam must be tabulated. A student who becomes ill *during* an examination and is unable to complete it must take a new examination. The student must indicate to the proctor that s/he is handing in an incomplete exam due to illness and will be referred to the appropriate administrative

office. The student may have to wait until the next time an examination for that course is offered to take the examination.

B) Where a member of a student's family or his or her "significant other" has died, and the student is attending the funeral or grieving.

C) Where a Sabbath or other religious observance precludes a student from taking an examination.

D) Where a student is attending the birth of his/her child.

3. An examination will be rescheduled, with the prior approval of the Executive Committee, in the following circumstances:

A) Where a student is attending the wedding or graduation ceremony of a member of a student's immediate family.

B) In exceptional circumstances where equity demands that rescheduling occurs in the view of the Executive Committee.

4. The following are examples of circumstances where examinations **will not** be rescheduled:

A) Where a student is taking a bar review course.

B) Where a student has a professional opportunity that conflicts with a scheduled examination.

C) Where a student is late, oversleeps, is caught in traffic, etc. and arrives at the examination more than one half hour after the exam has begun.

D) Where a student wishes to leave early for the winter or summer break.

5. If a student is excused from taking an examination at the scheduled time, every effort will be made to administer the examination at a time that overlaps the time of the scheduled examination, whether or not the examination is conducted at the Law School. If same-day scheduling is not practical, or if a student's non-academic circumstances (e.g., grieving) make such scheduling severely prejudicial to the student's exam preparation, the examination will be administered at the earliest possible time after the scheduled examination (usually early on the next day).

A) Except in extraordinary circumstances, an examination will not be scheduled later than the end of the examination period in which the examination is scheduled.

B) Except in extraordinary circumstances, an examination will not be offered prior to the scheduled time of an examination unless the new examination time substantially overlaps with the scheduled examination.

C) If an examination cannot be rescheduled within the period for examinations in the semester in which a course is offered, including any extension granted pursuant to Sections 3 and 4, the student should petition the Executive Committee for a resolution. Absent a compelling excuse, failure to take an examination in the semester the course is given will result in a grade of "FAB."

6. Requests for postponements should be made to the Office of Academic Services in accordance with these rules not later than four weeks before examinations begin. Students should not request special arrangements for examinations from the instructor in a course.

Questions about the meaning or application of these rules should be addressed to the Vice Dean or the Law School's Executive Committee.

To submit a request to postpone an exam, you must do so by using the online system Exam Reporter (<https://examreporter.law.nyu.edu>) by stated deadlines.

7. Where an examination is properly postponed pursuant to paragraphs 3 and 4 for a student who is required to be away from the New York area during the time of a scheduled examination, the Law School may arrange for the examination to be taken at a venue convenient to the student, if proctoring and other arrangements can be made.

### **Reviewing Examinations**

All exams are kept on file for one year after they are taken. Students wishing to review their exams must make an appointment through the secretary of the faculty member. Individual faculty members will keep examination answers on file for 12 months. The extent, if any, to which an individual faculty member will permit review of these materials or discuss an examination with a student lies within the reasonable discretion of the faculty member and is subject to review by the Vice Dean.

### **Papers and Take-Home Examinations Handed in Late**

A faculty member is not required to accept a late paper or take-home examination, in which case the student will receive a grade of "FAB." A faculty member who chooses to accept a paper or take-home examination that is handed in late may, absent an excuse acceptable to the faculty member, reduce the student's grade for the paper or take-home examination by any amount he or she deems appropriate. If the student elected to take the class credit/fail, the faculty member may choose to disregard that election and grade the student with a letter grade after reducing the grade for the paper or examination. Students should note that receiving a grade of "FAB" may preclude a timely graduation.

### **Accommodation for Students with Disabilities**

The Law School provides an array of services for students with disabilities through the Moses Center, 726 Broadway, 2nd Floor. General services provided include testing accommodations, adaptive computer equipment, sign language interpreters, and readers. Any student who needs accommodation must submit documentation to the Moses Center. The Moses Center evaluates the documentation, determines what reasonable accommodation is necessary, and reports this finding to the Law School.

In order to preserve anonymity in grading, students should not discuss accommodations with the instructor in a course. Students may contact the Moses Center directly at (212) 998-4980 or call the Office of Academic Services at (212) 998-6020.

### **International Students and Time on Examinations**

No additional time is given to international students taking examinations.

## Academic Regulations, Course Requirements and Graduation Requirements – J.D. Division

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All academic regulations, course requirements and graduation requirements for J.D. students can be found at: <http://www.law.nyu.edu/academicservices/degreerequirements>.

Students are required to read the J.D. Academic Regulations and Requirements Guide available at: <http://www.law.nyu.edu/recordsandregistration/biddingandregistration/yearlongregistrationinformation>.

### Degree Requirements for J.D. Program

<http://www.law.nyu.edu/academicservices/degreerequirements/jdprogram>

#### General Requirements

<http://www.law.nyu.edu/academicservices/degreerequirements/jdprogram/generalrequirements>

Credit requirements

Class Attendance and Residence Requirements

Time Allowed for Completing Degree Requirements

Leave of Absence/Requirement of Continuous Registration

#### Program Requirements

<http://www.law.nyu.edu/academicservices/degreerequirements/jdprogram/programrequirements>

Full-time Status

Required Courses

Overall Caps (Including Adjunct Credit Cap)

Regularly Scheduled Class Sessions (at the Law School)

Non-Classroom Credit Caps

#### Substantial Writing Requirement

<http://www.law.nyu.edu/academicservices/degreerequirements/jdprogram/writingrequirements>

#### Academic Progress

<http://www.law.nyu.edu/academicservices/degreerequirements/jdprogram/academicprogress>

Required grades for graduation

Grades of F-Failure, Re-Registration and Substitution

Satisfactory Academic Progress

Dismissal for Academic Reasons

Certification for the Bar Examination

#### Non-classroom Credits

<http://www.law.nyu.edu/recordsandregistration/nonclassroomcredits>

Directed Research

Fellowships

Journals and Moot Court Board

Teaching Assistantships

#### Cross-Registration and Dual Degree Programs

<http://www.law.nyu.edu/recordsandregistration/crossregistration>

Columbia Law School/NYU School of Law Exchange

Dual Degree Programs

Language Courses in the College of Arts & Science

Other Divisions at the University

Stern School of Business Preferential Courses

**Internships** – no credit is given for internships. For details check the Year-Long Registration Guide: <http://www.law.nyu.edu/recordsandregistration/biddingandregistration/yearlongregistrationinformation>

**Study Abroad Programs** <http://www.law.nyu.edu/global/globalopportunities/nyulawabroad>

**Applying for Graduation** <http://www.law.nyu.edu/recordsandregistration/applyingforgraduation>

## Academic Progress – J.D. Division

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### Required Grades for Graduation

The Law School does not count toward the credits needed for graduation more than 8 hours of uncompensated "D" grades. In order to be counted, "D" grades in excess of 8 hours must be compensated for by grades of "B" or better. One hour of "B" compensates for one hour of "D"; one hour of "B+" compensates for one-and-a-half hours of "D"; one hour of "A-" or "A" compensates for 2 hours of "D."

"D" grades accumulated during the student's first semester of Law School are not included in "D" grades for which there must be compensation, but "A", "A-", "B+", and "B" grades for the first semester can compensate for "D" grades earned thereafter.

### Grades of F (Failure), Re-Registration, Substitution, and Insufficient Credits

A student cannot graduate without having obtained a grade of D or better in all required courses. Students who fail a required course must re-register for the course. Students who fail an elective course may re-register for the course, or substitute the lost credits by registering for another elective course. Students may not re-register for the course if a grade of "D" or better is earned. A student who has not sufficiently earned credits to graduate at the end of six (6) semesters or cannot earn these credits through completion of prior incomplete work must register for additional credits to meet the requirement.

A full-time student who registers for a failed or substitute course during a following semester, and who does not exceed the cap on total credits earned while at the Law School (90 credits over six semesters), may pay the flat tuition fee for that semester, provided however, that a student who registers for a failed or substitute course during a seventh or later semester must pay tuition for the course on a per credit basis.

Once a grade has been entered, it cannot be changed by the instructor unless the instructor certifies in writing that a mechanical error was made in computing the component parts of the examination into the final grade or in transcribing the grade onto the course report sheet. Under University rule grades may not be changed for any reason after the student has graduated.

### Satisfactory Academic Progress

All students must maintain satisfactory academic progress. **For J.D. students**, satisfactory academic progress is understood to mean:

1. Completion of the required first-year curriculum during the first year of enrollment with a grade of "D" or better in all courses, and no more than eight (8) credit hours of "uncompensated" D grades in the Spring semester.
2. Thereafter, completion (with a grade of D or better and no more than eight hours of "uncompensated" D grades) of sufficient credits of course work in each semester to allow for accumulation of a total of at least 83 credits including 30 accumulated in the first year by the end of the third year. A minimum of 12 credits must be completed each semester. Please note however that 12 credits taken each semester will not yield 83 credits. (Completion of courses requiring papers is subject to the rules regarding the grade of "INC" or "IP," described on page 4).
3. Leaves of absence or other exceptions to the rules regarding satisfactory progress may be granted only by a Dean or the Executive Committee. A student who takes an approved leave of absence will be considered to be making satisfactory progress, assuming that student is otherwise doing so. (See Student Affairs guide).

### HONORS

New York University School of Law does not rank students and does not maintain records of cumulative averages for its students. For the specific purpose of awarding scholastic honors, however, unofficial cumulative averages are calculated by the Office of Records and Registration. The office is specifically precluded by faculty rule from publishing the averages and no record thereof will appear upon any transcript issued. In addition, the Office of Records and Registration may not verify the results of a student's endeavor to define his or her own cumulative average or

class rank, including confirmation to prospective employers. Only grades posted by June 25 will be considered when calculating grade point average for Scholars, the Order of Coif, and Latin honors. This deadline may be extended by the Vice Dean only if grades for an entire class have not yet been submitted.

### **Scholars**

At the end of the first year, as soon as spring grades are available, the ten students with the top cumulative grades from the first year will be designated as Pomeroy Scholars.\*

Following the first four semesters registered in the Law School (equivalent to a minimum of 54 law credits), the following designations will be made. These honors are not available to students who transferred to NYU School of Law in their second year.

1. The ten students with the top cumulative grades after four semesters will be designated as **Butler Scholars**.\*
2. The top 10% of students based on their cumulative four semester averages (other than Butler Scholars) will be designated as **Florence Allen Scholars**.\*
3. The top 25% of students based on their cumulative four semester averages (other than Butler and Allen Scholars) will be designated as **Robert McKay Scholars**.\*

\* These designations were introduced beginning with the Class of 1999.

### **Order of the Coif**

The Order of the Coif is a national society established to honor those law students who have attained high academic distinction in the study of law. The Order of the Coif takes its name and traditions from the ancient English organization from which judges were selected. Under the national constitution, membership is limited to the highest 10% of the senior class.

In order to be eligible for membership in the Order of the Coif, a graduating student must have completed at least 75% of his or her law studies in graded courses at NYU School of Law; and must be in the top 10% of the graduating class. Both 6-semester J.D.s and 4-semester J.D.s (transfer students or students who spend two semesters as a visitor at another law school) are eligible for Order of the Coif. However, in order for 4-semester J.D. students to be eligible and meet the 75% graded course minimum, at least 63 of the 83 credits required for graduation must be in NYU School of Law graded credits. Please note that additional tuition charges apply if a J.D. student exceeds 90 credits overall. The number of students eligible to be in the top 10% of the class is computed based on the entire class, including 4-semester J.D.s. Ten percent of the number of 4-semester J.D.s are calculated, and that number is the maximum number of 4-semester J.D.s eligible for Coif from among the top 10% of the entire class. The balance of the overall 10% number of slots are filled by 6-semester J.D.s only. Only grades posted by June 25 will be considered when calculating final Coif designations for 6- semester and 4-semester J.D.s.

### **Cum Laude, Magna Cum Laude and Summa Cum Laude**

The following honors are awarded each year to members of the graduating class: Cum laude: to graduates whose grade point average places them in the top 25% of their class. Magna cum laude: to graduates whose grade point average places them in the top 10% of their class. Summa cum laude: to the very few students (if any in a particular year) who, in the judgment of the Executive Committee, have compiled a truly outstanding academic record.

### **Prizes**

The following prizes and honors will be listed on transcripts:

Summa Cum Laude, Magna Cum Laude, or Cum Laude Graduation

Order of the Coif

Convocation Awards

Staff and editorial positions of these organizations:

*Annual Survey of American Law*

*Environmental Law Journal*

*Journal of Intellectual Property & Entertainment Law*

*Journal of International Law and Politics*  
*Journal of Law & Business*  
*Journal of Law & Liberty*  
*Journal of Legislation and Public Policy*  
*Law Review*  
*Moot Court*  
*Review of Law & Social Change*

**Letters of Concern and Warning**

Each semester, the Office of the Vice Dean reviews the records of students in academic difficulty. At the discretion of the Vice Dean, letters of concern may be sent to those students informing them that the Law School expects improvement in academic performance in the future semesters. Letters of warning may be sent to students whom the Vice Dean deems to be in academic difficulty of a more serious nature indicating the necessity for immediate remedial action. Receipt of a letter of concern or warning does not constitute academic probation.

**Dismissal for Academic Reasons**

A student may be dismissed for academic reasons only by the faculty members of the Executive Committee. The basic standard used by the Executive Committee in determining the question of academic dismissal is the likelihood of the student's failing to meet the graduation requirements in the normal number of semesters. For example, a student who has accumulated a sufficient number of "F," uncompensated "D," "INC," or :IP" grades to indicate that he or she is not reasonably able to meet the graduation requirements in six full-time semesters without exceeding the 15 credit per semester maximum will be dismissed, unless extraordinary reasons are shown for extending the time period.

## **Academic Regulations, Course Requirements and Graduation Requirements – Graduate Affairs**

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Academic regulations, course requirements and graduation requirements for LL.M. students can be found at [law.nyu.edu/graduateaffairs](http://law.nyu.edu/graduateaffairs) and in the [LL.M. Handbook](#) which also gives an overview of academic and co-curricular opportunities for LL.M. and Exchange students.

### **LL.M. General Degree Requirements and Policies**

<http://www.law.nyu.edu/graduateaffairs/handbook>

General Requirements

Attendance Requirement

Time Allowed for Completing Degree

Requirement of Continuous Registration/Leave of Absence

Change of Status

Change of Program

Grading

Academic Progress

Required Grade Point Average

Re-Registration and Substitution

Auditing

Transfer Credit

Corporate and Tax Law Courses (for Students in Other Specializations)

### **LL.M. Specialization Requirements**

<http://www.law.nyu.edu/graduateaffairs/academics/programrequirements/index.htm>

Traditional LL.M.

Competition, Innovation and Information Law

Corporation Law

Environmental Law

International Business, Regulation, Litigation and Arbitration

International Legal Studies

International Taxation

Legal Theory

Taxation

J.D. - LL.M. in International Law

J.D. - LL.M. in Taxation

### **Research and Writing Options**

<http://www.law.nyu.edu/graduateaffairs/academics/llmthesisoption/index.htm>

Directed Research

LL.M. Thesis Option

Writing Credit

### **Cross-Registration Opportunities**

<http://www.law.nyu.edu/recordsandregistration/crossregistration/index.htm>

### **Post-LL.M. Degree Study**

<http://www.law.nyu.edu/graduateaffairs/academics/postllmdegreestudy/index.htm>

### **Exchange Students** [law.nyu.edu/graduateaffairs/exchangestudents/index.htm](http://law.nyu.edu/graduateaffairs/exchangestudents/index.htm)

## Academic Progress – LL.M. Program

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**Students in the LL.M. program** are expected to make satisfactory academic progress as determined by the faculty director of their program and the Vice Dean. If a student's grades in the first semester of the program (for full-time students) or the first year of the program (for part-time students) show a lack of such progress, the faculty director and Vice Dean may impose appropriate requirements, including limitation on the number of credits the student may take in any one semester, a leave of absence, or withdrawal of the student from the school, depending on the student's record and the reasons for the student's failure to make satisfactory progress. A student whose grade point average is less than 2.3 after the completion of the equivalent of one semester of work may register for additional courses only with the permission of the Vice Dean.

### **LL.M. Required Grade Point Average**

Under present academic regulations the LL.M. degree is awarded only if a student has a grade point average of 2.67 or greater for (1) all 24 credit hours required for the degree, and (2) all credit hours in the candidate's program (if he or she is a candidate for a degree other than the Traditional LL.M.). All grades, with the exception of substituted courses, or courses taken at another institution or other divisions of NYU, are used in computing the average. The grade point average is computed as follows: A+, 4.33; A, 4.0; A-, 3.67; B+, 3.33; B, 3.0; B-, 2.67; C, 2.0; D, 1.0; F, 0. The GPA is figured by dividing the grade points earned by the number of credits attempted.

### **LL.M. Re-Registration and Substitution**

A student who receives an "F" in a course earns no credit towards the LL.M. degree for that course. If the "F" is in a required course, the student must re-register for, and successfully complete, that course in the next semester the course is offered to qualify for the LL.M. degree. If the "F" is not in a required course, the student may re-register for that course or take another course to earn the required credits.

An LL.M. student who has a GPA below 2.67 after one year of study (or the equivalent in the case of part-time students) may take up to six additional credits (in any combination of courses but not exceeding six credits) in an effort to raise the student's GPA. Any additional credits may be taken in new courses, directed research, or in courses in which the student's grade was "C" or lower. The substituted-for grades will remain on the student's transcript but will not be counted in the student's GPA. Tuition will be charged for additional credits according to University and Law School rules. Re-registrations and substitutions must be paid on a per-credit basis, unless these elections are made during a semester in which the student is registered as a full-time student, and does not exceed the cap on credits per semester.

### **Letters of Concern and Warning**

Each semester, the Office of the Vice Dean reviews the records of students in academic difficulty. At the discretion of the Vice Dean, letters of concern may be sent to those students informing them that the Law School expects improvement in academic performance in the future semesters. Letters of warning may be sent to students whom the Vice Dean deems to be in academic difficulty of a more serious nature indicating the necessity for immediate remedial action. Receipt of a letter of concern or warning does not constitute academic probation.

### **Dismissal for Academic Reasons**

A student may be dismissed for academic reasons only by the faculty members of the Executive Committee. The basic standard used by the Executive Committee in determining the question of academic dismissal is the likelihood of the student's failing to meet the graduation requirements in the normal number of semesters. For example, a student who has accumulated a sufficient number of "F," uncompensated "D," "INC," or :IP" grades to indicate that he or she is not reasonably able to meet the graduation requirements in six full-time semesters without exceeding the 15 credit per semester maximum will be dismissed, unless extraordinary reasons are shown for extending the time period.

# **School of Law Policies and Procedures**

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## **A. School of Law Rules and Procedures**

Adopted February 18, 1970

### **I. Student Organizations**

#### **A. Individual Identification**

NYU School of Law may not require membership lists of any student organization. It may require, as a condition of access to Law School funds or facilities, the names and addresses of officers or sponsors of such organizations.

#### **B. Use of Law School or University Name**

1. In all cases wherein students wish to form an organization of law students of the Law School for specific activities of a professional, political or social nature, the name of the University or School may be used in connection therewith as follows:

- a. The name of the University or Law School may be used by the Student Bar Association (the official professional organization of the student body), and such activities as the Annual Survey of American Law, Moot Court, the Law Review, and the like, which are officially recognized by the Law School.
- b. If the proposed organization is to be a member or branch of an organization which has or is to have other parts or branches connected with other universities or law schools, it may be designated as the branch located at this University or Law School.
- c. If it is or is to be a singular organization without other affiliation, the members may identify themselves as students of this University or Law School.
- d. In no case shall the name of the University or Law School be so prominently displayed on any letterhead or in any other use as to import the notion that the organization is an official organ of the University or Law School or that the University or Law School subscribes to the aims, objectives, opinions, expressions or activities of such organizations. Such use shall be exclusively for purposes of identification.

2. Any student or group of students desiring to organize a group as described above shall promptly notify the Student Bar Association and the Office of the Dean.

#### **C. Use of Facilities**

The facilities of the Law School have been established by funds privately obtained and are not for general public use. Accordingly, and also because of the competition for use of the facilities and cost of their maintenance, the following guidelines should be followed:

1. The use of Law School facilities by students of the Law School shall be allowed and assigned in consultation with the Assistant Dean for Administration.
2. Charges for the use of Law School facilities to cover special expenses of cleaning, personnel, maintenance, overhead, and wear and tear may be made by the Dean as deemed appropriate.

#### **D. Allocation of Funds**

1. Any organization formed by students of the NYU School of Law shall have the right to apply to the Board of Governors of the Student Bar Association for funding. Approval of such requests for funds may be conditioned upon submission of budgets to the Student Bar Association and other reasonable conditions.

2. When funds are allocated to a student organization, financial accountability may be required, including statement of income and expenses on a regular basis. Apart from the responsibilities to account for expenditures in relation to the approved budget, student organizations should have independent control over the expenditure of funds allocated.

#### **E. General**

Nothing contained in these guidelines shall be taken to limit or restrict in any way the right and privilege of any student or students to belong to any organization and to identify himself/herself as a student at this University or Law School.

### **II. Student Files**

Respect must be accorded the essentially confidential relationship between the University and its students by preserving to the maximum extent possible the privacy of all records relating to each student. Therefore:

1. The official student academic record, supporting documents, and other student files are confidential.
2. Separate files for each student shall be maintained, as follows:
  - a. A General File containing all records, entries, and memoranda including but not limited to academic, financial and medical documents except as restricted by Section 2b.
  - b. A Confidential File containing recommendations in connection with application for admission, those specified in Section 6 below, and specifically designated confidential financial information. Information relating to race, religion, political or social views, and membership in any organization other than honorary or professional groups, shall not appear in any file unless voluntarily included on administrative documents by the student.
3. No entry, except a standard administrative document, shall be made in a student file without prompt actual notice to him/her. Publication or announcement of grades and honors shall be deemed actual notice. Any entry in the student file, other than a standard administrative document (e.g., disciplinary notation), must be approved by the Vice Dean. The accuracy or appropriateness of such an entry may be challenged by a student in a hearing with such Dean and, should such challenge fail, an appeal may be taken to the Executive Committee (or other appropriate committee). An answering statement by the student shall also be included in the files in such instances upon the request of the student.
4. Each student shall have free access to his/her General File (Section 2a) only, subject to reasonable regulation as to time, place and supervision. Provisions shall be made for a student to obtain copies of any material in his/her General File (Section 2a) at nominal cost.
5. Except as stated below, no information in any student file may be released to any outside individual or organizations.
  - a. Record-keeping personnel may have access to records and files as required by their duties.
  - b. Faculty members shall have access to all files. Disclosure of any information to outside individuals or organizations will be at the discretion of the faculty member, subject to Section 7.
  - c. Any request for information on behalf of a Bar Admission Committee shall be referred to the Executive Committee (or other appropriate committee) which may make any disclosure

deemed reasonably necessary, and upon any such disclosure, a reasonable effort shall be made to notify the former student.

d. Record-keeping personnel may give to any inquirer the following information pursuant to a telephone inquiry:

**School or division of enrollment**

**Degree awarded**

**Academic Honors**

**Major field**

**Date of graduation**

In addition, a student's address, telephone number, and date of birth may be confirmed (only). Different or further information may not be given in the event that the inquirer's information is incomplete or incorrect.

6. Faculty members may insert into the Confidential File (Section 2b) any recommendation (favorable or unfavorable) which they have been requested by the student to write regarding the employment of a student. Such inclusion shall be at the discretion of the individual faculty member.

7. Any student wanting to prohibit any disclosure of information contained in his/her files to outside inquiry may do so by making a specific request in writing to the Office of the Vice Dean. Such files will be specifically designated, and persons having access to such files, including faculty members, will be expected to respect the prohibition on any disclosure.

8. Records or documents preserved beyond the graduation or other final departure of the student from the University shall be subject to all disclosure rules mentioned above.

9. The Vice Dean shall have discretionary power to dispose of all records and documents, except for the transcript, of any student after seven years from the graduation or other final departure of the student from the University.

### **III. Freedom in the Classroom, Attendance, Performance**

#### **A. In General**

Freedom of discussion and expression of views must be encouraged and protected.

#### **B. Conduct in the Classroom**

Both faculty and students are expected to conform to generally accepted standards of behavior and decorum. A faculty member may establish special standards for student conduct in his/her class with respect to such matters as smoking, seating, late arrival, exclusion for lack of preparation and the like. Such standards shall be reasonable and students shall be given due notice of such standards. Any such standards or the arbitrary administration thereof may be reviewed by the appropriate committee upon complaint of any student affected thereby.

Should a conflict occur between a student and faculty member regarding behavior or any special standard, the student shall defer to the judgment of the faculty member, and take his/her complaint to the Executive Committee (or other appropriate committee).

### **C. Attendance in Class**

Although attendance records are not regularly maintained, the accrediting agencies assume regular attendance in class; in addition, any faculty member may require attendance as a prerequisite to the taking of the examination in that course. See page 14.

### **D. Performance in Class**

1. *Seminar Courses.* It is understood that in any course designated in the registration materials as a "seminar course," all or part of the final grade may be based upon factors other than a final examination-such as classroom performance, including reasonable attendance, preparation of research papers, etc. A final examination may also be given, at the option of the faculty member. However, the final grades in such a course need not be computed under the "anonymous system" unless the sole factor in determining the grade is the final examination.

2. *Other Courses.* In any other course, classroom performance including reasonable attendance may be used as a factor in determining the final grade of a student, in the discretion of the faculty member, provided that (a) due notice is given to the class and (b) the student's grade shall not, on the basis of such performance, be raised or lowered more than one step, and in no event be lowered to an F. Any faculty member wishing to exercise this discretion shall (after his/her final examination papers have been graded and tentative grades submitted) receive a list of identifying examination numbers from the Office of Records and Registration, and it shall be the faculty member's responsibility to prepare and transmit to the Office of Records and Registration a list of his/her final grades. The faculty member shall provide to the Office of Records and Registration a list of such students whose grade has been raised or lowered.

## **IV. Freedom of the Press**

**A.** The student press must be free of censorship, and its editors and managers must be protected from arbitrary action arising out of student, faculty, administration, alumni, or community disapproval of editorial policy or content.

**B.** The tenure of editors and managers shall be determined by the regularly elected student editorial boards. Removal before the normal expiration of the term of office may be made only by the same bodies in accordance with fair and orderly procedures prescribed in advance.

**C.** "Student press" means individual publications and other communication media which are managed and published primarily by duly enrolled students in the Law School and appear on a continuous basis.

**D.** The "student editorial board" is the managing board of the publication itself and no other board from any other organization.

## **B. New York University School of Law Disciplinary Procedures**

Supplementing Student Disciplinary Procedures of New York University as Approved by Vote of the Law School Faculty on October 27, 1989 and from time to time amended.

### **Procedures for Adjudicating Complaints Possibly Justifying Formal Discipline (Including Acts of Bias and Sexual Harassment)**

## **Introduction**

Pursuant to applicable New York University by-laws and disciplinary procedures, the faculty of the New York University School of Law adopts the following rules for informal resolution of complaints and for cases of formal student discipline. The procedures described below are not exclusive, and are not intended to prevent any potential complainant from resolving a complaint by informal means (through, for instance, the office of the Vice Dean, the Committee on Bias and Harassment, or the Ombudsperson) or to prevent the Dean from acting independently in cases of emergency.

## **I. Procedures for Informal Resolution of Complaints**

The procedures specified in Part I of the Rules govern cases subject to informal resolution. Participation in the meetings and referrals specified in the procedures in Part I, applicable to all members of the NYU School of Law community, is voluntary.

### **A. Applicability**

Part I of the Rules provides the remedy for complaints which allege bias as defined immediately below.

#### **Bias:**

1. Verbal or physical conduct which denigrates any person or group of persons on the grounds of age, disability, ethnicity, gender, marital status, national origin, race, religion, or sexual orientation, and is likely to interfere with the ability of students to participate equally in the pursuit of an education and to enjoy the full freedom of the academic environment.
2. It is the sense of the faculty that a person should not enter into a sexual relationship with a person during the time that the person has a direct authority over the student conferred by the Law School.

### **B. Initiation of Proceedings**

1. When a complaint of bias, as defined in Paragraph A of this part, is made to the Vice Dean or Ombudsperson, he or she
  - a. shall describe to the complainant the available means of informal resolution, which may include meetings between the complainant and respondent conducted by the Vice Dean or Ombudsperson and referral to the chair of the Committee on Bias and Harassment and
  - b. may conduct such meetings and make such referrals as the complainant requests.
2. A matter referred or brought initially to the Committee on Bias and Harassment shall be subject to investigation and possible mediation in accordance with the procedures of that committee.

## **II. Procedures for Offenses Requiring Formal Discipline**

The procedures specified in Part II of the rules govern cases of formal student discipline. The procedures described below are not exclusive, and are not intended to prevent any potential complainant from resolving a complaint by the informal means described in the Introduction or in Part I.

### **A. Applicability**

The procedures are available for resolution of allegations of the following types of student misconduct, provided that the misconduct is alleged to have occurred on Law School or other

University premises, or with the use of Law School or University property or technology, or in the course of Law School or University educational or other business:

1. Physical assault, intentional acts of physical violence, malicious injury to the property of others, conduct which intentionally or recklessly imperils the safety of any person or of Law School premises, or threats to commit any of the above.
2. Physically threatening or intimidating, or otherwise harassing, behavior which is overtly and intentionally directed towards a person or group of persons on grounds of ethnicity, gender, national origin, race, religion or sexual orientation.
3. Sexual harassment: conduct, including sexual assault, that constitutes (a) an attempt, physically or verbally, through threats to coerce a person into a sexual relationship, or that subjects a person to sexual acts, reasonable fear of sexual acts, or sexually charged communications when the actor knows that the acts or communications are unwanted, or (b) encouragement of a person to participate in a sexual relationship through the promise of rewards or threats of penalties which the actor is able to promise or threaten by virtue of an authority conferred by the Law School.
4. Cheating, plagiarism, forgery of academic documents, or multiple submissions of substantially the same work for duplicate credits, with intent to defraud. Plagiarism is an academic crime and a serious breach of Law School rules. Faculty and students are obligated to report cases of plagiarism to the Vice Dean for appropriate action. Among the possible sanctions for plagiarism are expulsion, suspension, grade reduction (including a grade of "FX" indicating a failure for plagiarism), and a statement of censure placed in the student's file. All disciplinary code violations will be made available to bar admission committees and others on proper waiver of confidentiality.

A student's submission of work (including journal submissions) under the student's name constitutes a representation that the research, analysis, and articulation of the work is exclusively that of the student, except as expressly attributed to another in the work, and that it has been prepared exclusively for the particular course, seminar, or use entitling the student to credit.

Plagiarism occurs when one, either intentionally or through gross negligence, passes off someone else's words as one's own, or presents an idea or product copied or paraphrased from an existing source without giving credit to that source.

Although not within the definition of plagiarism it is also forbidden, without permission of the instructor, to submit the same work or a portion of the same work for academic credit in more than one setting, whether the work was previously submitted at this school or elsewhere.

What follows are some examples-by no means exhaustive-of common situations in which plagiarism (or other conduct prohibited by this policy) has occurred. These are meant to be purely illustrative and in no sense establish floors or minimal requirements.

- **Example 1:** A student submits work in which portions are copied verbatim from another text without quotation marks and a citation.
- **Example 2:** A student rearranges or paraphrases portions of the copied material, but still fails to put verbatim language in quotations or to cite the source for material that has been paraphrased.
- **Example 3:** A student uses part of a paper previously submitted in another course, without the permission of the instructor to whom the student is submitting the paper.

- **Example 4:** A student relies on the discussion of Source A that is contained in Source B but fails to cite Source B.
- **Example 5:** A student takes notes from various sources onto note cards or a computer; the notes include both verbatim quotes and the student's own thoughts. The student transfers information from the note cards or computer without preserving quotation marks. Even if the student was pressed for time, or wrote the paper hurriedly, plagiarism has occurred.
- **Example 6:** A student downloads work from the Internet and modifies it in important respects to conform to a specific topic without acknowledging the original source.

Students are advised to steer clear of the border line. It is never a problem to recognize that ideas and arguments were derived from another source or to use quotation marks for words or phrases borrowed from someone else's work. Where doubts exist, students should seek advice from their instructor.

5. Intentional disruption of a lecture hall, classroom, or any other premises used for academic purposes.
6. Submission of paper or written work, or portion thereof, for credit, of work that has been previously submitted in identical or similar form in another course, or any other forum, either within the Law School, or any other setting.
7. Theft of library materials, or destruction of all or part of a library book or archival document.
8. Intentional interference with access to lecture halls, classrooms, or academic offices.
9. Intentional physical detention or restraint of a student, instructor, staff member or administrator while that person is attempting to exercise Law School duties.
10. Engaging in any violation of law, or school rule, or other conduct that adversely reflects on fitness as a law student or fitness to practice law.

Law students must also adhere to the University Policy on Student Conduct, and the following procedures may be invoked for alleged violation of those rules. See page 71.

## **B. Discipline Committee**

Each year the Dean shall designate five faculty members who shall constitute the Discipline Committee. The Dean shall designate one faculty member of the committee as the chair. The faculty members of the committee shall not be members of the Executive Committee. A hearing panel of the committee shall consist of two of the five faculty members and one student who is a member of the Executive Committee. The faculty members of a hearing panel shall be chosen by the chair and may include the chair. The student member shall be chosen by lot. If the chair of the discipline committee is on the panel, he or she shall chair the panel; otherwise, he or she shall designate a faculty member as chair. If the chair of the committee cannot serve because of a conflict, the senior full-time faculty member on the committee shall be acting chair. The Vice Dean shall give the members of the panel a copy of the charge and the answer.

## **C. Procedures**

1. Any person (a "complainant") may inform the Vice Dean of an apparent violation of the rules contained in Part II (A) or the Rules of Conduct of the University (collectively "a Part A rule") by another person (a "respondent"). A complaint shall be filed in writing not later than 45 days after the complainant knows or reasonably should have known the facts giving rise to the subject of the complaint. In computing these periods, the days between the last day of class

in each semester and the first day of class in the following semester shall not be counted. The Vice Dean shall conduct such investigation as is reasonably necessary to determine whether there is reason to believe that a Part A rule has been violated and that a formal or informal response is appropriate. If the Vice Dean determines that the allegations in the complaint warrant an investigation, he or she shall provide the respondent with a copy of the complaint. The investigation shall be completed within 20 days subject to the agreement of the respondent or a majority of faculty members of the Executive Committee to extend the period of the investigation. This investigation may include speaking with the complainant, speaking with other witnesses if any, and speaking with the respondent. The respondent shall be informed that statements offered in this investigation can be used in the investigation and any disciplinary proceeding. After conducting this investigation, the Vice Dean shall proceed as described hereafter. In cases where the perpetrator is unidentified, the Vice Dean shall conduct such investigation as he or she deems appropriate for the purpose of identifying the perpetrator. This investigation shall be completed in 30 days. At the conclusion of such an investigation, the Vice Dean shall inform the complainant of the results of his/her investigation. A complaint may be filed by any person within 30 days of the conclusion of the investigation. The Vice Dean may designate another member of the tenured faculty to act in his or her stead with regard to the authority given to the Vice Dean in this Part C. If the Vice Dean is the complainant or otherwise has a conflict, the Dean shall designate another tenured member of the faculty to perform the duties assigned to the Vice Dean in this Part C.

2. If after an investigation the Vice Dean concludes that the circumstances do not warrant further action, he/she shall dismiss the complaint and inform the complainant and respondent forthwith. The Vice Dean may make this determination because the facts do not constitute a rules violation, because the allegations lack sufficient credibility, or because in the Vice Dean's discretion no further action is warranted. The Vice Dean may accompany any such decision with an oral or written caution to the respondent and an explanation of the requirements of the rule allegedly violated. Any such caution is not discipline and no record of it shall be kept in the respondent's file. If the Vice Dean decides that no further action is warranted, whether before or after an investigation, the complainant may appeal that decision to the dean within ten days of receiving notice of the Vice Dean's decision. The Dean, after reviewing the record and hearing the parties and any witnesses he/she may choose, may affirm the Vice Dean's decision or reverse it. If the Dean reverses the Vice Dean's decision, the Dean shall appoint a tenured member of the faculty to perform all of the tasks of the Vice Dean hereafter described. Except as provided in this paragraph, a decision of the Vice Dean that no further action is required is not subject to further review.
3. If after conducting the investigation identified in Paragraph C1 the Vice Dean determines that dismissal is not appropriate, he or she shall attempt to resolve the matter without formal hearing. The respondent may insist on a hearing before the discipline committee at any time after the Vice Dean determines that dismissal is not appropriate (or the Dean so decides on appeal of a decision of the Vice Dean to dismiss). Resolution without a hearing will usually entail an agreed statement of facts and a sanction. The Vice Dean shall keep the complainant informed of any progress toward a resolution and shall take the complainant's views into consideration, but the nature of any resolution shall be decided between the Vice Dean and the respondent. In evaluating whether a dismissal is appropriate, and, if not, whether to seek a resolution of the complaint without formal hearing and the nature of the resolution, the Vice Dean may consult with any member of the faculty or administration other than faculty members of the Discipline Committee. A resolution without formal hearing requires the agreement of a majority of the faculty members of the Executive Committee. The respondent may have the assistance of any adviser, whether from inside the Law School or not, in negotiation of a resolution or in the event of a formal hearing as hereafter described. If a

resolution without a hearing is not possible, the Vice Dean shall proceed as described hereafter.

4. If the matter is not resolved without hearing as described above, the Vice Dean (or his or her designee) shall prosecute the alleged rules violation against the respondent. From this point in the proceeding, the “parties” are the prosecutor and the respondent. If the Vice Dean is not the prosecutor, he or she shall provide the prosecutor with the file and consult as requested by the prosecutor. The complainant and respondent shall be informed of the identity of the prosecutor. The Vice Dean shall notify the chair of the Discipline Committee and he or she shall convene a hearing panel pursuant to paragraph B. The Vice Dean shall provide the hearing panel with a copy of his or her file in the matter, including the results of the investigation, but not the terms proposed for resolving the matter without a hearing. The prosecutor shall prepare a document (“the charge”) describing the conduct that allegedly constitutes a rules violation and shall specify the rule violated. The charge shall be served on the respondent in person or by registered or certified mail or an express mail service at the respondent’s local address on file with the law school and if school is not in session, at the respondent’s permanent address on file with the law school. The charge shall be served within 20 days of the date that the respondent exercises the right to a formal hearing or the faculty members of the Executive Committee or the respondent inform the Vice Dean that a resolution without a formal hearing is not possible. The allegations and the charge shall be deemed denied by the respondent, but the respondent may serve an answer to the allegations in the charge within fourteen days after the charge is served. The answer shall be served on the prosecutor in person or by registered mail or an express mail service to his or her law school office. The answer may simply deny the accusations or specify the respondent’s position. The hearing shall commence two weeks after the charge is served or a reasonable time thereafter unless (a) the respondent waives a hearing and the hearing panel concludes that no hearing is needed, or (b) a party shows the discipline committee good cause why the hearing should be postponed, or (c) both parties and the chair of the hearing panel agree to a postponement.
5. Unless otherwise stated in these rules or required by law, all proceedings described in this Part C shall be confidential except for participants to the proceedings and others whose assistance is reasonably necessary to effectuate the purpose of these rules. The respondent may elect in writing to the Vice Dean to waive confidentiality generally or for a particular person or entity. Confidentiality shall not extend to reports to the law school community to the extent described in paragraph 9.
6. The purpose of the hearing is to determine fairly and accurately the facts and the appropriate sanction, if any, in the event a violation of the rules is found. The rules governing the formal hearing shall be interpreted to advance these goals. The hearing shall be conducted according to the following procedures:
  - a. The respondent (and his or her adviser) and the prosecutor shall have the right to be present at the taking of all evidence, to make opening and closing statements, and to be present whenever the other is addressing a member of the discipline panel on the subject of the hearing.
  - b. The panel may pose written questions to the parties and witnesses at the hearing or thereafter, but it does not have the power to compel testimony or production of documents. The faculty strongly urges members of the law school community to cooperate with requests from the hearing panel or from a party, for testimony and production of documents. The panel may draw negative inferences from a party’s failure to cooperate.
  - c. All three members of a panel shall be present at the hearing. All actions shall be by majority vote.

**d.** Any hearing panel member may excuse himself or herself *sua sponte* from hearing a particular charge. Any party may request that a hearing panel member disqualify himself or herself for cause from hearing a charge. Such a request will be resolved by the hearing panel. Each party is also entitled to one peremptory challenge. If, as a result of the exercise of challenges and recusals, there are insufficient replacements to constitute the Discipline Committee, the Dean shall designate additional persons so that the hearing panel can be composed of two faculty members and one student.

**e.** The rules of evidence may inform but are not binding on the hearing panel. The parties may present written and oral evidence but each party shall have the right to respond to written evidence submitted by the other. The chair of the hearing panel will determine the mode and order of the parties' presentations. The parties may examine and cross-examine each witness, either by putting questions directly to the witness or by asking questions through members of the hearing panel. The method of questioning is determined by the hearing panel and may be altered by the hearing panel at any time during the hearing. The prosecutor has the burden of production and the burden of persuasion. The standard of proof is clear and convincing evidence.

**f.** The proceedings shall be recorded on audio tape or by such other method (including videotape or stenographic record) as the hearing panel may direct.

**g.** The hearing panel shall make a written report which sets forth findings of fact, together with the hearing panel's conclusions and reasons, within fourteen days of the completion of the hearing. Copies of the report shall be served in person or by certified or registered or express mail on the prosecutor, the respondent (at the addresses in paragraph 4), the respondent's adviser if any, and the Vice Dean (if not the prosecutor).

**h.** If the hearing panel dismisses the charge, the record shall be kept confidential except to the extent that disclosure may be required by law.

**i.** If the charge is sustained in any respect, the hearing panel's report shall designate one or more of the following sanctions, as may be more fully described elsewhere in this handbook including in Section IIIA of the University Student Disciplinary Procedures:

- 1. Warning**
- 2. Censure**
- 3. Denial of academic honors**
- 4. Disciplinary probation<sup>1</sup>**
- 5. Restitution**
- 6. Monetary fine**
- 7. A grade of FX for the class**
- 8. Suspension for a specified period**
- 9. Dismissal**
- 10. Revocation of degree according to University Rules**

The panel may also impose one of the listed sanctions but suspend it on condition that the student accepts another sanction not on the list but appropriate in the panel's opinion. If the disciplinary violation is in connection with a class and the panel's sanction does not provide for a grade of FX, the faculty member shall determine the grade for the class. The panel has no authority to impose a grade for the class other than a grade of "FX."

7. The investigation and determination described in this Part C shall be conducted with appropriate speed taking into consideration the nature of the charge, the availability of witnesses, and the time of the academic year in which the allegation is made, including whether class is in session and whether examinations are imminent or in progress. In the

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<sup>1</sup>Disciplinary probation is a decision that the underlying conduct will be revisited for a sanction (or a harsher sanction) if the student is found culpable of another infraction under these rules during the remainder of his or her time in school or if the student fails to abide by conditions the panel imposes as part of its sanction.

ordinary course, any hearing before a hearing panel should be held not later than the last day of classes in the semester in which the allegation is made, unless in the opinion of the hearing panel in consultation with the Vice Dean and the parties' further delay is warranted. Time limits contained in this Part C except those in paragraph 1 can be extended by the hearing panel chair for good cause.

8. The respondent may appeal to the Dean from any adverse determination of the hearing panel. Notice of appeal shall be filed with the panel chair, the Vice Dean, and the prosecutor within seven days of the action from which the appeal is taken by registered or certified mail or express mail or in person. Within seven days of receipt of the notice of appeal or such reasonably longer time if necessary to transcribe the record, the panel chair shall forward to the Dean the entire record of the proceedings on the charge. The respondent and the prosecutor may make written submissions to the Dean and reply to the submissions of the other, and may make oral arguments, according to a time schedule the Dean shall determine. Each party has the right to reply to the oral or written submissions of the other party. The Dean may affirm the hearing panel's action, reverse it, or reverse it and return the charge for further proceedings by the hearing panel. In a case where the Dean affirms a hearing panel action sustaining a charge, or where the appeal is limited to the recommended sanction, the Dean may reduce but may not increase the sanction recommended by the hearing panel. If a hearing panel finds against a respondent and its findings or sanction are not appealed as described in this paragraph, they shall be final.
9. The Vice Dean shall prepare an annual written report of any discipline imposed under these rules during the prior academic year and issue it to the faculty and student body at the beginning of each academic year. The report shall generally describe the nature of any violations and sanctions but shall not contain names of parties or witnesses or give details that will identify the parties or witnesses.

# **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 proceedings 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**

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Approved by the University Senate on February 9, 1978

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

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

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

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

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

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

1. Disruptive or riotous activity in student residence halls by nonresident students, or student centers of nonacademic activity, such as the 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.

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## **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>;
- (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.

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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

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

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.

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 Policies 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](http://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](http://nyu.edu/shc/promotion/aod.html) or by calling (212) 443-1234.

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

<http://www.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<sup>5\*\*</sup> 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 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.

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<sup>55</sup> A standard space reservation form is available from the Office of Room Assignments, 7 E. 12 St., 3rd Fl.

- 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. Advice 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

