

DISCIPLINARY MEASURES

Applicability of Procedures

These procedures do not apply to students in the School of Law, Medical School, or for non-credit/non-degree students in the School of Professional Studies (see footnote 01). These procedures also do not apply to participants in NYU Summer Programs that are non-credit and/or non-degree programs. The authority for addressing student non-academic misconduct for students in these Schools lies with the faculty of the School pursuant to University Bylaw 80. NYU Portal Campuses also have alternate procedures specific to the location.

Allegations against student organizations will be resolved according to the Student Organization Conduct Procedures or appropriate advising unit.

Incidents involving residential students occurring in residence halls managed by the Office of Residential Life and Housing Services may be addressed by that office or by the Office of Student Conduct under these procedures, irrespective of a student's school affiliation. Incidents involving students participating in Study Away Sites may be addressed by the relevant Study Away Site or by the Office of Student Conduct.

These procedures do not apply to allegations of sexual misconduct, relationship violence, or stalking. Such allegations are administered under the University's Sexual Misconduct, Relationship Violence, and Stalking Policy. Allegations of conduct that could constitute a violation of both the University's Sexual Misconduct, Relationship Violence, and Stalking Policy and the University's Student Conduct Policy will be administered according to the Sexual Misconduct, Relationship Violence, and Stalking Policy.

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

Interim Measures

Interim Suspension: The Dean of Students within the Division of Student Affairs, or their designee, may suspend a student on an interim basis pending consideration of the case through these procedures. A student should not summarily be suspended either completely, or for certain purposes (e.g. a suspension from a University class, program, building, Study Away Site, or other University activity/facility) except for reasons relating to the physical or mental health or safety of the student or others, the maintenance of public order, or the effective continuation of the education process. When an interim suspension is issued, the student shall be afforded the opportunity to meet with the Dean of Students or designee to request reconsideration of the interim suspension; the Dean or designee will endeavor to hold the meeting within two business days of the request. Furthermore, when an interim suspension has been issued, the student conduct procedures will be expedited to the extent possible. Whenever possible as a practical matter, a student who has been subject to interim suspension and who is found "not responsible" shall be allowed the opportunity to make up whatever work was missed due to the suspension.

Other Interim Measures: Interim measures may be issued by the Dean of Students or designee pending consideration of allegations through

these procedures. The need for appropriate interim measures will vary between cases. Interim measures may include but are not limited to: no contact orders, persona non grata, room relocation, and restriction of privileges. Where serious allegations involving a potential separation from the institution are made against a student whose graduation is approaching and imminent, the Dean of Students may request that the degree-granting school delay conferral until the conclusion of the conduct process. Failure to abide by interim measures is a violation of the University Student Conduct Policy.

Forums for Resolution

Upon receipt of a report of alleged misconduct, the Office of Student Conduct shall review the matter and determine an appropriate forum for resolution based on its assessment of potential sanctions for the conduct in question and whether the nature of the conduct, taking into account the seriousness of the allegations, can be adequately addressed through an informal resolution. All forums, as outlined below, are administered to ensure that any student accused of violating University policy (the "respondent") is afforded a fair and impartial process. A respondent shall not be considered responsible for any violation of policy until after the appropriate process has concluded, including any appeals as permitted by policy. Any forum for resolution may include staff from other NYU offices, at the discretion of the Office of Student Conduct.

Informal Resolution

The Office of Student Conduct (or a trained administrator from another designated office) will review the matter and work with the student toward a resolution. Outcomes in this forum may include, but are not limited to, informal discussion, mentoring and coaching, conflict mediation, restorative justice, non-disciplinary intervention, and no contact directives.

Conduct Conference

The conduct conference is a meeting between the respondent and a trained conduct administrator. Written notice will be sent to the respondent detailing the date and location of the incident, nature of the alleged conduct, and applicable policies alleged to have been violated. The letter shall also provide the date, time and location for an individual meeting between the respondent and an assigned conduct administrator. If despite being notified of the date, time, and location of the conduct conference, the respondent is not in attendance, the administrator may proceed based on the information available and sanctions may be imposed.

The respondent will meet with a conduct administrator from the Office of Student Conduct (or a trained administrator from another designated office) to discuss the matter and share their perspective. The conduct administrator may conduct such additional investigation as they deem appropriate. After the meeting, the conduct administrator will make a determination, based on a preponderance of the evidence, as to whether the respondent violated NYU policy. If a violation of policy has been found, the conduct administrator shall then determine appropriate sanctions. The conduct administrator shall issue a written decision to the respondent generally within ten (10) business days of the conduct conference.

Sanctions issued after a conduct conference may include the full range of sanctions, with the exception of expulsion from the University.

Panel Hearing

Within the discretion of the Office of Student Conduct, panel hearings may be held where there is substantial dispute as to the facts regarding the incident(s) in question and/or where the allegations are sufficiently serious that they could result in expulsion from the University (see footnote 2).

Notice. Written notice will be sent to the respondent detailing the date and location of the incident, nature of the alleged conduct, and applicable policies alleged to have been violated. The letter shall also provide the date, time, and location for a hearing before a student conduct panel. In addition to the letter of notice, the respondent shall be provided with all documentary evidence to be reviewed by the panel at least five (5) business days prior to the scheduled hearing. Requests to reschedule a hearing due to substantial hardship must be made no later than 72 hours prior to the hearing and will be considered by the Dean of Students or designee. If despite being notified of the hearing, the respondent is not in attendance, the hearing may proceed and sanctions may be imposed.

Advisors. The respondent may be accompanied at the panel hearing by an advisor of their choice, which may be an attorney, who is not otherwise a party or witness involved in the matter. Generally, hearings will not be rescheduled to accommodate the availability of a chosen advisor. While the advisor may be present, they may not speak or otherwise participate in the hearing, may not address the panel or question witnesses, and must comport themselves in a manner that is not disruptive to the hearing. If the advisor fails to abide by these expectations, the advisor may be directed to leave the hearing at the discretion of the chair.

Witnesses. The notice to the respondent will indicate whether the Office of Student Conduct has invited any witnesses to participate in the hearing. A respondent may request the participation of additional witnesses with direct knowledge of the incident. Witnesses testifying solely to character will not be permitted. The respondent must provide the names and contact information of requested witnesses to the Office of Student Conduct no later than 72 hours prior to the hearing. The Office of Student Conduct will review the request for additional witnesses and, in its discretion, invite witnesses to participate in the hearing. Note that the Office of Student Conduct cannot compel witnesses to participate.

Panel Composition. The hearing will be conducted by a three-person panel, composed of a faculty member, an administrator, and a student. Panelists may not hold any substantive conflict that would affect their ability to render an objective decision, as determined by the Office of Student Conduct. The pool of panelists that may comprise a panel shall be drawn from elected members of the University Senate Community Standards Committee and appointees that have been specially trained in the application of the NYU Student Conduct Policy and the administration of these procedures.

In addition to the three panelists, a chairperson designated by the Office of Student Conduct will preside over and participate in the proceedings of the hearing and facilitate the panelists' deliberation, but does not make any determination of policy violation or sanctions.

General Format. The specific format of the hearing shall be determined by the chairperson. During the hearing, the respondent shall be provided the opportunity to be present for all hearing testimony/provide their perspective on the matter, and answer questions of the chair and panelists. The respondent shall also be provided the opportunity to propose questions to be asked by the chairperson or panelists to any

participating witnesses, which shall be screened by the chairperson for relevance and appropriateness, in their discretion.

An audio recording will be made of the panel hearing by a member of the Office of Student Conduct or designee. The recording will be maintained by the University in accordance with the University's Policy on Retention and Destruction of Records. A written transcript of the hearing will not be provided. Requests to listen to the audio recording of a hearing should be made to the Office of Student Conduct.

After the hearing, the panelists will make a determination, based on a preponderance of the evidence, as to whether the respondent violated NYU policy. If a violation of policy has been found, the panelists shall then determine appropriate sanctions, up to and including expulsion from the University.

The panel shall issue a written decision to the respondent, Dean of the respondent's school, and the Dean of Students within the Division of Student Affairs generally within ten (10) business days of the hearing.

Sanctions

As outlined below, sanctions may be issued by a conduct administrator or panel upon the finding of a violation of University policy, or where the respondent has accepted a resolution by agreement.

Sanctions are not intended to be solely punitive and should be issued with a thoughtfulness toward educational outcomes. Sanctions shall be crafted in consideration of (i) the seriousness of the conduct, (ii) the corrective and learning opportunities for the respondent, (iii) the prior conduct record of the respondent (if applicable), (iv) the safety and well-being of harmed individuals and the community, (v) the desirability of treating similar conduct similarly, and (vi) the behavioral standards and values of New York University. Sanctions that may be imposed include, but are not limited to:

- **Written Warning:** A notice to the student in writing that continuation or repetition of conduct violations shall be a cause for further disciplinary action.
- **Censure:** A formal reprimand for violation of University policy which is noted on a student's academic transcript. The notation may be permanent or for a specified period of time (see below, "Transcript Notation").
- **No Contact Directive:** A directive ordering a student to refrain from any effort to contact, communicate or interact with another individual or group. This includes, but is not limited to: in person, in writing, by phone, by email, by texts or other electronic messaging, through social media, or through a third-party acting on the student's behalf.
- **Educational Assignment:** An assignment to be completed by the student within a specified time period. The assignment will be structured with the goal of fostering continued learning in relation to the violated policies.
- **Mandatory Health Referral:** A mandated assessment with a qualified health professional to evaluate a student's well-being and promote responsible decision making.
- **Restitution:** Reimbursement for damage to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.
- **Restriction of Privileges:** Exclusion from extracurricular activities or other privileges for a specified period of time (including permanent restrictions). This may include restrictions on access to certain areas

of campus (Persona Non Grata) or suspension of other rights and services typically afforded University students.

- **Residential Probation:** A defined period of time during which further violation of policies by a residential student will result in more serious disciplinary sanctions. Residential Probation may also affect privileges associated with the student's housing status.
- **Study Away Site Probation:** A defined period of time during which further violation of policies by a Study Away Site student will result in more serious disciplinary sanctions. Study Away Site Probation may also affect privileges associated with study away opportunities.
- **Residence Hall Reassignment:** Reassignment of a student to a different room or residence hall for the duration of the housing license.
- **Deferred Suspension from University Housing:** Cancellation of a student's future housing license for a defined period of time. Further violation of University policies will likely result in immediate suspension from housing.
- **Suspension from Housing:** Cancellation of a student's current housing license for a defined period of time.
- **Suspension from Study Away Site:** Termination of a student's participation at a study away program.
- **Dismissal from Housing:** Cancellation of a student's current housing license and permanent exclusion from residing in a University residence hall.
- **University Disciplinary Probation:** A defined period of time during which further violation of any University policy will result in more serious disciplinary sanctions. University Disciplinary Probation may also restrict a student from participation in specified University activities, as determined by the activity's sponsoring office or organization requirements.
- **Transcript Notation:** A notation affixed to a student's transcript indicating their involvement in a disciplinary proceeding. The notation may be permanent or for a designated time period. Transcript notation options may read as follows: (a) censured after the finding of a code of conduct violation; (b) suspended after the finding of a code of conduct violation; (c) expelled after the finding of a code of conduct violation. Requests to remove a disciplinary transcript notation should be directed to the Office of Student Conduct.
- If a Student respondent withdraws from NYU with a charge of a violation of the Policy pending, a notation may be made on such student's transcript that they "Withdrew with conduct charges pending." If a withdrawing respondent declines to complete the disciplinary process and the University elects, in its discretion, to defer scheduling a hearing until the respondent returns to NYU, the notation of withdrawal will become permanent in the event that the respondent does not return within eighteen (18) months.
- Where the conduct found to have violated the Student Conduct Policy also constitutes a "crime of violence" as defined under New York State Education Law § 6444(6) and where the sanction(s) imposed included either a suspension or expulsion, or where a respondent withdraws with such charges pending and the disciplinary process is not completed, NYU shall impose the transcript notations as described above. In such circumstances, expulsion notations are permanent and suspension notations cannot be removed until at least one year following the conclusion of the suspension.
- **Suspension from the University:** Termination of a student's enrollment and all related student privileges for a specified period of time, including NYU Portal Campuses and Study Away Sites and prohibition on participation in any University-sponsored event or activity, whether

on- or off-campus. A suspended student shall be persona non grata (PNG), prohibiting access or entry to all NYU facilities.

- **Expulsion from the University:** Termination of student's enrollment and all related privileges with permanent exclusion from future enrollment, including NYU Portal Campuses and Study Away Sites and a prohibition on participation in any University-sponsored event or activity, whether on- or off-campus. An expelled student shall be persona non grata (PNG), prohibiting access or entry to all NYU facilities. Note: expulsion from the University may only be issued by a hearing panel or through a resolution by agreement.

Appeal

A respondent shall have the right to appeal a decision arising from a conduct conference or panel hearing. Grounds for an appeal are limited to: (1) a material procedural error; (2) previously unavailable relevant evidence that could affect the outcome; and/or (3) the sanction being substantially disproportionate to the violation.

Unless otherwise specified by the decision maker, imposed sanctions shall be held in abeyance ("stay of sanctions") until any applicable appeal process has concluded.

The respondent must submit the appeal in writing to the Office of Student Conduct. The Office of Student Conduct will direct the appeal to an appropriate appeal officer as follows:

For a conduct conference decision not resulting in suspension, the appeal must be submitted within three (3) business days from the date of the decision. The appeal will be reviewed by the supervisor of the decision maker, or appropriate designee. Study away site appeals will be directed to a supervisor or, if appropriate, the Office of Student Conduct. The student shall receive a written decision from the appeal officer generally within ten (10) business days of the submission of the appeal.

For a panel hearing decision, or any decision resulting in suspension or expulsion, the appeal must be submitted within five (5) business days from the date of the decision. Except as provided immediately below, the appeal will be reviewed by the Dean (or Dean's designee) of the school of the respondent, in consultation with the Dean of Students in the Division of Student Affairs (or designee). The student shall receive a written decision from the appeal officer generally within fifteen (15) business days of the submission of the appeal.

The appeal shall not consist of a new hearing and will be limited to the documentation considered at the hearing, the written decision, and additional appeal materials submitted by the respondent. The appeal officer may accept the decision without modification; accept the decision but modify the sanction imposed; or remand the case for further proceedings. If the appeal officer accepts the decision without modification, the matter shall be deemed final.

Records

Student conduct records are maintained in accordance with the University's Policy on Retention and Destruction of Records. Students may request to view their student conduct records by contacting the Office of the Registrar.

Definitions

This procedure incorporates by reference the definitions of the University Student Conduct Policy.

¹ Allegations against students in the following schools are addressed under the following procedures (hyperlinked): School of Law, School of Medicine, School of Professional Studies Non-Degree

² NYU may, in its discretion, seek a resolution by agreement at any stage in the disciplinary process. Under a resolution by agreement, a respondent may agree to accept specific terms for disciplinary action presented by the Office of Student Conduct in lieu of going to a panel hearing.