

## **NYU Stern Judiciary Committee Process**

### **I. Authority:**

Student discipline is the responsibility of the faculty of the Stern School of Business (hereinafter the School). In the exercise of this authority, the faculty hereby delegates its authority to the Judiciary Committee of the Stern School of Business (hereinafter the Committee) at New York University (hereinafter the University) acting pursuant to rules and regulations hereby prescribed, or as subsequently amended. The student has the right to a fair and timely hearing in accordance with these rules. The Dean of Stern (or his/her designee), or the Dean of the Undergraduate College (or his/her designee) has the right to suspend a student at any time for cause.

### **II. Jurisdiction:**

The Committee has jurisdiction over disciplinary matters involving matriculated and visiting students (hereinafter Students) in the undergraduate and graduate full-time, part-time, executive, and PhD programs at the Stern School of Business. This jurisdiction may include, without limitation, the following:

- a. Violations of the above stated Code of Conduct of the Stern School of Business
- b. Violations of the rules and policies of NYU as outlined in detail at the NYU policy website at <http://www.nyu.edu/policies>.
- c. Violations of federal, state or local laws.

If there are questions of jurisdiction in any particular case, they shall be referred for decision to the Office of Legal Counsel of the University.

Upon entering the Stern School of Business each student are bound to the NYU Stern Code of Conduct. The Code of Conduct can be located at [www](http://www.stern.nyu.edu/UC/CurrentStudents/HonorCode/CON_022122).

[http://www.stern.nyu.edu/UC/CurrentStudents/HonorCode/CON\\_022122](http://www.stern.nyu.edu/UC/CurrentStudents/HonorCode/CON_022122)

### **III. Membership of the Committee:**

- a. The Judiciary Committee is jointly overseen by the Dean of Students of the Graduate School and the Dean of Students of the Undergraduate College.
- b. The Committee membership will be no more than 30 Stern student members. The Committee will be comprised of up to 19 graduate students (including a graduate Co-Chair and Vice Chair): second-year full time MBA Students, first-year full time MBA Students, part-time MBA Students, executive MBA Students, PhD Students and up to 11 undergraduates, which are

comprised of seniors and juniors: including an undergraduate Co-Chair and Vice Chair. The Committee members are to be appointed by the Deans of Students in consultation with the respective Chairs from among currently enrolled students. Students seeking membership shall submit their application at the beginning of the academic year. Committee members will serve one-year terms, either from September to September or until graduation, whichever comes first. Student members shall be eligible for reappointment at the expiration of their one-year terms.

The Committee will include 10 faculty members who will be appointed jointly by the Dean of NYU Stern School and the Dean of the NYU Stern Undergraduate College.

**c.** New Co-Chairs and Vice-Chairs will be selected by the Dean of Students in consultation with the outgoing Co-Chairs at the end of the academic school year. Eligible candidates include any student member of the Committee. The Deans of Students will serve as the final confirmation of the elected positions. A Vice-Chair will function as the respective Co-Chair in the absence of, the Co-Chair.

**d.** In situations regarding Committee membership not covered as described above, the remaining Committee will have discretion to make decisions based on a majority vote.

#### **IV. Procedure:**

##### **1. Academic Integrity Violations**

**a.** Once a faculty member is aware of a suspected academic violation, the faculty member consults with the Dean of Students of the Graduate School or Undergraduate College (as appropriate), to seek information on how similar situations have been addressed. This does not include information on the particular student's past Judicial record, if any.

**b.** The faculty member discusses the suspected violation with the Student and attempts to determine guilt or innocence:

- i. If the faculty member determines student guilt, he/she consults with the respective Dean of Students to formulate an appropriate sanction based on student's personal past Judiciary Committee record and sanctioning options. The Dean of Students notifies the student of the decision and sanction.
  1. Student accepts finding. Sanction is enforced. Case and sanction is noted in the Judiciary Committee files and file of the student.
  2. Student appeals guilty finding (sanctions cannot be appealed). Case is sent to the Judiciary Committee. In this situation the faculty member may be asked to explain the situation to the committee in a hearing. See Section IV. 2. for details of this process.
- ii. If innocent, matter is closed and no further action is taken.
- iii. If faculty member cannot determine guilt or innocence, the matter is referred to the Judiciary Committee. See Section IV. 2. for details of this process.

## **2. Non-Academic Integrity Matters and Other Integrity Referrals**

### **Reporting a Complaint**

**a.** Any member of the faculty, administration or staff, or any student, may file a complaint against a Stern student (hereinafter Respondent) alleging a Violation (hereinafter Violation). The Complaint (hereinafter Complaint) must be in writing or in an email to the Dean of Students. Anonymous complaints will not be accepted.

### **V. Investigation**

#### **1. Preliminary Procedure**

**a.** Upon receipt of a Complaint, the Dean of Students will contact the Respondent via their NYU Stern email address within seven business days.

**b.** The Respondent will be asked to have a conversation with the Dean of Students (or his/her designee) within five business days of contacting the Respondent unless the situation deems otherwise.

**c.** In this meeting the Respondent will be notified of the specific charges of the alleged Code of Conduct Violation(s) in the Complaint and asked to admit or deny responsibility within 72 hours. Failure to respond within 72 hours will result in the Complaint being referred to the Judiciary Committee for a formal Investigation.

**d.** Should the Respondent admit to the alleged Code of Conduct Violation(s), sanctioning will be determined by the faculty member in academic cases, the Dean (or his/her designee) for non-academic MBA cases or the Dean of the Undergraduate College (or his /her designee) for Undergraduate cases. The Respondent will be asked to sign a statement waiving review from the Judiciary Committee and making the request to apply the appropriate Sanction. In this case the decision will be final.

**e.** Should the Respondent deny committing the alleged Code of Conduct Violation(s), or choose not to meet with the Dean of Students (as outlined above) the Complaint will be investigated and heard by the Judiciary Committee. However, the Dean of Students reserves the right to resolve cases without going to the Judiciary Committee that in his/her judgment includes only minor infractions. In this case the decision will be final.

**f.** In special circumstances, relating to a Respondent's physical or emotional safety and well-being; the safety and well-being of students, faculty, staff, or University property; the maintenance of the public order or the effective continuation of the educational process, the Dean may suspend the Respondent from attending school during consideration of the Complaint.

## **2. Investigative Procedure**

**a.** In the case of the Respondent's denial of responsibility for the alleged Violation(s), or the Respondent fails to meet with the Dean of Students, the Dean of Students will appoint the Co-Chair from the respective student body to select an Investigative Committee (hereinafter Investigative Committee) comprised of two student Committee members (students must be from the Respondent's respective student body; eg. Undergraduate or Graduate) and one faculty member in undergraduate cases; within two business days or a time frame within reason. The role of the Investigative Committee is that of fact finding and recommending further action as necessary to the Co-Chair and Dean of Students. The Investigative Committee will make every effort to commence and complete its Investigation within ten business days.

**b.** The Investigation will consist mainly of gathering evidence relevant to the alleged violation. This permits, but does not require, the questioning of all parties involved, including the Respondent and Complainant.

**c.** The Investigative Committee must produce a written Investigative Report recommending either referral to the Hearing Panel (hereinafter the Panel) or dismissal of the Complaint.

**d.** The Investigative Committee should record the time, date, and place for all interviews, along with a summary of the information provided by each person interviewed if any. It is recommended that the entire Investigative Team be present when conducting any interviews.

**e.** The Investigative Team will submit the Investigative Report to the Co-Chair and Dean of Students at the end of the Investigation.

**f.** If the Investigative Team and Co-Chair concludes there is insufficient evidence to move to a Hearing, the Complaint will be dismissed and the Respondent and Complainant will be notified immediately. The notification to dismiss will be made by e-mail to the respective Stern accounts.

**g.** If the Investigative Committee and Co-Chair concludes that there is sufficient evidence to move forward with a Hearing, the Co-Chair in conjunction with the Dean of Students will immediately notify the Respondent and Complainant by e-mail to the respective Stern accounts. The notification will:

- i. Set forth the specific Violation with which the student is being charged.
- ii. Include a link to the Judiciary Committee membership and ask that the Respondent notify the Dean of Students within two business days of the date of the e-mail notification if he/she feels that any member is negatively biased against him/her and should not be selected for the Hearing Panel. An explanation of this bias must be provided by e-mail to the Dean of Students. The final determination of bias will be made by the Dean of Students.

iii. Include a statement that the Respondent still has the opportunity to admit responsibility and ask the Dean of Students to handle the sanctioning, thereby bypassing the Panel. This request must be made within three business days of the date of the e-mail notification of the notice of the formation of a Hearing Panel. In this case, the Dean of Student's decision regarding the Sanction(s) shall be final.

**h.** After two business days after informing the Respondent of the case, the Co-Chair, together with the Dean of Students, will form a Hearing Panel (hereinafter Hearing Panel) comprised of 1-3 faculty Committee members, 2-6 student Committee members. The Co-Chair will be a formal part of the panel. A majority of the Hearing Panel must be composed of students.

**i.** The Co-Chair shall instruct the Hearing Panel of the confidentiality of such proceedings and have each member of the Hearing Panel sign a Confidentiality Declaration.

### **3. Hearings**

**a.** At any time in the process a Respondent may accept responsibility for the violation of the Code of Conduct.

**b.** Upon receiving the Investigation Report, the Co-Chair will set a hearing date within two weeks from the concluding date of the Investigative Team's review (including weekends and holidays) if at all possible.

**c.** Notice of the Hearing date will be given to the Respondent and the Complainant at least seven calendar days in advance by e-mail to their Stern accounts. The Respondent and Complainant may request by e-mail to the Co-Chair and Dean of Students that a Hearing be rescheduled. That request should include an explanation of the extenuating circumstances to be considered. The Co-Chair will consult with the Dean of Students to make the final determination as to whether or not to grant the request to reschedule.

**d.** To constitute a valid disciplinary hearing, the Hearing Panel must contain a quorum, as stated in section 2h above, all of whom are present in person or by phone during the entire hearing.

**e.** The Co-Chair will work with the Dean of Students to prepare the Case for presentation to the Hearing Panel and invite all requested witnesses, for both the Complainant and the Respondent to attend the hearing.

**f.** Panel members are expected to recuse themselves from the Hearing Panel if they have any personal bias for or against either the Respondent or the Complainant.

**g.** The Respondent and the Complainant will be able to review the Investigative Report kept in the Dean of Student's Office up to one day prior to the Hearing by making a scheduled appointment to do so.

**h.** Neither the Complainant nor the Respondent is required to attend the Hearing. If the Respondent fails to attend, the Panel can render a decision based on the Investigative Report and testimony of any witnesses or documents presented at the Hearing.

**i.** Questions that arise prior to the Hearing should be directed to the Dean of Students.

**j.** Where the Respondent requests that witnesses (only factual witnesses may be present at the hearing) be summoned on his or her behalf, the student must furnish the Co-Chair with the names of the witnesses in sufficient time for the Co-Chair to request the presence of such witnesses. Notarized written testimony is acceptable. It is within the Hearing Panel's discretion to limit the number of witnesses appearing at the hearing to a reasonable number.

**k.** The Respondent and Complainant can provide no more than two character witness statements (limited to one page each). These statements must be given to the Dean of Students by noon two business days prior to the Hearing and will be included with the Investigative Report. Character witnesses will not be permitted to attend the Hearing.

**l.** The Respondent and Complainant are each allowed to have one person of support present during the Hearing for advice and guidance. This person will not be allowed to directly address the panel, ask questions of witnesses or directly participate in the hearing process in any manner. The Dean of Students must be notified of the identity and relationship of this person at least three business days prior to the Hearing. The Panel may have a University representative present for advice and guidance as well.

**m.** The Co-Chair (hereafter the Chair) shall administer the proceedings and conduct of the hearing. The Hearing will be audio-taped for the purpose of the Panel. A written transcript will not be made, nor will copies of the digital recording be provided to the Complainant or the Respondent. This digital recording will be destroyed after the appeal period and/or process is completed.

**n.** At the commencement of the Hearing, the Chair shall read the charge(s) in the presence of the Respondent (should he/she be present) and the Hearing Panel, and request the Respondent for a plea of guilty or not guilty.

**o.** The Hearing shall not be governed by formal rules of evidence. Statements or documents that are considered inadmissible evidence in a judicial proceeding may be admitted as evidence.

**p.** The Chair will maintain order during witness questioning and cross-examination. The Chair has the right to object to questions that are irrelevant or considered asked and answered.

**q.** Hearing Panel deliberations will begin in closed session immediately after the conclusion of the hearing.

**r.** The Respondent is presumed innocent until proven guilty. The decision shall be supported by a preponderance of the credible evidence reviewed by the Panel. If the Respondent is found responsible, the Panel will be informed of any prior disciplinary record at Stern, as provided by the Dean of Students, to assist in determining appropriate sanctions.

s. Each Hearing Panel member has one vote. A majority vote of the Hearing Panel shall constitute a valid decision. The Chair only casts a vote in the case of a tie vote among the Hearing Panel members.

t. The Panel will make every effort to reach a decision within 24 hours after the Hearing.

u. The Chair shall, as soon after the hearing as possible, prepare minutes of the hearing including:

- i. Date, place and time of the hearing,
- ii. The names of all persons present at the hearing,
- iii. A short statement of the charge against the Student,
- iv. Confirmation that the Student was notified of the allegations and given an opportunity to respond,
- v. A summary of the findings of fact and conclusions made by the Hearing Panel,
- vi. A statement of the decision of the Hearing Panel,
- vii. The sanction recommended by the Hearing Panel.

v. The Chair shall promptly inform the respective Dean of Students and Dean of the School of the Hearing Panel's verdict and recommended sanction(s), if any.

w. The Dean has the right to accept, modify, or reject the Hearing Panel's verdict and recommended sanction. The Dean shall inform the Respondent of the decision in writing by e-mail and all appropriate notations will be included in the Respondent's student record, as appropriate.

#### **4. Rights and Obligations of the Respondent**

a. The Respondent is presumed innocent until proven guilty according this process

b. The Respondent has the right to be informed in writing of the charges against him or her and the identity of the Complainant.

c. The Respondent may see a copy of the Investigative Committee's written report prior to the Hearing.

d. The Respondent has the right to be present during all witness testimony and the right to challenge witness testimony as appropriate. The Respondent may directly question a witness, or request specific questioning by the Hearing Panel of a witness, as to any testimony or evidence brought forth in the hearing of the Case.

e. The Respondent has the right to have the Chair request the presence of a reasonable number of witnesses on his or her behalf. Notarized written testimony is acceptable.

**f.** The Respondent may consult with an adviser of his or her own choosing to assist in the preparation of the Respondent's defense. Members of the Committee or any Dean shall not be eligible to serve as an adviser to the Respondent.

**g.** The Respondent is invited, but not obligated, to submit to the Chair his or her written statement regarding the charges, documents, or any other information relevant to the case, no later than two academic days prior to the hearing date.

**h.** The Respondent has the right, but not the obligation, to testify at the hearing. The Respondent's decision not to testify will not presume guilt upon the Accused.

## **5. Appeals**

**a.** Respondent may appeal the decision of the Panel by submitting a complete appeal in writing to the Dean of Students within 14 calendar days of receipt of the Panel's decision. A Respondent may appeal the decision of the Panel only for two reasons:

- i. New Evidence of a Substantive Nature -Defined as any new significant evidence that could not have been discovered by a properly diligent Respondent prior to the original Hearing and which might have affected the Panel's decision at that time.
- ii. Substantial Procedural Error - Defined as any substantial procedural irregularity in the conduct of the Hearing that was material and prejudicial to the Respondent.

**b.** The written appeal must set forth the facts and, where appropriate, new evidence that supports the appeal on at least one of the two grounds set forth above in section a, subsections i and ii. A student's Sanction(s) shall be held in abeyance pending the final resolution of the Appeal, but an interim suspension may be continued by the Dean of Students where circumstances warrant.

**c.** The Appeal will be reviewed by an Appeal Review Council comprised of one faculty member and two Student Judiciary Committee members who did not serve on the original Hearing Panel.

**d.** If the Appeal Review Council finds the Appeal to warrant further consideration, it will be forwarded to the Dean, or his/ her designee, for a final Decision.

**e.** If the Appeal Review Council finds the appeal does not warrant further consideration, the case is closed and the Decision(s) and Sanction(s) are final.

**f.** In the case of a suspension or dismissal sanction, a student who submits an Appeal will surpass the Appeal Review Council and have the Appeal reviewed directly by the Dean.

**g.** The Dean, or his/her designee, may accept, modify, or reject the Hearing Panel's finding and sanction following an Appeal. The Dean, or his/her designee, shall inform the Respondent of his/her decision.

h. With this step, appeal procedures are exhausted and the Dean's decision shall be final.

## 6. Disciplinary Sanctions:

a. The Hearing Panel's recommendation may include any one or more of the following disciplinary sanctions:

- i. Censure - Written reprimand for violation of a specified regulation, including the possibility of more severe disciplinary sanction in the event of conviction for another violation of a University regulation within a period of time stated in the reprimand. Students will also not be allowed to fill out a Course Faculty Evaluation (CFE).
- ii. Academic - Grade adjustment, including failure "F", or "N", on any work or course. This may include or may not include a permanent notation of disciplinary sanction on the student's academic transcript. A record of the sanction will be held in the Judiciary Committee files and the file of the student. **In the case of an academic violation, the minimum sanction will be no credit (value of 0) for the assignment/exam in the class.** Students will also not be allowed to fill out a Course Faculty Evaluation (CFE.)
- iii. 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. Notification that a more severe disciplinary sanction may be imposed if the student commits a second disciplinary offense while on disciplinary probation. This notice will appear on the student's transcript for a stated time, which may exceed the period of disciplinary probation, and may be removed after such time, upon a written request from the student.
- iv. Monetary Restitution- For any offenses associated with Stern and NYU financial or property losses as determined by the Committee.
- v. Suspension - Exclusion from classes and other privileges or extracurricular activities as set forth in the notice of suspension for a definite period of time. This suspension will appear on the student's transcript for a stated time, which may exceed the period of suspension and may be permanent.
- vi. Dismissal - Permanent termination of student ... The dismissal will permanently appear on the student's transcript
- vii. Other sanctions-- as deemed appropriate by the Panel.

b. For sanctions ii to vi, students found guilty by the Hearing Panel will have a disciplinary notation placed on their academic transcript. This notice will appear on the student's transcript for a stated time.

c. A Student who has been suspended, dismissed, or expelled, and who is subsequently found to have not committed a disciplinary infraction by the Dean of Students shall be allowed full opportunity to make up whatever course work was missed due to the suspension, dismissal, or expulsion.

## **7. Record Keeping**

a. The Dean of Students shall maintain all records and files of all disciplinary Cases and proceedings in a confidential manner. All such records will be secured in the Office of the Dean of Students until such required retention time expires, as recommended by the Office of Legal Counsel of the University.

## **8. Amendments to Student Disciplinary Rules:**

a. These Policies and Procedures represent the principles of the School's Judiciary Committee. In such cases where events within the Committee's jurisdiction are not represented under the auspices of this document, the Committee can enact appropriate changes with a three-fourths Committee membership vote.

*Effective Beginning Fall 2010*