

## NYU Stern Judiciary Committee Process

Upon entering the NYU Stern School of Business each student is bound by the NYU Student Conduct Policy and Stern Code of Conduct.

### 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. Students are afforded a fair and timely process in accordance with these rules. The Dean of Stern (or their designee) or the Dean of the Undergraduate College (or their designee) has the right to suspend on an interim basis 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 programs at the Stern School of Business. This jurisdiction may include, without limitation, the following:

- a. Violations of federal, state, or local laws.
- b. Violations of the rules and policies of NYU Student Conduct Policy and associated rules and policies at NYU Stern.
  - i. [NYU Conduct Policies](#)
  - ii. NYU Stern Code of Conduct
  - iii. Travel Code of Conduct
  - iv. Student Leadership Expectations
- c. Non-Academic Integrity Matters and Other Integrity Referrals
  - i. Reporting a Complaint
    - i. Reports of complaints against a student (hereinafter Respondent) alleging a Violation (hereinafter Violation) must be made by the Complainant (hereinafter Complainant) in writing or in an email to the Deans' designee(s). Anonymous complaints will be accepted, however the ability to investigate and take action may be limited by the anonymous nature of the complaint.
    - ii. Effective August 13, 2018 allegations of non-academic misconduct involving Stern students will be referred to the NYU Office of Student Conduct (OSC) in accordance with the University student conduct process
    - iii. In cases involving an overlap of academic and non-academic allegations, Stern will determine, in its discretion and in consultation with OSC, whether OSC will handle the non-academic allegation(s).

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

**a.** The Judiciary Committee is jointly overseen by the designee(s) of the Dean of Stern and the designee(s) of the Dean of the Undergraduate College hereafter referred to as the Deans' designee(s).

**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 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, who are comprised of seniors and juniors (including an undergraduate Chair and Vice Chair). The Committee student members are to be appointed by the Deans' designee(s) in consultation with the respective Chairs from among currently enrolled students. Students seeking membership shall submit their application at a time determined by the Dean's designee(s). Committee members will serve until graduation unless determined otherwise 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 by the Dean of NYU Stern School and/or the Dean of the NYU Stern Undergraduate College.

**c.** New Chairs and Vice-Chairs will be selected by the Deans' designee(s) in consultation with the outgoing Chairs at the end of the academic school year. Eligible candidates include any student member of the Committee. A Vice-Chair will function as the respective Chair in the absence of the Chair.

**d.** In situations regarding Committee membership not covered as described above, the Deans' designee(s) will serve as the final confirmation of membership.

### **IV. Procedure: Academic Integrity Violations\***

**a.** Once there is a suspected academic violation, the complainant(s) consults with the Deans' designee(s) of the Graduate School or Undergraduate College (as appropriate), to seek information on the process.

**b.** If the complainant wishes to proceed with reporting a violation the following procedures will take place per below:

1. If the individual is a faculty member:

- a. The faculty member discusses the suspected violation with the Student and attempts to determine responsibility:
- b. If the faculty member determines the student is responsible, they consult with the respective Deans' designee(s), who may consult with the Judiciary Committee members to formulate an appropriate sanction based on the student's past disciplinary record and sanctioning options. If the violation is deemed particularly egregious and/or is the student's second or further incident of misconduct the

Dean's Designee(s) may apply additional sanctions. The student should be notified of the decision and sanction in writing.

1. If the student accepts the finding, the sanction will be enforced.
  2. The student may appeal a finding on the grounds of New Evidence of a Substantive Nature and/or Substantial Procedural Error. Case is sent to the Judiciary Committee and proceeds according to the steps outlined in (section V.5. Appeals). In this situation the faculty member may be asked to explain their finding to the committee.
  3. Whether resolved by student agreement or following an appeal, the case and sanction will be documented in the Dean's Office.
  - c. If faculty member determines that the student is not responsible for an academic integrity violation, the matter is closed and no further action is taken.
  - d. If the faculty member cannot determine responsibility, the matter is referred directly to the Judiciary Committee and proceeds according to the steps outlined in (section IV. Academic Integrity Violations).
2. If the individual is not a faculty member, the complainant(s) must submit in writing the allegation to the appropriate Dean's designee(s). See section IV. (Academic Integrity Violations).

\*In cases where it is determined that Stern will manage complaints involving an overlap of academic and non-academic allegations, the Dean's designee will determine which portion of the allegation, if any, will be handled by the faculty member in the first instance. Any allegations not resolved by the faculty member will be handled in accordance with the procedures in Section IV.1.

## **1. Academic Integrity Violations**

- a. Upon receipt of a Complaint, the Deans' designee(s) will typically contact the Respondent via their NYU email address within seven business days.
- b. The Respondent will be asked to have a conversation with the Deans' designee(s) within five business days of being contacted unless the Deans' designee determines that the situation warrants an extension of this timeframe.
- c. In this meeting the Respondent will be notified of the preliminary 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.
  1. Should the Respondent admit to the alleged Code of Conduct Violation(s), sanctioning will be determined in consultation with the appropriate Deans' designee(s). The Respondent will be required to sign a statement waiving review from the Judiciary Committee and making the request to have the Deans' designee(s) determine the appropriate Sanction(s). Upon the determination of such sanctions, the case is closed.
  2. Should the Respondent deny committing the alleged Code of Conduct Violation(s), or choose not to meet with the Deans' designee(s) (as outlined above), the Complaint will be investigated and heard by the Judiciary Committee.

3. 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 on an interim basis during consideration of the Complaint.

## **2. Fact-Finding**

**a.** In the case of the Respondent's denial of responsibility for the alleged Violation(s), or if the Respondent fails to meet with the Deans' designee(s), the Deans' designee(s) will select an Investigative Committee comprised of two student Committee members (students must be from the Respondent's respective student body, i.e. undergraduate or graduate) and one faculty member. Committee members are expected to recuse themselves from the investigative procedure if they have a conflict of interest such as level of personal acquaintance with the Respondent. The role of the Investigative Committee is that of fact finding and recommending further action as necessary to the Chair and Deans' designee(s). 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, including but not limited to the questioning of all parties involved including the Respondent and Complainant.

**d.** The Investigative Committee should record the time, date, and place for all interviews, along with a summary and any evidence 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 Committee must produce a written Investigative Report recommending either referral to the Hearing Panel (hereinafter the Panel) or dismissal of the Complaint.

**f.** The Investigative Team will submit the Investigative Report to the Chair and Deans' designee(s) at the end of the Investigation.

**g.** If the Investigative Team and Chair concludes there is insufficient evidence to support a finding of a violation by a reasonable fact-finder, the matter is sent for a Hearing, the Complaint will be dismissed and every effort will be made to notify the Respondent and Complainant within five business days. The notification to dismiss will be made by e-mail to the respective NYU accounts.

**h.** If the Investigative Committee and Chair concludes that there is sufficient evidence to support a finding of a violation by reasonable fact-finder, the matter is sent for a Hearing and the Deans' designee(s) will make every effort to notify the Respondent and Complainant within five business days by e-mail to their respective NYU 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 Deans' designee(s) within two business days of the date of the e-mail notification if they feel that any member is negatively biased or otherwise has a conflict against them and should not be selected for the Hearing Panel. An explanation of this conflict must be provided by e-mail to the Deans' designee(s). The final determination regarding requests for recusal will be made by the Deans' designee(s).
- iii. Include a statement that the Respondent still has the opportunity to admit responsibility and ask the Deans' designee(s) 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 Deans' designee(s) decision regarding the Sanction(s) shall be final.

**h.** Two business days after informing the Respondent of the Hearing, the Deans' designee(s), will form a Hearing Panel (hereinafter Hearing Panel) comprised of 1-3 faculty Committee members, 2-6 student Committee members. The Chair will be a formal part of the panel. A majority of the Hearing Panel must be composed of students.

**i.** The Deans' designee(s) will select the Hearing Panel Chair (HP Chair) who can be either a student or faculty member from the appointed Hearing Panel.

**f.** The Hearing Panel Chair shall remind the Hearing Panel of the obligation to maintain privacy surrounding such proceedings.

### **3. Hearings**

- a. At any time in the process a Respondent may accept responsibility for the violation of the Code of Conduct, thus waiving their right to a Hearing. The Respondent will be required to sign a statement waiving review from the Judiciary Committee and making the request to have the Deans' designee(s) apply the appropriate Sanction(s). At that point, the matter is resolved.
- b. Upon receiving the Investigation Report, the Dean's Designee(s) will make every effort to 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 business days in advance by e-mail to their NYU accounts. The Respondent and Complainant may request by e-mail to the Deans' designee(s) that a Hearing be rescheduled. That request should include an explanation of the extenuating circumstances to be considered. The Deans' designee(s) will make the final determination as to whether or not to grant the request to reschedule.
- d. The Deans' designee(s) will 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.

- e. 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.
- f. The Respondent and the Complainant will have an opportunity to review the Investigative Report kept in the Dean's Office up to one business day prior to the Hearing by making a scheduled appointment to do so.
- g. 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.
- h. Questions that arise prior to the Hearing should be directed to the Deans' designee(s) in writing.
- i. Where the Respondent requests that witnesses (only factual witnesses may be present at the hearing) be summoned on their behalf, the student must furnish the Deans' designee(s) with the names of the witnesses at least four business days prior to the date of the Hearing for the Deans' designee(s) to request the presence of such witnesses. Notarized written testimony is required if a factual witness will not be present and must be submitted at least 2 business days prior to the Hearing. It is within the Hearing Panel's discretion to limit the number of witnesses appearing at the hearing to a reasonable number.
- j. 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 Deans' designee(s) 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.
- k. 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 Deans' designee(s) 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.
- l. The HP Chair shall administer the proceedings and conduct of the hearing. The Hearing will be audio-taped for the purpose of the Panel. All documents and recordings will be maintained in accordance with the University's Policy on Retention and Destruction of records.
- m. At the commencement of the Hearing, the HP Chair shall read the charge(s) in the presence of the Respondent (should they be present) and the Hearing Panel, and request the Respondent for a plea of responsible or not responsible.
- n. 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.
- o. The HP Chair will maintain order during witness questioning and cross-examination. The HP Chair has the right to object to questions that are irrelevant or considered asked and answered.
- p. Hearing Panel deliberations will make every effort to begin in closed session immediately after the conclusion of the hearing.
- q. The Respondent is presumed not responsible until proven otherwise. 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 Deans' designee(s), to assist in determining appropriate sanctions.

- r. Each Hearing Panel member has one vote. A majority vote of the Hearing Panel shall constitute a valid decision. The HP Chair only casts a vote in the case of a tie vote among the Hearing Panel members.
- s. The Panel will make every effort to reach a decision within 24 hours after the Hearing.
- t. The HP 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 and titles (i.e. student, professor, etc.) 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.

**u.** The HP Chair shall promptly inform the respective Deans' designee(s) and Dean of the School of the Hearing Panel's finding and recommended sanction(s), if any.

**v.** The Dean has the right to accept, modify, or reject the Hearing Panel's finding and recommended sanction. The Dean or Deans' Designee(s) 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 responsible.

**b.** The Respondent has the right to be informed in writing of the charges.

**c.** The Respondent and the Complainant will have an opportunity to review the Investigative Committee's written report kept in the Dean's Office up to one business day prior to the Hearing by making a scheduled appointment to do so.

**d.** The Respondent has the right to be present during all witness testimony and the right to challenge witness testimony as appropriate. The HP Chair will determine how the respondent may question a witness either directly or via the HP.

**e.** The Respondent has the right to have the HP Chair request the presence of a reasonable number of witnesses on their behalf.

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

**g.** The Respondent is invited, but not obligated, to submit to the HP Chair their written statement regarding the charges, documents, or any other information relevant to the case, no later than two business 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 automatically result in a finding of responsibility.

## **5. Appeals**

**a.** Respondent may appeal the decision of the Panel or faculty member as applicable by submitting an appeal in writing to the Deans' designee(s) setting forth the grounds for appeal 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 finding of responsibility and sanction either by a faculty member or HP which might have affected the decision at that time.
- ii. Substantial Procedural Error - Defined as any substantial procedural irregularity in the conduct of the Hearing or finding of a Faculty member.

**b.** 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 or Deans' designee(s) 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 submit its rationale in writing to the Dean or Deans' designee(s), for a final Decision. The Dean or Deans' designee, may accept, modify, or reject the Hearing Panel's finding and sanction following an Appeal.

**e.** If the Appeal Review Council finds the appeal does not warrant further consideration, it will submit its rationale in writing to the Dean or Deans' Designee(s). 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 or Deans' Designee(s).

**g.** The Dean or Deans' designee(s), shall inform the Respondent of the final Appeal 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.
- ii. Academic - Grade adjustment 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. When possible, the student will also not be allowed to complete their Faculty evaluation.
- 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.

## **7. Record Keeping**

**a.** The Deans' designee(s) shall maintain all records and files of all disciplinary cases and proceedings in a confidential manner. All such records will be secured in accordance with the University Policy on Retention & Destruction of Records.

*Last updated April 2019*