

NYU Stern Judiciary Committee Process

Upon entering the NYU Stern School of Business each student is subject to NYU Student Conduct Policies and the Stern Code of Conduct.

I. Authority:

Student discipline is the responsibility of the faculty of the Stern School of Business. 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 according to rules and regulations described in this document, or as subsequently amended. Students are afforded a fair and timely process in accordance with these rules. Within their discretion, the Dean of Stern (or their designee) has the right to suspend on an interim basis a student at any time for good cause, based on the severity of the allegations for the welfare of the community.

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 Policies and associated rules and policies at NYU Stern.

1. NYU Conduct Policies
2. NYU Stern Code of Conduct
3. Travel Code of Conduct
4. Student Leadership Expectations

C. Non-Academic Integrity Matters and Other Integrity Referrals

1. 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
2. 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 Graduate Committee will be comprised of up to 19 graduate students. The Undergraduate Committee will be comprised of up to 11 undergraduates, restricted to seniors and juniors. The Committee student members are to be appointed by the Deans' designee(s). Committee members will serve until graduation unless they resign or are removed by the Dean's designee(s) for good cause, such as violating confidentiality, the Code of Conduct, or no longer maintaining good academic standing.

The Committees will include up to 5 undergraduate faculty members, 5 graduate faculty members, and 5 administrators, who will be appointed by the Dean of NYU Stern School and/or their designees.

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

IV. Procedure*:

A. Once there is a suspected academic violation, the complainant(s), typically, but not necessarily, the affected faculty member, consults with the Deans' designee(s) of the Graduate School or Undergraduate College (as appropriate), to seek information on the process. The faculty member discusses the suspected violation with the Student and attempts to determine whether the student has committed an academic integrity violation.

B. If the complainant wishes to proceed with reporting a violation the following procedures will take place:

- I. If the faculty member determines the student is responsible for a violation, they consult with the respective Dean's designee to formulate an appropriate sanction based on the nature of the violation and the student's past disciplinary record. The faculty member notifies the student and Dean's designee of the decision and sanction.
 - a. Student accepts finding. Sanction is enforced. Case and sanction are noted in the student's disciplinary file.
 - b. Student appeals finding of responsibility based on two categories only: New Evidence of a Substantive Nature and Substantial Procedural Error (sanctions cannot be appealed). The case is sent to the Judiciary Committee. In this situation the faculty member may be asked to explain the situation to the committee.
- II. If the student is found not responsible, the matter is closed and no further action is taken.
- III. If faculty member is unable to determine whether the student is responsible for a violation, the faculty member refers the matter to the Judiciary Committee.

C. Any member of the faculty, administration or staff, or any student, may file a complaint against a Stern student or non-Stern student (hereinafter Respondent) in a Stern course alleging a Violation (hereinafter Violation). The Complaint (hereinafter Complaint) must be in writing or in an email to the Dean or Dean's designees. Anonymous complaints can be submitted for review. Notwithstanding, due to their nature there may be instances where we are limited in the review and potential action that can be taken.

*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 aforementioned procedures.

V. Investigation

A. Preliminary Procedure

- 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 notified of the specific charges of the alleged Code of Conduct Violation(s) in the Complaint and given the opportunity to offer an explanation. Once the Dean's designee has had the opportunity to review the matter, they will either dismiss the case or ask the Respondent to admit or deny responsibility, typically within 3 business days. Failure to respond within the specified time frame will result in the Complaint being referred to the Judiciary Committee for a formal Investigation or Hearing.
 - i. Should the Respondent admit to the alleged Code of Conduct Violation(s), sanctioning will be determined by the 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.
 - ii. Should the Respondent deny committing the alleged Code of Conduct Violation(s), the Complaint will be referred for a formal investigation or hearing, as determined by the Deans' Designee.
 - iii. 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 or Dean's Designee may suspend the Respondent from attending school on an interim basis during consideration of the Complaint.

B. Investigation

- a. In the case that the Dean's Designee(s) determines an investigation is warranted, they will select an Investigative Committee comprised of up to five Committee members. 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 evidence gathering and recommending further action as necessary to the 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.
- c. 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.
- d. The Investigative Committee must produce a written Investigative Report recommending either referral to the Hearing Panel (hereinafter the Panel) or dismissal of the Complaint.
- e. The Investigative Team will submit the Investigative Report to the Deans' designee(s) at the end of the Investigation.
- f. If the Investigative Team concludes there is insufficient evidence to support a finding of a violation by a reasonable fact-finder, 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.
- g. If the Investigative Committee 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:
 - a. Set forth the specific Violation with which the student is being charged.
 - b. 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).
 - c. 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. In this case, the Deans' designee(s) decision regarding the Sanction(s) shall be final.
- h. After informing the Respondent of the Hearing, the Deans' designee(s), will form a Hearing Panel (hereinafter Hearing Panel) comprised of up to 6 Committee members. A majority of the Hearing Panel should be composed of students.
- i. The Deans' designee(s) will select the Hearing Panel Chair (HP Chair) who can be either a student, administrator, or faculty member from the appointed Hearing Panel.
- j. The Hearing Panel Chair shall remind the Hearing Panel of the obligation to maintain privacy surrounding such proceedings.

C. 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. In the case that a Hearing is taking place based on the findings of the Investigation Committee, 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. The Dean's designee will make every effort to give notice of the Hearing date 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 may request 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 materials submitted (i.e., an Investigative Report, 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 Hearing materials. 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 Hearing Panel (HP) Chair shall administer the proceedings and conduct of the hearing. The Hearing will be recorded 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 accept or deny responsibility.
- 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, 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.
- 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:
 - a. Date, place and time of the hearing,
 - b. The names of all persons present at the hearing,
 - c. A short statement of the charge against the Student,
 - d. Confirmation that the Student was notified of the allegations and given an opportunity to respond,
 - e. A summary of the findings of fact and conclusions made by the Hearing Panel,
 - f. A statement of the decision of the Hearing Panel,
 - g. 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 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.

D. Rights and Obligations of the Respondent

- a. The Respondent is presumed not responsible until proven responsible.
- b. The Respondent has the right to be informed in writing of the charges.
- c. The Respondent and the Complainant may request 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 Respondent may submit questions in writing to the HP Chair to consider posing.
- e. The Respondent has the right to have the HP Chair request the presence of a reasonable number of witnesses on their behalf.
- f. Members of the Committee or any Dean or Dean's designee(s) shall not be eligible to serve as a support person 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

E. Appeals

- a. The 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 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 up to three 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.

F. Disciplinary Sanctions:

- a. The Hearing Panel's recommendation may include, but is not limited to, 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 a finding of responsibility 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 documented in the student's disciplinary record. When possible, the student's course evaluation will be removed.
 - 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.
 - 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 may 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.

G. Record Keeping

1. 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.

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