

NEW YORK UNIVERSITY
TISCH SCHOOL OF THE ARTS

FACULTY ORGANIZATION PLAN ¹

Faculty Meetings. Faculty meetings will be a primary form of communication and exchange and serve as part of the legal framework of the school. There will be at least four faculty meetings each academic year, in accordance with By-law 65. they will be held in the first part of October, the first part of December, the last part of February, and the last part of April, as long as NYU continues with a calendar such as we now have. Faculty decisions will be made by consensus. The consensus will be determined by the Chairperson.

A special meeting of the faculty may be called by the Dean or by any ten faculty members who represent at least three departments or programs of the Tisch School of the Arts. In accordance with the NYU bylaws, the Dean will preside at all meetings.

A quorum for faculty meetings shall be ten members and a quorum for committee meetings shall be a simple majority.

Two student representatives from the TSOASO Executive Committee are invited to attend faculty meetings. Students may participate in debate but are not part of faculty consensus decision making. There must be continuity of representation during a given academic year.²

The agenda of the faculty meetings together with minutes, committee reports and proposals, will be circulated to faculty members at least ten days prior to each meeting. The minutes of the previous meeting, the report of the TSOA Senator, and the reports, if any, of standing committees, will be placed on each agenda.

Although the business of the School will be conducted at the faculty meetings, the investigatory writing and proposal work of the school will be performed by a number of

faculty committees. Each one of the committees, when established, will define its operating procedures in written form for ratification by the faculty.

Committees³

1. For the purpose of consisting Faculty Committees (except for the Tenure and Executive Committees) the following procedures will apply : A list of all TSOA Fulltime faculty will be compiled in random order; and from this list (beginning at the first name) all committee openings not filled by volunteers will be filled. Once one has served, the name will be placed at the bottom of the list.
2. New Faculty will be entered at the end of the list.
3. If a member leaves a committee prior to the end of his/her term, the replacement will serve for the balance of the term.
4. In the event there are multiple volunteers for a particular committee opening the Faculty Welfare and Governance Committee, in consultation with the Dean, will make the final decision. The primary consideration will be to minimize over-representation from a particular department on any given committee.
5. In May of every year, each committee, excluding members who are due to rotate off and including new members for the following academic year, will meet and select a chairperson for the following academic year.

In 1991 the nine departments and divisions of the School are:

Department of Cinema Studies
Department of Drama, Undergraduate
Dramatic Writing Program
Department of Film & Television
Interactive Telecommunications
Musical Theatre Program
Department of Performance Studies
Department of Photography
Theatre Program

6. Each committee member will serve a term of three years (except that when a committee is formed, it will decide which two of their members are to serve one year; which two, two years; and which two, three years. This is to insure continuity of membership on the committees from year to year).
7. Nominations for Senator or University commissions, which the bylaws specify as elective, will be forwarded to the Dean's Office by the heads of the departments and divisions named above after consultation with their faculties, and the Dean's Office will organize an election consonant with the rules and regulations for so doing which are set forth in the NYU By-Laws.
8. The committees listed below are the standing committees of the Tisch School of the Arts. Ad Hoc committees will be formed as needed.
 1. Executive Committee⁴. This committee shall be composed of the chairpersons of the 1) Budget Policy Advisory Committee, 2) Faculty Welfare and Governance Committee, 3) The Faculty Senator, 4) Secretary

of the Faculty and one member of each of the departments and divisions of the school that are not yet represented on the Executive Committee. Such members shall be appointed by the head of the department or division. The Executive Committee shall be charged with representing the TSOA faculty as an advisory body to the Dean, and as a decision-making body (with proper consultation with respective faculties) between regular faculty meetings. This committee shall advise the Dean of the TSOA concerning the problems and attitudes of the faculty and they shall see that the faculty is kept informed of the pertinent activities of the TSOA administration. The committee shall meet monthly with the Dean during the academic year and more often if necessary. A report of the committee's activities shall be given at faculty meetings. Matters upon which the Executive Committee has acted between faculty meetings shall be subject to faculty review at the next faculty meeting. Such matters shall require the consensus of the full faculty and shall be distributed at least ten days prior to the meeting.

2. Academic Affairs Committee⁵ The committee will consist of six faculty members (four is a quorum) plus the Academic Dean and Assistant Dean as ex-officio non-voting members. Duration of appointment is for three years. Faculty serving on this committee will be exempt from serving on all other school committees.

a. Membership should reflect the diversity of this faculty and the interests of the various fields contained within the school. To this end, the Dean will prepare a first slate of at least ten names. Initial appointees will serve for two, three or four years with all future appointments being for three years. The Executive Committee will accept the slate and/or add to it and select members from it. Chairpersons will not be eligible for membership.

b. The committee will represent the faculty in matters ranging from policy interpretation and implementation to issues of academic standards and procedure.

c. The committee will choose a co—chair .who will work with the Academic Dean in scheduling bi-weekly meetings during the academic year. The faculty co—chair will report to the full faculty at each regular faculty meeting.

3. The Budget Policy Advisory Committee⁶. Six (6) members of the full-time faculty will serve on this committee. Since the University by-laws vest budgetary policy decision in the Dean, the Budget Committee shall serve as the faculty advisory group to the Dean, and meet :with him to provide faculty input into the budgeting process. Such participation shall not be construed as faculty approval of budgetary action.

The committee shall, report at Faculty meetings in conjunction with the Dean, on the state of the School's budget, and the School's budget planning. It shall provide independent analysis of the School's financial situation if it believes such will serve the deliberation of the faculty. It shall be willing to provide other faculty committees budgetary analysis of academic proposals under consideration, or to consider other matters

submitted to it by the faculty.

The committee's prime duty is to become informed about the financial status of the School. It has an obligation to solicit such information, as is necessary in so doing and to present it to the faculty with discretion.

4. Tenure Committee⁷. The tenure Committee will be composed of four (4) tenured members of the faculty representing the Department of Cinema Studies; the Department of Performance Studies; the Department of Film and Television. At such time as there are tenured members of the faculties of other departments and programs in the TSOA sufficient to constitute departmental tenure and promotion committees, one member from each such department or program shall be added to this committee. The Tenure Committee will hear all tenure cases forwarded to the Dean by the departmental chairpersons and make recommendations to the Dean.
5. Faculty Welfare and Governance⁸. This committee is charged with the responsibilities that the name traditionally implies. It is composed of six full-time members of the TSOA faculty.

- a. Faculty Welfare. The committee may consider any matter related to faculty welfare. Such matters might include, but are not limited to: salary scales, promotion procedures, teaching load, the working situation and environment, benefits, grievance procedures, sabbaticals, leaves of absence, and hiring practices. Although almost anything related to the functioning of the School might be thought of as a matter of faculty welfare, the committee shall not consider any matter that is specifically in the province of any other committee, unless so requested by the other committee. For example, the committee may study grievance or tenure procedures, but the carrying out of the established procedures are the responsibility of the Grievance and Tenure Committees.

- b. Governance. The committee shall deal with matters, procedures, and regulations related to the governance of the Faculty and the Faculty's relation with the administration of the School and the University.

The committee is an agent of the wishes of the faculty. It will investigate study, propose, and recommend on matters presented to it in writing by any member of the faculty or Administration of the School or referred to it by the Dean in a Faculty Meeting.

The Committee shall meet at least once each term and will report at faculty meetings on the status of the matters it is considering.

6. Discipline Committee⁹. The committee considers complaints about actions of students and faculty which may be in violation of university or school policies concerning good order and discipline as set forth in the Faculty Handbook the University By-laws and the Student Handbook or the TSOA Bulletin. (See Appendices 1 and 2.)

The Committee will consist of six (6) full-time members of the faculty and two (2) students. There will be four (4) student alternates.

Students will serve for one year. One committee member, a first alternate, and a second alternate will be graduate students; one committee member, a first alternate, and a second alternate will be undergraduate students. The graduate units of TSOA will provide students in the following sequence:

1. Cinema Studies
2. Performance Studies
3. Graduate Film
4. Theatre Program, Graduate
5. Interactive Telecommunications Program
6. Dramatic Writing, Graduate
7. Musical Theatre

The Undergraduate Units of TSOA will provide students in the following sequence:

1. Theatre Program, Undergraduate
2. Undergraduate Film & Television
3. Drama, Undergraduate
4. Dramatic Writing, Undergraduate
5. Photography

Members of the committee are eligible to serve again at the completion of the term.

A. Procedure:

- a. The committee is intended to supplement, rather than replace the internal working of the departments and the School. When a charge of misconduct is made, the appropriate chairman or chairmen and/or the Dean shall try to resolve the matter on an informal basis.

If the matter cannot be disposed of on an informal basis, the committee may be called upon.

- b. A complaint alleging a breach of discipline or a charge of an action unbecoming a student or faculty member must be in writing and signed by the complainant, setting forth briefly the nature of the infraction and the nature of the evidence.
 1. Upon receipt of a complaint, the chairman of the committee will make a preliminary investigation to determine whether or not there is at least a prima facie case.
 2. If no prima facts case is made, the complainant and the defendant shall be notified immediately and the complaint dismissed.
 3. If, in the opinion of the chairman, a prima facie

case exists, the committee will meet as a body to hear evidence of the alleged infraction of discipline. A member of the committee who is from the same department or division as the defendant shall not take part in the committee hearing.

Within a reasonable time, the chairman shall report to the committee as a whole about all cases received by him and the reasons why he has excluded certain cases from hearing.

4. Nothing herein contained shall deprive a student of his or her option, expressed in writing to the chairman of the committee, to have a hearing before a board consisting solely of faculty members.

Nothing herein prescribed shall prevent the Dean, or in the absence of the Dean, the Associates or Assistant Dean of the School of the Arts from summarily suspending a defendant for cause pending a hearing by the committee.

B. Hearings:

a. To constitute a valid hearing, five of the faculty members of the Committee must be present during the entire hearing. Although there need be no students present to constitute a quorum, the chairman must state in the record of the hearing that the student members were given advance notice of the time and place of the hearing or that the person charged requested only faculty members.

b. The chairman will prepare the case for presentation to the committee at large, insuring the presence of all witnesses for the complainant and for the person charged. Where the defendant requests that witnesses be summoned on his behalf he must furnish the chairman of the committee with the names of the witnesses in sufficient time for the chairman to summon these witnesses by registered mail where such witnesses are enrolled as students in the School, and invite the presence of such witnesses by registered mail where the said witnesses are not enrolled in the Tisch School of the Arts.

c. The chairman, at the commencement of the hearing shall read the charge in the presence of the defendant and of the entire Committee, and request that the defendant plead guilty or not guilty. If the defendant pleads not guilty, it is not to be construed to be more than a demand on the part of the person charged that the case be proven against him, and no implication as to the veracity of the conduct of the hearing, the chairman will pass on all questions of relevancy and admissibility of evidence. However, he may

at his discretion call for a vote of the Committee on specific questions of admissibility.

d. At the conclusion of the hearing, the Committee, meeting in closed session, shall vote. A vote shall be taken first on the question of guilty or not guilty, and if the finding is guilty, then on the question of the penalty to be imposed. A majority of the voting members shall constitute a valid decision of the Committee.

e. A tape recording shall be made of each hearing, and a written transcript of it provided when necessary. If this is not feasible for any reason, a written summary or minutes of the hearing shall be kept by a member of the Committee appointed by the chairman. The defendant may also record the session.

f. The chairman of the Committee shall, as soon after the hearing as possible, prepare:

1. A written record of the hearing including:
 - a. date and place of the hearing
 - b. members present at the hearing
 - c. a short statement at the hearing
 - d. a summary of the findings of fact and conclusions made by the Committee.
 - e. a statement of the decision *of* the Committee (guilty or not guilty)
 - f. the penalty imposed by the Committee.
2. A letter for the Dean's signature addressed to the defendant at the earliest possible date informing the defendant of the findings of the Committee and the disposition of the case.
3. A copy of the record and the letter sent to the defendant's department for the file and, in the case of a student, a copy of the record and the letter submitted to the Recorder for inclusion in the student's file and as authority for the Recorder to enter a notation on the student's transcript.
4. A memorandum to the complainant stating briefly the findings of the Committee.

C. Rights of the Accused:

- a. The accused has the right to be informed in writing of the

charges against him and the name of his accuser.

b. The accused has the right to be confronted in open hearings with the complainant and all witnesses, as well as the right to examine and cross-examine each witness before the committee.

c. The accused has the right to have any witnesses in his behalf summoned before the committee.

d. The accused has the right to consult with an eligible faculty member of his own choosing to assist him in the preparation of his defense.

D. Advisor to-Accused Student:

It is the right of each student charged with an offense to have an eligible member of his own choosing from the statutory faculty of the School to be his advisor if the faculty member so chosen consents to act as such. The advisor will assist the student in the preparation of his defense, his plea, and any appeal which may be taken by the student. The advisor shall appear at any pre-hearing and hearing and will participate personally in any appeal which may be taken. No member of the Discipline Committee, Dean, Associate or Assistant Dean or Director of Advisement shall be eligible to serve as an advisor under this section.

E. Appeals:

Any appeal must be in writing and submitted to the chairman of the committee within thirty days after the receipt by the accused of a letter from the Dean's Office appraising him of the decision of the hearing committee.' An appeal may be granted by the appellate committee for *the* following reasons:

a. Any evidence of a material nature and/or witnesses unavailable at the time of the original hearing which might have affected the committee's decision at that time.

b. Au irregularity in the conduct of the hearing which was prejudiced to the accused.

c. However, in a case involving the penalty of expulsion, an appeal may be taken as a matter of right.

Appeals will be heard by the Executive Committee of the -

TSOA, two student alternates (one graduate and one undergraduate) from the Discipline Committee, and the Associate Dean of the TSOA (*ex officio*). If one of the student alternates has served at the original hearing, the second alternate will serve at the appeal. A defendant who is a student may, however, request that the appeal be heard solely by faculty members.

The chairman of the Discipline Committee will represent the committee at the appeal. The accused *may* appeal before the appeal board with additional evidence and/or witnesses, or with argument of irregularities in the conduct of the previous hearing. In a case involving expulsion, a student may take a further appeal to the entire faculty. Pending appeals to the appellate board and, in the case of expulsion, to the faculty as a whole, the judgment of the committee which tried the case in the first instance will be in effect. Pending so appeal from the Discipline Committee, a student under expulsion or suspension may nevertheless continue to attend classes, it being stipulated that while final examinations can be taken, no course credits can be given if the original decision is upheld.

7. Grievance Committee¹⁰. The Grievance Committee shall hear and make recommendations concerning all grievance cases involving Full-time or Part time faculty of the TSOA¹¹. The Committee shall be composed of six (6) full-time members of the faculty. In a given case, the representative from the department of the aggrieved will be excluded.

The Tisch School of the Arts Faculty Grievance Committee will conduct its work in accordance with the NYU Faculty Grievance procedures (see Appendix III).

The function of the Grievance Committee is to guard against irregularities in the appointments procedure and in the operation of the School with regard to the faculty (such irregularities as violation of academic freedom, prejudice, and injustices of various kinds).

The Committee is not set up to review the substance of a decision made by a chairman or some other departmental decision making body. The Committee is set up to advise the Dean as to whether or not in its opinion a chairman's decision (if indeed the grievance does involve a chairman) is based on prejudice, whether improper procedures have been used to arrive at the decision, whether academic freedom has been infringed.

The Faculty Grievance Committee will meet when called into session by the Dean in response to a faculty grievance. It will advise the Dean as suggested in Faculty Grievance Procedures (Appendix III).

The Faculty Grievance Committee will be called into session in the following way; A grievant will send a letter to the Dean requesting a hearing before the Grievance Committee. The Dean will convoke the

Faculty Grievance Committee within 15 working days after receipt of the letter. This follows the procedure outlined in NYU Faculty Grievance Procedures A5 and A6 changes, applicable as of April 1974; changes were approved by the Senate May 10, 1973, and by the Board of Trustees, May 21, 1973. The Faculty Grievance Committee will investigate and report its findings to the Dean within 30 days after it has been called into session according to statement A5 of Faculty Grievance Procedures.

The Committee will talk with the principals in the dispute, to the Dean, to students, and to any other individuals who might provide useful information. The Committee will, request files, correspondence, and the full cooperation of all those deemed to be concerned. The Committee will then forward its recommendations in writing to the Dean.

Then, as stated in Faculty Grievance Procedures, Paragraph AS:

“After obtaining the recommendations of the Grievance Committee, the Dean shall decide the case and shall notify in writing the concerned parties and the Grievance Committee of his decision, together with reasons therefore, and information on the procedure for appeal.”

Officers. Three faculty officers shall help the organization and communication of the Tisch School of the Arts. The Secretary of the Faculty and the Ombudsman will be appointed by the Dean, subject to the faculty’s agreement by consensus. The Senator and two alternates must be elected by voting faculty as that term is defined in the NYU by-laws.

1. Secretary of the Faculty! The Secretary of the Faculty will have the responsibility of keeping the minutes of the faculty meetings, and facilitating communications between and among faculty members and the committee structure. He will also be a member of the Executive Committee and function as its secretary. In accordance with by-law 65, the Secretary will transmit copies of the minutes of the faculty meetings to the President and Chancellor.

2. Ombudsman. The Ombudsman shall lend a sympathetic ear and broad shoulder to faculty and students with special problems. (For as long as the TSOA is geographically divided, two persons will fill the post -one from Second Avenue and one from Washington Square.) The Ombudsman should take whatever legitimate action he may deem to be helpful to those seeking his help.

3. Senator. The Senator and two alternates will be elected according to University policy for the University Senate and the Faculty Council. He shall be responsible to the TSOA faculty and shall report to the faculty at each faculty meeting.

¹ Adopted by the faculty at the meeting of 12/10/75.

² Adopted by the faculty at the meeting of 5/6/80.

³ Revised by the faculty at the meeting of 1/16/82.

⁴ Revised by the faculty at the meeting of 11/26/79.

⁵ Revised & adopted by faculty May 16, 1988 (formerly Educational Policy Committee)

⁶ Revised by the faculty at the meeting of 4/21/76.

⁷ Revised by the faculty at the meeting of 12/16/76.

⁸ Ibid.

⁹ Ibid.

¹⁰ Revised by the faculty at the meeting of 3/7/77.

¹¹ Inclusion of part-time faculty specified by the faculty at the meeting of 1/12/84

APPENDIX I

General Disciplinary Regulations Applicable to Both Tenured and Non-Tenured Faculty Members

(Taken from NYU FACULTY HANDBOOK, pages 101 - 103)

1. Quite aside from any question of tenure or the termination for cause of the service of a faculty member with tenure, all faculty members have an obligation to comply with the rules and regulations of the University and its schools, colleges, and departments. These rules protect the rights and freedoms of all members of the academic Community.
2. In particular, the faculty member is obligated to live up to the standards of academic freedom as outlined in this statement. Disciplinary action may also follow when the faculty member engages in Other conduct unbecoming a member of the faculty, such as violation of the New York University Rules for the Maintenance of Public Order, any action which interferes with the regular operations of the University or the rights of others, any serious violation of the law, or any other conduct prejudicial to the teaching, research, or welfare of the University, and so forth.

DISCIPLINARY PROCEDURES

A. The following procedure is applicable where a question arises concerning an alleged violation by any member of the faculty of a rule or regulation of the University, with the exception of the proceedings brought by the appropriate official to terminate the services of a faculty member with tenure.

B. Initiation of Disciplinary Proceedings

1. Any officer of the University, any member of the faculty or staff, or any student may file a complaint against a member of the faculty for conduct prohibited by the rules and regulations of the University, or its schools, colleges, and departments.
2. Summary suspension pending investigation and hearing is an extraordinary remedy, but nothing in this statement shall be interpreted as precluding such action by the President or the Chancellor or the Dean of the college, school, or division involved with the assent of the President or Chancellor, whenever, in the judgment of either, suspension is necessary in the interest of the University community.
3. The complaint shall be filed with the dean of the faculty member's school, except that a complaint against a dean shall be filed with the Chancellor. Complaints must be filed within ten calendar days of an alleged violation.
4. When a complaint is filed against a member of the faculty, an effort shall be made to resolve the matter informally under the direction of the dean of the member's school at the departmental level or with a committee

of the faculty of that school. Where the charge is against the dean as a faculty member, the informal effort shall be under the direction of the Chancellor. Where the matter cannot be resolved in this manner, disciplinary proceedings shall proceed.

5. Where the faculty member does not have continuous or permanent tenure, the matter shall be referred, with all pertinent information, to the Chairman of the Faculty Council, who shall appoint a special committee of the faculty, either members of the Council or not, to hear the matter. The majority of the Committee members shall be from the school in which the faculty member holds primary appointment. The Chairman of the Faculty Council shall appoint the chairman of the Committee.

6. The special hearing committee shall adopt its own rules of procedure and shall have authority to impose any of the penalties, other than dismissal, listed in paragraph B.9 and to recommend dismissal. Decisions shall be by majority vote. A recommendation for dismissal must be approved by the dean (except where he is the subject of the charge) and the Chancellor.

7. Where the faculty member has continuous or permanent tenure, and the proceeding or charge was not brought by the President, the Chancellor, or the dean of the member's school or college, specifically in order to terminate service (Title III), the matter shall be referred to the Chairman of the Faculty Tenure Committee, who shall appoint a special hearing committee and chairman from the membership of the Faculty Tenure Committee. One member of the hearing committee shall be from the college or school in which the faculty member holds primary appointment.

8. The special hearing committee of the Faculty Tenure Committee shall adopt its own rules of procedure and shall have authority by majority vote to impose any of the penalties, other than dismissal, listed in paragraph 3.9. If the possibility of dismissal should be at any time involved, the procedure must follow that in Title III.

9. Penalties for violations of the rules and regulations of the University, or its schools, colleges, and departments shall include, but are not limited to, the following:

- a) Reprimand
- b) Censure
- c) Removal of privileges
- d) Suspension
- e) Dismissal

NEW YORK UNIVERSITY
STUDENT DISCIPLINARY PROCEDURES

(Approved by the University Senate

February 9, 1978)

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

I. Division of Jurisdiction between the Faculties of the several schools and colleges and the Senate.

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

A. Cases of Faculty Jurisdiction:

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

B. Cases of Senate Jurisdiction:

1. disruptive or riotous activity in student residence halls by non-resident students, or student centers of nonacademic activity, such as the Loeb Student Center, or gymnasium
2. violation of dormitory rules by residents (but see I.E.4)
3. forgery of instruments of identification with intent to defraud
4. theft of, or, wanton damage to, University property

5. engaging in conduct which interferes with or disrupts any academic function involving more than one school, or which prevents or limits the free expression of ideas, or which physically obstructs or restrains another member of the University community or a visitor
6. failing to surrender University identification card upon request by clearly identifiable University personnel, or failing to comply with the direction of clearly identifiable University personnel in the performance of their assigned duties

C. Resolution of Questions of Jurisdiction in any Particular Case.

While questions of jurisdiction are not expected to be numerous or difficult, the following procedures shall be used where such questions arise:

1. Where a question arises as to whether a case should come within Faculty or Senate jurisdiction, the question shall be referred for decision to the Office of Legal Counsel of the University.
2. The decision of the Office of Legal Counsel shall be both telephoned and mailed to each student who is the subject of the same or a similar complaint as the one in which the question of jurisdiction has been raised, the Dean of the faculty of each school in which any such student is enrolled and to the Chairman of the University Judicial Board (hereinafter defined).
3. If either a student who is the subject of a complaint, or the Dean or Chairman of the disciplinary committee of a faculty in which such student is enrolled, or the Chairman of the University Judicial Board disagrees with the decision rendered by the Office of Legal Counsel, such persons shall have the right to appeal the decision to the Committee on Organization and Governance of the University Senate.
4. Notice of such appeal must be received by the Office of the Secretary of the Senate no later than three days after the initial decision of the Office of Legal Counsel has been communicated to the person taking the appeal. In cases in which the student has been temporarily suspended or dismissed pending disciplinary proceedings, such notice of appeal must be received within eight hours.

D. Violations of Federal, State, or Local Law.

1. In addition to falling within one of the categories defined in I.A. or I.B. above certain offenses may violate city, state, or federal laws. It is the policy of the University to discourage such acts by its members, and such offenses or persons complaining of such offenses may be referred to the appropriate outside authority. To the extent that such acts also fall within one of the categories defined in I.A. or I.B., above, they may also be subject to applicable disciplinary measures within the University.

E. Delegations of Jurisdiction.

1. Jurisdiction over offenses listed in I.A. above is in the faculty of the school in which the student is registered, and may but need not be delegated by the faculty to the Dean of that school or to the school's Discipline Committee or its equivalent (hereinafter referred to as "Discipline Committee in all cases).
2. Offenses listed in I.B. above shall first be referred to the Vice President for Student Affairs or the equivalent person at the Medical Center (all references hereinafter made to the Vice President for the equivalent person at the Medical Center). The Vice President for Student Affairs shall meet with the student (s) complained against and shall try to resolve the matter with the consent of the student(s). In the absence of a resolution by the Vice President for Student Affairs, the matter shall be referred to the University Judicial Board (defined below).
3. In any case of an offense listed in I.B. above in which the Vice President for Student Affairs has been unable to achieve a resolution by consent, the case shall be referred to a new standing committee of the Senate to be known as the University Judicial Board.
 - (a) The Board shall consist of nine members all of whom shall be members of the Senate including three students who shall be chosen by the Student Senators' Council; three faculty members who shall be chosen by the Faculty Council; and three Deans who shall be chosen by the Deans' Council.
 - (b) The Board shall elect its own chairperson.
 - (c) Any case referred to the Board shall be heard and decided by a three-person panel consisting of one Senator from each constituency.
 - (d) The Board shall adopt its own procedures for the selection of panels to hear individual cases, but such procedures shall be designed to achieve a fair system of rotation in which each member of the Board shall sit in a comparable number of cases and in which members of the Board sit in varying combinations
 - (e) The Senate shall temporarily increase the size of the Board at the request of the Board whenever the hearing and/or appellate caseload (defined below) require it. Any such temporary increase shall include equal numbers of representatives from each of the constituencies comprising the Board.

- (f) Panels of the Board shall serve in place of the previously created University Review Board wherever any rules of the University call for the participation of the University Review Board

II. Procedures.

A. Filing and Notice of Complaint.

Any member of the faculty, administration or staff, or any student may file a complaint against any student for a student offense with the Dean of the school in which the student complained of is enrolled or with the Vice President for Student Affairs. Notice of the filing shall be mailed to the student within 48 hours.

B. Interim Suspension.

A student should not be summarily suspended either completely or for certain purposes, except for reasons relating to his/her physical or emotional safety and well-being; the safety and well-being of students, faculty, staff, or University property; the maintenance of public order; or the effective continuation of the educational process.

As provided in Bylaw 62, the President or the Dean of a school, or their respective representatives, depending on the nature of the infraction, may suspend a student pending consideration of his/her case. When this occurs, the student shall be afforded the opportunity to expedite disciplinary proceedings so as to enable the determination of the appropriate sanction, if any, at the earliest possible time, preferably within forty-eight hours. Any period of interim suspension shall be deducted from any ultimate sanction involving suspension.

C. Investigation and Notice of Hearing.

Whenever a student discipline case has not been satisfactorily resolved by consent, the Discipline Committee of a faculty or the University Judicial Board shall conduct further proceedings. These proceedings may include such lawful investigatory actions as the Committee or Board deems appropriate under the circumstances. Thereafter, the Disciplinary Committee or the University Judicial Board shall send a written notice to the student advising him of the date and time of its hearing, to take place not earlier than seven days after the sending of such notice except upon the consent of the student. Should the student fail to appear, the hearing may proceed and sanction may be imposed in his/her absence

D. Hearings.

Each Discipline Committee and the University Judicial Board shall provide hearings and make decisions on all disciplinary cases within their respective jurisdictions. They shall conduct such proceedings as they deem

appropriate, but shall include the following provisions:

1. that a tape—recording be made of all hearings (to be forwarded to and preserved by the Secretary of the University until the appeal period has elapsed or until all appellate procedures have been completed).
2. that at the end of a hearing, a final written report shall be prepared and submitted to the Dean, the student, and the Secretary of the University within seven calendar days. The report shall state its findings of fact and the reasons for its decision.
3. that the student has the right to be accompanied by counsel or an advisor. The student or his counsel or advisor shall have the right to examine and cross-examine each witness either by putting questions directly to the witness, or by asking questions through members of the hearing body. The method shall be determined by the hearing body, and may be altered by it at any time.

E. Faculty Discipline Committee Procedures.

Each faculty Discipline Committee shall, pursuant to Section 61 (b) of the Bylaws of the University, file its own additional written rules of procedure with the Secretary of the University. Revisions to such procedures shall be promptly forwarded to the Secretary of the University.

F. Appeals.

1. A student shall have the right to appeal the decision of the hearing panel in any case involving Senate jurisdiction on the ground that the decision or the proceedings at the hearing were arbitrary or unfair. In cases of Faculty jurisdiction, the right of appeal shall be that provided by the rules of the particular faculty.
2. In Senate cases the following appeal procedures shall apply:
 - (a) Whenever the sanction of suspension or dismissal shall have been imposed in a Senate case, the appeal shall lie to the faculty of the school in which the student is enrolled.
 - (b) In all other cases of Senate jurisdiction, the appeal shall lie to the University Judicial Board. The appeal shall be heard by a three—member panel consisting of one student, one faculty member, and one dean, none of whom shall have served on the

panel which conducted the hearing in the case.

- (c) Any appeal must be taken within fifteen calendar days from the date on which the final report of the hearing body was sent to the student. The appeal shall be taken by the filing of a written notice requesting an appeal with the Dean of the school in cases involving the imposition of the sanction of suspension or dismissal or with the Chairman of the University Judicial Board in other cases.
- (d) The hearing body which has imposed a sanction may stay the sanction pending an appeal. The appellate body shall have the power to stay the sanction imposed by the hearing body but may not vacate the stay granted by the hearing body.
- (e) The appellate process shall not consist of a new hearing and shall be limited to a review of the report of and proceedings before the hearing- body. The appellate body may accept the report without modification; accept the report but reduce the sanction imposed; dismiss one or more of the charges entirely; or remand the case for further proceedings. When the report is accepted by the appellate body, the matter shall be deemed finally decided without further recourse as of right.
- (f) Upon the discovery of new and previously unavailable evidence, which might have had a substantial bearing on the decision rendered, the case may be reconsidered by the hearing body.

III. Disciplinary Sanctions.

- A. The decision of a hearing body, in all circumstances, shall be discretionary, shall include what entry shall be made on the record of the student, and may include any one or more of the following sanctions:

- 1. Warning

- Notice to the student, orally or in writing that continuation or repetition of the conduct found wrongful, or participation in similar conduct, within a period of time stated in the warning, shall be a cause for disciplinary action

- 2. Censure

- Written reprimand for violation of specified regulation, including the possibility of more severe disciplinary sanction in the event

Of conviction for the violation of any University regulation within a period of time stated in the letter of reprimand.

3. Disciplinary Probation

- Exclusion from participation in privileges or extracurricular University activities as set forth in the notice of disciplinary probation for a specified period of time

4. Restitution

-Reimbursement for damage to or misappropriation of property. Reimbursement may take the form of appropriate Service to repair or otherwise compensate for damages.

5. Monetary Fine

-For any offenses.

6. Suspension

-Exclusion from classes and other privileges or activities as set forth in the notice of suspension for a definite period of time.

7. Dismissal

-Termination of student status for an indefinite period. The conditions for readmission, if any are permitted, shall be stated by the panel in the order of dismissal.

- B. A student who has been suspended and who is found “not guilty” shall be allowed full opportunity to make up whatever work was missed due to the suspension.
- C. No record of the disciplinary proceeding will be entered in the student’s file unless a final disciplinary sanction is found to be warranted.

FACULTY GRIEVANCE PROCEDURE

(New policy adopted by the University Senate May 1G, 1973; Approved by the Board of Trustees May 21, 1973.)

Preface

The purpose of these regulations is to establish University procedures by means of which faculty members can seek redress of their grievances, A grievant~ must be a faculty member of New York University when he initiates the appellate grievance procedure under B, infra.

A Faculty Grievances, General

Faculty grievances are classified into two main types:

1. Those connected with appointment, reappointment, promotion, or tenure.
2. Those concerned with other matters, such as duties, salaries, perquisites, and working conditions.

Although it may be preferable to treat all grievances as uniformly as possible, whatever the issue, those stemming from appointment decisions must be dealt with in a manner that conforms to the general appointment procedure~. The initial protection for the faculty member is in the statement on Academic Tenure and the regulations and procedures on Appointment and Notification of Appointment (See Faculty Handbook, pp. 33-34). It is expected that most grievance cases, particularly those concerned with matters such as duties, salaries, perquisites, and working conditions, will be settled within each school or faculty. The schools and faculties have wide latitude in establishing procedures to meet their needs.

3. In the case of all grievances, attempts shall be made to settle the dispute by informal discussions between the concerned parties, possibly with the assistance of mediators.
4. Each school or faculty shall establish a faculty committee to hear grievance cases in order to advise the Dean. This grievance committee shall be elected by the voting members of the faculty and shall be a standing committee of the school or, faculty. A majority of the committee shall be tenured members of the faculty. It shall not include departmental chairmen or departmental heads or any faculty member whose primary assignment is administrative.

5. If a faculty member's grievance is not settled informally at a level below the Dean, or by the Dean himself, he may appeal to the Dean to convoke the grievance committee of the school or faculty. The Dean shall do so within 15 working days. After obtaining the recommendation of the grievance committee, the Dean shall decide the case and in writing shall notify the concerned parties and the grievance committee of his decision, together with reasons therefore, and information on the procedure for appeal.
6. If a faculty member has no grievance at a level below the Dean but the Dean makes a decision against the faculty member, the latter may request the Dean for a hearing before the grievance committee of the school or faculty. The Dean shall convoke the grievance committee within 15 working days. After receiving the recommendation of the committee, the Dean shall then make his final decision and shall notify in A—5.

B. Appeals from a Dean's Decision on Appointment, Reappointment, Promotion, or Tenure

1. Appeals from such decisions can be made only on the following grounds:
 - a) that the procedures used to reach the decision were improper, or that the case received inadequate consideration;
 - b) that the decisions violated the academic freedom of the person in question, in which case the burden of proof is on that person.
2. A faculty member intending to make an appeal shall indicate such intention in writing to the Chancellor of the University within 15 days after receiving written notification of the Dean's decision. An exception to this may be made only with the consent of the grievant, the Dean, and the Chancellor.
3. Where such an appeal is made, the Dean shall transmit to the Chancellor a report of the proceedings in the case at its earlier stages. The Chancellor shall in each case obtain the advice of a standing committee of no less than 3 tenured faculty members selected by the Faculty Council but not necessarily members of that body. This committee shall be called the Faculty Council Grievance committee.
4. The Faculty Council Grievance Committee shall hold a hearing and shall complete its deliberations and notify the Chancellor of its recommendations, preferably within 30 days of the close of the hearing, but in any case within 60 days.

5. The Committee shall not judge professional merits, but only ascertain whether procedural safeguards have been observed. Evidence that a decision appealed from is so arbitrary that it has no rational foundation may be considered on the issue of “inadequate consideration” (B-1-a above).

6. The Committee shall at all times follow the requisites of a fair and equitable hearing, but it is not to be restricted by the technical rules of evidence or the formality of the adversary proceeding as in a court trial. In each case the Committee shall determine its own procedure, adapting the requirements of the particular case to the equity of the situation. This shall include, for example, the question of a record of the hearing, the examination of witnesses, the schedule and public nature of meetings, etc. The grievant, however, may determine whether he or she shall have the aid of an advisor or counsel.

7. After receiving the advice of the Faculty Council Committee, the President and the Chancellor shall decide the case and notify the grievant, the Dean, and the Chairman of the Faculty Council Committee. If the Advice of the latter is not followed, the reasons shall be reported with the decision.

8. If the Dean’s decision is favorable to the faculty member and hence is not appealed and the Office of the Chancellor reverses that decision without seeking the advice of the Faculty Council Grievance Committee as described in B-1 through 7, the faculty member may then invoke the appeal procedure.

C. Appeal from a Dean’s Decision on matters such as duties, salaries, perquisites, and working conditions (A—2 above).

Where such an appeal is desired by a faculty member and the Chancellor of the University is so informed within 15 days after the member is notified of the decision, the Central Administration shall make informal procedures available.

Appeal from the Dean’s decision can be made only on the same grounds as in B-1 above.

D. Copies of the Grievance Procedures

A copy of the school’s grievance procedure and of this appellate procedure should be given to each full-time member