



# FACULTY HANDBOOK

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NEW YORK UNIVERSITY

*A private University in the Public Service*

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# Introduction

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## **LETTER FROM THE PRESIDENT**

I have the great privilege of greeting you as president and professor of New York University. In both capacities, I salute you for intellectual endeavor of the highest order—in the classroom, laboratory and beyond—mentoring and advising graduate and undergraduate students. In all this and more, you internalize our collective interest as part of your own interests and thereby embrace the notion of a common enterprise university. For the inescapable challenge of stating, debating, and renewing the purpose of such a university demands that all faculty act as true partners, each contributing to the university's self definition as it emerges over time.

At the core of every great institution of learning is its faculty. And you join us at an exciting time in the University's long and distinguished history. We are at a threshold moment, for we have chosen to transform our institution from one of the leading research universities in the world into an institution that will establish a new level of educational excellence. You are at the core of that effort, and we will not compromise in our ability to secure the best possible talent to join you as we build an institution of unique stature.

President John Sexton

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## **ETHICAL COMMITMENT**

New York University has a strong institutional commitment to lawful and ethical behavior, and a fine reputation, which its faculty members have earned over the years. This is one of the University's most valuable assets. In an increasingly complex world, the University can maintain its leadership in education and research only if it continues to merit the trust of its entire constituency.

All New York University faculty and employees are expected to carry out their institutional responsibilities in accordance with applicable legal and ethical principles. If any questions arise about how the University's principles, standards, or policies apply, they should be brought to the attention of the appropriate dean or University administrator.

Please refer also to the "NYU Code of Ethical Conduct" which appears on page 68 of this document.

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## FOREWORD

### *Purpose of Handbook*

This Handbook is designed to acquaint members of the faculty and administration of New York University with the general organization and functioning of the institution and with various policies, procedures, and conventions. In keeping with this purpose, it has been compiled from a number of sources. Some parts quote those formulations that have a controlling effect throughout the University, such as the Charter granted by New York State, the University's Bylaws, and various policy statements and procedures formally adopted by the Board of Trustees. A careful attempt has been made to set forth such passages in a way that will prevent their being confused with those statements that merely describe practices that have evolved or have been adopted administratively over the years. Matters that have a controlling effect are subject to reasonable interpretation by the officers charged by the Bylaws with that responsibility, but can be changed only by action of the body or bodies that enacted them. Matters not in this category may be modified by administrative action from time to time as may prove advisable.

### *Important Additional Information*

The separate schools and colleges will supplement this text with information on local procedures and day-to-day operations. Some schools have written statements on faculty appointment policies and procedures, particularly those concerning promotion and tenure criteria and review procedures, supplementing policies outlined in this Faculty Handbook. It is important to become familiar with these policies and procedures. Department chairs or deans should be contacted for more information.

Names, addresses, and telephone numbers have not been cited, because of the expected long life of this Handbook. Such information is available on-line through the NYU Public Directory and the directories of the individual schools, which provide contact information for particular offices and services, as well as for individual faculty members. It should be noted that many administrative departments have policies, consistent with the rules of the Handbook, that affect the operations of those departments, as well as the privileges and responsibilities of faculty members. These are available through the individual schools and departments and may be posted on their websites. Faculty should become familiar with this array of policies as necessary and appropriate. It is expected that the number of policies available on the web will continue to increase over time.

It is expected that this Handbook will be brought up to date periodically and that a version will be created for and kept up to date on the NYU web site. A faculty member may verify information cited in this Handbook with the Dean's Office.

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# *The University*

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## **HISTORY AND TRADITIONS OF NEW YORK UNIVERSITY**

### **A Brief History of New York University**

In the early part of the 19th century, a group of prominent New Yorkers, among whom were several individuals who would become founders of New York University, formed the New York Athenaeum, a society devoted to the discussion and advancement of science, art, and literature. The concept of higher education, grounded in practical and utilitarian concerns rather than solely on scientific or professional considerations, was a considered topic.

In December 1829, a group of nine men, including representatives of the clergy, the commercial occupations, law, and medicine met at the home of Reverend James Mathews to explore the possibility of establishing an institution of higher education that would operate according to their collective vision. This gathering and several subsequent others resulted in the call for a public meeting to lay the groundwork for the establishment of the University of the City of New-York.

During the public meeting, which took place at the New-York Historical Society in January 1830, Jonathan Wainwright of Grace Episcopal Church echoed the general thinking of the group, now appropriately called the University's founders. Complementing the Jacksonian politics of the era, he proposed a curriculum based on "useful instruction" for the mercantile class. Albert Gallatin, resident of New York City and former Secretary of the Treasury, shared the vision of the formulation of a non-denominational college which would "enlarge the opportunities of education for those qualified and inclined." He described his motivation in a letter to a friend: "It appeared to me impossible to preserve our democratic institutions and the right of universal suffrage unless we could raise the standard of general education and the mind of the laboring classes nearer to a level with those born under more favorable circumstances."

Not only would traditional courses in law, medicine, and theology be offered, but also courses, which taught the skills that would enable students to become "merchants, mechanics, farmers, manufacturers, architects, and civil engineers." The curriculum would include modern languages in addition to Latin and Greek, history, natural science, philosophy, and economics. Financing was arranged through the sale of stock at \$25 per share. Shareholders, with one vote for each \$100 subscribed, chose the 32 members of the first Council. Albert Gallatin was elected President of the Council and Reverend James Mathews became the first Chancellor. Shortly thereafter, during a convention of national leaders in the chamber of the Common Council at City Hall, Gallatin outlined his educational philosophy and suggested establishing an English college, in addition to the classical curriculum, where the study of ancient languages would not be required.

In 1830, the New York State Legislature received a petition to charter the University of the City of New-York which included a plan for two departments of instruction: "one for elementary and practical education in the classics, in English and American literature, and the sciences, and one partaking of the character of a university as on the continent of Europe," as in the German universities and the newly founded University of London. Medicine, law, and teacher instruction were to follow. On April 18, 1831 the New York State Legislature accordingly chartered the University of the City of New-York.



The University Council rented lecture rooms in Clinton Hall, a new four-story building located downtown near the City Hall, and instruction began in the fall of 1832. Since Clinton Hall was situated in the heart of the bustling, noisy commercial district, the University Council looked uptown for a permanent and more suitably academic environment. For \$40,000, the Council purchased the northeast block of Washington Square East and issued a report calling for a “commodious but plain” building to be erected.

Through the influence of Chancellor Mathews, the architectural firm of Town, Davis, and Dakin was chosen to design the building. In spite of resistance within the University, Mathews chose an elaborate gothic design from among the alternatives offered by the designers, ignoring the earlier directive for simplicity. In the summer of 1833, workmen laid the cornerstone of what came to be known as the old University Building. The interior contained a great gothic chapel, as well as several classrooms, lecture spaces, and living quarters. In 1835, with the upper two stories yet unfinished, the University community eagerly took possession of its new and permanent home, which was formally dedicated on May 20, 1837.

Undergraduate enrollment hovered at 150 students for most of the 19th century; however, the Schools of Law (1835), Medicine (1841) and College of Dentistry (1865) grew rapidly. Development of New York University into a modern university system dates from the late 19th century, at which time it acquired an educational scholar as Chancellor, Henry Mitchell MacCracken. The Washington Square campus added the Graduate School of Arts and Science (1886), the School of Pedagogy (1890), now the Steinhardt School of Culture, Education, and Human Development, and the School of Commerce (1900), now the Leonard N. Stern School of Business. MacCracken brought the independent proprietary schools of law, medicine, and dentistry under central administrative control. In 1894, after discarding a plan for merging with Columbia College, he moved the undergraduate schools of arts and science and engineering further north from the urban crowding of Bohemian-bordered Greenwich Village to University Heights in the Bronx. The stimulus of Columbia University’s growing fame and prosperity, and of scholarly innovations in graduate study at Johns Hopkins, helped the University at this juncture to experience real growth.

The Council amended its charter in 1893, distancing the University from close political and clerical ties, and began to expand the educational mission, to seek gifts of funds, and to foster competition in intercollegiate athletics. A research-focused undergraduate and engineering curriculum was centered at the Bronx campus. The old University Building was replaced by the larger, more space-efficient Main Building in 1895 to accommodate growth at Washington Square. The medical school merged with Bellevue Medical College in the 1890s and thus became allied to New York City’s great public hospital, lineal descendent of the 1736 colonial almshouse hospital. Bellevue and the University Medical Center then developed into a unified teaching hospital and research center.

In the late 19th century, the University began to attract a more business-like Board of Trustees and interested donors such as industrialist/financier Jay Gould and his family, and began in 1887 to admit women and African Americans into what formerly comprised a mainly white male student body. The small, classical University of the City of New-York became New York University in 1896, and began to fulfill its mission of educative partnership with New York City. The University’s urban milieu fostered a dynamic tension between competing claims of liberal and professional education, a dominant theme in the development of higher education in the United States. New York City’s population grew by 1.3 million between 1900 and 1910, with

Eastern European Jews accounting for about half that number. Households of mixed German-Irish immigrants in the five boroughs of New York soon outnumbered those of third-generation Americans.

By the end of World War I, the University had established an additional arts and science division in Greenwich Village in the form of Washington Square College (1914) and had established the Graduate School of Business (1916), now the Leonard N. Stern School of Business, Graduate Division in the financial district. High professional enrollments of commuting students at Washington Square coexisted with the smaller University Heights residential colleges for decades. The past 65 years have seen the founding or expansion of the Institute of Fine Arts (1933), the School of Continuing and Professional Studies, formerly the School of Continuing Education (1934), the Courant Institute of Mathematical Sciences (1934), the Robert F. Wagner Graduate School of Public Service, formerly the Graduate School of Public Administration (1938), the Post-Graduate Medical School (1948), the Silver School of Social Work, formerly the School of Social Work (1960), the Tisch School of the Arts, formerly the School of the Arts (1965), the Gallatin School of Individualized Study, formerly the University Without Walls (1972), and the College of Nursing (2005), formerly a division within the Steinhardt School. A grant-funded self-study in 1956 laid out the proposed restructuring of post-war educational goals and policies, including the addition of the post of president to the administrative chain to better facilitate external relations such as fundraising and government relations.

The University underwent financial difficulties in the late 1960s, from which ensued the sale of the University Heights campus in 1972. At the same time, University College (1832) and Washington Square College (1914) – now the College of Arts and Science – merged at the Square, and the School of Engineering and Science moved to Brooklyn Polytechnic Institute in downtown Brooklyn. These difficulties had one major, very positive result: they provided then-President James Hester and University officials with the opportunity to make a sweeping assessment of the future of NYU. During Hester's tenure (1962-1975), NYU began to improve the quality of its faculty, strengthened curriculum, and established more stringent admissions requirements. It was at this juncture that NYU came to conceive itself as a specifically urban university.

In the late 1970s, President John Sawhill, who succeeded James Hester, put the University on a firm financial footing and positioned NYU for the next stage in its development. The movement to advance the level of scholarship at NYU gained momentum with the appointment of John Brademas in 1981. Dr. Brademas had come to NYU after a distinguished 22-year career in the U.S. Congress. Under his leadership, the University began to undergo a renaissance at every level, and nowhere is this more clearly reflected than in the construction and renovation programs of the 1980s, among the most extensive ever undertaken by an urban university. The building of residence halls, which continued under President Oliva, resulted in the transformation of Washington Square into a residential campus; at the same time, the building and renovating in the 1980s of facilities that support academic programs has been integral to the continued high caliber of those programs. NYU emerged during Dr. Brademas' tenure as an institution of national reputation.

The University's stature as a research institution of the first order was achieved under the leadership of President L. Jay Oliva, who served from 1991 to 2002. Dr. Oliva held a succession of high academic and administrative posts, including that of Chancellor, before becoming the first member of the faculty to be elected president. His leadership was crucial to the long-term

growth and development of New York University, and his administration was marked by a series of important advances. These included the successful effort to build a “campus in the city”; major growth in international studies, drawing record numbers of international students and scholars to NYU and establishing more study centers abroad; and strong support for the research work of the faculty while maintaining a high level of classroom instruction. Under President Oliva the University also saw the continuing consolidation of its programs at Washington Square, represented by the relocation of the Graduate Division of the Stern School of Business to the Square in 1992.

NYU’s current president, John Sexton, also is the Benjamin Butler Professor of Law and NYU Law School’s Dean Emeritus, having served as dean for 14 years. He joined the Law School’s faculty in 1981, was named the School’s dean in 1988, and was designated the University’s president in 2001.

President Sexton, at his installation on September 26, 2002, issued what he saw as the principal challenge of his presidency: “to dare to use the gifts we have to create the category change we need: a transformation in the years ahead from a leading university to one that will be among a handful of ‘leadership universities,’ those few that execute their core mission with such manifest excellence that they become the models others emulate. Our purpose, in short, is to create at NYU one of the first exemplars of what universities will be in this new century.”

Toward that end, the president is leading an intensive effort over the next five years, through the Partners program, to expand, strengthen and further energize the arts and sciences, the academic core of the University. The cornerstone of a larger \$2.5 billion capital campaign, the Partners program is led by a gift of \$60 million from six trustees, and matched by another \$150 million in University funds.

Between the start of the 2004-2005 academic year and the end of the 2009-10 academic year, the University will expand arts and science faculty by some 20 percent, or 125 positions, the most rapid expansion of its faculty in NYU’s history.

The Story of New York University is intertwined with the growth and development of New York City, and faculty and graduates have provided the city notable leadership in law, medicine, science, politics, the arts, and in the American imagination. Members of the faculty have achieved notable success with fellowships and prizes, including Guggenheim and MacArthur fellowships, Pulitzer and Nobel prizes, and membership in the National Academy of Sciences. In 2006-07, the University enrolled 38,735 students for degrees [19,582 undergraduate and 15,355 graduate plus 3,798 in professional and global programs], and full-time faculty members at Washington Square, mid-Manhattan, and the Schools of Medicine and Dentistry numbered approximately 3,500.

New York University has emerged as a nationally and internationally recognized research university, yet it has never strayed from its original mission. Indeed, the complexity of being such a university in an increasingly global city has given the institution a texture and depth unique in America. The University has sought and continues to seek to merge tasks that elsewhere in this country are seen as requiring different institutions—research university, liberal arts college, urban comprehensive institution, center for professional education—and to make sure that New York City’s cosmopolitan nature is reflected throughout.

The opportunities and challenges facing New York University at the beginning of the 21st century are ones it has confronted throughout its history. The purpose of the founders (some of whom were in the world of business—not unlike the Trustees of the contemporary University) was explicitly an urban one. In the spirit of its original mission of providing talented students with an agency for social mobility, and in its expanded role as an internationally important center of research and teaching, the University today offers an excellent academic program; it retains and attracts outstanding faculty; it maintains and constantly enlarges its special relationship to the surrounding city. Clearly New York University was planned from the beginning to be exactly what it has become: “A Private University in the Public Service.”

(Portions of the above brief history adapted from New York University and the City: an illustrated history by Thomas J. Frusciano and Marilyn H. Pettit, New Brunswick, 1997)

### **University Traditions**

Although the name under which the University was originally chartered was the “University of the City of New-York,” the institution from the beginning was commonly known as New York University, and the name was officially so changed in 1896. Despite the seemingly public nature of the name, New York University has always been an independent and autonomous institution of higher education, financed primarily by private endowments, current gifts, and fees. It is not to be confused with other institutions having similar names, the oldest of which is the University of the State of New York, created originally in 1784 as a corporation authorized to charter and control institutions of higher and secondary education in the state; it is now the corporate name of the State Education Department headed by the Board of Regents.

Another, and more recent, such foundation is the State University of New York (SUNY), established in 1948 to coordinate and develop under a board of trustees the state-financed institutions of higher education; still another is the City University of New York (CUNY), established in 1961 to coordinate the municipally supported colleges governed by the Board of Higher Education of the City of New York.

The official seal of New York University combines a silver ceremonial “torch of learning,” which is carried in formal academic processions, with a group of four running figures symbolizing effort or striving in the pursuit of learning. The seal carries the Latin motto “Perstare et Praestare,” which is generally translated as “to persevere and to excel,” together with the name of the University and the roman numerals for 1831, the year of the founding of the institution. When reproduced, the darker portions of the seal are usually printed in violet, the official color of the University.

In recent years a simplified version of the torch alone has been abstracted from the official seal and has gained wide acceptance when used as a symbol of New York University to identify publications, letterheads, buildings, etc. It appears on the cover of this Handbook.

The origin of the University color, violet, is obscure. It may have been chosen because in years gone by violets are said to have grown abundantly in Washington Square and around the buttresses of the old Gothic building. On the other hand, it may have been adopted because the violet was the flower associated with Athens, that center of learning in the ancient world, and was thus regarded as an appropriate symbol of education and knowledge. Both considerations may have entered into the selection, of course. Over the years various shades of violet have been

used as the University color. In 1964, however, the University Senate decided that the official standard for University use would be a particular bluish shade of violet, registered with the Color Association of the United States as “Mayfair Violet, 17575.” The Senate also decided at that time that the academic robes for the University would be produced in Mayfair Violet.

## **ORGANIZATION AND ADMINISTRATION**

### **The University Charter**

New York University, as an educational corporation of the State of New York, derives its powers from a charter granted by act of the State Legislature in 1831. The original charter has been amended from time to time.

The line of authority in the administration of the University may be viewed as proceeding from the Board of Trustees to the President and then to the Chancellor of the University. When the position of the Chancellor is vacant, the functions of the Chancellor are performed by the Provost of the University.

The academic administration of the University is shared by general and regional University officers, school and departmental officers, the faculties of the several schools, the University Senate, and various University and inter-school councils and commissions.

### **The Board of Trustees**

The University is governed by a Board of Trustees consisting of up to fifty men and women, about 80% of whom are former students of the University. Six are specifically designated as Alumni Trustees; one such Alumni Trustee is elected each year. All Trustees serve six-year terms and, except for the Alumni Trustees who may not succeed themselves in that capacity, are eligible for re-election at the end of a term in office. Terms are staggered so that one-sixth of the Board is elected each year. The Trustees have enacted Bylaws that outline the basic structure of the University and determine the principal officers and agencies that will deal with its affairs and the ways in which those affairs are to be conducted.

The Board of Trustees holds an annual meeting each October and meets at various other times during the year. At the annual meeting in October, the Trustees elect their own officers, who serve until the next election. Between meetings, the Executive Committee has broad authority to act for the Board. Other standing committees are the Academic Affairs Committee, Audit Committee, Committee on Trustees, Development Committee, Financial Affairs Committee, and Alumni Affairs Committee.

The conduct of educational matters throughout the University is entrusted, under the leadership of the President, to the faculties of the individual schools and to the University Senate.

### **University Officers**

As is necessary in any large institution, the precise structure of the corporation, while controlled by the Bylaws of the University, may change from time to time. The relevant text of the Bylaws is reproduced here.

#### *The President [Bylaw 21]*

- a) There shall be a President of the University, who shall be a member of the Board of Trustees, elected upon the affirmative vote of at least a majority of the membership of the Board. The President may be removed by a vote of the majority of the

members of the Board, but notice of a motion for removal shall be given at a meeting at least one month before it is acted upon.

- b) The President shall be the chief executive officer of the University and shall exercise supervisions and direction of all University activities. He or she shall be responsible to the Board for administering the educational policies of the University and of its several divisions. The President shall be the head of each faculty and shall have the power to call a meeting of any faculty or a joint meeting of two or more faculties, provided that such meetings shall have power to take action only upon subjects as shall have been proposed in the call. The President shall be concerned with the welfare of students and with their moral and intellectual development.
- c) The President shall be ex officio a voting member of all standing committees of the Board. He or she shall be the official medium of communication between each faculty and the Board, between officers of administration and the Board, and between students and the Board. The President shall prepare for the Board, within the last six months of the fiscal year, a budget showing anticipated receipts and expenditures of the University for the next succeeding fiscal year and shall recommend to the Board all appointments to administrative positions and to the several faculties of the University.
- d) The President shall have the authority to call upon any and all other officers of administration or instruction in the University for assistance in the performance of his or her duties. The President may appoint advisory councils of faculty members, deans, and other officers for such purposes as he or she deems necessary. The President shall consult with the faculty, or a representative committee of the faculty, of a school or college before recommending to the Board the appointment of a dean for that school or college. The President shall consult with the Senate before making a recommendation to the Board with respect to changes or innovations that affect the University in matters within the jurisdiction of the Senate.

*The Chancellor of the University and Executive Vice President for Academic Affairs [Bylaw 22]*

There shall be a Chancellor of the University and Executive Vice President for Academic Affairs, appointed by the Board on recommendation of the President. He or she shall be the general assistant to the President in all matters and shall perform the duties of the President in the latter's absence. The Chancellor of the University and Executive Vice President for Academic Affairs shall be responsible for the supervision of the University's educational program in the several schools, colleges, institutes, departments, and divisions, and be ex officio a voting member of each of the faculties.

*Other Vice Presidents [Bylaw 24]*

There shall be one or more additional University officers, appointed by the Board on recommendation of the President, who shall each serve as vice president for one or more assigned areas of administrative or academic activity. The precise administrative title, authority, and responsibility of each of these officers shall be defined at the time his or her

appointment is recommended, and upon Board approval shall have the same effect as if included in these bylaws until modified or annulled by action of the President, or of the Executive Committee, or of the Board. Vice presidents may in addition hold other University offices or administrative positions provided for in the bylaws.

*The Secretary [Bylaw 25]*

There shall be a Secretary of the University, appointed by the Board on recommendation of the President. He or she shall have custody of the seal, charter, and bylaws of the University and of the records of the Board. The Secretary of the University shall be responsible for the maintenance of fair and accurate records of the proceedings of the Board and shall perform such other duties as pertain to the office of a corporation secretary. He or she shall cause notice to be given to the several officers and committees of all acts of the Board affecting them. The Secretary of the University shall be responsible for the issuance of diplomas and certificates and shall have such additional responsibilities as are assigned to him or her by the President.

*The Vice President for Finance [Bylaw 26]*

- a) There shall be a Vice President for Finance, appointed by the Board on recommendation of the President. He or she shall be the chief accounting and financial officer of the University. The Vice President for Finance shall see that the rules and regulations prescribed by the Board for the government of the business and financial affairs of the University are faithfully observed. He or she shall see that no payment from the current general funds of the University shall be made unless the same has been included in the approved budget for the then current fiscal year, or unless approved by the Financial Affairs Committee, or by the Executive Committee, or by the Board. The Vice President for Finance shall see that all payments from restricted funds of the University are made within the limitations and restrictions thereon.
- b) The Vice President for Finance shall be responsible for keeping proper books of account setting forth the financial position and transactions of the University, and shall prepare the annual financial report of the University. He or she shall submit to the President before each meeting of the Financial Affairs Committee reports of the financial position of the University, supplying such information as may be requested by the President or the Financial Affairs Committee. The Vice President for Finance shall make an annual report to the Board at the November meeting, showing the assets and liabilities of the University and receipts and expenditures for the fiscal year ending August 31. The accounts shall be audited by an independent certified public accounting firm, and a certificate of the accounting firm shall be submitted with the financial report.
- c) The Vice President for Finance shall be responsible for collecting, recording and safeguarding all monies and property of every kind belonging to the University. He or she shall be custodian of the funds and securities of the University, which shall be deposited with such banks or trust companies as are approved by the Board.



- d) The Vice President for Finance shall be authorized to sign on behalf of New York University all contracts within the regular University budget or in the usual course of business. Contracts involving items outside the regular University budget or outside the usual course of business shall require the approval of the President, or of the Executive Committee, or of the Board of Trustees.

#### *Additional Officers [Bylaw 27]*

Additional University officers and administrative officials may from time to time be appointed by the Board on recommendation of the President. Principal assistants to the President and other University officers shall be designated in the same manner. The precise administrative title, authority, and responsibility of each of these officers and assistants shall be defined at the time his or her appointment is recommended, and upon Board approval shall have the same effect as if included in these bylaws until modified or annulled by action of the President, or of the Executive Committee, or of the Board.

#### **The University Senate**

The first Bylaws to contain a description of the University Senate and an outline of its powers and duties appeared in 1899. Since that time the importance and the influence of the Senate have grown steadily. The Bylaws approved by the Board of Trustees on May 27, 1968, were the first to provide for multiple faculty representation according to the size of each school's faculty. (Those interested in complete details are referred to the relevant Bylaws of the University—Chapter III complete and portions of Chapter IV.)

In summary, the University Senate is empowered to act upon “educational matters and regulations of the academic community that affect more than one school.” (See Bylaw 34(c).) Senate decisions in such matters are binding upon all faculties unless overruled by the Board of Trustees on an appeal lodged by a faculty. University-wide commissions report their findings and recommendations to the Senate. In addition, it is the deliberative body of the University for academic policies, structure, and procedures, including proposals for changes; it is concerned with the academic program and structure, personnel and budgetary policies, development of facilities, and community, professional, and educational relations of the University. It makes recommendations to the President, and, through the President, to the Board of Trustees concerning the policies and practices of the University. The Senate may also make recommendations for consideration by each of the faculties concerning their internal educational programs and policies. The Senate is authorized to define the educational terms used in catalogs, bulletins, and other announcements, upon which it may also make advisory recommendations; it is responsible for fixing the academic calendar and determining the length of terms and vacations, for arranging the Commencement exercises, and for establishing regulations on academic costume.

Bylaw 31 reads as follows: “For the four-year period<sup>1</sup> June 1, 2006 to May 31, 2010, the Senate shall consist of the President, and not more than eighty-two voting members, as follows: (a) not more than thirty-five members of the Faculty Senators Council, including one representative of the Division of the Libraries of the University; (b) not more than fifteen academic members of the Deans Council; (c) not more than twenty-two members of the Student Senators Council; and

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<sup>1</sup> These periods are updated when necessary.

(d) not more than five representatives of the Administrative Management Council, and e) not more than five officers of University administration, including the President, the Chancellor of the University and Executive Vice President for Academic Affairs, the Executive Vice President for Health Affairs, the Secretary, and such other officers as may from time to time be designated by the President.” The faculty members are elected—one or more per school or college—from the faculties of the constituent schools of the University listed in Bylaw 51, according to the number of full-time members in their professorial ranks. (For this and other purposes, the faculties of the School of Medicine and of the Post-Graduate Medical School are regarded as one medical faculty, the faculties of the College of Arts and Science and the Graduate School of Arts and Science are regarded as one faculty, and the faculties of the Leonard N. Stern School of Business, Undergraduate College and Graduate Division are regarded as one faculty.) Faculty Senators are divided into three classes with staggered three-year terms of office. The deans hold their seats ex officio, as do five of the administrative members. The other administrative Senators are designated at the discretion of the President. One student Senator is elected annually from each school or college, except that two schools, which include both undergraduate and graduate divisions, elect one student Senator from each division. In addition, up to seven student Senators may be appointed at large by the Executive Committee of the Senate with the advice and consent of the regular student Senators.

Some understanding of how the Senate functions may be gained by considering its Councils and the structure and interests of its committee system. The faculty Senators constitute the Faculty Senators Council; the academic deans belong to the Deans Council; the students are organized as the Student Senators Council. All these groups meet regularly, apart from the full Senate, to discuss matters of concern to their respective areas of interest, and their reports and recommendations are regularly brought to the attention of the full body.

The standing committees of the Senate, all of which include members drawn from the three Councils as well as appropriate central administrative members of the Senate (including representatives of the Administrative Management Council), are the Academic Affairs Committee; the Executive Committee; the Committee on Organization and Governance; the Public Affairs Committee; the Faculty Affairs Committee; the Financial Affairs Committee; and the University Judicial Board. The Executive Committee, composed of the President and the chairpersons of the three Councils, is authorized to act on urgent matters that may arise at times when the full Senate cannot be convened. The Faculty Affairs Committee (formerly the Faculty Personnel Committee) is composed of all the members of the Faculty Senators Council, as required by Bylaw 41(c). In addition, the Senate has certain special committees.

The Senate generally meets monthly during the months of October, November, December, February, March, April, and May in accordance with a schedule adopted by the Senate during the academic year and at other times, upon three days’ notice, at the special call of the President or by written request of five members.

## **University Councils and Commissions**

### *The Faculty Senators Council*

Each of the faculties, according to its size, has one or more representatives on the Faculty Senators Council, a University-wide body of elected professors. University Bylaw 41(c) provides that “the Faculty Council may consider any matters of educational and administrative policy and shall function as the Faculty Affairs Committee of the Senate. It shall designate representatives on the other standing committees, and in appropriate instances on the ad hoc committees, of the Senate. It may bring to the attention of the various committees of the Senate any matters that it believes should be presented to the entire Senate. It may bring to the attention of the President any matters that it wishes to discuss with him or her. It shall perform such other educational functions as are assigned to it by the President or by the Board.”

### *The Deans Council*

The Deans Council is empowered to consider matters of educational and administrative policy and to make appropriate recommendations to the President and other University officers. It also performs other functions that are assigned to it by the President or the Board of Trustees. (See Bylaw 42(c).)

### *The Student Senators Council*

The Student Senators Council is empowered to consider matters in which the interests, rights, or responsibilities of students are involved and to make recommendations to the Senate as part of the Committee on Student Life. It also performs other functions that are assigned to it by the President or the Board of Trustees.

### *The Administrative Management Council*

The Administrative Management Council considers issues affecting the University community, the continued professional growth and development of its constituents, and University-sponsored community services.

### *Graduate Commission*

Each school that offers graduate work is represented by its dean and one elected faculty member and one elected student as voting members on the Graduate Commission, which has power, subject to approval of the Senate, to recommend to the President and the Board of Trustees general policies respecting graduate study in the University leading to masters’ and doctors’ degrees in course except first professional degrees. The Chairperson of the Commission shall be the dean of the Graduate School of Arts and Science. (See Bylaw 44.)

## **Organization of Schools, Colleges, and Departments**

### *Schools, Faculties, and Divisions of the University [Bylaw 51]*

- a) The University comprises the following integral colleges and schools, listed in order of their establishment:
  - 1832 College of Arts and Science
  - 1835 School of Law
  - 1841 School of Medicine
  - 1865 College of Dentistry
  - 1886 Graduate School of Arts and Science
  - 1890 The Steinhardt School of Culture, Education, and Human Development
  - 1900 Leonard N. Stern School of Business, Undergraduate College
  - 1916 Leonard N. Stern School of Business, Graduate Division
  - 1934 School of Continuing and Professional Studies
  - 1938 Robert F. Wagner Graduate School of Public Service
  - 1948 Post-Graduate Medical School
  - 1960 The Silver School of Social Work
  - 1965 Tisch School of the Arts
  - 1972 Gallatin School of Individualized Study
  - 2005 The College of Nursing
  
- b) The colleges and schools of the University are governed by their separate faculties, except that the Faculty of Medicine is responsible for the School of Medicine and for the Post-Graduate Medical School, that the Faculty of Arts and Science is responsible for the College of Arts and Science and for the Graduate School of Arts and Science, and that the Faculty of Business Administration is responsible for the Leonard N. Stern School of Business, Undergraduate College and for the Leonard N. Stern School of Business, Graduate Division.
  
- c) The University also comprises the Division of the Libraries which performs academic functions across school lines and is governed by its faculty and officers in accordance with procedures defined and approved by the President.

### *Deans*

The dean of each school, as the administrative head of the school, is “responsible for carrying out the policies of the University” and for executing “such rules as his or her faculty may from time to time adopt.” The dean presides at faculty meetings, supervises the work of faculty members, and makes recommendations to the Chancellor of the University for the appointment, promotion, tenure as appropriate, dismissal, and retirement of officers of instruction and administration in the school. The dean is responsible for the preparation and submission of the budget for the school and for its implementation when approved. (See Bylaw 52.) Offices such as that of Executive Dean or Dean of the Faculty of Arts and Science have from time to time been created to supervise or coordinate the activities of two or more schools or of their faculty members.

### *Departmental Organization*

The President is authorized to divide courses of instruction into departments. The chief executive officer of a department within one school bears the title of “chairperson” and is responsible to the dean of that school. The chief executive officer of a University department, created to provide instruction in more than one division of the University, bears the title of “head” and is responsible through the appropriate deans to the Chancellor of the University. (See Bylaws 53 and 54.)

### *Responsibilities of the Faculties [Bylaw 61]*

- a) The educational conduct of each of the several schools and colleges, within the limits prescribed by these bylaws or by the Board, is committed to the faculty of each of the schools, and to such officers of the schools as the Board may appoint. The educational functions of the libraries of the University, as defined and structured by the President, are similarly committed to the faculty and officers of the Division of the Libraries.
- b) Subject to the approval of the Board and to general University policy as defined by the President and Senate, it is the duty of each faculty to determine entrance requirements of the school under its care, to determine courses of study to be pursued and the standards of academic achievement to be attained for each degree offered, to prepare a schedule of lectures, to make and enforce rules for the guidance and conduct of the students, and to certify to the President, for recommendation to the Board, qualified candidates for degrees and certificates.
- c) Each faculty shall make and enforce rules of eligibility for the participation of its own students in athletics and other extracurricular activities. However, the University requirements for student participation in intercollegiate athletics shall be determined by the Senate on the recommendation of an appropriate committee of the several faculties and shall be uniformly applied in the schools concerned therewith.
- d) It is the duty of the faculty of the Division of the Libraries to develop and implement the acquisition policies of its various libraries in accordance with the instructional and research needs of the University and in collaboration with the academic units which the libraries serve and support; to provide access to the content of the collections by organizing them, by developing bibliographic guides, and by providing bibliographic assistance and instruction; to promote and develop the use of the libraries and their resources through interaction with the University community and through research and publication; and to make and enforce rules concerning the use of the libraries’ collections.

(See also “The University Senate”, page 10; and “Faculty Membership and Meetings”, page 41.)

## **LIBRARIES**

### **A Brief History**

During its early years, New York University, in the urban tradition, drew upon the library resources of the community to provide the best research tools for students and faculty alike. Close working relationships were established with the New York Society Library and many other specialized libraries throughout New York City, while the University's own collection grew slowly, chiefly by donations of books, and was concentrated in the professional fields of law and medicine. The first official University library was assembled in 1835—281 volumes worth \$620.75. Housed on the third floor of the University Building, the new gothic structure at Washington Square, it was by no means a central collection. With the movement of the University center to University Heights in 1894, the Gould Memorial Library was established to provide the University the level of library service necessary to support the curriculum. The Gould Library was designed by Stanford White as a tribute to Jeffersonian educational and architectural ideals. The schools at Washington Square continued at first to rely on the library resources available in the city, but in 1921 began assembling a library in the Main Building.

After World War II, the growth of public higher education and the overwhelming demands placed upon the traditional urban sources of academic library research within New York City led the University to embark on a bold new program to create research library resources to be devoted primarily to the University community. Attention was first turned to the professional schools, where the need for expanded facilities had become most pressing. The completion of Vanderbilt Hall in 1951 provided excellent facilities for the Law Library. In 1957 the Medical Library expanded into a new building to ensure its ability to meet the needs of the advanced programs of the School of Medicine. The Meyer Gold Library at Trinity Place (the business collection, now a part of Bobst Library) and the Institute of Fine Arts Library, One East 78th Street, closely followed.

By the early 1960s, the University recognized that its future success required the establishment of a new central library building at the Square. Book collections and library personnel were scattered in 28 separate locations, many ill-suited for storage or study. With the aid of an \$11 million gift from Elmer Holmes Bobst, pharmaceutical entrepreneur and philanthropist, the University's new main library, the Elmer Holmes Bobst Library, opened in 1973. Designed by architects Philip Johnson and Richard Foster, the 12-story Longmeadow redstone building (with two more floors below ground level) covers a full city block at the southeast corner of Washington Square and houses a collection of over 3 million volumes.

The extraordinary growth of the University's academic programs in recent years, along with the rapid expansion of electronic information resources, has provided an impetus for new development in NYU's libraries, and they continue to enhance their services for NYU students and faculty and to strengthen research collections.

## **Library Facilities and Services**

The striking, 12-story Elmer Holmes Bobst Library, is the flagship of an eight-library, 4.6 million-volume system that provides students and faculty members with access to the world's scholarship and serves as a center for the University community's intellectual life. The New York University system includes seven other specialized libraries: those of the Institute of Fine Arts, the Courant Institute of Mathematical Sciences, the Real Estate Institute, and the Law, Medical, and Dental Schools. Faculty have borrowing privileges to the libraries at Cooper Union, Mannes College of Music, the New School, and Parsons School of Design, through the Research Library Association of South Manhattan. Faculty also have reading privileges at Columbia, Yale and Princeton.

The Bobst Library houses more than 3.3 million volumes, 29 thousand journal subscriptions, and over 5 million microforms; and provides access to thousands of electronic resources both on-site and to the NYU community around the world via the Internet. The Library is visited by more than 6,400 users per day, and circulates ca. 500,000 books annually.

Bobst Library offers three specialized reference centers, 28 miles of open stacks shelving, and approximately 2,000 seats for readers. The stacks are open until midnight and a 24-hour study area is located on the A & B levels.

The Avery Fisher Center for Music and Media, one of the world's largest academic media centers, has over 100 audio and video viewing carrels and 5 media-enhanced classrooms; students and researchers use more than 51,000 audio and video recordings per year. The Studio for Digital Projects and Research offers a constantly evolving, leading-edge resource for faculty and student projects and promotes and supports access to digital resources for teaching, learning, research and arts events.

Among the noteworthy collections of Bobst Library are those in American and English literature and history, economics, education, science, music, United Nations documents, Near Eastern and Ibero-American languages and literatures, and Judaica and Hebraica. Bobst Library is also home to significant special collections such as the Fales Library of English and American Literature, one of the best collections of English and American fiction in the United States. Fales contains the unique Downtown Collection, archives documenting Downtown New York literary and artistic creativity from the 1970s to the present, focusing on the developments of postmodern writing and dance, performance art, outsider art, and the downtown music scene. Bobst Library houses the Tamiment Library, one of the finest collections in the world for scholarly research in labor history, socialism, anarchism, communism, and American radicalism. Tamiment includes the Archives of the Abraham Lincoln Brigade and the Robert F. Wagner Labor Archives, which holds the Jewish Labor Committee Archives, and the historical records of more than 200 New York City labor organizations.

Librarians who are subject specialists serve as liaisons to faculty in the various New York University schools and departments. Faculty participation in the collection development process is encouraged. In addition to collection development, the subject specialists provide specialized reference assistance, library instructional sessions, and work directly with faculty and students to assist with specific research needs.

Beyond Bobst, the library of the renowned Courant Institute of Mathematical Sciences focuses on research-level material in mathematics, computer science, and related fields, and the Stephen Chan Library of Fine Arts at the Institute of Fine Arts houses the rich collections that support the research and curricular needs of the Institute's graduate programs in art history and archaeology. The Jack Brause Real Estate Library at the Real Estate Institute is the most comprehensive facility of its kind, designed to meet the information needs of the entire real estate community.

Complementing the collections of the Division of Libraries are the Frederick L. Ehrman Medical Library of NYU's School of Medicine and the Dental Center's Waldman Memorial Library. The Law Library serves the programs of the School of Law and is strong in a variety of areas, including legal history, biography, jurisprudence, copyright, taxation, criminal, labor, business and international law plus such legal specialties as urban affairs, poverty law and consumerism.

The Web sites of all the libraries at the University can be found at <http://www.nyu.edu/library>. Faculty can also stay in touch electronically with New York University Libraries by subscribing to the listserv LIBLINK.

### **New York University Press**

Founded in 1916 by Elmer Ellsworth Brown, then Chancellor of the University, New York University Press was, in his words, created "to publish contributions to higher learning by eminent scholars."

In the more than 85 years since its founding, the Press has sought to reflect the intellectual vitality of New York University by publishing a wide array of provocative and compelling titles, as well as works of lasting scholarly and reference value. NYU Press was once best known for its publication of *The Collected Writings of Walt Whitman*, the most comprehensive and definitive series of the poet's work. In more recent years, the Press has published major new, award-winning works such as the three-volume *Encyclopedia of Jewish Life Before and During the Holocaust* (a 2001 National Jewish Book Award winner) and distinctive works of scholarship in history, religion, psychology, literature, cultural studies, politics, sociology, film, and law. In addition, the Press has established lists in New York regional history, politics and culture, Balkan Studies, and growing lists in such fields as Jewish studies, African-American studies, Asian-American studies, Latino/Latina culture, and youth culture in general. NYU Press publishes approximately 100 new books each year, enjoys a backlist of over 1500 titles, and was described recently by the *Chronicle of Higher Education* as "a major player in academic publishing."

The Press seeks manuscripts without regard to the affiliation of the author, and, over the years, the Press's publishing program has come to include an international roster of scholars. As an academic publisher, the Press utilizes outside peer review as part of the editorial review process of all proposed book projects. Members of NYU are highly encouraged to submit book manuscripts in those disciplines where the Press is actively publishing, and the Press will give particular attention to the work of faculty members. Inquiries should be addressed to the director (see the NYU Public Directory for contact information).



## **PUBLIC AFFAIRS**

New York University is a large community of 50,000 students, members of faculties, administration, and staff. Informing the various interested sectors of the public of news and developments within our community is the primary mission of the Office of Public Affairs and the bureaus reporting to it

NYU's dramatic rise over the past 15 years brings with it ever-increasing media attention and scrutiny, much of it positive, some if it less so. It is hard to overstate the importance of effective communications in supporting the University's strategic goals. Thoughtful communications about NYU's efforts as a research university and member of the community of major New York institutions are crucial for enabling public officials, academics, donors (whether individuals, alumni, foundations, or corporations), candidates for admissions, parents of students, our neighbors, as well as those in our own community to better understand us and engage with us in an informed and productive fashion.

Among the communications tools employed by the Office of Public Affairs are news releases, contact with editors and editorial specialists in print and electronic media, bulletins and catalogs, advertising, still photography, motion picture film and video, direct mail, distribution of reprints of notable speeches and policy statements by administration and faculty, and the use of the web and other means of electronic communications.

But the public relations of New York University are, literally, also the business of everyone who works for the University, from its President to its newest employee. For while the Office of Public Affairs is charged with the formal mission of helping to enhance the public recognition and stature of the University and its scholars by disseminating official information through recognized media and established channels of information, some of the most telling impressions those interacting with NYU gain may depend on how courteously a telephone is answered; what a staff member tells friends about work; how effectively a member of our community works in his or her home community; and how students respond to the quality of teaching and the counseling they receive throughout their undergraduate and graduate years here.

The Office of Public Affairs is eager to support NYU's faculty and work closely with them to publicize their academic efforts and achievements. In addition, the Office works to make connections between news organizations and scholars with expert knowledge, enabling faculty members to educate the public widely on issues of civic importance.

See the NYU Public Directory for contact information.

## **THE OFFICE FOR UNIVERSITY DEVELOPMENT AND ALUMNI RELATIONS**

### **University Development**

The Office for University Development and Alumni Relations (UDAR) is responsible for raising the funds required to ensure that the University carries out its primary missions—providing education of the highest caliber to its students, and public service to the community and nation. As a private institution, New York University relies on individual, foundation, and corporate philanthropy to augment revenue from tuition, fees, and investment return on endowment. In concert with other offices of the University, UDAR coordinates the efforts of the Board of Trustees, School Councils and Boards, University personnel, alumni, and friends of the University to attract support from the private sector.

Each school of the University coordinates their fundraising efforts through UDAR. Each school has a development director who works with the dean or deans of that school and its faculty members on development projects. Through the development director, UDAR can assist faculty members with proposal development and research on prospective donors. To ensure that more than one representative of the University does not solicit prospective donors at a time, all requests to approach a donor are cleared through UDAR. This office is also the route through which faculty members request the assistance of University trustees in their solicitations.

In addition to the individual fundraising efforts of each school director, UDAR also engages alumni and supporters of the university with a range of fundraising events and programs. UDAR coordinates the University's annual fund solicitation efforts through The Fund for NYU and has established the Young Alumni Leadership Circle to engage recent graduates in giving to the University. UDAR assists faculty, alumni, and friends with making planned gifts through the Office of Planned Giving, and recognizes donors who have made significant gifts to NYU as members of several honorary gift societies. This office also coordinates the fundraising activity of the NYU Parents Program and the NYU Parents Committee.

In the fall of 2004, New York University, through UDAR, launched the Campaign for NYU — a comprehensive fundraising drive involving each of NYU's trustees and deans, as well as University-wide administration and staff. The Campaign will run until 2008, and will raise significant philanthropic support to advance research, learning, teaching, and scholarship at NYU. The Campaign will provide essential financial resources for faculty recruitment and housing, student financial aid, research and programmatic support, and the creation and renovation of facilities that support academic and research programs.

### **Alumni Relations**

To facilitate the engagement and participation of NYU's 300,000 plus alumni, UDAR has implemented a wide range of alumni programs, events, and publications. Recently introduced initiatives include a University-wide Alumni Reunion Weekend celebration held each spring; *NYU Alumni Magazine*, mailed twice a year to all NYU graduates; the *NYU in Your Neighborhood* series of alumni receptions around the country with President Sexton, deans and leading faculty; and the Recent Alumni Network, engaging recent graduates of the University; as well as numerous other publications, career networking events, alumni volunteer opportunities, and student orientations.

UDAR also works to promote the many benefits that are available to New York University alumni, among which are access to University facilities and services such as the Office of Career Services; the Jerome S. Coles Sports and Recreation Center and Palladium Sports Center; the Elmer Holmes Bobst Library and Study Center; as well as credit card, travel, and insurance programs. UDAR helps promote the exchange of information among alumni and alumni organizations by providing free online communications resources, including email forwarding services, online directories of alumni contact information, and an online jobs database.

UDAR oversees the activities of the NYU Alumni Association. The NYU Alumni Association President chairs the Alumni Association's Executive Committee of elected officers and represents alumni to the University.

For more information on alumni benefits and programs, including the Fund for NYU, visit <http://www.nyu.edu/alumni/>

# *The Faculty*

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*(This part of the Faculty Handbook, The Faculty, begins under the heading Academic Freedom and Tenure with Titles I-IV of the University's formal rules of tenure and related provisions. It's followed on page 41 by Other Faculty Policies, with policies, procedures and conventions in the form of Bylaws, rules adopted by the Senate, and policy summaries. Individual schools may have additional, but not substitute, bylaws, policies and procedures relevant to faculty positions. It should be noted that other important policies can be found, beginning on page 68 in Selected University Policies.)*

## **ACADEMIC FREEDOM AND TENURE**

### **Title I: Statement in Regard to Academic Freedom and Tenure**

(Titles I and II were adopted by the University Board of Trustees on October 24, 1960, and have been amended through December 2, 1996)

#### *I. Authorization by the Board of Trustees<sup>2</sup>*

The Board of Trustees of New York University has authorized the following statement in regard to academic freedom and tenure at New York University. It reserves the right to amend this statement at its discretion, but no amendment shall take away a status of permanent or continuous tenure acquired before such amendment.

#### *II. The Case for Academic Freedom*

Academic freedom is essential to the free search for truth and its free expression. Freedom in research is fundamental to the advancement of truth. Freedom in teaching is fundamental for the protection of the rights of the teacher in teaching and of the student in learning. Academic freedom imposes distinct obligations on the teacher such as those mentioned hereinafter.

#### *III. The Case for Academic Tenure*

Academic tenure is a means to certain ends, specifically: (1) freedom of teaching and research; and (2) a sufficient degree of economic security to make the profession of teaching attractive to men and women of ability.

#### *IV. Academic Freedom*

Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties, but outside occupations and research for pecuniary gain, except in the case of sporadic and wholly unrelated engagements, should be based upon an understanding with the administration of the University.

Teachers are entitled to freedom in the classroom in discussing their subject, but they

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<sup>2</sup> The reference to the Bylaws and a number of bracketed sectional headings have been added.

should not introduce into their teaching controversial matter that has no relation to their subject.

Teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but this special position in the community imposes special obligations. As men and women of learning and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they at all times should be accurate, should exercise appropriate restraint, should show respect for the opinions of others and for the established policy of their institution, and while properly identifying themselves to outside audiences as associated with the University should clearly indicate that they are not institutional spokespeople unless specifically commissioned to serve in such a capacity.

#### V. *Academic Tenure*

1. [Part-time positions and other positions] A distinction is made between part-time and full-time members of the teaching staff. Unless their notices of appointment explicitly state that they are appointed for full-time teaching service, officers of instruction, of whatever rank, are considered part-time members of the teaching staff. The full-time members of the teaching staff are those teachers who give full-time service to the University and whose notices of appointment explicitly so indicate.

All part-time appointees to the University staff, irrespective of title, rank, or cumulative length of service, are entitled to no right of tenure, and their appointments are limited strictly to the periods stipulated in the official notices thereof. Likewise, all instructors, and all those receiving appointment in such temporary capacities as fellow, assistant, associate, lecturer, or as acting, adjunct, clinical, and visiting officers of instruction in the several ranks, whether rendering full- or part-time service, are ineligible for tenure on the basis of such service and are restricted in the duration of their connection with the University to the period stipulated in the official notices of appointment. The same stipulation applies to personnel appointed with professorial or other titles, whether on full- or part-time service, on subsidized assignments such as sponsored research, or in teaching programs where expense of the program is dependent upon a subsidy of limited duration. [Cf. Bylaw 73.]

2. [Tenure described] The general policy of the University with respect to probation and tenure for full-time assistant professors, associate professors, and professors is given below. After expiration of the stipulated probationary periods, full-time associate professors and professors are considered to have permanent or continuous tenure, and their services are to be terminated only for adequate cause, except in the case of retirement, or under extraordinary circumstances because of financial exigencies, or because of the discontinuance of a considerable part of the University, such as a college, school, or division or a department in a college, school, or division. It is understood that the University has the right to reduce the length of the probationary period in specific cases.

3. [Assistant Professor] The rank of Assistant Professor should be granted only to those who have proved their worth as teachers and have given evidence of character and productive scholarship. The assistant professor should possess the maturity and attainment in the field of scholarship or professional practice of which the doctor's degree is usually the testimonial. Appointment to an assistant professorship carries with it the possibility but no presumption of reappointment and includes no right to permanent or continuous tenure or to further reappointment, or to promotion to any higher rank.

A full-time assistant professor in any school, college, division, or department except the School of Medicine and its departments, the Leonard N. Stern School of Business and its departments, and the College of Dentistry and its departments and its College of Nursing, who is not promoted at the expiration of seven years as full-time assistant professor shall be ineligible for further full-time appointment in the University. A full-time assistant professor in the School of Medicine or any of its departments and the College of Dentistry or any of its departments or its College of Nursing, who is not promoted at the expiration of ten years as a full-time assistant professor shall be ineligible for further full-time appointment in the University. A full-time assistant professor in the Leonard N. Stern School of Business or any of its departments, who is not promoted at the expiration of nine years as a full-time assistant professor shall be ineligible for further full-time appointment in the University.

4. [Associate Professor] The rank of Associate Professor should be granted only to those who, in addition to all the qualifications for an assistant professorship, have an unusual contribution to make to the University through the excellence of their character, teaching, productive scholarship, or other educational service. There is no presumption in appointing an associate professor that he or she will later be promoted. Reappointment as an associate professor does not imply any subsequent appointment at higher rank. Under any of the following conditions the appointment or reappointment of an associate professor carries with it the right of continuous or permanent tenure if it is for: (1) the sixth year as a full-time associate professor at New York University; or (2) (a) in any school, college, division, or department except the School of Medicine and its departments, the College of Dentistry and its departments and its College of Nursing, and the Leonard N. Stern School of Business and its departments, the eighth year as a full-time teacher at New York University in the rank or ranks of assistant professor or associate professor; or (b) in the School of Medicine or any of its departments and the College of Dentistry or any of its departments or its College of Nursing, the eleventh year, as full-time teacher at New York University in the rank or ranks of assistant professor or associate professor; or (c) in the Leonard N. Stern School of Business or any of its departments, the tenth year as full-time teacher at New York University in the rank or ranks of assistant professor or associate professor, or (3) (a) in any school, college, division, or department except the School of Medicine and its departments, the College of Dentistry and its departments and its College of Nursing, and the Leonard N. Stern School of Business and its departments, the fifth year as a full-time teacher at New York University in the rank or ranks of assistant professor or associate professor and follows a term of more than three years, i.e., not less than seven semesters of full-time teaching in one or more institutions of higher

education other than New York University in the rank or ranks of assistant professor, associate professor, or professor, except as provided in paragraph six of this section; (b) in the School of Medicine or any of its departments and the College of Dentistry or any of its departments or its College of Nursing, the eighth year as a full-time teacher at New York University in the rank or ranks of assistant professor or associate professor and follows a term of more than three years, i.e., not less than seven semesters of full-time teaching in one or more institutions of higher education other than New York University in the rank or ranks of assistant professor, associate professor, or professor, except as provided in paragraph six of this section; (c) in the Leonard N. Stern School of Business or any of its departments, the seventh year as a full-time teacher at New York University in the rank or ranks of assistant professor or associate professor and follows a term at more than three years, i.e., not less than seven semesters of full-time teaching in one or more institutions of higher education other than New York University in the rank or ranks of assistant professor, associate professor, or professor, except as provided in paragraph six of this section.

If a full-time teacher at the time of his or her first appointment at New York University has formally disclosed to the appropriate dean or officer of central administration the fact that he or she has gained permanent or continuous tenure in another institution of higher education in the United States having tenure regulations similar to those in effect at New York University and leaves that institution to accept appointment as a full-time associate professor at New York University, it is assumed that he or she has permanent or continuous tenure at New York University unless it is agreed in writing that his or her appointment is for a probationary period of not more than four years. It shall be the responsibility of the University official hiring the teacher to raise the question of tenure possibly achieved elsewhere.

5. [Professor] The rank of Professor should be granted only after careful consideration of the individual's character, scholarship, productivity, teaching ability, and reputation among peers in his or her own field, as well as his or her capacity for inclining students toward noteworthy attainments. It should be granted only to men and women who have been so tested that there is reasonable certainty of their continuing usefulness throughout the remainder of their working years. It should never be granted as the reward of seniority and should be reserved as a mark of distinction in the field of scholarship and instruction. It should never be granted as a recognition of usefulness in administration.

Under any of the following conditions the reappointment of a professor carries with it the right of continuous or permanent tenure: (1) if the reappointment is for the fourth year as a full-time professor at New York University; or (2) if the reappointment is for the sixth year as a full-time professor or associate professor at New York University; or (3) (a) in any school, college, division, or department except the School of Medicine and its departments, the College of Dentistry and its departments and its College of Nursing, and the Leonard N. Stern School of Business and its departments, if the reappointment is for the eighth year as a full time teacher at New York University in the rank or ranks of assistant professor, associate professor, or professor; (b) in the School of Medicine or any of its

departments and the College of Dentistry or any of its departments or its College of Nursing, if the reappointment is for the eleventh year as a full-time teacher at New York University in the rank or ranks of assistant professor, associate professor, or professor; (c) in the Leonard N. Stern School of Business or any of its departments, if the reappointment is for the tenth year as a full-time teacher at New York University in the rank or ranks of assistant professor, associate professor, or professor, or (4) (a) in any school, college, division, or department except the School of Medicine and its departments, the College of Dentistry and its departments and its College of Nursing, and the Leonard N. Stern School of Business and its departments, if the reappointment is for the fifth year as a full-time teacher at New York University in the rank or ranks of assistant professor, associate professor, or professor and follows a term of more than three years of full-time teaching in the rank or ranks of assistant professor, associate professor, or professor in one or more institutions of higher education other than New York University except as provided in paragraph six of this section; (b) in the School of Medicine or any of its departments and the College of Dentistry or any of its departments and its College of Nursing, if the reappointment is for the eighth year as a full-time teacher at New York University in the rank or ranks of assistant professor, associate professor, or professor and follows a term of more than three years of full-time teaching in the rank or ranks of assistant professor, associate professor, or professor in one or more institutions of higher education other than New York University except as provided in paragraph six of this section; (c) in the Leonard N. Stern School of Business or any of its departments, if the reappointment is for the seventh year as a full-time teacher at New York University in the rank or ranks of assistant professor, associate professor, or professor and follows a term of more than three years of full-time teaching in the ranks of assistant professor, associate professor, or professor in one or more institutions of higher education other than New York University except as provided in paragraph six of this section.

If a full-time teacher at the time of first appointment at New York University has formally disclosed to the appropriate dean or officer of central administration the fact that he or she has gained permanent or continuous tenure in another institution of higher education in the United States having tenure regulations similar to those in effect at New York University and leaves that institution to accept appointment as a full-time professor at New York University, it is assumed that he or she has permanent or continuous tenure at New York University unless it is agreed in writing that his or her appointment is for a probationary period of not more than three years. It shall be the responsibility of the University official hiring the teacher to raise the question of tenure possibly achieved elsewhere.

6. [Exclusion of prior full-time teaching service at another institution] When full-time teaching service at another institution of higher education does not meet the criteria recognized for service at New York University, that service may be excluded from the probationary period under paragraph 4, clause (3), or paragraph 5, clause (4), of this section. In determining whether prior service at another educational institution should not be included, consideration shall be given to whether or not the prior service: (a) was in an Association of American Universities institution or equivalent; (b) followed the attainment of the terminal degree; (c) was in a tenure



earning position; and (d) related factors. Recommendations that service at another institution of higher education not be included within the probationary period should be predicated on a written agreement between the prospective faculty member and the dean, and should be submitted by the dean to the Chancellor of the University and Executive Vice President for Academic Affairs and for approval before the initial appointment is effective. The faculty member will be notified in writing by the Office of the Chancellor of the University and Executive Vice President for Academic Affairs whether or not prior service will be included within the probationary period at New York University.

7. [Administrative posts; promotions] Appointment to administrative posts may be terminated or modified by the University Board of Trustees without prejudice to the teaching rights of officers holding such positions. If a teacher gains permanent or continuous tenure at New York University in one rank, his or her tenure will not be invalidated by subsequent promotions in rank.

#### VI. *Termination of a Tenure Appointment*

1. When a member of the teaching staff has permanent or continuous tenure or is serving an appointment for a term of years which has not expired, his or her services may be terminated by the University only for adequate cause, except in the case of retirement, or under extraordinary circumstances because of financial exigencies, or because of the discontinuance of a considerable part of the University, such as a college, school, or division or a department in a college, school, or division.<sup>3</sup>
2. Termination for cause:
  - a) [Adequate cause] Adequate cause includes (but is not limited to) one or more of the following: incompetent or inefficient service; neglect of duty; repeated and willful disregard of the rules of academic freedom as set forth in this statement; physical or mental incapacity; or any other conduct of a character seriously prejudicial to his or her teaching or research or to the welfare of the University. [Cf. Bylaw 76, Removal.]
  - b) [Rules; notice; record] Proceedings for termination of service for cause shall be conducted in accordance with such rules as may from time to time be adopted by the Board of Trustees, and shall be initiated by service upon the person involved of a written notice setting forth clearly and directly all charges preferred against him or her and informing him or her of his or her rights under this section and under relevant University bylaws and rules regulating proceedings on such charges. The person charged shall be entitled to a hearing before a hearing panel of the Faculty Tenure Committee of the University in accordance with the regulations pertaining thereto. A full stenographic record of the hearing shall be given to the parties concerned. In the hearing of charges of incompetence, the testimony

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<sup>3</sup> The Board of Trustees has approved resolutions concerning "Procedures for Termination and Reorganization of Programs" dated December 10, 1979 and December 1, 1997 (see page 87)

should include that of teachers or other scholars, whether from this University or from other institutions.

- c) [Appeal to the Tenure Appeal Committee] Upon the request of either the faculty member charged or the charging party, the record, findings, conclusions, and proposed sanctions of the hearing panel of the Faculty Tenure Committee shall be forwarded to the Tenure Appeal Committee for review and final determination. In the absence of such request, the findings, conclusions, and proposed sanctions of the hearing panel shall be final.
- d) [Rules bind all parties] The rules regulating proceedings to terminate service for cause shall be binding upon all parties.
- e) [Summary suspension] Summary suspension pending termination proceedings is an extraordinary remedy, but nothing in this statement shall be interpreted as precluding such action by the President or the dean of the college, school, or division involved with the assent of the President whenever, in his or her judgment, continuance of the person in service threatens substantial harm to himself or herself, to others, or to the welfare of the University. Unless legal considerations forbid, any such suspension shall be with full base pay. At any time during the pendency of termination proceedings, the President may lift or modify any suspension in the interest of substantial justice.
- f) [Review of suspension] In the event of summary suspension, the propriety and effect of such suspension shall be reviewed by the hearing panel of the Faculty Tenure Committee when it commences its proceedings on the merits of the charges made, and the panel may recommend to the President that the suspension be revoked or limited in its effects pending the outcome of the proceeding.
- g) [Salary following dismissal] A person having permanent or continuous tenure who is dismissed for cause may, upon the recommendation of the hearing panel of the Faculty Tenure Committee and, in the event of an appeal, upon the approval of the Tenure Appeal Committee, receive his or her salary for up to one year from the date of mailing to him or her, by registered mail, of a notice of such dismissal.

#### *VII. Existing Commitments*

This statement, while applicable generally to all members of the teaching staff of New York University at the time of its adoption, is not intended to modify existing commitments, as in the case of assistant professors previously appointed without reference to non-tenure restrictions.

*VIII. Notification of Resignation*

The following provisions shall apply to notifications of resignation:

1. [Early notice] Notification of resignation ought, in general, to be early enough to obviate serious embarrassment to the University, the length of time necessarily varying with the circumstances of the particular case.
2. [Minimum notice] Subject to this general principle it would seem appropriate that a professor or an associate professor should ordinarily give not less than four months' notice and an assistant professor or instructor not less than three months' notice.
3. [Notification before transferring] It is assumed that a teacher may answer an informal inquiry about whether he or she would be willing to consider transfer to another institution under specified conditions without previous consultation with University officials, with the understanding, however, that if a definite offer follows he or she will not accept it without giving such notice as is indicated in the preceding provisions. A teacher is at liberty to ask his or her superior officers to reduce, or waive, the notification requirements there specified, but he or she is expected to conform to their decision on these points.

*IX. Whom Tenure Cannot Protect*

Nothing in this statement is to be interpreted as giving the protection of tenure to anyone who advocates the overthrow of the government of the United States by force, violence, or any unlawful means.

## **Title II: Appointment and Notification of Appointment**

### *X. General Appointment Procedures Affecting the Full-Time Tenure-Earning Ranks*

1. [Recommendation by department] Recommendations of appointment or reappointment of full-time assistant professors, associate professors, and professors, who have not achieved permanent or continuous tenure, shall be made by the chief executive officer of each department to the appropriate dean. The chief executive officer is the head of an all-University department or the chairperson of a school or college department that is not part of an all-University department.
2. [Advisory body] In the preparation of his or her recommendation the chief executive officer of each department shall have the counsel of an advisory body of tenured faculty members of the department. In case he or she is not the chief executive officer of the department, the chairperson of a school or college department in which a recommendation for appointment is under consideration shall be a member of the advisory body of tenured faculty members.
3. [Establishing advisory body] Each academic department shall, in accordance with its own procedures, establish an advisory committee on appointments.
4. [Transmitting recommendations] The department head or chairperson shall transmit to the appropriate dean, along with his or her recommendation and reasoning, the recommendation and reasoning of the advisory body, together with their names, the method of their selection, and a report of the numerical vote.
5. [Recommendations by dean] In schools without a departmental organization, the dean, in the preparation of his or her recommendations of appointment, shall have the counsel of an advisory body of tenured faculty members of the school. The dean shall notify the faculty members of his or her school of the composition of the advisory body, and the method of their selection.
6. [Approval by dean] The dean shall approve or disapprove the recommendation, and shall notify the department head or chairperson if there is a departmental organization, and the advisory body, of the ultimate decision along with reasons therefor if the recommendation is disapproved.
7. [Other advisory bodies] Nothing in the appointment procedures described above shall be construed to preclude the possibility that other advisors or advisory bodies or student groups may be consulted to meet the needs of individual schools or specific situations.

*XI. Notification of Non-Tenured Faculty Members*

1. [Notification; prospects] During his or her probationary period, each full-time assistant professor, associate professor, and professor shall be notified annually by the departmental head or chairperson, or by the dean in schools without departmental organization, of his or her prospect of being recommended by the department on the evidence then available for an appointment resulting in tenure. Where it is unlikely that tenure will be achieved, such notification shall be in writing<sup>4</sup>.
2. [Notification; no reappointment] Notice of intention not to reappoint a full-time assistant professor, associate professor, or professor shall be sent to the individual affected according to the following schedule:
  - a) Not later than March 1 of the first year of academic service, if the appointment is to be terminated on August 31.
  - b) Not later than December 15 of the second year of academic service, if the appointment is to be terminated on August 31.
  - c) In all other cases, not later than August 31, if the appointment is to be terminated on the following August 31, or not later than one year before the termination of the appointment.

However, a faculty member whose period of appointment is due to terminate on a date other than August 31, after receipt of the notice required by this paragraph 2, shall have the right, upon written notification to his or her dean at least 120 days prior to the termination date of the period of appointment, to an extension of his or her appointment until the following August 31. That right shall be communicated to the faculty member in the notice required by this paragraph 2. Under no circumstances shall such extension of appointment, however described, be considered to create any right to further appointment nor shall it, or any other faculty appointment, carry with it a right of continuous or permanent tenure in the absence of written notice awarding such tenure after the carrying out of the procedures described above in Section X.

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<sup>4</sup> In addition to the current requirement of yearly notice to each faculty member, set forth in Title II, Section XI.1, a formalized early review on tenure prospects is to be completed in the third year of service in the probationary period for assistant professors whose probationary timetable is not shortened due to qualifying previous service. In the School of Medicine and any of its departments, the Leonard N. Stern School of Business and any of its departments, and the College of Dentistry and any of its departments including its College of Nursing, a formalized early review on tenure prospects is to be completed in the third year of service for all assistant professors and in the third and sixth year of service for assistant professors whose probationary timetable is not shortened due to qualifying previous service.

## *XII. Tenure Appointments*

1. [Procedure] In addition to the general appointment procedures, the process of recommending an appointment that would result in tenure shall be as follows:
  - a) The dean shall forward his or her recommendation by June 1 to the Chancellor of the University and Executive Vice President for Academic Affairs, with a copy to the department head or chairperson and to the advisory body or, in schools without departmental organization, to the dean's advisory body. The dean's recommendation shall be accompanied by the recommendations he or she has received from the department head or chairperson and the advisory body.
  - b) The Chancellor of the University and Executive Vice President for Academic Affairs shall support or oppose the dean's recommendation in his or her recommendation to the President, and shall notify the dean of the final decision, along with reasons therefor, if the recommendation is disapproved. The dean in turn shall communicate the decision to the department head or chairperson, if there is a departmental organization, and to the advisory body. The dean shall notify the affected faculty member of the decision.
2. [Negative recommendations] In the case of an appointment that would, if made, complete the stipulated probationary period and result in tenure, negative recommendations as well as positive ones shall be transmitted by the department head or chairperson to the dean, and by the dean to the Chancellor of the University and Executive Vice President for Academic Affairs.

### **Title III: Rules Regulating Proceedings to Terminate for Cause the Service of a Tenured Member of the Teaching Staff, Pursuant to Title I, Section VI, of the Statement in Regard to Academic Freedom and Tenure**

(Titles III and IV were adopted by the University Board of Trustees on October 24, 1960 and have been amended through December 8, 1986)

#### *I. Initiation of Dismissal Proceedings*

1. Whenever the President or the Chancellor of the University or the dean of a college, school, or division of the University with the assent of the President or the Chancellor shall deem such action is warranted, that person shall initiate proceedings to terminate for cause the service of a tenured member of the teaching staff. He or she shall formulate, or cause to be formulated, the charges in writing. A copy of such charges, together with notice of proceedings for termination of his or her service for cause, shall be mailed by registered mail to the person involved (“the respondent”).
2. The respondent shall serve a written answer upon his or her dean and the President of the University within twenty days after service of the charges and notice upon him or her admitting or denying each of the allegations contained in the charges and setting forth any defenses to the charges. The time for service of the answer may be extended by the President or the Chancellor of the University in the interests of substantial justice.
3. Upon receipt of the answer of the respondent, the dean shall forward to the chairperson of the Faculty Tenure Committee copies of the written charges and of the answer to such charges.
4. If the respondent fails to serve a written answer within twenty days, or any extension of such time, the dean shall nevertheless forward the charges to the chairperson of the Faculty Tenure Committee with a statement showing that no answer has been served by the respondent.
5. Within fifteen days after submission of the charges and answer, or of the charges alone, as the case may be, to the Faculty Tenure Committee, the chairperson of such committee shall set a time for the commencement of a hearing, which shall not be more than thirty days thereafter unless further time is granted by the chairperson upon request of either party.

#### *II. The Faculty Tenure Committee and Its Hearing Panels*

1. The Faculty Tenure Committee shall have jurisdiction, under the “Statement in Regard to Academic Freedom and Tenure” published by the Board of Trustees of New York University, to establish a hearing panel to hear the charges against a tenured faculty member in proceedings for termination of his or her service for cause. Its powers are confined to such cases and do not extend to grievances concerning the terms of special contracts of employment, promotion, salary, conditions of work, or similar questions.

2. The Faculty Tenure Committee shall consist of a faculty representative from each school or college in the University. The representative shall be a former elected senator who is still a full-time teacher in the University and is not a dean or the incumbent of a comparable administrative position. The former senator whose term has most recently concluded shall be named first, and in his or her absence by reason of leave, illness, or other inability to serve, the next most recent former senator, and if he or she be unable to serve, then the next most recent former senator, and so on until the list of former senators has been exhausted. If two or more senators had their term of office expire on the same date, lots shall be cast to determine the former senator who shall first be eligible to serve. If there be no available and properly qualified member of the faculty of any unit, then a representative who is eligible to be an elected member of the Senate shall be elected by the faculty of the unit in the manner in which a member of the Senate is elected. The Faculty Tenure Committee shall, when the Committee is called upon to consider a case, elect a Committee chairperson who shall serve until a hearing panel has been selected and has elected its own chairperson.
3. Whenever a case has been referred to the Faculty Tenure Committee, the Committee shall designate from its membership a hearing panel of five members to hear and decide the case. One member of the panel shall be the faculty representative from the same school or college as the respondent. The remaining four members shall be selected by the Faculty Tenure Committee, and such selection shall proceed notwithstanding the unavailability to serve of any former senator from one or more schools or colleges. The hearing panel shall select its own chairperson. Once identified to serve in a particular case, the members of the hearing panel shall continue to serve until the completion of all proceedings, except as otherwise provided by these rules.

### *III. Conduct of Hearings Before the Hearing Panel of the Faculty Tenure Committee*

1. An arbitrator who is an attorney shall be the presiding officer at the hearing on the charges. The arbitrator shall be chosen from a list of 12 qualified attorney-arbitrators compiled by the American Arbitration Association. The charging party and the respondent each may strike up to four names from the list and each shall rank, in order of preference, the names of those whom they have not stricken. The Association shall then designate as the arbitrator the available person with the highest degree of joint preference of the parties. Should more than one available person have an equally high joint preference, the Association shall select the arbitrator by lot from those with the highest joint preference.
2. A calendar of hearing dates in a proceeding for dismissal shall be fixed by the chairperson of the hearing panel after consultation with the parties to the proceeding and the arbitrator; the calendar shall be read into the record on the opening day of the hearing; it shall be adhered to unless the hearing panel orders exceptions for due cause. Whenever the interests of substantial justice appear to so require, the hearing panel may direct either or both parties to submit a summary of the evidence, a first list of witnesses to be called, or both. If the statement of the charges, or the answer thereto, appears to the hearing panel to be indefinite or obscure, the hearing panel may require a more definite statement. Where the



respondent has failed to serve an answer to the charges and where it further appears that the respondent is unable to understand the charges and to participate meaningfully in the proceeding, the panel shall obtain the services of a qualified person to represent the respondent. In the absence of such circumstances or other good cause, upon the failure of the respondent to serve an answer prior to the commencement of a hearing or to appear at the hearing, the panel may, in its discretion, preclude the subsequent assertion of any defense or the introduction of evidence on behalf of the respondent.

3. The arbitrator shall conduct the hearing and rule on all procedural matters, including the admissibility of evidence, subject to the right of each party to appeal to the panel. Upon such appeal, the decision of a majority of the panel members shall control. The panel shall have the power to enlarge the time appointed in these procedures for doing any act or taking any proceedings, where the interests of substantial justice appear to so require.
4. The hearings shall not be restricted by the rules of procedure or of the admissibility of evidence which prevail in the courts of law. Subject to the provisions of section 3 of this article III, each member of the panel, at the hearing, may inquire into whatever is believed relevant to the inquiry. Whenever the proceedings originate from a finding of scientific misconduct in accordance with the separate rules governing such proceedings, the hearing panel shall deem the report of the earlier committee to constitute the facts as to the existence of such misconduct.
5. The respondent may be assisted by counsel of his or her choice, as may be the charging party. Counsel for both sides shall cooperate at all times with the panel and the arbitrator.
6. A request by either party to present witnesses shall be made to the panel, which may limit the hearing of witnesses at its discretion. If witnesses are called, each party shall have the right of cross-examination.
7. Each party may introduce exhibits, which shall constitute part of the record of the case. They shall be retained in the custody of a suitable person designated by the chairperson unless, after appropriate precautions to preserve a record of their purport, the chairperson shall order otherwise.
8. A stenographic record shall be made of all proceedings at the hearing. However, on order of the chairperson, procedural matters may be discussed in executive session, the minutes of which need not be included in the transcript of the record of the hearing. This transcript shall be available to all parties to the hearing.
9. Each party shall have equal opportunity at the final session of the hearing for the summation of the case, either in person or by counsel, but no new evidence or testimony may be introduced during such summation.
10. All five members of the hearing panel shall be present at the hearing. If, after the commencement of the hearing, a member of the panel becomes unable to continue to serve, he or she shall be excused from further service. Should a member of the

panel repeatedly fail to carry out his or her obligations as a member of the panel, he or she may be discharged from further service upon the vote of a majority of the remaining members of the panel. In no event, however, may the hearing panel proceed with fewer than three members, and should the number of panel members be reduced to fewer than three, the Faculty Tenure Committee shall designate a new hearing panel which shall commence a de novo proceeding. The members of the original panel who remained on the panel at the time that it ceased to function shall be eligible to serve on the successor panel. The affirmative vote of a majority of the panel shall constitute any action by the panel. Subject to the foregoing, the panel may adopt rules not inconsistent with the provisions herein set forth.

11. Upon completion of the hearing, the panel shall deliberate and make its report. The deliberations shall be conducted in executive session and shall be attended only by the members of the hearing panel. The decision of the panel must be supported by a majority of its members and no recommendation of dismissal shall be made based solely upon the failure of the person involved to answer the charges or appear at the hearing.

#### *IV. Report of the Hearing Panel of the Faculty Tenure Committee*

1. The report of the hearing panel of the Faculty Tenure Committee shall be in writing and shall consist of (a) a transcript of the record of the hearing and the exhibits offered or introduced into evidence by the parties; (b) such findings, conclusions, and proposed sanctions as the panel shall make, including a statement of the facts deemed essential to the findings; (c) a memorandum setting forth the reasons for any recommendations, including any recommendation for severance pay where dismissal for cause is recommended; and (d) any memorandum submitted by any member of the panel, at his or her own discretion, with reference to his or her opinion as to the matters in controversy.
2. Each finding, conclusion, and recommendation shall be reported with the numerical vote of the members of the panel but not with the names of the members who voted for or against the same.
3. Complete copies of items (b), (c), and (d) described in section 1 of this Article IV shall be transmitted to the President of the University and to the parties to the hearing. Either party may take an appeal from the findings, conclusions, and recommendations of the hearing panel by filing a written notice of appeal with the President of the University within ten days of the receipt of the aforesaid items. In the event of an appeal, the full report as described in section 1 of this article IV shall be submitted to the Tenure Appeal Committee as described below.

#### *V. The Tenure Appeal Committee of the University*

1. The Tenure Appeal Committee shall have jurisdiction, under the “Statement in Regard to Academic Freedom and Tenure” published by the Board of Trustees of New York University, to hear an appeal from the findings, conclusions, and recommendations of a hearing panel of the Faculty Tenure Committee in a proceeding for the termination for cause of a tenured faculty member. Its powers

are confined to such cases and do not extend to any other matter concerning the award or the termination of tenure.

2. The Tenure Appeal Committee shall consist of three persons, none of whom hold a full time appointment in the same school as the respondent, as follows: the chairperson of the Faculty Council; the chairperson of the Academic Affairs Committee of the Board of Trustees; and a person designated by the President of the University, ordinarily a dean, having the status of a tenured faculty member. In the event that either of the first two persons is unable to serve in a given case, a substitute person shall be designated, respectively, by the Faculty Council and the Board of Trustees. Any substitute for the chairperson of the Faculty Council shall be a member of the Faculty Council and any substitute for the chairperson of the Academic Affairs Committee of the Board of Trustees shall be a trustee of the University.

#### VI. *Action by the Tenure Appeal Committee*

1. Upon the request of either the respondent or the charging party, the Tenure Appeal Committee of the University shall consider the findings, conclusions, and recommendations of the hearing panel of the Faculty Tenure Committee on the record made at the hearing before the panel. If the Tenure Appeal Committee deems the record not complete, it may refer the matter back to the panel for further data, findings, and recommendations.
2. An opportunity for argument before the Tenure Appeal Committee shall be afforded to each of the parties or their representatives before the final vote on the merits of the controversy.
3. Upon appeal a tenured member of the teaching staff shall be removed for cause only by a vote of a majority of the Tenure Appeal Committee to affirm the findings of the hearing panel in support of one or more of the charges. A recommendation for dismissal for cause made by the hearing panel shall be upheld only if the Tenure Appeal Committee determines: (i) that the findings against the respondent on one or more of the charges are supported by substantial evidence in the record as a whole; (ii) that the hearing was conducted fairly and in substantial compliance with the rules set forth above for the conduct of such hearings; and (iii) that the sanction of dismissal is appropriate. If the Tenure Appeal Committee does not determine that the findings in support of one or more of the charges are supported by substantial evidence in the record as a whole, or determines that the hearing was not conducted fairly or was not conducted in substantial compliance with the governing rules, or that the sanction of dismissal is not appropriate it shall, as the interests of substantial justice shall require: (i) dismiss the charges; (ii) remand the case for a new hearing before the same or a new hearing panel; or (iii) reduce the sanction, provided however that any decision to reduce the sanction must be upon the unanimous vote of the Tenure Appeal Committee.
4. Where the hearing panel has sustained one or more of the charges but has not recommended dismissal for cause and has instead recommended a lesser sanction, the Tenure Appeal Committee shall, upon appeal, similarly review the findings,

conclusions, and recommendations of the panel. The Tenure Appeal Committee is empowered to make the final determination with respect to the appropriate sanction to be imposed provided, however, that any decision to increase the sanction recommended by the hearing panel must be upon the unanimous vote of the Tenure Appeal Committee. Where the hearing panel has not sustained any of the charges, the Tenure Appeal Committee shall, upon appeal, again review the findings, conclusions, and recommendations of the panel, and where it determines that the findings are not supported by substantial evidence in the record as a whole or that the hearing was not conducted fairly or was not conducted in substantial compliance with the governing rules to the detriment of the charging party, it may, in its discretion, remand the case for a new hearing before a new panel of the Faculty Tenure Committee.

5. After the conclusion of its deliberations, the Tenure Appeal Committee shall prepare a report setting forth its findings and conclusions, stating the reasons therefor, including the dissenting views of any member of the Committee.
6. The secretary of the University shall provide a copy of the report of the Tenure Appeal Committee to the parties and to the President of the University.
7. The final disposition of the case shall be made public only after the parties to the hearing have been officially informed of the decision of the Tenure Appeal Committee. Until that time no information concerning the hearings shall be disclosed to the public.

#### *VII. General Provisions*

1. The members of the Board of Trustees, the President of the University and other officers of administration, the members of the Tenure Appeal Committee, the members of the Faculty Tenure Committee, the dean and members of the faculty, and all witnesses and other participants in any hearing shall be absolutely privileged as to statements or publications made in connection with the hearings, and shall have complete immunity for any decision, statement of fact, or comment relating thereto.

#### **Title IV: General Disciplinary Regulations Applicable to Both Tenured and Non-Tenured Faculty Members**

1. [General obligations] Quite apart 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. [Particular obligation] 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. [Who may file a complaint] 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] 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 of the University and Executive Vice President for Academic Affairs, or the dean of the college, school, or division involved with the assent of the President or Chancellor of the University and Executive Vice President for Academic Affairs, whenever, in the judgment of either, suspension is necessary in the interest of the University community.
  3. [Where to file a complaint] 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 of the University and Executive Vice President for Academic Affairs. Complaints must be filed within a reasonable time after an alleged violation.
  4. [Informal resolution at school level] 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 of the University and Executive Vice President for Academic Affairs. Where the matter cannot be resolved in this manner, disciplinary proceedings shall proceed.

5. [Hearing committee for the non-tenured] Where the faculty member does not have continuous or permanent tenure, the matter shall be referred, with all pertinent information, to the Chairperson 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 Chairperson of the Faculty Council shall appoint the chairperson of the committee.
6. [Procedures and authority under Item 5] 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 or she is the subject of the charge) and the Chancellor of the University and Executive Vice President for Academic Affairs.
7. [Hearing committee for the tenured] Where the faculty member has continuous or permanent tenure, and the proceeding or charge was not brought by the President, the Chancellor of the University and Executive Vice President for Academic Affairs, 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 chairperson of the Faculty Tenure Committee, who shall appoint a special hearing committee and chairperson 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. [Procedures and authority under Item 7] 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 B.9. If the possibility of dismissal should be at any time involved, the procedure must follow that in Title III.
9. [List of penalties] 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
10. [Appeal] A faculty member may appeal the decision by the hearing committee to impose a penalty. Appeal shall be to the Chancellor of the University. Grounds for an appeal shall be that the decision was not supported by substantial evidence in the

record taken as a whole or that the proceedings were not conducted in substantial compliance with the principles enumerated herein. In cases involving scientific misconduct, substantial deviance from procedures set out for fact-finding within the affected school shall also be grounds for appeal. Any such appeal must be made to the Chancellor within fifteen calendar days after receipt of notice of the decision of the hearing committee. The Chancellor may seek the advice of such individuals or groups as he or she deems appropriate.

In deciding the appeal the Chancellor may affirm or reverse the decision of the hearing committee, may remand the case for a new or further investigation by the same or a different committee, or may increase or decrease the sanction imposed as the interests of substantial justice appear to him or her to require. Where scientific misconduct is at issue, the Chancellor may also remand the case to the dean of the appropriate school with a request for a new or further fact-finding by the same or a new committee, appointed in accordance with the provisions of the rules governing such cases.

## **OTHER FACULTY POLICIES**

### **Faculty Membership and Meetings**

The Bylaws of the University are explicit on the matter of who is a faculty member and on how voting rights are allotted; the relevant texts are reproduced here.

#### *Faculty Membership [Bylaw 64]*

- a) The voting members of each faculty shall consist of the President, the Chancellor of the University and Executive Vice President for Academic Affairs, the dean of the faculty, and the professors, associate professors, and assistant professors (or in the Division of the Libraries, the curators, associate curators, and assistant curators), who serve on a full-time basis. In addition, the Executive Vice President for Health Affairs shall be ex officio a voting member of the faculty of the School of Medicine, of the Post-Graduate Medical School, and of the College of Dentistry; and each vice president or deputy provost or vice provost who has academic responsibilities shall be ex officio a voting member of the faculty of each school in his or her purview.
- b) In addition, professors emeriti/emeritae, adjunct and clinical and visiting professors of each grade and research professors without tenure of each grade, instructors, library associates, lecturers, senior language lecturers, language lecturers, master teachers, teachers, master artists, and artists-in-residence, whether they teach on a full-time or part-time basis, are entitled, subject to faculty regulations, to attend faculty meetings, but they shall not have the right to vote at such meetings, except as provided below. Every year, each faculty through affirmative action of its voting members as specified in paragraph 64(a) may in its discretion, and according to its own qualifications, grant voting privileges to all or some of the individuals described above on matters affecting that faculty only, and excepting matters directly or indirectly affecting the individual's candidacy for a degree or his or her status on the faculty at New York University, and the election of members of the Faculty Senators Council or University commissions.
- c) An officer of instruction serving on a full-time basis in the University shall be a full-time member of the faculty of each school in which he or she gives instruction regularly, but shall have voting rights in the election of members of the Faculty Senators Council only in the school of his or her principal assignment as determined for this purpose by the President.
- d) The roster of faculty members entitled to voting rights in each faculty under paragraphs (a), (b), and (c) shall be prepared and maintained on a current basis by the dean of the faculty, shall be submitted to the Secretary of the University for verification and filing in the official records, and shall be available for reference at each faculty meeting.



### *Faculty Meetings [Bylaw 65]*

Each faculty shall hold at least four meetings each year, at such times and places and under such rules of procedure, consistent with these bylaws, as it may determine. Copies of the minutes of such meetings shall be sent to the President and the Chancellor of the University and Executive Vice President for Academic Affairs.

### **Faculty Titles**

In 1960, the Board of Trustees issued a comprehensive statement on the subject of permanent or continuous tenure. It appears in a section headed “Statement in Regard to Academic Freedom and Tenure” (see page 21). The Bylaws in effect at that time gave only brief descriptions of faculty titles; new Bylaws adopted since then give more ample descriptions. The text of Bylaws 71, 72, and 73, approved May 27, 1968, as amended through May 5, 1980, is found below. In the event of conflict between earlier and later statements by the Board of Trustees, the most recent statement governs.

Since 1974, by action of the Board of Trustees, the professional librarians of New York University have had full faculty status. Their titles of rank are equated with those of the teaching ranks.

### *Professors and Associate Professors; Curators and Associate Curators [Bylaw 71]*

- a) Professors and associate professors are usually appointed to serve on a full-time basis, and only full-time professors and associate professors may achieve permanent or continuous tenure at the University. Unless otherwise specified, professors and associate professors are appointed for one year only, but they may be appointed for a longer period or without limit of time, subject to such rules respecting tenure as the Board may adopt.
- b) Curators and associate curators in the Division of the Libraries are granted tenure rights under conditions similar to those applicable to professors and associate professors.

### *Assistant Professors; Assistant Curators [Bylaw 72]*

- a) Assistant professors are usually appointed for one year only, but full-time service in this rank may be counted, to the extent permitted under the rules of the Board of Trustees, toward the attainment of tenure by assistant professors that are promoted to the rank of associate professor or professor.
- b) A full-time assistant professor in any school, college, division, or department except the School of Medicine and its departments, and the College of Dentistry, its College of Nursing and their departments, and the Leonard N. Stern School of Business and its departments, who is not promoted at the expiration of seven years as a full-time assistant professor shall be ineligible for further full-time appointment in the University. A full-time assistant professor in the School of Medicine, the College of Dentistry and its College of Nursing or any of their departments who is not promoted at the expiration of ten years as a full-time

assistant professor shall be ineligible for further full-time appointment in the University. A full-time assistant professor in the Leonard N. Stern School of Business or any of its departments, who is not promoted as the expiration of nine years as a full-time assistant professor shall be ineligible for further full-time appointment in the University.

- c) The appropriate dean or departmental chairperson shall as a matter of academic courtesy give notice of these rules to full-time assistant professors in any school, college, division, or department except the School of Medicine and its departments, the College of Dentistry, its College of Nursing and their departments, and the Leonard N. Stern School of Business and its departments, in the sixth year of service as assistant professor, or, in the School of Medicine or any of its departments and the College of Dentistry, its College of Nursing and their departments, in the ninth year of service as assistant professor, or in the Leonard N. Stern School of Business or any of its departments, in the eighth year of service as an assistant professor, but no assistant professor or instructor shall be promoted or acquire tenure rights on the ground that he or she did not receive a notice or reminder of this section of the bylaws.
- d) Assistant curators in the Division of the Libraries (including assistant curators in the School of Medicine) are appointed on the same terms and conditions as assistant professors at New York University, without extension of probationary period as provided for assistant professors in the School of Medicine, and are subject to the same prohibition on further full-time appointment if not promoted at the end of the specified periods. An exception is made, under special administrative arrangements approved by the President, for assistant curators appointed prior to October 1, 1972.

*Non-Tenure Positions [Bylaw 73]*

- a) Instruction or research service shall be without tenure implications of any kind, regardless of rank or title, if rendered in a part-time capacity, or in a temporary position, or in a program having a subsidy of limited duration. Appointment to a non-tenure position shall be for a definite period of time, not exceeding one academic year unless otherwise specified, and shall automatically terminate at the close of that period unless there is an official notice of renewal. Non-tenure positions include the following:
- instructor;
  - research professor, research associate professor, research assistant professor (except when the title of research professor is conferred as a distinction upon a person already having tenure at New York University);<sup>5</sup>
  - adjunct professor, adjunct associate professor, adjunct assistant professor;

- clinical professor, clinical associate professor, clinical assistant professor;<sup>5</sup>
- visiting professor, visiting associate professor, visiting assistant professor;
- senior research scientist, research scientist, associate research scientist, assistant research scientist;
- senior research scholar, research scholar, associate research scholar, assistant research scholar;
- senior language lecturer and language lecturer;
- lecturer, master teacher, teacher, master artist, artist-in-residence;
- teaching fellow, teaching associate, teaching assistant;
- associate, research associate, assistant, clinical assistant, graduate assistant, research assistant.

Any position designated by a title not specified in this chapter shall be a non-tenure position unless the Board of Trustees determines otherwise.

b) In the Tisch School of the Arts

- arts professor, associate arts professor, assistant arts professor;
- visiting arts professor, visiting associate arts professor, visiting assistant arts professor.

c) A full-time instructor is usually appointed for one year only, but if not promoted at the expiration of three years as an instructor shall be ineligible for further full-time appointment in the University. Full-time service in the rank of Instructor may not be counted towards the attainment of tenure by instructors who are promoted to the rank of Associate Professor or Professor. Library Associates are appointed on the same terms and conditions as Instructors.

*Further Information on Selected Non-Tenure Track Position Titles*

The title *instructor* is ordinarily applicable to an appointee as an officer of instruction who has not completed the Ph.D. or equivalent degree necessary for entry into the rank of assistant professor, but whose academic preparation is sufficiently advanced to indicate the likelihood of completing that degree and who otherwise gives evidence of character, productive scholarship, and ability to teach.

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<sup>5</sup> In the School of Medicine, these designations denote part-time status. For full-time service appointments, the designations “Professor (Research or Clinical)”, “Associate Professor (Research or Clinical)”, and “Assistant Professor (Research or Clinical)” are used.

The title *acting professor* (or *acting associate professor* or *acting assistant professor*) is applicable to a temporary appointee of appropriate caliber who may succeed to unqualified appointment to the rank thus tentatively occupied, but who ordinarily has no assurance of such succession. Occasions for such temporary appointment are rare and are employed only when other designations fail to satisfy the circumstances.

The title *visiting professor* (or *visiting associate professor* or *visiting assistant professor*) is ordinarily applicable to an appointee who is a member of the teaching staff on leave of absence as a full-time teacher of corresponding professorial rank from another institution, but may be applicable to an appointee who does not have a home institution. The duration of the appointment of a visiting professor is normally one year, but shall not exceed three years. In the event of subsequent appointment to the tenure track, the time as visitor will count as part of the probationary timetable.

The title *research professor* (or *research associate professor* or *research assistant professor*) may be employed as a courtesy title without tenure implications, for part-time or full-time service or visiting individuals whose primary activities are in the area of research.

The title *research scientist* or *research scholar* (*senior*, *associate* or *assistant*) may be used for those temporarily serving on year-to-year appointments under research contracts, without tenure implications.

The title *clinical professor* (or *clinical associate professor* or *clinical assistant professor*) is applicable in the medical, dental, and certain other divisions to appointees whose professional attainments are comparable to those required for the regular professorial grades but whose teaching service is part-time or whose qualifications and responsibilities are fundamentally distinguishable from those of appointees in the tenure-earning ranks.

The title *language lecturer* (or *senior language lecturer*) is applicable in the Faculty of Arts and Science and in the School of Continuing and Professional Studies to an appointee whose professional attainments are in the area of language instruction and whose qualifications and responsibilities are fundamentally distinguishable from those of appointees in the tenure-earning ranks.

The title *adjunct professor* (or *adjunct associate professor* or *adjunct assistant professor*) is applicable to an appointee whose academic preparation and professional attainments are such as to meet the qualifications for the regular professorial grades as set forth in the tenure statement (see page 21) but who usually does not have a current professorial connection with any other institution and is appointed to teach, usually a part-time program, in New York University on a purely temporary basis. Appointment in these ranks is made on a year-to-year or semester-to-semester basis.

The title *lecturer* is applicable to an appointee who is an individual of distinction in a professional field, who is not otherwise on the teaching staff of the University, and who is engaged to give a series of lectures or to teach on a part-time basis during a specified semester or year.

The title *teaching assistant* is applicable to a graduate student pursuing a prescribed course of study at this institution who, because of outstanding qualifications, is appointed to part-time

duties concurrent with his or her academic program. The duties of a teaching assistant are ordinarily related to the field or discipline of a student's degree studies at NYU and are **primarily** focused on the development and exercise of **teaching skills**. Generally, such appointments entail stipend support and tuition remission.

The title *graduate assistant* is applicable to a graduate student pursuing a prescribed course of study at this institution who, because of outstanding qualifications, is appointed to part-time duties concurrent with his or her academic program. The duties of a graduate assistant are ordinarily related to the field or discipline of a student's degree studies at NYU and are **primarily** focused on the development and exercise **of a variety of professional and technical skills**. Generally, such appointments entail stipend support and tuition remission.

The title *research assistant* is applicable to a graduate student pursuing a prescribed course of study at this institution who, because of outstanding qualifications, is appointed to part-time duties concurrent with his or her academic program. The duties of a research assistant are related to the field or discipline of a student's degree at NYU and are **primarily** focused on the development and exercise **of a variety of research-related skills**. Generally, such appointments entail stipend support and tuition remission.

The designations *instructor, lecturer, associate teacher, master teacher, master artist, artist-in-residence, teaching fellow, graduate assistant, research assistant* and *teaching assistant*, and any positions designated or not designated by a title cited in this chapter, whether gained at New York University or elsewhere, do not fall within the academic hierarchy (i.e., *assistant professor, associate professor, professor*) that may lead to tenure at New York University, and service in such capacities, irrespective of its duration or where it was rendered, whether full-time or part-time, is not creditable toward tenure requirements at New York University.

### **Responsibilities of the Faculty Member**

Members of the faculty are expected to meet their professional and institutional commitments at the University on a regular basis throughout the academic year. These commitments include time spent on teaching, research, student advising, clinical activities and various kinds of University or outside professional service on committees and in administrative or advisory roles.

All officers of instruction are expected to handle their teaching assignments with professional skill. They should familiarize themselves with the overall organization of the University, and especially with the operations of the school or college in which they serve, and with its requirements and regulations, with which they will scrupulously comply. They should strive to be good citizens of the academic community, cooperative and efficient in meeting deadlines, submitting grades, and returning students' work with appropriate comments. They should be active participants as committee members, student advisers, or in whatever other capacity they can render the best service in the affairs of the department and the school. Ideally, they should also maintain interest in the current activities and problems of the larger community and in how the community and the University can benefit each other.

Tenure and tenure-track faculty should aim at the steady enlargement of knowledge in their special fields—by enlarging their own knowledge through continuing study and by enlarging the knowledge of others through making scholarly contributions. All faculty should keep abreast of publications about new developments in their subject area, and attend and actively participate in

the meetings of appropriate learned societies. (Financial assistance in attending professional meetings may be available, according to the rules of the several schools and colleges.)

General criteria for promotion and tenure for tenure and tenure-track faculty are cited in Title I, Section V of the Statement in Regard to Academic Freedom and Tenure on pages 22-26. Some schools and colleges also have written statements on faculty appointment policies and procedures, particularly those concerned with promotion and tenure.

Section XI of the Tenure Statement cites important information regarding yearly notification of nontenured faculty concerning tenure prospects, including a formalized early review for certain junior faculty during their third year of service and, in the School of Medicine and the Stern School, also in their sixth year of service (see page 30).

### *Teaching and Research Assignments*

As regards full-time faculty members, long-standing University policy limits regular teaching assignments to the usual fall and spring terms (approximately early September to mid-May) or equivalent. The summer months are generally expected to be spent partly in scholarly activity for professional growth and partly in rest and recreation. Faculty on such nine-month appointments may accept teaching, research or other employment during the three summer months, either at NYU or at another academic institution, or from another employer. In addition, with permission of the Dean or Chair, faculty may be released from some teaching responsibilities in order to conduct research. Assignments at NYU outside of the usual pattern as a part of the regular teaching load are normally made only as the result of a specific agreement with an individual faculty member. In the School of Medicine and the College of Dentistry, the teaching and research assignments are September through August and September through July, respectively.

Full-time teaching loads are determined administratively under guidelines approved by the Office of the Provost for a particular school or department. No additional compensation by reason of teaching overload may be paid to a full-time faculty member during the period of a regular teaching assignment, except in emergency circumstances duly approved in advance by the Office of the Provost. As an exception, teaching in the School of Continuing and Professional Studies or in a regularly established off-campus program for additional compensation to the extent of one course per semester (in addition to a faculty member's regular assignment) will be permitted with the approval of the dean of the school in which the teacher's principal services are rendered, but such arrangements are subject to review and renewed approval from year to year. Exceptions for additional compensation by reason of teaching overload may also be made for teaching in the Gallatin School of Individualized Study and in experimental programs.

A full-time faculty member whose regular teaching assignments are limited to the fall and spring terms (approximately early September to mid-May) may accept teaching or research assignments at times outside his or her regular schedule (e.g., during the summer) at New York University or elsewhere, provided such additional undertakings do not unduly interfere with the teacher's efficiency and serviceability to the department. Summer teaching assignments at New York University are normally made to full-time faculty members only with the consent of the teacher concerned.

### *Meeting Classes*

The regulations of the University require all officers of instruction to be present for teaching duty and ancillary activities (e.g., committee work and student advisement) during the academic sessions to which they have been assigned. In addition, unless special arrangements have been made through the department or school, all officers of instruction are duty-bound to meet all their assigned classes at the place and hour scheduled. The length of the various academic sessions and the number of class meetings per session are set conformably to the requirements of the State Education Department for the different programs offered by the University, and may not be varied arbitrarily by individual teachers.

In case of illness necessitating absence from class, the teacher should communicate with the proper departmental officer or, if the latter is not available, with the dean. The department head or dean will determine what arrangements, if any, shall be made to provide a substitute instructor or to make up the work of the class at a later date.

### *Calendar*

The fiscal years for New York University extend from September 1 through August 31. In most divisions (except certain professional schools, where slightly different schedules obtain) the regular teaching year consists of two terms, beginning in early September and mid-January, respectively. The summer sessions conducted by the various divisions extend for the most part from May to August. The calendars published in the University-wide and individual school bulletins will cite specific dates conforming to local variations. This information is also available online (<http://www.nyu.edu>). The annual Commencement exercises are ordinarily held in May.

### *Bulletins*

Each school and college of the University, under the direction of its dean, issues its own bulletin or bulletins describing entrance and degree requirements, programs of study, and the like. Because this is the official publication of the school's or college's requirements and programs, it must be as accurate and up-to-date as possible.

It is incumbent upon the individual faculty member whose particular courses are described therein to inform the departmental executive officer of all essential changes that may necessitate a revision of the course description in the bulletin.

### *Restriction on Outside Employment*

All faculty members compensated on a full-time basis are expected to devote their major energies to teaching, research, service, student counseling, and related activities at New York University. This implies a limit on outside activities, particularly those that involve the rendering of service for extra compensation.

No one appointed to a tenure or tenure-track faculty position at NYU may simultaneously hold a tenure or tenure-track position elsewhere. Teaching service at other institutions during the academic year must be approved in advance by the Dean.

For tenure or tenure-track faculty, extramural activities that are consistent with the individual's overriding obligation to the University, including consulting and other gainful employment, must be consistent with the principles outlined above and may not require on the average more than one day per week in any academic semester or in any summer month in which the faculty member is receiving compensation for full-time employment at the University.

Circumstances thought to merit exceptional treatment should be referred in writing to the appropriate dean and the Office of the Provost.

All faculty members shall on a yearly basis report to their deans on (i) teaching outside the University; if the course taught is the same or similar to a course s/he teaches at the University, an outline of the curriculum taught at both institutions must be provided, (ii) other compensated activities outside the University and (iii) significant financial interest in entities having a relationship to the University (see Statement of Policy on Faculty Responsibility to the University, p 79)

It is the responsibility of departmental chairpersons or heads and of the deans of the various schools to protect the interest of the University in the full-time service of its full-time faculty, professional research and library staffs, and administration.

#### *Limitation on Degree Candidacy*

Special attention is called to Bylaw 63(c), which reads as follows:

No officer of instruction holding professorial rank in the University, that is, rank above the grade of instructor, shall be permitted to enroll as a candidate for a degree or be recommended for a degree in course. A degree candidate who accepts appointment to professorial rank must thereupon relinquish such candidacy.

While the rule does not prohibit a teacher of professorial rank, whether on temporary or permanent appointment, from taking courses at this institution for credit to be applied elsewhere toward a degree, it does prohibit such an appointee from pursuing a course to be credited toward a degree at New York University. In applying the rule, the prohibition has been extended to all holders of professorial titles, including visiting, research, adjunct, and clinical professors of each grade, and to administrators of policy-making rank. The holder of any professional librarian's rank may pursue graduate work and be a degree candidate at the University.

#### *New York State Oath Requirement*

Section 3002 of the Education Law of the State of New York, as amended, requires in part that any United States citizen employed within the state as a teacher in a tax-supported or tax-exempt institution sign an oath or affirmation to support the Constitutions of the United States and of the State of New York.

This oath or affirmation must be executed by every newly appointed teacher before the first class session and returned for filing with the records of the institution.

The requisite form for complying with the law is available from the Faculty Records Office of the University and in the offices of the deans of the schools and colleges (see the NYU Public



Directory for contact information). Foreign nationals, of course, are not subject to this requirement.

## **Compensation**

The salary of a full-time officer of instruction who teaches in the school's regular fall and spring terms, or a full-time faculty member, teaching assistant, and graduate assistant, in the School of Medicine and College of Dentistry who serves the entire academic year, is paid by monthly check in equal installments over the entire calendar year, beginning on the first day of the month following the effective date of appointment, with the exception that a teaching associate, teaching assistant, teaching fellow, or graduate assistant on duty from September through May receives his or her salary in 17 biweekly payments, starting in September and ending in May.

Salary payments to a part-time member of the instructional staff are payable four times each term, on the first of October, November, December, and January for the fall term, and on the first of March, April, May, and June for the spring term, with the exception that a part-time faculty member appointed for the entire academic year (September through May) will receive his or her salary in nine equal payments starting October 1 and ending June 1. Salary payments of a part-time faculty member in the School of Medicine are paid according to the same schedule as a full-time faculty member in that school.

Salary payments to a visiting faculty member normally follow the same schedule as full-time faculty with the exception that a visitor whose appointment does not extend through the summer months may be paid on the same schedule as a part-time faculty member.

### *Payment for Summer Months*

In addition to the academic year salary, faculty members appointed on a nine-month basis may receive up to three additional months of summer compensation from NYU-administered sources (e.g. from federal or non-federal research grants). The maximum monthly salary from such sources is one-ninth of the academic year salary.

Payment for teaching in the summer intersession, whether paid as additional compensation to regular full-time officers of instruction or to visiting or part-time personnel, is normally made on one or more of the following dates, depending on the duration of the assignment: July 1, August 1, September 1.

### *Deductions From Salary*

Deductions from the salary check are made by the Controller's Division for federal, New York State, and New York City income taxes; Federal Insurance Contributions Act (FICA) tax as specified by law; and annuity, group insurance, disability income protection plan, dental plan, and hospitalization and surgical-medical insurance premiums in accordance with individual requirements. Part-time members of the instructional staff, and such essentially temporary appointees as teaching fellows, graduate assistants, and the like, are ordinarily ineligible for annuity, group insurance, or hospitalization benefits. Cases to the contrary are subject to review and decision by the administration.

The University cooperates with the United States Treasury in arranging for the regular purchase of savings bonds under the Payroll Deduction Plan.

## **Sabbatical Leave**

### *Purpose*

A sabbatical leave, as distinguished from a terminal leave, a leave without compensation, or a leave for reasons of health, is defined as a leave for the purpose of encouraging faculty members (including administrative officers who hold faculty rank) to engage in scholarly research or other activities that will increase their scholarly achievement or their capacity for service to the University. A sabbatical leave will not be granted for the purpose of taking regular academic or other employment of pecuniary advantage elsewhere. (A partial exception to this policy, applicable to certain kinds of research grants, is explained below.)

### *Eligibility*

Eligibility for a sabbatical leave is limited to full-time members of the faculty who have achieved tenure rights and who have completed six years of full-time service as members of the faculty at New York University. In general, at least six years must elapse between consecutive sabbaticals.

It is stipulated that at the conclusion of a sabbatical leave the faculty member will forward to the department chairperson and the dean copies of a report on activities undertaken during the period of the leave.

### *Term and Compensation of the Sabbatical*

In general, a sabbatical leave is granted to the eligible faculty member, starting September 1, for the usual teaching terms (i.e., September to June inclusive) of one academic year, at three quarters of annual base salary. However, as an alternative, a faculty member who has qualified for a full year of sabbatical leave at three-quarters salary may apply for such sabbatical to be divided into two terms falling within a seven-year period, each such term representing a seventh semester at three-quarters of the base salary applicable thereto. As another alternative, a faculty member who is qualified for a full year's sabbatical leave at three-quarters salary may elect, in lieu thereof, to apply for only one semester of sabbatical leave during the sabbatical year, at the full base salary for that semester. Appropriate variations apply in units, such as the College of Dentistry, the School of Medicine and the Libraries, in which active service is rendered on an 11- or 12-month basis rather than a 9-month basis.

The cost of replacing a faculty member during sabbatical leave will be kept as low as possible by arrangements such as rotating ("bracketing") courses, employing part-time faculty members, and making internal adjustments in the departments concerned.

### *Procedure for Granting a Sabbatical Leave*

Application for a sabbatical leave should be made in writing by the faculty member and submitted to the department chairperson no later than December 1 preceding the academic year for which the leave is sought. Because of the impact of a leave on departmental planning, early application is recommended.

The department chairperson must forward the application with an accompanying recommendation to the appropriate dean on or before the following December 15. The recommendation shall include a statement of the proposed method of handling the normal duties of the faculty member while on leave.

The dean must forward each application and the accompanying recommendation of the department chairperson, together with the dean's own recommendation, to the Office of the Provost on or before January 15. The Office of the Provost, after such additional consultation with the dean as may be desirable, will announce the determination.

#### *Sabbatical Leave and Sponsored Research and Related Activities*

All sabbatical leave arrangements approved by the University carry the restriction that the faculty member is not permitted to engage in any form of regular academic or other employment to supplement the sabbatical salary. However, a member of the faculty is entitled to supplement the salary provided by the University during the period of leave with funding provided by an external sponsor for research and related activities, in an amount approved by the sponsor, so long as the total compensation is no more than the full base salary and the leave otherwise comports with the terms and conditions of the award. The faculty member must take the initiative to report plans for sabbatical leave to the sponsor and identify the salary supplementation explicitly in the proposal whenever possible, and must make known to the department chairpersons and dean at the time of request for sabbatical leave that such funding is being, or will be, sought from the sponsor.

#### *Benefits During Sabbatical Leave of Absence*

During a leave of absence, benefits may be affected. The Benefits Office should be contacted for details regarding how to continue benefit coverages and the length of time for which benefits may be continued.

It is a faculty member's responsibility to contact the Benefits Office to arrange for continuation of benefits. More information is available in the benefits booklets or at the Benefits Office (see the NYU Public Directory for contact information).

#### **Leave of Absence (paid and unpaid)**

Applications for leave of absence of not more than seven days should be made to the proper dean. Leave of absence for more than seven days requires the approval of the Office of the Provost.

A leave of absence may not be granted to a faculty member who has accepted a tenured appointment elsewhere.

#### *Illness/Disability Leave and Maternity Leave*

The salary of a full-time faculty member (Code 102) may be continued for up to six months at the discretion of the dean, for absence caused by illness or disability, subject to approval by the Office of the Provost.

Legally, an absence caused by inability to work because of pregnancy, childbirth, or related medical conditions must be treated at least as favorably as an absence caused by illness or disability for all employment-related purposes. At the time a faculty member gives birth, she is entitled to an aggregate of six consecutive weeks of paid maternity leave preceding and following the date of birth.

A physician's statement certifying that the faculty member is unable to work because of illness or disability and the date on which it is anticipated that he or she can return to work may be required. The University, in addition, may require that the faculty member be examined by a physician designated by the University at no cost to the faculty member. In cases of childbirth, no certification will be required unless the request for leave extends beyond six weeks.

A full-time faculty member who is totally disabled for more than six consecutive calendar months may claim benefits under New York University's long-term disability insurance if a participant.

### *Personal Leave*

Personal leave without pay may be granted at the discretion of the dean for a variety of reasons, including those cited below. Faculty members may be granted one or more full semesters of leave without pay for compelling personal reasons, such as care of a seriously ill child, parent, spouse, or registered same-sex domestic partner. Leave by either parent for the purpose of taking care of a child or related activities, as distinguished from inability to work because of pregnancy or childbirth, is treated as personal leave.

Faculty members are entitled to all provisions of the federal Family and Medical Leave Act of 1993 that are not specifically provided for herein. (A copy of "Your Rights under the Family and Medical Leave Act of 1993" is available at the Benefits Office; see the NYU Public Directory for contact information.)

### *Workload Relief Policy (Approved by the University Senate March 1, 2007)*

In order to provide relief to faculty members faced with the additional demands of being the primary care-giver to a newborn child, newly adopted child, new foster care or guardianship placement, or newly-established legal custodial care, New York University's workload relief policy grants one (1) semester of workload relief from classroom teaching and administrative committee work or two (2) semesters of half relief from such duties based on the individual's normal yearly workload at full salary. Workload relief is not considered a leave as faculty members are expected to make themselves available to the extent reasonable and practicable for their customary responsibilities of research, student consultation and advising.

The faculty member's School shall remain financially responsible for the faculty member's salary during the workload relief period. Financial support for workload relief of classroom teaching, necessitated by having to hire appropriate replacements, is to be borne by a University workload relief fund. Please see the Workload Relief Form for details.

Individuals eligible for workload relief benefits include all full-time (code 102) faculty. To qualify for workload relief, the faculty member must be the parent primarily responsible for the care of a newborn child, newly adopted child, new foster care or guardianship placement, or

newly-established legal custodial care. In all circumstances, only one (1) parent may be considered primarily responsible for the care of the child. If both parents could be eligible under this policy because they are both code 102 faculty, each such eligible faculty member could qualify sequentially for a half semester if the designation of primary responsible parent changed, but the total amount of workload relief would not increase.

Normally the first semester of workload relief will be the semester in which the temporary disability leave for childbirth is completed, the semester in which the adoption, foster care or guardianship takes place, or the semester in which the birth takes place. If the primary caregiver taking workload relief is the non-birth parent, only the latter two (2) situations are relevant. If these events occur between semesters when classes are not in session, the first semester of the workload relief typically will be the following semester.

In the case of childbirth, at least five (5) months before the start of the first semester of relief, a faculty member wishing to utilize workload relief for parenting under this plan should inform his or her Department Chair by filling out a Workload Relief Form, certifying that she/he is the primary caregiver and stating her/his intentions to take one (1) full semester or two (2) half semesters of relief. The form should be submitted to the person responsible at his/her School for processing the request as listed on the Workload Relief contact sheet. Details of the workload relief arrangement must be decided in consultation with the Department Chair or, in Schools without departmental organization, with the Dean. In the case of adoption, foster care or guardianship, the faculty member should alert the Department Chair or Dean as early as possible. Tenure clock stoppage will be granted for a cumulative maximum of two semesters during the probationary period to a faculty member who is the primary caregiver of a child whether or not the faculty member avails herself or himself of workload relief. The one (1) full semester of relief or two half semesters of relief will count as credit toward a faculty member's sabbatical leave.

This policy is not intended to replace leave available to faculty members who are eligible for leave for the birth a child, an adoption, or foster care placement under the Family and Medical Leave Act of 1993 ("FMLA"). FMLA shall run concurrently with workload relief as either intermittent or reduced workload leave. An FMLA certification must be completed and submitted with the Workload Relief Form to determine FMLA eligibility. Eligible faculty members may still elect to take unpaid FMLA leave if they wish to provide no service while providing care for their newborn child, newly adopted child, or foster care or guardianship placement.

*Tenure Clock Stoppage for Personal Reasons (Approved by the University Senate March 1, 2007)*

Tenure clock stoppage may be granted automatically for a maximum of two semesters during the probationary period for any one of, or combination of, the following personal reasons:

1. Tenure clock stoppage may be authorized during a period of full service to faculty members who are primary caregivers of a child; and to primary caregivers of a parent, a spouse, or a domestic partner in a health crisis of extended duration. A domestic partner qualifies if he or she is registered with the University for benefits purposes.

“Primary care” means day-to-day responsibility for the care of a child, parent, spouse, or registered domestic partner for a substantial portion of the period.

2. Tenure clock stoppage may be authorized to a faculty member who is granted one or more full semesters of leave for any one of, or combination of, illness/disability leave, maternity leave, or personal leave.

Tenure clock stoppage for up to two semesters will be granted automatically in the case of a parent primarily responsible for the care of a newborn child, newly adopted child, new foster care or guardianship placement, or newly-established legal custodial care, upon notification to the Chair of the Department or, in the case of Schools without departmental organization, the Dean. In other cases, a request for tenure clock stoppage normally will require advance approval by the Dean and the Office of the Provost. Requests should be made as early as possible, and when feasible, approvals should be in place no later than the onset of the semester preceding the period of tenure clock stoppage.

Note: The granting of tenure clock stoppage does not influence granting of tenure in the future.

#### *Benefits During Leave of Absence*

During a leave of absence, benefits may be affected. The Benefits Office should be contacted for details regarding how to continue benefit coverages and the length of time for which benefits may be continued.

It is a faculty member’s responsibility to contact the Benefits Office to arrange for continuation of benefits. More information is available in the benefits booklets or at the Benefits Office (see the NYU Public Directory for contact information).

## Faculty Grievance Procedures

(Adopted by the University Senate May 10, 1973, approved by the Board of Trustees May 21, 1973)

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 or she 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 procedures. The initial protection for the faculty member is in the “Statement in Regard to Academic Freedom and Tenure” (see page 21) and the regulations and procedures on “Appointment and Notification of Appointment” (see page 29). 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 chairpersons 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 or herself, the faculty member may appeal to the dean to convoke the grievance committee of the school or faculty. The dean shall do so within 15 working days<sup>6</sup>. After obtaining the recommendation of the grievance committee, the dean shall decide the case and in writing shall notify the concerned

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<sup>6</sup> EXPLANATORY NOTE: In any instance in which the dean has not convened the school’s grievance committee within the mandated 15 working days, the faculty member has the right to bring it to the attention of the Office of the Chancellor.

parties and the grievance committee of his or her decision, together with reasons therefor, 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 or her final decision and shall notify as in A-5.

*B. Appeal 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 and Executive Vice President for Academic Affairs 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 of the University and Executive Vice President for Academic Affairs.
3. Where such an appeal is made, the dean shall transmit to the Chancellor of the University and Executive Vice President for Academic Affairs a report of the proceedings in the case at its earlier stages. The Chancellor of the University and Executive Vice President for Academic Affairs shall in each case obtain the advice of a standing committee of no less than three 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 the University and Executive Vice President for Academic Affairs 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).

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(\*) See footnote on page 56



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 of the University and Executive Vice President for Academic Affairs shall decide the case and notify the grievant, the dean, and the Chairperson 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 of the University and Executive Vice President for Academic Affairs 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 and Executive Vice President for Academic Affairs 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 faculty member.

## **Retirement**

In order to foster an ongoing relationship with the University's retirees, a number of perquisites are available through Central Administration and the individual schools. Faculty members may contact their Dean's Office for details.

To determine eligibility for benefits after retirement, the Benefits Office or the Dean's Office should be consulted. See the NYU Public Directory for contact information.

Special attention is called to Bylaws 75 and 55, which read as follows.

### *Retirement [Bylaw 75]*

The tenure rights of officers of instruction and librarians shall cease August 31 of the academic year, September 1 to August 31, in which they give notice of their intention to retire from active service, unless an alternative effective date is agreed upon, and there shall be no presumption of reappointment thereafter.

### *Term of Administrative Appointments [Bylaw 55]*

Appointment to an administrative office, including but not limited to the office of executive dean, dean, vice dean, associate dean, assistant dean, director, secretary, department head, and department chairperson, shall be without limit of time, unless otherwise specified, but may be terminated at any time by the President, or the Executive Committee, or the Board of Trustees without prejudice to any rights of the officer as holder of a professorship. To the extent permitted by law, the active service of officers of administration shall be terminated on August 31 following their attainment of age sixty-five, unless action is taken by the Board of Trustees to the contrary.

### *Professor Emerita; Professor Emeritus*

The titles of Professor Emerita and Professor Emeritus are given only to full professors who have served New York University with academic distinction for a long enough time prior to retirement to have become identified historically in the profession as New York University professors. This title is given only upon formal retirement from active service, or at least from full-time active service. It is not automatic; it must be recommended by a department and approved through the normal procedures applicable to other academic titles. Comparable principles apply to the use of the designation Emerita and Emeritus for administrative personnel.

## **University Benefits**

### *Benefit Plans and Services*

The Benefits Office of the Human Resources Division provides information about the benefit plans and services available to faculty members, members of the professional research staffs, and administrative and professional staff members. All requests for information and questions concerning benefits and related matters should be addressed to the New York University Benefits

Office located at Washington Square. See the NYU Public Directory for contact information, and further information can be found online at <http://www.nyu.edu/hr>.

(School of Medicine faculty should contact their Benefits Office; see the NYU Medical Center Telephone Directory for contact information).

### *Housing for Faculty*

University-owned housing is allocated to faculty and staff in order to enhance the academic life at New York University. Nearby housing helps to create a feeling of campus by bringing faculty, staff, and students together. It supports the academic mission of the University by increasing accessibility of faculty members to their students, their colleagues, and their research tools.

Specific University policies govern the allocation of housing. Any questions should be addressed through the individual school Dean's Offices.

### *Service Recognition Awards*

Faculty will receive service recognition gifts upon completion of 10, 15, 20, 25, 30, and 35 years of full-time service to the University. The University will also present a certificate to every member of the faculty who has given 25 years of full- and/or part-time service to the University.

### *Travel Policies*

Information about University policies and guidelines concerning travel and reimbursement rates can be obtained from the Office of the Controller (see the NYU Public Directory for contact information).

### *Releasing Employment Information*

Faculty members wishing to have information about their status at the University officially transmitted to persons or institutions outside the University should apply to the Faculty Records Office, in order to execute the required consent form (see the NYU Public Directory for contact information).

## **Legal Matters**

### *Signing of Contracts; Service of Legal Papers*

The handling of all legal matters arising from or pertaining to the operations of the University is the responsibility of the General Counsel of the University.

Administrators and faculty members should not sign contracts, leases, or other agreements without proper written authorization, as well as required legal and financial reviews, and should not reply to communications received from attorneys concerning University business, whether telephone messages, faxes, e-mail or letters. Responses to such communications must be prepared in consultation between the Office of the General Counsel and the faculty member or administrator concerned. Similarly, under no circumstances should anyone not an officer of the University accept service of legal papers, such as subpoenas, citations, court summonses, or

violation notices. Anyone who wishes to serve such papers on the University should be referred to the Office of the General Counsel, which will accept them officially on behalf of the University.

Refusal by a faculty member or administrator to accept service is not illegal; it is in fact the proper procedure and in the best interests of the University. If a process server refuses to be cooperative and insists upon leaving the papers, immediately call the Office of the General Counsel, and ask for instructions.

The Office of the General Counsel is responsible only for official University business and is not staffed to provide personal legal assistance except in the special instances described in “Selected Policies Concerning the Protection of Rights and Other Matters” under the heading of “Legal Protection for Faculty Members” (see page 84). In exceptional cases, however, the office will, upon request suggest legal organizations or other counsel to University personnel in need of such assistance.

## **SELECTED UNIVERSITY RESOURCES FOR FACULTY**

### **Office of Faculty Resources**

The Office of Faculty Resources, which is based in the Office of the Provost, helps faculty navigate all the services that NYU has to offer them. Faculty can find information on programs and departments that assist in the pursuit of teaching, research, funding, or simply living and working in New York City. To visit the Office of Faculty Resources see [www.nyu.edu/faculty/](http://www.nyu.edu/faculty/)

### **The Administration of Sponsored Research and Training**

As part of its activities as a major research institution, New York University provides services to the academic community in support of research, training, and related activities carried out with funding from public, private not-for-profit, and voluntary health agencies. The Office of Sponsored Programs (OSP) serves New York University faculty, excluding the School of Medicine, and the Office of Grants Administration and Research Services (OGARS) serves the School of Medicine faculty.

#### *Office of Sponsored Programs—Washington Square Campus*

OSP is staffed by Projects Officers knowledgeable about funding opportunities in a wide range of academic fields and experienced in working with external sponsors. They assist in the following areas:

- Identify appropriate sponsors and interpret guidelines;
- Develop budgets and fulfill application requirements;
- Review for consistency with institutional and sponsor guidelines;
- Act as liaison between investigators and governmental agencies in the negotiation of awards; and
- Provide guidance to investigators in managing projects administration.

OSP also functions as the University's research compliance office by:

- Identifying new regulatory requirements;
- Negotiating federal assurances and staffing institutional review committees;
- Developing institutional policy and procedures for the protection of human subjects, conflict of interest, and misconduct in science; and
- Supporting the University's obligations under its Assurance covering the use of animals in research.

OSP manages two institutionally-funded research programs:

- New York University Research Challenge Fund, an annual competitive program; and
- University Scientific Instrumentation Costsharing Fund, which offers costsharing for proposals to external research equipment programs requiring it.

To keep the University community informed, OSP maintains a web site (<http://www.nyu.edu/pages/osp>) which contains:

- News and developments of interest to researchers;
- A deadline calendar (also distributed in hard copy);
- Guidelines for NYU's internal research competitions;
- Principal Investigator's Guide to Preparing and Submitting Proposals;
- Human Subjects' Review Information; and
- Links to funding agencies and online application forms.

OSP also publishes an Award Listing to assist potential sponsors in identifying other faculty members working in compatible areas of interest, and detailed announcements of specific program opportunities. The office maintains a library of sponsor guidelines and application materials as well as guides to proposal development. For additional guidance in the process of applying for externally sponsored programs, OSP has available an overview of University policies and procedures regarding the generation and operation of funded programs by members of the University community, as well as specific information on personnel policies applicable to sponsored research and training personnel.

See the NYU Public Directory for contact information.

#### *Sponsored Programs Administration – Medical Center*

Sponsored Programs Administration (SPA) provides specialized services for the scientific community at the New York University School of Medicine. SPA provides individual consultation to assist faculty in obtaining funding for research, public service, and training activities at the School of Medicine.

SPA staff members utilize web-based tools to help faculty find funding, and prepare and submit applications. Faculty can work with experienced SPA staff to perform specialized searches for funding using online databases. NYU School of Medicine faculty have access to electronic research administration via the SPA Home Page (<http://www.med.nyu.edu/spa/>). The home page features announcements of new funding opportunities from both federal and non-federal agencies, comprehensive deadline calendars, links to federal and non-federal sponsors, online NYU School of Medicine grant forms, and application forms for external sponsors.

Sponsored Programs Administration coordinates four internal research grant programs. The Research Bridging Support Program provides support to faculty who experience a hiatus in extramural support. The Scholars Program identifies prominent award programs, and works closely with selected candidates to submit competitive applications. The R01/R21 Incentive Program considers support for unsuccessful new (rather than competing continuation) applications for these NIH grant mechanisms that have received favorable critiques but were never funded. The program provides funds for the completion of necessary experiments, the collection of essential data, or the maintenance of essential laboratory infrastructure deemed necessary to address application critiques and move unfunded grant applications into the fundable range on subsequent submissions. A fourth initiative supports efforts to develop research teams that will be competitive in applying for large (over \$700,000 direct costs per year), multi-investigator research grants such as Program Projects, Center Grants, and SPORES.

Sponsored Programs Administration is responsible for confirming compliance with the requirements of regulatory agencies and sponsors as well as serving as liaison to funding agencies in negotiating awards and contracts. The Senior Associate Dean for Research Administration oversees the review and institutional approval of applications submitted on behalf of the NYU School of Medicine.

See the Sponsored Programs Administration Home Page for contact information.

### **Faculty Resource Network**

The Faculty Resource Network (FRN) at New York University was established in 1984 to address the challenge faced by small liberal arts institutions in providing their faculty members with professional development opportunities in the face of limited human and financial resources. Today, the Network is an award-winning, nationally recognized faculty development initiative involving over 16,000 faculty members who teach more than 200,000 undergraduate students at a broad cross-section of colleges and universities across the country. Member institutions include NYU and 41 liberal arts colleges and universities spanning 18 states, from New York to Louisiana to Hawaii, as well as the Commonwealth of Puerto Rico. Among these members are 15 historically black colleges and universities and 3 Hispanic-serving institutions, including the University of Puerto Rico system. The FRN also is linked closely with the Leadership Alliance consortium, based at Brown University.

All of the Network's programs are value-added: built into each program are sessions on curriculum and course development, as well as dissemination activities. Thus, faculty participants not only work on their own projects and acquire new knowledge and skills while participating in Network residencies, seminars, workshop programs, and symposia, but also are expected to develop new, practical and effective curricula and course modules for implementation at their home institutions, and to disseminate information about new research and pedagogical techniques and tools among their colleagues and students.

New York University faculty members may participate in Network programs in a variety of ways. For further information, check the website at [www.nyu.edu/frn](http://www.nyu.edu/frn) or contact the Faculty Resource Network offices at (212) 998-2090 or by email at [frn@nyu.edu](mailto:frn@nyu.edu).

## **The Center for Teaching Excellence**

The Center for Teaching Excellence began in 1992 as a presidential commission dedicated to Enhancing the Quality of Undergraduate Academic Life (EQUAL). This commission was created by the Office of the President in response to University Senate recommendations endorsing a University-wide effort to improve faculty-student relations and promote teaching effectiveness. For further information, faculty members may contact the Center at 998-2200 or through its website at [www.nyu.edu/cte](http://www.nyu.edu/cte)

## **Visiting Scholars Program**

The program for visiting scholars, visiting research professors, and visiting exchange professors extends specified courtesy titles and privileges to scholars of distinction who visit New York University in order to engage in research and scholarship, and in general scholarly and cultural interaction with New York University's faculty and students. The courtesy titles may not be granted for the purpose of providing free courses or other privileges to graduate or post-graduate students, or for the sole purpose of providing library privileges.

Visiting scholars, visiting research professors, and visiting exchange professors are considered guests of the University who may visit for a temporary period of up to one year (renewable). As non-employees, they have no teaching or other responsibilities and are not entitled to salary or housing. Visiting scholars, visiting research professors, and visiting exchange professors covered by this program may not in any way perform in the role of an employee at New York University. For further information, faculty members may contact their Dean's Office (see the NYU Public Directory for contact information).



# *The Students*

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## **THE ADMINISTRATION OF STUDENT AFFAIRS**

Each school makes provisions for the organization, conduct, and supervision of intraschool student affairs including its own student government and student service groups. The Student Senators Council, acting with the University Committee on Student Life, has special responsibilities for studying and making recommendations in areas of student concern.

The University also offers a wide range of extracurricular activities, programs, and support services for students under the jurisdiction of the Vice President for Student Affairs. When relevant issues or problems arise in working with students, faculty members may find useful resources and expertise in the following areas:

- Office of Housing and Residence Life

- University Counseling Service

- University Health Center

- Office of Student Life

  - Henry and Lucy Moses Center for Students with Disabilities

  - Office of African-American, Latino, and Asian-American Student Services

  - Office of Career Services

  - Office of International Students and Scholars

  - Office of Student Activities

  - Office of Drug and Alcohol Education

  - Office of Lesbian, Gay, Bisexual, and Transgender Student Services

  - Student Employment and Internship Center

The Office of Student Life also coordinates All-University Orientation, the Human Relations Committee, the Parents Helpline, and Parents Day activities, as well as a strong peer education program and leadership training activities. This office produces the *Student's Guide to NYU* and the *Faculty Guide to Student Services at NYU*.

For further information, contact the appropriate school-specific office or the Office of the Vice President for Student Affairs (see the NYU Public Directory for contact information). For the School of Medicine, contact the Office of the Dean (see the NYU Medical Center Telephone Directory).

## **Discipline**

University Bylaw 62 provides that “the power of suspending or dismissing a student in any school is lodged with the voting faculty of that school, but the President or the dean of a school, or their respective representatives, may suspend a student pending the consideration of his or her case by his or her faculty. The Senate shall have power to act in situations involving more than one school.” In general, each school handles breaches of academic discipline, such as plagiarism or cheating on examinations. Matters involving breaches of the peace or disruptive disturbances may come within the jurisdiction of the Faculty or the Senate, depending on the nature of the circumstances. The Senate has approved a “Statement of Policy on Student Conduct at New York University” (see page 123) and the “Student Disciplinary Procedures” (see page 125), as well as a general set of “New York University Rules for the Maintenance of Public Order” (see page 119). For further information, contact the Dean’s Office in the appropriate school or the Office of the Vice President for Student Affairs.

## **Student Press**

The general undergraduate newspaper is the Washington Square News, published daily and available free of charge throughout the Washington Square campus.

## **Privacy of a Student’s Educational Records**

Among its several purposes, the federal Family Educational Rights and Privacy Act of 1974 (FERPA) was enacted to protect the privacy of a student’s education records, by limiting access to student records and the disclosure of information contained in them, to establish the rights of students to inspect and review their education records, and to provide students with an opportunity to have inaccurate or misleading information on their education records corrected. See “Guidelines for the Implementation of the Family Educational Rights and Privacy Act of 1974” (page 89).

# *Selected University Policies*

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## **SELECTED POLICIES CONCERNING THE PROTECTION OF RIGHTS AND OTHER MATTERS**

### **NYU Code of Ethical Conduct**

(By action of the Audit Committee, New York University Board of Trustees June 22, 1999, as administratively modified September 2007 and approved by the Faculty Senators Council January 2008)

#### *Preface*

In furtherance of maintaining and promoting New York University's reputation for excellence and integrity, the Board of Trustees has promulgated this Code of Ethical Conduct, which sets forth the general principles to which we subscribe and to which we expect every member of the University--every part-time and full-time employee, faculty member, officer, trustee, overseer, and advisory board member--to adhere. These principles have been derived from federal, state, and local laws and regulations, University policies and procedures, contractual and grant obligations, and generally accepted principles of ethical conduct.

#### *I. Adherence to the Highest Ethical Standards*

Every member of the University shall, at all times, conduct his or her activities in accordance with the highest professional and community ethical standards.

#### *II. Respect for and Compliance with the Law*

Every member of the University is expected to become familiar with those laws, regulations, and University rules which are applicable to his or her position and duties, and to comply with both their letter and spirit. The University will implement programs to further members' awareness and to monitor and promote compliance. All questions and concerns about the legality or propriety of any action or failure to take action by or on behalf of the University should be referred to either the member's supervisor or to the Office of Legal Counsel.

#### *III. Compliance with all Contractual and Grant Terms and Conditions*

Every member of the University is expected to comply strictly with the terms and conditions of each University grant and contract on which he or she is working and to provide access to records of such grants and contracts to authorized University officials upon request. Questions or concerns about grant or contract terms and conditions should be referred to the Contract Office or the Office of Sponsored Programs.

*IV. Support of the University's Goals and Avoidance of Conflicts of Interest*

New York University is a not-for-profit institution which is dedicated to teaching and research. Every member of the University is expected to faithfully carry out his or her professional duties in furtherance of the University's mission. Every member has a duty to avoid conflicts between his or her personal interests and official responsibilities and to comply with University and applicable School codes and guidelines for reporting and reviewing actual and potential conflicts of interest and conflicts of commitment. Additionally, a member may not utilize his or her position with the University for his or her personal benefit. Members are also expected to consider and avoid, not only an actual conflict but also, the appearance of a conflict of interest.

*V. Maintenance of the Highest Standards of Academic Integrity*

Every member of the University involved in teaching and research activities is expected to conform to the highest standards of honesty and integrity. Activities such as plagiarism, misrepresentation, and falsification of data are expressly prohibited. All research at the University must be conducted in strict conformity with the applicable University policies, procedures, and approvals and the requirements of all governmental and private research sponsors.

*VI. Respect for the Rights and Dignity of Others*

New York University is committed to providing equal educational, employment, and health care opportunities and providing an environment which respects the dignity of students, faculty, employees, patients, and others who come into contact with the University. Every member of the University is expressly prohibited from: physically assaulting anyone; discriminating on the basis of race, color, religion, sexual orientation, gender and/or gender identity or expression, marital or parental status, national origin, ethnicity, citizenship status, veteran or military status, age, disability and any other legally protected basis; sexually harassing anyone; and depriving anyone of rights in his or her physical or intellectual property.

*VII. Striving to Attain the Highest Standards of Patient Care*

Every member of the University involved in furnishing medical and dental services is expected to provide the highest quality of services responsive to the needs of patients, their families, and the communities in which the University functions. All patient care must be reasonable, necessary, and appropriate to the situation and be provided only by duly qualified University personnel. All patient records and documentation must conform to all applicable legal and payor requirements as well as professional standards. Every member of the University is expected to protect the confidentiality of patient information.

*VIII. Maintenance and Preservation of Accurate Records*

Members of the University are expected to create and maintain records and documentation which fully conform to all applicable laws and professional, and ethical standards. Every member of the University who is involved, directly or indirectly, in the preparation or submission of a bill to any governmental or private payor is expected to use his or her best efforts to ensure the bill addresses only those services rendered and products delivered and in the correct amount, supported by appropriate documentation.

*IX. Conducting Business Practices with Honesty and Integrity*

Every member of the University is expected to conduct all business with patients, payors, vendors, competitors, and the academic community with honesty and integrity. This duty includes, but is not limited to: adherence to federal and state anti-fraud and referral prohibitions in dealing with vendors and referral sources; adherence to all antitrust laws (such as those governing prices and other sales terms and conditions, improper sharing of competitive information, allocation of territories, and group boycotts); and protecting and preserving University property and assets--including proprietary intellectual property, buildings, equipment, books, supplies, and funds.

*X. Concern for Health and Safety; Respecting the Environment*

Every member of the University is expected, in the performance of his or her duties, to comply with all laws and regulations which govern occupational and patient health and safety and to make every reasonable effort to ensure that students, faculty, patients, employees, and visitors are protected from undue health risks and unsafe conditions.

Every member of the University is expected, in the course of his or her activities: to comply with all applicable environmental laws and regulations; to ensure that the University has obtained all necessary licenses, permits, and approvals; and to employ the proper procedures and controls in the storage and handling of radioactive and toxic materials and in the handling and disposition of hazardous and biohazardous wastes.

*XI. Reporting Suspected Violations of the Code; Enforcement of the Code*

This Code of Conduct has been created and exists for the benefit of the entire University and all of its members. It exists in addition to and is not intended to limit the specific policies, procedures, and rules enacted by the University and each of its Schools.

Each member of the University is expected to uphold the standards of New York University and to report suspected violations of the Code or any other apparent irregularity to either his or her Supervisor, the Human Resources Department, the Director of Internal Audit, the Vice President of Finance, the School Compliance Officer, the Office of Legal Counsel, the Chief Compliance Officer, or the NYU NO CALLER ID toll-free HOT LINE **(877) 360-7626**. If a member prefers, he or she may make the report anonymously (by mail or by hotline). The University, will if requested, make every reasonable effort to keep confidential the identity of anyone reporting a suspected violation, to the extent permitted by law, and except if doing so would effectively prevent the University from conducting a full and fair investigation of the allegations.

**This Code of Ethical Conduct will be enforced.** Reports of suspected violations will be investigated by authorized University personnel. Officers, managers, and supervisors have a special duty to adhere to the principles of the Code, to encourage their subordinates to do so, and to recognize and report suspected violations. Each member of the University is expected to cooperate fully with any investigation undertaken. If it is determined that a violation has occurred, the University reserves the right to take corrective and disciplinary action against any person who was involved in the violation or who allowed it to occur or persist due to a failure to exercise reasonable diligence. Additionally, the University may make an appropriate disclosure

to governmental agencies (including law enforcement authorities). Disciplinary actions will be determined on a case-by-case basis and in accordance with the applicable disciplinary codes.

### *XII. Promise of no Retaliation*

The University promises that there will be no adverse action, retribution, or other reprisal for the good faith reporting of a suspected violation of this Code, even if the allegations ultimately prove to be without merit. The University will, however, pursue disciplinary action against any member who is shown to have knowingly filed a false report with the intention to injure another.

The University reserves the right, at any time, to amend this Code of Conduct in its sole, good faith, discretion.

### **Statement of Policy on Equal Opportunity and Anti-Discrimination**

(This statement of University policy is based upon actions taken at various times by the Board of Trustees and the University Senate.)

New York University is committed to a policy of equal treatment and opportunity in every aspect of its relations with its faculty and staff members, without regard to race, color, religion, sexual orientation, gender and/or gender identity or expression, marital or parental status, national origin, ethnicity, citizenship status, veteran or military status, age, disability and any other legally protected basis. This includes, but is not limited to, recruitment, hiring or appointment, selection for training, transfer, layoff, promotion, granting of tenure, rates of pay and other forms of compensation, and participation in University-sponsored educational, social, and recreational programs.

The University shall exclude from its placement offices and all other facilities recruiters from any entity which in employment matters has been determined to have a practice of either (a) unlawfully discriminating on any of the foregoing bases, or (b) discriminating on the basis of sexual preference. Nothing contained in this paragraph shall be construed to bar any religious or denominational institution or organization or any organization operated for charitable or educational purposes, which is operated, supervised, or controlled by or in connection with a religious organization, from recruiting for employment or from making such selection for employment as is calculated by such organization to promote the religious principles for which it is established or maintained.

Notwithstanding the provisions of paragraph I, as long as entities which fund the scholarly and academic pursuits of the members of the NYU community are required to withhold funding from institutions of higher learning pursuant to section 606(a) of Public Law 92-436 and similar and successor statutes, the University may allow recruitment by such entities, including the Armed Forces of the United States.

New York University will assume no responsibility to reimburse employees for expenses incurred in using the facilities of private clubs that discriminate.

## **Affirmative Action Policy**

New York University is committed to a policy of equal treatment and opportunity in every aspect of its relations with its faculty and staff members, without regard to race, color, religion, sexual orientation, gender and/or gender identity or expression, marital or parental status, national origin, ethnicity, citizenship status, veteran or military status, age, disability and any other legally protected basis. This includes, but is not limited to, recruitment, hiring or appointment, selection for training, transfer, layoff, promotion, granting of tenure, rates of pay and other forms of compensation, and participation in University-sponsored educational, social and recreational programs.

It is likewise the established policy of New York University to foster the full realization of equal economic opportunity at all levels and in all segments of the faculty and staff through a positive and continuing affirmative action program. It is the aim of the University to provide opportunities for all faculty members and employees to realize their potential, and to assist them both to function more effectively and to reach a level commensurate with their ability.

A full copy of New York University's Affirmative Action Policy is available for inspection by any employee or applicant for employment. It can be found at Bobst Library (consult BOBCAT for specific location), the Office of Human Resources, 7 East 12th Street, as well as the office of an employee's Human Resources Officer.

Inquiries concerning the application of the laws and regulations concerning equal employment and educational opportunity at New York University (including Title VI--equal opportunity regardless of race, color, or national origin; Section 504--equal opportunity for the disabled; and Title IX--equal opportunity without regard to gender) may be referred to: The Office of Equal Opportunity, New York University, 70 Washington Square South, Room 1225, New York, New York 10012. Inquiries may also be referred to: The Office of Federal Contract Compliance Programs, U.S. Department of Labor, 26 Federal Plaza, New York, NY 10278.

Employees who believe they have been discriminated against may contact their Human Resources Officers; the Sr. Director of Employee Relations, 7 East 12th Street, (212) 998-1242; or the Vice Provost and Coordinator for the Office of Equal Opportunity, Bobst Library, 70 Washington Square South, (212) 998-2370.

Those with complaints may also contact: the District Director, Employment Standards Administration, Office of Federal Contract Compliance Programs, 26 Federal Plaza, Room 36-116, New York, New York 10278, (212) 264-7742, or the US Equal Employment Opportunity Commission (EEOC), 1801 L Street, N.W., Washington, D.C. 20507, or an EEOC field office by calling toll free (800) 669-EEOC. For individuals with hearing impairments, EEOC's toll free TDD number is (800) 800-3302.

## **New York University Anti-Harassment Policy and Complaint Procedure**

### *Statement of Policy*

New York University is committed to maintaining a learning and working environment that is free of bias, prejudice, and harassment - an environment that supports, nurtures, and rewards career and educational advancement on the basis of ability and performance. Harassment based upon race, color, religion, sexual orientation, gender and/or gender identity or expression, marital or parental status, national origin, ethnicity, citizenship status, veteran or military status, age, disability and any other legally protected basis is prohibited by law and undermines the character and purpose of the University. Such harassment is illegal and against University policy, and will not be tolerated.

This policy covers all members of the University community and those who affect the University community such as vendors or visitors. The University encourages everyone to report all incidents of harassment regardless of who the offender may be.

### *I. Definition of Prohibited Harassment*

Prohibited harassment is conduct based on race, gender and/or gender identity or expression, color, religion, age, national origin, ethnicity, disability, veteran or military status, sexual orientation, marital status, citizenship status, or any other legally protected status when:

- (1) submission to or rejection of the conduct is either an explicit or implicit term or condition of employment, basis for participation or advancement in an academic program, or basis for participation in a University activity or benefit; or
- (2) such conduct creates an intimidating, hostile or offensive work, academic or residential environment; or
- (3) such conduct otherwise adversely affects employment or academic opportunities

Examples of such prohibited conduct when based upon a legally protected status include, but are not limited to:

- Verbal abuse or hostile behavior such as insulting, teasing, mocking, degrading or ridiculing another person or group;
- Unwelcome or inappropriate physical contact, comments, questions, advances, jokes, epithets or demands;
- Physical assault or stalking;
- Displays or electronic transmission of derogatory,



demeaning or hostile materials;

- Unwillingness to train, evaluate, assist, or work with an employee, faculty member, or student.

Harassment is unacceptable in the workplace, classroom, student and faculty housing, sports, University facilities, and in other University-related settings, such as study abroad programs and University-sponsored social functions and events. This behavior violates University policy even when it may not be sufficiently severe or pervasive to constitute a violation of law.

## *II. Responsibilities to Report*

All members of the University community should report incidents of harassment in order to support the University policy. In order to assure the University is free of prohibited harassment, University officers, deans, department heads, faculty members, directors, and supervisors are required to report all incidents of harassment that they may have witnessed or have been advised of.

The most appropriate recipients of reports are:

- (1) The Office of The Vice President for Student Affairs or the appropriate School's designee if the alleged harasser is a student (See Contact List below or call Title IX & Title VI Officer, Thomas Grace at 212-998-4403);
- (2) The Human Resources Officer of the appropriate School or Department or The Office of Employee Relations of the Human Resources Division if the alleged harasser is an employee, including a student employee (See Contact List below).
- (3) The Dean of the appropriate School or Faculty or the Dean's designee if the alleged harasser is a faculty member (See Contact List below); or
- (4) The Director of Equal Opportunity if the alleged harasser is a visitor, vendor, third-party, or the Dean of an NYU School (contact e. Frances White at 212-998-2370).

Contact information for these individuals can be found in the Anti-Harassment Policy Contact List at <http://www.nyu.edu/eo/AHPCL.pdf>

It is not always easy to interpret words or actions that may be ambiguous and one may think are inappropriate. Therefore, the offices noted above are available to discuss the circumstances and address matters before they become severe or pervasive.

If a report is made to any of these offices, and that is not the appropriate office to receive the report, it becomes the responsibility of that office to forward the report to the appropriate office. If any of the persons at these offices is implicated in the harassment,

or if a conflict of interest arises, the report should be made to the Director of Equal Opportunity. If that office is implicated, the report should be made to the Provost.

### *III. Reporting a Harassment Complaint*

All individuals who believe they have been harassed should file a complaint with the appropriate individuals or offices cited above. Verbal complaints should be reduced to writing by either the complainant or the individual who receives the complaint in order to preserve an accurate record. The written complaint should identify the parties involved; describe the harassing behavior; when and where it occurred; and identify by name or description any witnesses.

Complaints should be promptly reported so that appropriate action may be taken in a timely manner. However, the late reporting of complaints may not prevent appropriate remedial action.

Any conduct that may be in violation of this policy will be investigated, regardless of whether a complaint is filed, and appropriate remedial action will be initiated. Effort shall be made to complete the investigation of a complaint within thirty (30) days of the report of the harassment. Extensions of the time frame may be necessary in some circumstances. The complainant and alleged harasser will be notified of the extension.

### *IV. Confidentiality*

The University will maintain the confidentiality of the complaint to the greatest extent consistent with our goal of conducting a thorough and complete investigation. Effort will be made to safeguard the privacy and rights of all persons involved.

### *V. Investigation and Disposition of the Complaint*

The investigator will conduct a prompt, thorough and impartial investigation of the complaint in the manner he or she deems necessary. The parties to the complaint will each have an opportunity to be heard during the investigation. The parties will also be informed of the status of the investigation as deemed appropriate. The investigation process is strictly internal to NYU, so the presence of legal counsel or third parties is not permitted at any stage of the process unless otherwise required by law.

If it is determined that a violation of the University's harassment policy has occurred, prompt remedial action shall be taken. The nature of the remedial action and the process for its implementation will depend upon the particular facts and circumstances. If remedial action involves the imposition of sanctions, appropriate disciplinary procedures will be used. Sanctions imposed may be appealed through the appropriate appeals process depending on the status of the accused. The disposition of the complaint shall be communicated to the complainant and the alleged harasser.

If it is determined that no violation has occurred, such findings shall be communicated to the complainant and the alleged harasser.

If the results of an investigation show that the complainant knowingly filed false accusations of harassment, or that a witness gave false statements, such individuals will be subject to the appropriate disciplinary action.

*VI. Retaliation*

The University will take every step necessary to protect the complainant and any witnesses against retaliation for reporting the harassment or for participating in the investigation of a complaint.

Any employee, faculty member, or student who retaliates against an individual who complains of harassment, witnesses harassment, or participates in the investigation of a harassment complaint violates University policy and may be subject to sanctions. Complaints of retaliation should be reported as violations of this policy.

*VII. Sexual Assault*

Sexual assault is a sexual act against the will and without the consent of the victim or where the victim is incapable of giving consent. This includes conduct that would be considered criminal under the New York State Penal Code. Since the medical, emotional, and legal needs of a sexual assault complainant may differ from those of other harassment complaints, sexual assault victims should, in addition to filing a University complaint, report the assault to the police and pursue counseling and other services available at the University. Students should consult the publication, New York University's Policies and Procedures Concerning Sexual Assault for guidance on medical and counseling services. Faculty members and employees should consult New York University's Faculty and Staff Assistance Program for medical and counseling service referrals.

*VIII. Consensual Relationships*

Sexual behavior that is welcome or consensual does not constitute sexual harassment under the law. However, romantic relationships in situations where one individual has greater power or authority over another frequently result in claims of harassment when the relationship ends and a perception of favoritism while the relationship continues. Such relationships are inappropriate. A "consensual" relationship between a professor and his/her student, a supervisor and a subordinate, or a coach and team player are examples of inappropriate relationships. If a consensual relationship occurs, any situation of authority must be discontinued and appropriate action may be taken.

*IX. Education*

The University supports a complete program for the education of its community with respect to the meaning and implementation of this policy. Training will be scheduled accordingly.

## **Preventing Threatening or Violent Behavior in the Workplace**

### *Policy*

In order to ensure the safety and security of the workplace, the University strictly prohibits violence or threatening behavior. Anyone who engages in any violence in the workplace or in threats of violence or threatening behavior is subject to disciplinary action, up to and including termination of employment and, in the case of an employee who also is a student at the University, additional student disciplinary action up to and including expulsion. The University may, as it deems appropriate, seek legal sanctions against violators.

### *Prohibited Behavior*

Prohibited behavior includes but is not limited to hitting, shoving, sexual assault, attacks, stalking, verbal or non-verbal threats, electronically communicated threats or threatening behavior, vandalism, arson and possession, use or threatened use of a weapon of any type.

### *Workplace Security Measures*

To fulfill this commitment to a safe work environment for all, the following is University policy:

- Access to the University's property is limited to those with legitimate interest.
- All students, staff and faculty on or in the vicinity of the University's premises must display NYU identification on the request of NYU Protection Department personnel, faculty, administrators or other authorized personnel.
- All visitors must produce and display identification while on the University's premises upon the request of the Protection Department or other authorized personnel.
- The University reserves the right to enter and inspect its property and work areas under appropriate circumstances.

### *Weapons*

The University specifically prohibits the possession of weapons by any employee or student while on, or in the vicinity of, University owned or controlled premises, regardless of whether the owner is licensed to carry such weapon. This ban includes keeping a weapon or transporting it to another location. Employees are also prohibited from carrying a weapon while performing services for the University on or off University premises. Faculty, students, staff and visitors who are licensed to carry a firearm are prohibited from carrying such firearm without the express written permission of the University Protection Services.

Weapons may include but are not limited to guns, knives, explosives, and like or similar items with the potential to inflict physical harm. Included are disarmed weapons and simulated weapons which could reasonably cause apprehension. Appropriate disciplinary action, up to and including termination and expulsion in the case of an employee who also is a student, will be taken against any employee who violates this policy.

### *Reporting Violence or Threatening Behavior*

All employees have the responsibility to report threatening or violent behavior, whether that behavior is exhibited by a member of the University faculty, staff, student body or a visitor. Employees should contact one of the following at once:

- Department Head or Manager
- Human Resources Officer
- Office of Employee Relations in Human Resources X81242

Whichever office receives the complaint first must insure that the other two offices are informed as soon as possible. The HR Officer will notify the Office of Employee Relations and, working with that office, decide what steps are needed to address the problem and what other resources (e.g. Protection Services, Work-Life Assistance, outside authorities) are appropriate to manage the incident.

**In an emergency where you believe someone to be in imminent danger, contact 911 at once and then notify the Protection Department at ext. 82222.**

### *The Role of Work-Life Assistance:*

In the event of a major workplace incident that affects or has the potential to affect the mental health of University employees, the University provides initial counseling and support services through the Work-Life Assistance program. This service is available to employees and their immediate family members.

### *Preventing Violence*

All employees have responsibility for reporting any violent or threatening behavior to a supervisor or HR Officer at once. The University also encourages employees to enroll in courses offered by the Human Resources Division that help them to learn about working with each other, such as courses covering: communication, problem solving, building effective working relationships, stress management and other related topics.

### *Role of the Supervisor*

Supervisors in particular have the responsibility to learn to recognize the early signs of hostile, potentially threatening behavior and to take appropriate preventive action. *Ignoring early signs can be mistaken as approval of the behavior and can lead to escalation.*

Below are signs that may indicate potential for violence:

- Frequent, angry outbursts; difficulty controlling temper.
- Expression by the employee that others are out to get him or take his job; chronically disgruntled.
- Recent isolation of employee from co-workers; unusually poor social skills.

- Rash, impulsive behavior without apparent forethought.
- Acute sensitivity to criticism; blaming others when things go wrong.
- Bragging about past acts of violence; fascination with firearms or violence.
- Impaired judgement and performance; mood swings.
- Acutely hostile reaction to discipline or employment termination.

Supervisors are not expected to be expert in detecting the potential for violence and should contact the Employee Relations Department of Human Resources.

### *Supervisory Training*

Supervisors should participate in training programs such as Preventing and Resolving Work Performance Problems, Preventing and Resolving Sexual Harassment Problems, Dealing with Hostile Behavior, Frontline Leadership.

### *Work-Life Assistance*

The University provides Work-Life Assistance to all full-time and part-time employees and their immediate families. Employees are encouraged to use this program whenever they feel the need for guidance in coping with life's difficulties. Supervisors are encouraged to turn to the Work-Life Assistance program for help in interpreting troubling behavior in the workplace and for guidance in how to refer a troubled employee to the program for help.

**Work-Life Assistance can provide resources, referral to treatment and even short term treatment in certain situations. The service is completely confidential.**

## **Statement of Policy on Faculty Responsibility to the University**

(Approved by the Board of Trustees on December 10, 1984)

### *Preamble*

The premises of this Policy are two: First, the University exists to pursue and to transmit knowledge, and its faculty serves these goals through their primary commitment to teaching, research and collegial support activities. Second, insofar as consistent with that commitment, it is appropriate and often desirable that faculty members participate in public and private activities beyond their University association. The purpose of this Policy is to assist the faculty in determining whether or to what extent such other activities may conflict with the faculty's primary commitment to teaching, research and collegial responsibilities.

### *The Committee on Institutional Responsibility*

Normally it is expected that there will be no conflict between faculty commitment to the University and other activities in which faculty members may engage. Furthermore, to the extent any questions of possible conflict may arise, it is anticipated that the faculty member will quickly resolve the issues. There is no need to belabor the point that compensated outside activity, of

whatever kind, during the academic year that requires more than the equivalent of an average of one day per week of a faculty member's professional effort normally presents an impermissible conflict, as would a faculty member's assumption of a principal managerial position. Similarly there could be little doubt that use of student services for private gain would be inappropriate. Also, more than a "de minimus" use of University resources for private gain would be inappropriate. Even in many less obvious situations doubts will readily be resolved by reference to relevant University policies that are set forth in the Faculty Handbook, at the pages indicated<sup>7</sup>, dealing with Teaching Assignments (page 47), Academic Responsibilities of the Faculty Member (page 46), Restriction on Outside Employment (page 48), Sabbatical Leave (page 51), The Administration of Sponsored Research and Training (page 62), Guidelines for Sponsored Research (page 90), Conflict of Interest (page 97), Statement of Policy on Patents (page 100), and Statement of Policy on Copyrights (page 104). Faculty members are individually responsible for being knowledgeable as to those policies.

Situations will arise, of course, in which a faculty member may reasonably be uncertain, even after resort to the relevant policies and consultation with that faculty member's dean, as to whether or under what circumstances an outside activity may present a conflict. To provide advice and if necessary make determinations in such situations, there is established a University Committee on Institutional Responsibility. That Committee shall consist of a Chairperson and six members, all of whom shall be tenured members of the faculty, and who shall be appointed for staggered three-year terms by the Chancellor after consultation with the Faculty Council. The Committee shall establish its own rules of procedure.

The responsibility in the first instance for determining whether an outside activity presents a conflict of interest or commitment rests with the faculty member concerned. If there is any reasonable doubt as to whether an outside activity may constitute such a conflict, the faculty member must consult his or her dean, and if that doubt is not resolved, the Committee on Institutional Responsibility. The Committee's determination, including any conditional determination, shall be final and binding.

### *Guidelines*

These guidelines are not intended to be all inclusive or to supplant provisions of the detailed policies set forth in the Handbook. Rather, they indicate some situations in which it is expected that a faculty member would normally consult his or her dean and, if necessary the Committee on Institutional Responsibility. These include any situation in which the faculty member would:

1. be employed by another academic institution other than while on leave of absence from the University,
2. have a significant financial interest in, or accept a substantial consulting assignment with an entity, which would do business with, or compete against the University,
3. engage in sponsored research to which the sponsor has established access limitations or presentation or publication delays beyond a 60-day period for patent filing, etc.; free and widespread dissemination of information is an essential ingredient of faculty activity,

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<sup>7</sup> Page references are to the 2008 edition of the Faculty Handbook.

4. grant an exclusive license to a sponsor of research,
5. assume an executive or managerial position in a public or private organization.

It cannot be emphasized too strongly that the duty to consult exists in any case in which a faculty member should reasonably discern a conflict of interest.

### *Reporting*

This Policy on Faculty Responsibility to the University has been faculty generated and is essentially to be faculty administered—first by the individual faculty member and ultimately, in the case of any unresolved question, by a faculty University Committee on Institutional Responsibility. To serve all of its purposes, however, the Policy and its operation must enjoy the confidence of the faculty at large, the University administration and the larger public the University serves. This can only be accomplished by making available information concerning the facts and significance of outside activities of faculty members. To that end, and in order that there may be an overview of the extent of the outside activities of the faculty, there shall be established the reporting mechanisms set forth below, which are intended to provide relevant information without needlessly intruding into private affairs.

The Committee on Institutional Responsibility shall, as a first order of business, establish the format and content for reporting by individual full-time faculty members to their deans as to their outside activities. Generally, such reporting will focus on (i) the amount of time devoted to, and the source of compensation for consulting, research, and managerial activities (other than activities associated with learned or professional societies and professional practices normally accomplished within the pedagogical traditions of the academic discipline of the faculty member) and (ii) ownership of other significant financial interest in entities having a relationship to the University.

The Chancellor annually shall request a report by the deans on conflict-of-interest issues, which have arisen and have been resolved within their respective schools. The Chancellor will convey the substance of such Reports to the Committee on Institutional Responsibility.

In an annual report published and distributed to the faculty, the Committee on Institutional Responsibility shall set forth its actions and decisions on the questions that have been presented, in order to establish further guidelines for the faculty. The anonymity of specific situations and individuals shall be preserved.

### **New York University Supplemental Guidelines for Disclosure and Review of Conflicts of Interest in Research**

(Endorsed by the Faculty Senators Council as the Faculty Affairs Committee of the Senate, February 9, 1995)

### *Policy*

1. Prior to approval of a proposal or acceptance of an award by the University, all Researchers who plan to conduct research at the various units of the University at **Washington Square** must disclose to their deans any Financial Interest which they or



members of their Immediate Family have in any commercial entity that will participate in the proposed research.

2. A Researcher with a Financial Interest in any commercial entity that will participate in the research, may not engage in such research, except upon the written approval of his or her dean, after review by the dean or his or her designee(s).
3. During the Research Period, a Researcher may not acquire a Financial Interest (or, if approval has been obtained based upon disclosure of a Financial Interest, an additional Financial Interest) in a commercial entity participating in such research unless the Researcher has disclosed the intent to do so and received approval for such acquisition as provided by these Guidelines. This prohibition also applies to the Researcher's Immediate Family.

### *Definitions*

1. The term **Researcher** includes all faculty members and other research staff, including the Principal Investigator/Project Director and Co-Principal Investigator/Project Director, who will assume responsibility for the design, conduct or reporting of the research, or are in a position to control the expenditure of research funds.
2. The term **research** extends to all research and related activities, including research training, demonstrations and evaluations.
3. A commercial entity is **participating in the research** whenever it sponsors such research, or supplies substances, materials or services for such research, or may in any way derive benefits from such research, or engages in licensing discussions with New York University with respect to inventions in which a property right may be claimed by the Researcher.
4. Having a **Financial Interest** means:
  - a) Owning or having an agreement to acquire stocks or stock options or other securities which have a fair market value of \$10,000 or more, or which constitute an ownership interest of greater than 1% in a commercial entity, but does not cover ownership of stocks, stock options or other securities in such entities in a form over which the Researcher has no control, such as in mutual funds or blind trusts; or
  - b) Serving as a compensated consultant, manager, or director of a company or entity; or
  - c) Otherwise having an expectation of financial gain as a result of performing the research, other than compensation paid to the Researcher by New York University or the Researcher's share of proceeds, if any, of royalties or other income received by New York University as a result of commercialization of an invention made by the Researcher.

5. **Immediate Family** means the Researcher's spouse, children, siblings, parents, or equivalent relatives by marriage, or other individuals regularly residing in the Researcher's household.
6. The **Research Period** means the period from the time the Researcher's active and personal involvement in the research begins until: a) the Researcher's active and personal involvement in the research ends; or b) the University's involvement in the research ends, whichever is later.

#### *Procedures*

1. A Principal Investigator/Project Director submitting a proposal for review by his or her dean, or receiving an award based on an informal request, will complete and file a Researcher's Disclosure Statement, and will ensure that all Researchers appointed by him or her also complete and file Researcher's Disclosure Statements as required by these Guidelines.
2. If neither the Principal Investigator/Project Director nor a member of his or her Immediate Family has a Financial Interest in a commercial entity that will participate in the research, and there is no other Researcher (or any member of his or her Immediate Family) who has such an Interest, the Researcher's Disclosure Statement(s) should accompany the proposal or award for administrative processing as usual by the Dean's Office.
3. If the Principal Investigator/Project Director (or a member of his or her Immediate Family) has a Financial Interest in a participating commercial entity, and/or if any other Researcher (or a member of his or her Immediate Family) has such an Interest, the Researcher's Disclosure Statement(s) should be transmitted in confidence directly to the dean or to his or her designee for review. Processing of the proposal or award will be postponed, pending the written approval of the dean or of his or her designee; or, if there is a deadline for submission or acceptance, processing will proceed on condition such approval is forthcoming within 30 days, after which the proposal may be withdrawn or the award returned.
4. Upon receiving a confidential disclosure of the Financial Interest of a Researcher or of a member of his or her Immediate Family, the dean will within 30 days undertake a review of such disclosure, or at his or her option, submit such disclosure to another individual or committee duly appointed by him or her to advise him or her in these matters, and determine in a written notice to the Principal Investigator/Project Director whether the research should proceed. All such determinations, and the basis for them, will be documented by the dean, maintained together with the Researcher's Disclosure Statement(s) in official school records, and reported to sponsors as required by the terms of any sponsored agreement.
5. Disclosure review will take into account, among other considerations, the nature and extent of the conflict of interest, as weighed against the interests of the research, what steps, if any, may serve to eliminate or mitigate it, and whether, and under what conditions, if any, a waiver is appropriate.

6. Failure to comply with the requirements of these Guidelines may lead to sanctions, including reprimand, censure, termination of funding, ineligibility for proposal submission, suspension, and dismissal or expulsion.

### **Legal Protection for Faculty Members**

Certain principles govern the circumstances under which New York University will undertake to defend and indemnify members of the faculty in litigation arising from the performance of their duties. The principles outlined below were approved by the Board of Trustees on December 14, 1981.

#### *A. The University's Obligation*

The University is obligated by the State Board of Regents to provide indemnification under specified conditions to trustees, officers, and employees. Section 18 of the University Charter provides that "Any person made a party to any action, suit or proceeding by reason of the fact that he or she, his or her testator or his or her intestate, is or was an officer or employee of New York University, or an officer or member of the Board of Trustees of said University, or an officer or member of the managing board of any separate administrative unit of said University, or of any corporation which he or she served as such at the request of said University, shall be indemnified by said University against the reasonable expenses, including attorneys' fees, actually and necessarily incurred by him or her in connection with the defense of such action, suit or proceeding, or in connection with any appeal therein, except in relation to matters as to which it shall be adjudged in such action, suit, or proceeding that such person is liable for negligence or misconduct in the performance of his or her duties. Such right of indemnification shall not be deemed exclusive of any other rights to which such person may be entitled apart from the provisions of this paragraph."

#### *B. Additional Activities Deemed To Be Within the Scope of Employment of Faculty Members*

In addition to the normal range of intramural activities traditionally considered to fall within the scope of employment of a member of the New York University faculty, it is recognized that members of the faculty, as members of a collegial and learned profession, are called upon from time to time and for nominal or no compensation to evaluate the scholarship or other qualifications of members of faculties of other institutions of higher learning for purposes of promotion or tenure. Where a member of the University faculty undertakes such activity, he or she shall be afforded the same degree of legal protection by the University for that activity as for his or her other faculty duties whenever an equivalent degree of protection is not provided by the other institution.

Similarly, it is recognized that faculty members of other institutions of higher learning often participate in tenure and promotion evaluations of members of the New York University faculty. Where such external persons are not entitled to receive legal protection from their own institutions for such participation in New York University faculty evaluations, the University is prepared to offer them such protection on the same terms and conditions as it is afforded to our own faculty.

C. *Litigation over Confidential Evaluations*

In order to preserve a meaningful process of peer review for promotion and tenure, it is vital to obtain candid analysis and opinion from qualified scholars. Therefore, it is the general policy of New York University to treat as confidential all evaluations of University faculty, making only such limited exceptions as are necessary to permit informed review of promotion and tenure decisions by the appropriate decision makers and review panels within the University. Where external litigation arises, it is the policy of the University to preserve the confidentiality of evaluations wherever possible. It is recognized, however, that situations may arise in which binding and enforceable court orders will compel the University either to surrender confidential documents or information or to face contempt proceedings. In such cases, the University must make a conscientious judgment as to the appropriate course to follow. Where a faculty member of the University properly maintains exclusive possession of a confidential document or exclusive knowledge of facts which are the subject of a court disclosure order, he or she may similarly be faced with a choice between compelled disclosure and contempt. It is the policy of the University under such circumstances, to furnish the faculty member with legal assistance should he or she choose to resist such order by asserting in good faith, a conscientious belief that disclosure would significantly infringe on academic freedom. In the event legal services are supplied directly to a faculty member or by outside counsel in connection with any actual or threatened action to hold such faculty member in contempt, this shall not be construed as reflecting any view of the University in support of the position expressed by the faculty member. Should the faculty member eventually be subject to a final order or judgment imposing sanctions or penalties for a refusal to make disclosures, such sanctions or penalties would be borne by the faculty member.

D. *Procedures for Furnishing Legal Assistance to Faculty*

Where a faculty member wishes to request indemnification under the provisions of Section 18 of the University's charter (and as further defined by this memorandum), he or she must promptly notify the University's Office of Legal Counsel, in writing, of any actual or threatened action, suit, or proceeding, as to which entitlement to indemnification is claimed.

The Office of Legal Counsel shall have the option to provide legal services directly to an entitled faculty member or to have the matter referred to appropriate outside counsel. Where the Office of Legal Counsel determines that the matter should or must (because of a conflict of interest between the faculty member and the University) be referred to outside counsel, the final choice of the particular outside counsel shall be made jointly by the Office of Legal Counsel and the faculty member, and the fee arrangements must be approved by the Office of Legal Counsel.

E. *Questions of Entitlement*

Where a question arises as to a faculty member's entitlement to indemnification, the matter shall be referred to the General Counsel of the University for a determination. If a request for indemnification is denied in a case arising from a faculty member's refusal to comply with a court order to disclose confidential information, the faculty member may request a review of the determination by the Faculty Senators Council Grievance

Committee. That committee shall make a recommendation to the Chancellor of the University, whose decision shall be final. These provisions, however, shall not preclude any faculty member denied indemnification from thereafter seeking judicial review of such denial.

### **Procedures for Termination or Reorganization of Academic Programs**

(Resolution of the Board of Trustees adopted on December 10, 1979)

RESOLVED, That the Board of Trustees approves the following procedures, previously approved by the University Senate, to govern the termination and reorganization of academic programs with the proviso that, under Section B, final authority to determine whether an academic program should be terminated or reorganized lies with the President of the University.

#### **A. Consultation Procedure.**

Because one of the main responsibilities of the faculty is the curriculum, no program leading to a degree or certification in any school of the University should be discontinued or reorganized without the involvement of the faculty of that school in reaching the decision.

When discontinuance or reorganization of a particular program is proposed, the entire matter is to be considered by an appropriate elected standing committee of the faculty of the school concerned (e.g., Policy and Planning Committee, Academic Affairs Committee, etc.) with the President of the Student Council of the affected school as an ad hoc member.

The department concerned should have the opportunity to present a proposal for continuation and/or reorganization to the committee. Such a proposal should have the support of a majority of the voting members of that department, although minority reports should be admissible for consideration.

The committee should have access to all pertinent information including, but not limited to:

- 1) The reasoning behind the proposed termination or reorganization.
- 2) The administrative history of the program, including what actions have been taken over the preceding five years which were supportive or non-supportive of the program.
- 3) All recent academic evaluations of the program by both internal and external evaluators.
- 4) All financial data relevant to the program and related programs, including estimated costs for retaining it or reorganizing it as a quality program consistent with the standards of New York University, and the probable impact such expenditures would have on other programs in the school.

The committee should also allow and encourage other appropriate members of the University community to provide further information and opinions, orally or in writing.

When it has concluded its study, the committee should report to the dean of the school and to the faculty of the school.

After the committee has made its report, the faculty will have the opportunity to vote on whether the program should be maintained.

B. Decision Making.

If the faculty recommends that a program be discontinued or reorganized, this should be done. If the faculty recommends that the program be maintained, and if this is not feasible, the degree, if any, to which it can be maintained/supported should be negotiated between faculty and administration. After a final decision has been reached, the administration must issue a written report to the faculty stating the reasons for the decision.

Should termination or reorganization involve an entire school, the above procedure would be conducted by the Faculty Council.

(Resolution of the Board of Trustees adopted on December 1, 1997)

WHEREAS, on December 10, 1979, the Board of Trustees of New York University adopted a resolution providing for “Procedures for Termination or Reorganization of Academic Programs” (the “Prior Resolution”); and

WHEREAS, it has become advisable to adopt the resolutions set forth below concerning the applicability of the Prior Resolution in connection with the potential merger or other combination of the NYU Hospitals Center and/or NYU Health System with the Mt. Sinai hospitals and/or Mt. Sinai Health Systems (the “Potential Hospital Combination”) and the potential affiliation between Mt. Sinai School of Medicine and New York University (the “Potential Affiliation”);

Now therefore, it is hereby

RESOLVED that, the Board of Trustees reaffirms that the Prior Resolution shall apply only to (i) a proposed discontinuation of an existing academic program (or programs) leading to a degree or certification at New York University which, at the time such discontinuance is authorized, explicitly provides for the complete discontinuance of such academic program (or programs), or (ii) a proposed reorganization of an existing academic program (or programs) leading to a degree or certification at New York University which, at the time such reorganization is authorized, explicitly provides for an immediate reduction in the number of existing tenured faculty holding positions in such program (or programs); and it is further

RESOLVED that, in any event, the Prior Resolution shall not apply to the Potential Hospital Combination or the Potential Affiliation unless the Potential Hospital Combination and/or the Potential Affiliation were explicitly to provide for (i) the complete discontinuance of any academic program (or programs) at the NYU School of Medicine, or (ii) an immediate reduction in the number of existing tenured faculty holding positions in any program (or programs) at the NYU School of Medicine; and it is further

RESOLVED that, neither these resolutions nor the Prior Resolution shall create or confer any private right of action or standing on any person or group employed by or affiliated in any way with New York University to pursue any claim or cause of action whatsoever in law or equity, or to pursue any other type of proceeding, in any court, agency of government or other forum or tribunal external to the University; and it is further

RESOLVED that, any question or dispute as to the meaning, applicability or implementation of these resolutions or the Prior Resolution shall be decided solely by the Board of Trustees of New York University whose decision shall be final and binding.

### **Policy on the Employment of Members of the Same Family**

The University encourages employees to recommend friends and relatives for jobs within New York University. However, the following conditions apply:

- Members of the same immediate family, or of the same household, cannot work in the same department without prior approval from the Sr. Vice President for Operations and Administration;
- A supervisor/employee relationship between members of the same family or household may not exist at the time of hire or at any time thereafter;
- One member of a family or household may not make decisions or recommendations concerning the conditions of employment, salary, or promotion of another member of the same family or household.

Employment restrictions regarding members of the same family apply equally to those whose living arrangements approximate family arrangements.

### **University Practice with Respect to Memberships and Subscriptions**

In general, the University will assume liability for professional fees, dues, and subscription charges only in approved organizations that provide for institutional membership. A single institutional membership should suffice for all interested schools, divisions, and individuals.

Any individual membership is a personal responsibility, except when such membership has been approved by the Office of the Provost as essential to a University program. In instances of this nature, the University will normally assume liability for not more than one individual membership, and any printed matter or material issued to the member will be the property of the University.

The University will not pay the dues of individuals in social clubs under the same principle as that in the paragraph immediately above. However, if charges incurred at such clubs are directly attributable to University business, a claim for proportionate reimbursement may be made through the usual channels, if the necessary budgetary appropriation has been made for such expenditures.

All institutional memberships are processed through the central administration for registration and approval.

## **Guidelines for the Implementation of the Family Educational Rights and Privacy Act of 1974**

Among its several purposes, the federal Family Educational Rights and Privacy Act of 1974 (FERPA) was enacted to protect the privacy of a student's education records by limiting access to and the disclosure of information contained within the records, to establish the right of students to inspect and review their education records, and to provide guidelines for the correction of inaccurate or misleading data through informal and formal hearings. The Act also permits the disclosure by the University without prior consent of so-called directory information. Students have the right to file complaints with the Department of Education's Family Educational Rights and Privacy Acts Office concerning alleged failures by an institution to comply with the Act. In accordance with the statute, New York University has adopted Guidelines to implement the act which spell out policies and procedures to provide students with the opportunity to review and inspect their education records; to correct inaccurate or misleading data; and for students to refuse to permit the disclosure of designated "Directory Information."

The Guidelines summarize substantially all of the rights of the students under the statute and the regulations as well as the corresponding obligations of the University. In particular, attention is drawn to the Section on Records, which indicates which University records are and are not available for student review. "Records" refers to any file containing information directly related to a student and is not limited to a file with the student's name on it. It should be noted that, unless a document falls within an exception as defined by the Guidelines, that document, including letters of recommendation and intra-university correspondence, are subject to review by the student. Electronic correspondence and information about a student kept on file in a computer are also subject to FERPA guidelines.

The guidelines indicate the circumstances under which personal information contained within a student's records may be released to other individuals, both within and external to the University.

Another section of interest to faculty members is the Section on Waivers, which is pertinent to recommendations for admission, employment, or honorary recognition. With respect to student access to records or requests for correction or deletion of records, the University Record Review Officer will consult with the department or faculty member concerned regarding such requests.

Copies of the Guidelines may be obtained from the office of any department chairperson or from the Office of Academic Program Review (see the NYU Public Directory for contact information).



## **Guidelines for Sponsored Research**

(Approved by the Faculty Senators Council at its meeting on April 26, 2006)

Excellence in research and scholarship is expected of persons holding tenure, tenure-track and research faculty appointments. It is University policy to encourage and assist research and scholarship that are essential to the training of students, to the advancement of knowledge, and to the intellectual growth of the faculty. To this end, the University will help faculty to secure appropriate research support from outside sources. Clinical activities (which occur primarily in the Schools of Medicine and the Colleges of Dentistry and Nursing) are also covered by the policies and procedures below.

### *Policies and Guidelines*

#### **1. Research Ethics**

All members of the faculty are expected to conduct their scholarly research and publish the results of that research consistent with the highest standards of ethical conduct, truth, and accuracy. Any instance of suspected academic fraud or misconduct should be reported to the dean of the relevant school and the Provost. In accordance with federal regulations, the University has established policies and procedures for responding to allegations of research misconduct. The policies and procedures describe the University process for conducting resulting inquiries and investigations. Faculty and students are required to cooperate fully in any inquiry or formal investigation of such allegations, e.g., by providing requested documents and information.

#### **2. Openness of Research**

The University does not conduct or permit its faculty to conduct secret or classified research. This policy arises from concern about the impact of such restrictions on two of the University's essential purposes: to impart knowledge and to enlarge humanity's store of knowledge. Both are clearly inhibited when open publication, free discussion, or access to research are limited. For the same reasons, the University requires that investigators be able to publish the results of their research without prior approval of a sponsor. Agreements may, however, permit sponsors a brief period to review proposed publications and presentations to identify 1) proprietary information that may require patent or copyright protection, or 2) information confidential to the sponsor that must be removed. In general sponsors are granted review periods of 30 to 45 days prior to submission for publication, but review and delay periods should total no more than 90 days.

#### **3. Data Management**

The University requires that all documents related to federally sponsored projects, including primary research data, be available to federal auditors for the period specified by federal regulation – in most cases, a period of three years from the filing of the final financial report. NYU expects faculty members to retain all research data, whether resulting from federal sponsorship or not, in their laboratories or other bona fide research locations, and to provide access to the data when requested to do so by authorized institutional officials. Requests from sponsors for access to research data should be forwarded to the appropriate Offices of Sponsored Programs before a response is made. Subpoenas for research data should be promptly forwarded to the Office of Legal Counsel for review.

#### **4. Principal Investigator Status**

In order to ensure that research is conducted by those who have the requisite training and skill, as well as the appropriate relationship to NYU, the University will normally sponsor proposals only when the principal investigator or project director is employed full-time by the University and holds an appointment as assistant professor, associate professor or professor. For the special case of training grants clinical professors, clinical associate professors and clinical assistant professors are permitted to serve as Principal Investigators with the approval of the department chair and the dean. For research scientists/scholars or senior research scientists/scholars, requests for Principal Investigator status must come from the department chair and be directed to the Provost or, where appropriate, the dean of the relevant professional school.

#### **5. Intellectual Property**

It is University policy to take title to patents that result from the research activities of faculty, staff and students. In contrast, faculty may retain copyright of their lecture notes, manuscripts and other writings, subject to certain well-defined exceptions [See the Statement of Policy on Patents, Statement of Policy on Copyrights]. The University has created the Office of Industrial Liaison [[www.nyu.edu/oil](http://www.nyu.edu/oil)] whose mission is to manage all activities relating to the protection and commercial promotion of intellectual property and to assist faculty in such commercialization.

#### **6. Research Involving Human Subjects**

In accordance with federal regulations and University policy, the University has negotiated a Federal Wide Assurance, filed with the U.S. Department of Health and Human Services, which requires that every NYU investigator conducting human subjects research, whether or not funded by a federal sponsor, must submit a proposed research plan to the appropriate NYU institutional review board (IRB) for review. In addition, investigators who participate in human subjects research must complete training in human subjects research, and otherwise must comply with IRB policies and procedures. Research may not begin until the IRB has fully approved the research plan and all related consent documents, and the required training has been completed. Further information and a full statement of applicable University policies and procedures are available on the Research page of the University's website (at Washington Square: <http://www.nyu.edu/ucaih/> and at the School of Medicine: <http://www.med.nyu.edu/irb/>).

#### **7. Research Involving Animals**

The study of live vertebrate animals is an integral part of the University's research and teaching missions and is a privilege regulated by legal, state, and federal agencies. Faculty members contemplating using live vertebrate animals in research, teaching, or testing should refer to the websites for the University Animal Welfare Committee (UAWC), at Washington Square: <http://www.nyu.edu/uawc/> and the Division of Laboratory Animals at the School of Medicine, <http://www.med.nyu.edu/DLAR/>. Work with live vertebrate animals may not begin until all required training and approvals are obtained.

#### **8. Environmental Safety**

The University has developed guidelines and procedures for handling radioactive materials, hazardous chemicals, potentially hazardous biological materials, and controlled substances, as

well as for other aspects of research relating to occupational and environmental safety. These policies are generally administered by the Office of Environmental Services (OES). Any investigator planning to use such materials must consult with OES for guidance on required training, required protocol review, proper handling, state and federal safety regulations, proper procedures in the event of spillage, etc., prior to initiating a study or bringing such materials into a laboratory. In most instances, a laboratory must be inspected and approved by OES before hazardous substances are brought to that location at the University. Protocols calling for the use of certain substances must receive prior review by the cognizant Safety Committee.

All research that involves recombinant DNA must be conducted in accordance with the NIH Guidelines for Research Involving Recombinant DNA Molecules. All non-exempt rDNA research at both Washington Square and the Medical School must be approved by the University's Institutional Biosafety Committee,  
<http://www.med.nyu.edu/spa/compliance/biosafety/policies.html>

For more information, see the OES website,  
<http://www.nyu.edu/environmental.services/biosafety.shtml>

## **Principles and Procedures for Dealing with Allegations of Research Misconduct**

(Adopted by the University Senate, April 17, 1986; modified administratively September 2007)

### *Principles*

Maintaining high ethical standards in the conduct of research is an important University responsibility imposed by public trust and is essential to the discovery of new knowledge and the reputation of research and teaching institutions. Misconduct or apparent misconduct in research challenges the integrity of the research enterprise at large and threatens to undermine public trust in university research.

This document aims to promote timely, effective and fair responses to allegations of research misconduct. These procedures are designed to cover such problems as: fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. These terms are defined as follows: (a) fabrication - making up data or results and recording or reporting them; (b) falsification - manipulating research materials, equipment or processes, or changing or omitting data or results such that the research is not accurately represented in the research record; (c) plagiarism - the appropriation of another person's ideas, processes, results, or words without giving appropriate credit. Research misconduct does not include honest error or honest differences of opinion.

A finding of research misconduct made under this part requires that:

- There be a significant departure from accepted practices of the relevant research community;  
and
- The misconduct be committed intentionally, knowingly, or recklessly; and
- The allegation be proven by a preponderance of the evidence.

This document addresses allegations of research misconduct among anyone participating in research conducted by New York University including but not limited to faculty, staff, and students. When potential allegations of research misconduct broaden to include allegations regarding students, fact finding into the allegations regarding students shall proceed in accordance with the procedures outlined in this document, and finding of fact related to misconduct of students shall be forwarded to the relevant School disciplinary committee.

These principles and procedures do not attempt to legislate guidelines for the conduct of research. It is, however, necessary to sensitize researchers to their responsibilities in meeting the highest standards in selecting collaborators, gathering, evaluating and reporting data, supervising junior colleagues, authoring publications, disclosing suspicions of misconduct, cooperating in any authorized investigation, and maintaining the highest standards of ethical behavior in the conduct of research and a general climate of intellectual honesty.

In dealing with allegations of misconduct and following the procedures outlined here, employees are urged to keep in mind the following basic principles:

1. That research, teaching, and patient care should conform to the highest standards;
2. That members of the academic community have a responsibility to report what they believe to be research misconduct and to cooperate in investigations of research misconduct; this duty of cooperation includes the obligation to provide all documentation reasonably requested by those charged with investigatory responsibilities herein;
3. That allegations of research misconduct are to be investigated promptly, thoroughly, objectively and fairly; and
4. That the rights and reputation of all parties involved in allegations of research misconduct, including those suspected of research misconduct and those who report research misconduct in good faith, are to be protected.

#### *Compliance with Laws and Regulations*

The procedures to be followed by the University pursuant to this Policy are subject to the requirements of the law. The University will comply with all applicable federal, state and city laws and regulations with respect to Research Misconduct.

While this Policy applies to all research conducted at the University, whether or not federally funded, it is based on the Public Health Service regulations dated May 17, 2005. Should a case arise in the future at the University involving an allegation of Research Misconduct where a different federal sponsoring agency's funds have been requested or received, any conflict between the present regulations and those of that agency shall, as required, be governed by said agency's regulations.

#### *Procedures*

##### I. Reporting Allegations

- A. An initial report of suspected research misconduct should be brought to the attention of a faculty member, the Director of Undergraduate or Graduate Studies of the school or the Director of Compliance, either anonymously or in person. Those individuals should inform the Dean of the school in which the respondent is employed. Allegations involving the Dean should be brought directly to the Provost. In any instance involving an allegation against a Dean, the word “Dean” as used below shall be deemed to mean the Provost or his or her designee.

## II. Initial Inquiry

- A. The Dean shall determine whether to authorize a preliminary inquiry or to resolve the allegations through informal processes without further inquiry, and ensure that such resolution is consistent with the appropriate agencies. When reviewing an allegation of research misconduct, the Dean shall determine: (1) if the factual allegation falls within the definition of research misconduct as set forth in “Principles” above and (2) is sufficiently credible and specific so that potential evidence of research misconduct may be identified. If the allegation does not meet both of these requirements, the Dean shall dismiss the complaint and set forth the reasoning therefore in a memorandum maintained for a period of seven (7) years. If the allegation does meet both the above-stated requirements, the Dean shall begin an Inquiry in the manner set forth as follows. The Dean shall appoint at least three persons, with no more than two members from the accused’s (designated as the respondent) department or accuser’s (designated as the complainant) department. They shall make a determination as to whether or not a formal investigation should be carried out. The individuals appointed to undertake the inquiry must be fair, objective and impartial and must possess, where required, the competence to understand the research in question.

At the time of or before the beginning of the inquiry the respondent, shall be advised in writing of the accusation and of the existence of the preliminary inquiry. The inquiry committee must, on or before the date on which the respondent is notified or the inquiry begins, whichever is earlier, and whenever additional items become known or relevant, promptly take all reasonable and practical steps to obtain custody of all research records and evidence needed to conduct the research misconduct proceeding. The inquiry and its findings shall not otherwise be disclosed by the investigators, except as necessary to carry out the assignment, or as otherwise provided herein. Upon initial inquiry the committee will prepare a written report. The form of such report shall conform to the sponsoring agency’s requirements. The preliminary inquiry must be completed within sixty (60) calendar days of its initiation, unless circumstances warrant a longer period. If more than sixty (60) days is taken, the record must include documentation of the reasons for the extension of time. Alternatively if the sponsoring agency requires a different time frame, the inquiry will follow the agency’s requirements.

- B. Based on the recommendations of the inquiry committee, the Dean shall either dismiss the allegations for lack of merit, or initiate a formal investigation. Should the Dean decide not to investigate, sufficiently detailed documentation of the inquiry to permit a later assessment must be kept for at least seven (7) years after the termination of the inquiry. Should the Dean determine that a formal

investigation is warranted, the Dean shall notify the complainant, the respondent, and the department chair, following the sponsoring agency's regulations. If the charges are dismissed for lack of merit, the Dean shall give notice of that fact to the respondent and complainant in writing. Should the Dean decide to initiate an investigation, he or she will notify the Compliance Officer of the University, and the Provost who is responsible for notifying any sponsoring agency, and, if a pending work is in question, the publisher or any other recipient organization.

### III. Formal Investigation and Action

- A. If the Dean has determined that formal investigation is warranted, he or she will promptly appoint a five member ad hoc committee. Such committee may decide that the investigation will encompass the review of all research with which the individual has been involved. The individuals appointed must be fair, objective and impartial and must possess sufficient competence to understand the research in question. The committee should include one or more persons with expertise in the area in question, persons from at least two different schools of the University, and no person with prior involvement in the subject matter of the inquiry. When required by federal regulations, the Provost shall notify the appropriate Federal Office as required. If the respondent leaves the institution or refuses to cooperate, the investigation will continue according to the prescribed procedures.
- B. In conducting the investigation, the committee shall comply with such procedures as may have been promulgated by the Provost of the University and as may be required by the regulations of the sponsoring agency. Because the findings of this committee will serve as the factual basis for any subsequent disciplinary proceedings against the respondent, the procedures will provide an impartial and unbiased investigation and a full and fair opportunity for the person to be informed of and defend against the charges.

Any such procedures shall include, at the minimum, the following provisions:

1. right of the respondent to a clear written statement of the charges, such notice to be provided within a reasonable time after determining an investigation is appropriate, but before the investigation begins;
2. right of the respondent to appear before the committee and present testimony on his or her behalf;
3. right of the respondent to be accompanied by counsel when appearing before the committee;
4. right of the respondent to a copy of a tape-recording which shall be made of all testimony; however, the committee shall deliberate and may discuss procedural matters in executive session;
5. right of the respondent to examine the committee's file of non-confidential documents, receive a draft of the committee's final report, and comment upon it

in writing and/or by appearing before the committee to present arguments in rebuttal;

6. right of the respondent to a finding determined by majority vote on the basis of a preponderance of evidence;
  7. right of the respondent to a prohibition on all committee members, additional staff, and secretarial assistants from disclosing committee proceedings at any time, except as otherwise provided by these rules or required by law.
- C. The committee shall conduct its investigation with all deliberate speed and submit to the Dean a written report of its findings of fact and conclusions along with the entire file on the case. A copy of the report shall also be submitted to the respondent by certified mail, with return receipt. The respondent may, if he or she desires, make a statement in writing within ten (10) working days of delivery of the report, and this statement shall be considered by the Dean in conjunction with the committee report. If the Dean finds the report of the committee deficient in any major respect, the Dean may remand the report to the same committee for further consideration or may appoint a new committee.

The outcome of the fact-finding shall be reported to any organization given prior notice under the provisions of section II-B.

- D. If the investigation determines that the allegations are without merit and the Dean agrees, he or she shall make all reasonable efforts to protect or restore the reputation of the respondent. If the Dean finds that allegations were made in bad faith, he or she shall recommend appropriate action against the complainant in accord with the relevant disciplinary regulations of the University.
- E. If the Dean agrees that the alleged misconduct is substantiated by a thorough investigation, and determines that 1) research misconduct has occurred by significant departure from accepted practices of the research community for maintaining the integrity of the research record, 2) the misconduct was committed intentionally, or knowingly, or in reckless disregard of accepted practices and 3) the allegations have been proven by a preponderance of evidence, he or she shall recommend sanctions including but not limited to the following: dismissal, suspension, reprimand, limitation on grant submissions, suspension or monitoring of research. The Dean shall submit this recommendation to the disciplinary committee or administrator appropriate to the employment status of the accused:
1. The procedure to be followed in the case of faculty misconduct is as outlined in Title IV of the University's Statement in Regard to Academic Freedom and Tenure (see page 21), unless the Dean recommends dismissal of a tenured faculty member, in which case he or she shall follow University rules set forth in Title III of the University's Statement in Regard to Academic Freedom and Tenure.
  2. In the case of students implicated in an inquiry into misconduct, the outcome of fact-finding and the Dean's finding that allegations are substantiated, shall be

reported to the discipline committee (or its equivalent) of the School in which the student is enrolled.

3. In the case of all other employees implicated in an inquiry of misconduct, the outcome of fact-finding and the Dean's finding that allegations are substantiated shall be referred to the appropriate Dean or Vice President for action in accordance with applicable procedure.

- F. Because of the special and technical nature of the facts and issues in these cases, the hearing committees provided for in Titles III and IV of the University's Statement in Regard to Academic Freedom and Tenure (see page 21), the disciplinary committees established pursuant to the various school disciplinary procedures, or the Dean or Vice President responsible for disciplinary action with respect to other employees shall not re-find the facts, but shall treat the report of the formal investigative committee, established in section III-A of this report, as the factual basis for their proceedings. If the Title III or IV hearing committee or, in the case of students or non-faculty employees, the relevant discipline committee or administrator, finds the report to be inadequate, the discipline committee or administrator shall refer the report back to the Dean of the affected school for clarification or augmentation.
- G. When a decision reached by the hearing committee under Title III or IV or other appropriate person or committee in the case of a non-faculty employee or student has become final, the Dean shall notify the individuals and agencies listed in section IIB of the decision. In addition, if alleged misconduct is substantiated, the dean shall notify editors of any other affected journals and publications as well as institutions, individuals, and sponsoring agencies (or their designees) with which the individual has been affiliated.
- H. Any appeal shall proceed under the appropriate provisions of Title III or IV (as amended) or other applicable rule in the case of a non-faculty employee or student.

### **Conflict of Interest**

A Joint Statement of the Council of the American Association of University Professors and the American Council on Education

(Announced December 1964; endorsed by the Board of Trustees on May 23, 1966)

The increasingly necessary and complex relationships among universities, Government, and industry call for more intensive attention to standards of procedure and conduct in Government-sponsored research. The clarification and application of such standards must be designed to serve the purposes and needs of the projects and the public interest involved in them and to protect the integrity of the cooperating institutions as agencies of higher education. The Government and institutions of higher education, as the contracting parties, have an obligation to see that adequate standards and procedures are developed and applied; to inform one another of their respective requirements; and to assure that all individuals participating in their respective behalf are informed of and apply the standards and procedures that are so developed.



Consulting relationships between university staff members and industry serve the interests of research and education in the industry. Likewise, the transfer of technical knowledge and skill from the university to industry contributes to technological advance. Such relationships are desirable, but certain potential hazards should be recognized.

### *Conflict Situations*

1. Favoring of outside interests. When a university staff member (administrator, faculty member, professional staff member, or employee) undertaking or engaging in Government-sponsored work has a significant financial interest in, or a consulting arrangement with, a private business concern, it is important to avoid actual or apparent conflicts of interest between his or her Government-sponsored university research obligations and outside interests and other obligations. Situations in or from which conflicts of interest may arise are the:
  - a) Undertaking or orientation of the staff member's university research to serve the research or other needs of the private firm without disclosure of such undertaking or orientation to the university and to the sponsoring agency;
  - b) Purchase of major equipment, instruments, materials, or other items for university research from the private firm in which the staff member has the interest without disclosure of such interest;
  - c) Transmission to the private firm or other use for personal gain of Government-sponsored work products, results, materials, records, or information that are not made generally available. (This would not necessarily preclude appropriate licensing arrangements for inventions, or consulting on the basis of Government-sponsored research results where there is significant additional work by the staff member independent of his or her Government-sponsored research);
  - d) Use for personal gain or other unauthorized use of privileged information acquired in connection with the staff member's Government-sponsored activities.

(The term "privileged information" includes, but is not limited to, medical, personnel, or security records of individuals; anticipated material requirements or price actions; possible new sites for Government operations; and knowledge of forthcoming programs or of selection of contractors or subcontractors in advance of official announcements);
  - e) Negotiation or influence upon the negotiation of contracts relating to the staff member's Government-sponsored research between the University and private organizations with which he or she has consulting or other significant relationships;
  - f) Acceptance of gratuities or special favors from private organizations with which the university does or may conduct business in connection with a Government-sponsored research project, or extension of gratuities or special favors to employees of the sponsoring Government agency, under circumstances which

might reasonably be interpreted as an attempt to influence the recipients in the conduct of their duties.

2. Distribution of effort. There are competing demands on the energies of a faculty member (for example, research, teaching, committee work, outside consulting). The way in which a faculty member divides his or her effort among these various functions does not raise ethical questions unless the Government agency supporting the faculty member's research is misled in its understanding of the amount of intellectual effort the faculty member is actually devoting to the research in question. A system of precise time accounting is incompatible with the inherent character of the work of a faculty member, since the various functions he or she performs are closely interrelated and do not conform to any meaningful division of a standard work week. On the other hand, if the research agreement contemplates that a staff member will devote a certain fraction of effort to the Government-sponsored research, or the faculty member agrees to assume responsibility in relation to such research a demonstrable relationship between the indicated effort or responsibility and the actual extent of his or her involvement is to be expected. Each university, therefore, should—through joint consultation of administration and faculty—develop procedures to assure that proposals are responsibly made and complied with.
3. Consulting for Government agencies or their contractors. When the staff member engaged in Government-sponsored research also serves as a consultant to a Federal agency, his or her conduct is subject to the provisions of the Conflict of Interest Statutes (18 U.S.C. 202-209 as amended) and the President's memorandum of May 2, 1963, *Preventing Conflicts of Interest on the Part of Special Government Employees*. When the staff member consults for one or more Government contractors, or prospective contractors, in the same technical field as his or her research project, care must be taken to avoid giving advice that may be of questionable objectivity because of its possible bearing on the staff member's other interests. In undertaking and performing consulting services, he or she should make full disclosure of such interests to the university and to the contractor in so far as they may appear to relate to the work at the university or for the contractor. Conflict of interest problems could arise, for example, in the participation of a staff member of the university in an evaluation for the Government agency or its contractor of some technical aspect of the work of another organization with which he or she has a consulting or employment relationship or a significant financial interest, or in an evaluation of a competitor to such other organization.

## Statement of Policy on Patents

(As approved by the Board of Trustees, November 26, 1956, and amended through December 12, 1983<sup>8</sup>)

### *I. Objectives*

The policies and procedures with respect to patentable inventions developed at New York University are directed toward the following objectives and purposes: (a) establishment of an orderly system whereby inventions resulting from research conducted under University auspices will be developed and utilized in the best interests of the public, the inventor, and the University; (b) provision for both the University and the inventor to share equitably the royalties and other income arising out of inventions developed under University auspices.

### *II. Administration*

- a) Any school or college of the University may establish a school or college patent committee that shall make recommendations to the dean on matters pertaining to inventions and patents within the school or college.
- b) The recommendations of the school or college shall be subject to the general oversight of the University Sponsored Research Committee and approval by the Chancellor of the University.

### *III. Contract with University Patents, Inc.*

- a) The University, exclusive of the Medical Center, has entered into an agreement with University Patents, Inc., a patent management firm engaged in the business of promoting patentable inventions, whereby the University will submit to University Patents, Inc., any invention to which the University has acquired or has the right to acquire title and rights to commercial exploitation and which the University believes may be patentable and should be developed for use by the public. Such invention may or may not be accepted by University Patents, Inc., depending upon the evaluation of the invention made by University Patents, Inc.;
- b) Upon accepting an invention (i) University Patents, Inc., acquires sole right and title, subject to contractual obligations of the University, to the invention and all patents obtained thereon; (ii) University Patents, Inc., uses its best efforts to obtain a patent on and to license the invention; (iii) University Patents, Inc., pays to the University a certain portion of the royalties or other income arising from the invention as set forth in the agreement with University Patents, Inc.;

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<sup>8</sup> The Statement of Policy on Patents has not been revised for the current edition. The University is not currently a party to a contract with University Patents, Inc. The University's patent and licensing activities are managed by the Office of Industrial Liaison (see the University Directory for contact information).

- c) Copies of the agreement between the University and University Patents, Inc., are kept on file in the Office of the Chancellor.

Research is an integral part of the educational program at New York University. Such activity, stemming from the interests of the University staff, is part of the staff's regular employment, and, in some instances, is covered by contractual arrangements with sponsors. In the latter situation, patent and invention rights of the inventor and the University are generally defined.

The next two sections, IV and V, of this Patent Policy delineate procedures for processing inventions developed under these two different sets of circumstances: (a) inventions developed by faculty, staff, and students and (b) inventions developed on University research projects and sponsored research projects.

#### *IV. Inventions Developed by Faculty, Staff, and Students*

- a) As a condition of either employment or continued employment by the University, or the receipt or continued receipt by a student of support from or through the University, every member of the faculty or research staff, or other employee or student shall promptly after discovery submit to the Office of Sponsored Programs or to his or her school or college committee if one exists, any invention, which reasonably could be considered patentable, developed by him or her, or with some other person, either in the course of his or her employment by the University or in connection with research or related activities as a student. The University shall offer the invention to University Patents, Inc., pursuant to the terms of the aforementioned agreement between it and the University; or shall offer said invention to some other entity under similar conditions; or shall take other steps to evaluate and exploit the invention; or declare its lack of interest to the inventor within a reasonable time. In the event the University rejects the invention, it shall become the property of the inventor or inventors, subject, however, to the limitations set forth in paragraph (f) hereof.
- b) The term "in the course of his or her employment by the University" shall not, however, include activities arising in approved consulting work.
- c) If such invention is accepted by University Patents, Inc., or other entity, both the University and the inventor or inventors thereof shall assign all their right, title, and interest in the invention to University Patents, Inc., or to said other entity, and the invention shall become the sole property of University Patents, Inc., or of said other entity, pursuant to the terms of the aforesaid agreement between the University and University Patents, Inc., or between the University and said other entity, as the case may be. Should the University itself choose to exploit the invention, the inventor or inventors shall assign all right, title, and interest in the inventions to the University. Regardless of the identity of the assignee, the inventor or inventors shall at all times cooperate with the assignee in patenting and exploiting the invention.

- d) The University shall pay to the inventor or inventors, his, her, or their heirs, executors, administrators, or assigns a portion of the net proceeds paid to the University, and such portion shall consist of and be computed exclusively from money received by the University from University Patents, Inc., or other entity and arising out of commercial exploitation of the invention. The University shall establish rules and procedures for determining what portion of the monies paid to the University by University Patents, Inc., or other entity and arising out of a particular invention shall be paid to the inventor or inventors of such invention. All decisions of the University determining the payments to be made to a particular inventor and the reasons for such decision shall be set forth in writing. The inventors' collective share of such net proceeds received by the University from the invention shall ordinarily be fifty percent (50%). Royalties and other income shall, where appropriate, be allocated and expended by the University in accordance with federal regulations governing the use of such funds. Where an invention is developed by more than one person, the inventors shall decide among themselves their respective shares of the inventors' collective share of net proceeds and shall provide to the Office of Sponsored Programs a written agreement signed by all of the inventors designating their respective shares and authorizing the University to make payments in accordance therewith. One-third of the net proceeds retained by the University shall be allocated to the department in which the invention was made, one third to the school or college in which the invention was made, and one third to the University.
- e) The payments to which any inventor shall be entitled hereunder shall be made within ninety (90) days after the receipt by the University of the monies derived from his or her invention during the year. In addition the University shall furnish the inventor or inventors with a copy of the statement of activity and computation furnished to the University by University Patents, Inc., or other entity, pursuant to its contract with the University.
- f) In the event University Patents, Inc., or other entity shall reject an invention submitted to it, the Office of Sponsored Programs, with the approval of the Chancellor, may nevertheless, on behalf of the University determine to pursue the exploitation of such invention and shall so indicate by notice mailed to the inventor or inventors within a reasonable time after receipt of notice of the rejection by University Patents, Inc., or other entity. In such event, the inventor or inventors shall assign all their right, title, and interest in the invention to New York University, which shall diligently pursue the exploitation of the invention. The invention shall become the sole property of the University, and the provisions of paragraphs (d) and (e) hereof shall be applicable with respect to the distribution of all monies received by the University and arising out of commercial exploitation of the invention.

If the invention is rejected by University Patents, Inc., or other entity, and the University shall thereafter in writing decline to exploit said invention or fail to pursue diligently its exploitation after written demand by one or more of its inventors to do so, the University shall be deemed to have waived its rights in the invention. The inventor or inventors shall then be free to take such action as he or she or they deem desirable to obtain a patent upon the invention and otherwise

exploit and develop such invention. In no event shall the inventor or inventors use the name of the University in exploiting the invention without the consent of the University.

V. *Inventions Developed on University Research Projects and Sponsored Research Projects*

- a) The University conducts special research projects which may be sponsored (i) by the University through special appropriation; (ii) by some other person, corporation, or governmental agency under an agreement with the University. Such special research projects are understood to be those which operate under contractual agreements or Memoranda of Understanding.
- b) No person shall be assigned to any special research project as defined above unless he or she shall first sign a written statement that he or she agrees (i) to be bound by the terms of any contract or agreement between the University and any person, corporation, or other agency sponsoring such special research project to the extent that the terms of such agreement provide for the disposition of inventions developed in connection therewith, or in the absence of any such contract or agreement (ii) to be bound by the provisions of Part IV hereof with respect to any invention developed by him or her, either alone or in conjunction with some other person, as a result of his or her assignment to such special research project; and (iii) to submit any such invention to the Office of Sponsored Programs to be processed pursuant to the procedure set forth in Part IV above.

## Statement of Policy on Copyrights

(As approved by the Board of Trustees, January 24, 1972)

With certain exceptions, faculty members are free to copyright their lecture notes, manuscripts, and other writings developed from their scholarly activities, even though performed as part of their regular duties in the University. Copyright may be secured in the name of the individual faculty member or, by special arrangement, in the name of the University. Royalties normally accrue to the author, but in certain cases, royalties are assigned by the copyright holder in whole or in part to the support of the scholarly program of a particular department or school.

The principal exception to this permissive policy relates to programs financed by grants or governed by contracts imposing express obligations upon the University.

A recent major policy statement from the United States Office of Education, Department of Health, Education and Welfare, relating to copyright protection states in part: "...[W]ith respect to some materials [developed under governmental grants and contracts] the public interest will best be served by disseminating those materials without copyright. However, with respect to other materials, copyright protection may be desirable during development, or as an incentive to promote the effective dissemination of such materials...."

Specific procedures are set forth by the United States Office of Education whereunder the University would be required to request authorization to secure copyright protection for works arising out of government-sponsored programs. Where such protection is authorized, a time limit of five years would generally be imposed and royalties generally would have to be shared with the Office of Education. Also the United States Government would receive "a royalty-free, nonexclusive and irrevocable license to publish, translate, reproduce, deliver, perform, use and dispose of all such materials for United States Government purposes."

Accordingly, it is desirable to set forth procedures to be followed by University personnel whose activities are supported in whole or part by any sponsor outside the University:

1. If the matter of copyright protection is not explicitly made a part of any contractual document or grant between the sponsor and the University, the University staff whose activities are covered by such documents are free to seek copyright protection in accordance with the practice described in the introductory paragraph of this statement.
2. If the contractual or granting document covering any research or training program at the University has explicit reference to copyright protection, the University staff whose activities are so covered are bound by those conditions and are obligated to do all things necessary to enable the University to fulfill its obligations.
3. The University shall notify each research project director of obligations with respect to copyright which may exist by virtue of contract provisions relating to his or her particular activities.

4. If, in any particular case, it seems desirable to obtain copyright protection, the matter should be referred to the Office of Sponsored Programs at Washington Square. A decision based upon the particular facts presented will be made after consultation between personnel of that office and the research project director in charge of the matter in question.

### **Statement of Policy on Computer Software Copyrights**

(Adopted by the University Senate May 12, 1988, approved by the Executive Committee of the Board of Trustees, June 5, 1989)

While many kinds of scholarly work are produced on computers, this Policy's scope is limited to computer software, defined for purposes of this Policy as a set of computer programs and the manuals or documents associated with the programs. "Computer program" is defined in the copyright law as "a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result." Computer software includes, for example, programs, microcode, subroutines, operating systems, high level languages, and application programs in whatever form expressed or modified. Books, articles, and manuscripts written by a faculty member about computer software not subject to this Policy are not considered computer software for purposes of this Policy.

Copyright in computer software created by an individual member of the faculty will generally reside with that faculty member. This is consistent with the University's Statement of Policy on Copyrights, which, in accordance with established academic traditions, says that, with certain exceptions, faculty members are free to copyright their lecture notes, manuscripts, and other writings developed from their scholarly activities.

The traditions reflected in the Statement of Policy on Copyrights do not, however, necessarily apply to the special circumstances that sometimes characterize the creation by faculty of computer software. From time to time there arise cases where ownership by faculty members of copyright in computer software may not be consistent with certain of the University's basic commitments, such as protecting academic freedom through promoting the publication and distribution of research and scholarship; protecting the respective interests of participants in large, long term projects; protecting against undue commercial influences on academic priorities; ensuring proper use of the University's resources; and protecting the University's legitimate commercial interests.

As a result, the University holds that, as an exception to the general rule of faculty ownership, copyright in computer software created by faculty shall reside with the University in the following cases: (a) when the computer software has been developed pursuant to an agreement between the University and an outside sponsor and when the terms of such agreement require the University to convey rights to the sponsor; (b) when development has been by a team such that the identity of the project resides with the University rather than with particular individuals; (c) when there has been substantial use of University resources earmarked specifically for computer software development; or (d) when the computer software has been developed with the substantial assistance of other University personnel, including, for example, supported graduate or undergraduate students.



The bulk of faculty activities resulting in copyrightable computer software involve initiatives by individuals that do not constitute exceptions to the rule of faculty ownership. The precise determination of what usage of University resources or assistance of non-faculty personnel shall be considered substantial, or of when the identity of a project resides with the University rather than with particular individuals, involves the exercise of judgment based on the circumstances and on practices within the discipline. Since such judgments may vary from school to school, it is recommended that each school and institute of the University issue guidelines indicating, for purposes of determining copyright ownership under this Policy: (a) what usage of University resources shall be considered substantial; (b) what usage of non-faculty personnel shall be considered substantial; and (c) when the identity of a project undertaken by a team resides with the University rather than with particular individuals. As a basic principle for all schools and institutes, however, use of University resources or assistance from non-faculty personnel that is incidental and not essential to the development of the computer software does not constitute substantial use. Thus, for example, none of the following shall be considered substantial use: use of resources or personnel commonly available to all faculty, such as libraries, offices, or secretarial staff; use of a specialized facility for routine tasks; or payment of faculty salary from instructional accounts. School and institute guidelines shall be reviewed and approved by the Chancellor after consulting with a committee of faculty members appointed by the Faculty Council.

If under this Policy computer software copyright resides with the University, the relevant dean(s) or director(s) may choose to assign the copyright in that software to the faculty member(s) involved in the project that resulted in its creation, although the University may also choose to retain rights in the software, such as a royalty or other revenue interest, as a condition to this assignment.

Even where the University holds the copyright to computer software under this Policy, a faculty member who was involved in the project that resulted in its creation should have the right to publish and use that software for scholarly purposes at the University or elsewhere. Therefore, the University will grant any such faculty member who requests it a royalty-free license to publish and use that software for scholarly purposes.

Where the copyright in computer software resides with the University, net revenues from that software shall be allocated among the University, the relevant school(s) or institute(s), and the faculty members involved in the project that resulted in the creation of that software in such manner as the dean(s) or director(s) of the relevant school(s) or institute(s) shall determine.

Whenever possible, faculty who intend to create computer software and dean(s) or director(s) should reach agreement on copyright ownership and revenue allocation prior to the creation of the software. Agreements should be reviewed and revised over the course of a project, as circumstances dictate.

Whenever there is a dispute between a faculty member involved in a project that results in the creation of computer software and a dean or director regarding (a) the ownership of the copyright in that software, (b) the assignment to the faculty member of the copyright in that software, (c) the publication or use of that software by the faculty member for scholarship purposes, or (d) the allocation of revenue from that software, the dispute shall be referred to the Chancellor, who shall consult with a committee of faculty members appointed by the Faculty Council. The decision of the Chancellor on the dispute shall be final and binding on the parties to the dispute.

## Statement of Policy on Photocopying Copyrighted Materials

(Policy Statement on Photocopying of Copyrighted Materials for Classroom and Research Use Approved by the Board of Trustees, May 9, 1983)

In December, 1982, nine publishers commenced a lawsuit against the University and nine members of the faculty (as well as an off-campus copy shop) alleging that the photocopying and distribution of certain course materials, without the permission of the copyright owners of the materials, violated the Copyright Act (17 U.S.C. §§ 101 et. seq., 90 Stat. 2541, Pub. L. 94-553). It has become increasingly clear that the subject of photocopying for classroom and research purposes is of significant concern to the faculty, who have inquired about issues such as when photocopying may be done without the consent of the copyright owner; when and how permission to photocopy should be obtained; how exposure to liability may be reduced; and under what circumstances the University will defend them against claims of copyright infringement arising out of photocopying for classroom and research use. To assist the faculty in resolving these issues, to facilitate compliance with the copyright laws, and as part of the settlement of the publishers' lawsuit, the University is issuing this Policy Statement<sup>9</sup>.

1. The principles of the copyright law are designed to promote the creation, publication, and use of works of the intellect. These principles include both the exclusive rights of copyright owners to determine certain uses of their works (in not-for-profit as well as commercial contexts), and certain exceptions including the doctrine of "fair use". These precepts are in the mutual interest of the university, author, and publisher communities and of the public.
2. Under the copyright laws, certain photocopying of copyrighted works for educational purposes may take place without the permission of the copyright owner under the doctrine of "fair use" (presently set forth in Section 107 of the Copyright Act). This principle is subject to limitations, but neither the statute nor judicial decisions give specific practical guidance on what photocopying falls within fair use. To achieve for faculty greater certainty of procedure, to reduce risks of infringement or allegations thereof, and to maintain a desirable flexibility to accommodate specific needs, the following policies have been adopted by the University for use through December 31, 1985 (and thereafter, unless modified). On or before December 31, 1985 the University will review these policies to determine their effect and whether modifications, based on our experience, might be needed. If members of the faculty experience any problems or have suggestions, they are asked to communicate them to the Office of Legal Counsel.

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<sup>9</sup> This Policy Statement supersedes the document entitled "Interim Guidelines Concerning Photocopying for Classroom Research and Library Use" which was distributed on January 18, 1983.

- A. The Guidelines set forth in Appendix I are to be used to determine whether or not the prior permission of the copyright owner is to be sought for photocopying for research and classroom use<sup>10</sup>. If the proposed photocopying is not permitted under the Guidelines in Appendix I, permission to copy is to be sought. An explanation of how permissions may be sought and a procedure for furnishing to the administration information concerning the responses by copyright owners to requests for permission is set forth in Appendix II. After permission has been sought, copying should be undertaken only if permission has been granted, and in accordance with the terms of the permission, except as provided in the next paragraph.
- B. The doctrine of fair use may now or hereafter permit specific photocopying in certain situations, within limitations, beyond those specified in the Guidelines<sup>11</sup> or those that might be agreed to by the copyright owner. In order to preserve the ability of individual faculty members to utilize the doctrine of fair use in appropriate circumstances without incurring the risk of having personally to defend an action by a copyright owner who may disagree as to the limits of fair use, a faculty member who has sought permission to photocopy and has not received such permission (or has received permission contingent upon conditions that the faculty member considers inappropriate) may request a review of the matter by General Counsel of the University. If upon review the General Counsel determines that some or all of the proposed photocopying is permitted by the copyright law, the General Counsel will so advise the faculty member. In that event, should any such photocopying by the faculty member thereafter give rise to a claim of copyright infringement, the University will defend and indemnify the faculty member against any such claim in accordance with the provisions of the Board of Trustees policy on Legal Protection for Faculty Members (see page 84).

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<sup>10</sup> To minimize intrusiveness and over-centralization, the responsibility for making this determination will continue to reside with the individual faculty member. In making this determination, the faculty member should carefully consider all sections of the attached guidelines.

<sup>11</sup> The guidelines contained in Appendix I were negotiated by education, author, and publishing representatives in 1976 and were incorporated in the House of Representatives report accompanying the Copyright Act of 1976. The introductory explanation of the guidelines in the House Report describes their relationship to the doctrine of fair use as follows:

Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions

With Respect to Books and Periodicals

The purpose of the following guidelines is to state the minimum standards of educational fair use under Section 107 of H.R. 2223. The parties agree that the conditions determining the extent of permissible copying for educational purposes may change in the future; that certain types of copying permitted under these guidelines may not be permissible in the future; and conversely that in the future other types of copying not permitted under these guidelines may be permissible under revised guidelines.

Moreover, the following statement of guidelines is not intended to limit the types of copying permitted under the standards of fair use under judicial decision and which are stated in Section 107 of the Copyright Revision Bill. There may be instances in which copying which does not fall within the guidelines stated below may nonetheless be permitted under the criteria of fair use.

- C. In the absence of the determination and advice by the General Counsel referred to in paragraph B, or in the event that permission has not been first requested by the faculty member as provided in paragraph A, no defense or indemnification by the University shall be provided to a faculty member whose photocopying gives rise to a claim of copyright infringement.

*Appendix I: Guidelines*

I. Single Copying for Teachers

A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class:

- A. A chapter from a book;
- B. An article from a periodical or newspaper;
- C. A short story, short essay or short poem, whether or not from a collective work; and
- D. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.

II. Multiple Copies for Classroom Use

Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion; provided that:

- A. The copying meets the tests of brevity and spontaneity as defined below; and
- B. Meets the cumulative effect test as defined below; and
- C. Each copy includes a notice of copyright.

Definitions

Brevity

- (i) Poetry: (a) A complete poem if less than 250 words and if printed on not more than two pages or, (b) from a longer poem, an excerpt of not more than 250 words.
- (ii) Prose: (a) Either a complete article, story or essay of less than 2,500 words, or (b) an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words.

[Each of the numerical limits stated in “i” and “ii” above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.]

- (iii) Illustration: one chart, graph, diagram, drawing, cartoon or picture per book or per periodical issue.
- (iv) “Special” works: Certain works in poetry, prose or in “poetic prose” which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Paragraph “ii” above notwithstanding such “special works” may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text thereof, may be reproduced.

#### Spontaneity

- (i) The copying is at the instance and inspiration of the individual teacher, and
- (ii) The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

#### Cumulative Effect

- (i) The copying of the material is for only one course in the school in which the copies are made.
- (ii) Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.
- (iii) There shall not be more than nine instances of such multiple copying for one course during one class term.

[The limitations stated in “ii” and “iii” above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.]

### III. Prohibitions as to I and II Above

Notwithstanding any of the above, the following shall be prohibited:

- A. Copying shall not be used to create or to replace or substitute for anthologies, compilations or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.
- B. There shall be no copying of or from works intended to be “consumable” in the course of study or of teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable material.

- C. Copying shall not:
- a) substitute for the purchase of books, publishers' reprints or periodicals;
  - b) be directed by higher authority;
  - c) be repeated with respect to the same item by the same teacher from term to term.
- D. No charge shall be made to the student beyond the actual cost of the photocopying.

Agreed March 19, 1976.

Ad Hoc Committee on Copyright Law Revision:  
By Sheldon Elliott Steinbach.

Author-Publisher Group:  
Authors League of America:  
By Irwin Karp, Counsel.

Association of American Publishers, Inc:  
By Alexander C. Hoffman,  
Chairman, Copyright Committee.

## *Appendix II: Permissions*

### A. How to Obtain Permission

When a proposed use of photocopied material requires a faculty member to request permission, communication of complete and accurate information to the copyright owner will facilitate the request. The Association of American Publishers suggests that the following information be included to expedite the process.

1. Title, author and/or editor, and edition of materials to be duplicated.
2. Exact material to be used, giving amount, page numbers, chapters and, if possible, a photocopy of the material.
3. Number of copies to be made.
4. Use to be made of duplicated materials.
5. Form of distribution (classroom, newsletter, etc. ).
6. Whether or not the material is to be sold.
7. Type of reprint (ditto, photocopy, offset, typeset).

The request should be sent<sup>12</sup>, together with a self-addressed return envelope, to the permissions department of the publisher in question. If the address of the publisher does not appear at the front of the material, it may be obtained from The Literary Marketplace (for books) or Ulrich's International Periodicals (for journals), both published by the R. R. Bowkey Company. For purposes of proof, and to define the scope of the permission, it is important that the permission be in writing.

The process of considering permission requests requires time for the publisher to check the status and ownership of rights and related matters and to evaluate the request. It is advisable, therefore, to allow sufficient lead time. In some instances the publisher may assess a fee for permission, which may be passed on to students who receive copies of the photocopied material.

B. Gathering Data on Responses to Requests for Permission to Photocopy

In order to help assess the effect of this Policy Statement upon the faculty it will be useful for the administration to compile data on responses by copyright owners. Each member of the faculty is therefore requested to forward a dated copy of each request for permission and a dated copy of each response to the Office of Legal Counsel.

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<sup>12</sup> The following is a sample letter to a copyright owner (usually a publisher) requesting permission to copy:

Material Permissions Department  
Hypothetical Book Company  
500 East Avenue  
Chicago, IL 60601

Dear Sir/Madam:

I would like permission to copy the following for use in my class next semester:

Title: Knowledge is Good, Second Edition  
Copyright: Hypothetical Book Co., 1965, 1971  
Author: Frances Jones  
Material to be duplicated: Chapter 10 (photocopy enclosed)  
Number of copies: 50  
Distribution: The material will be distributed to students in my class and they will pay only the cost of the photocopying.  
Type of reprint: Photocopy  
Use: the chapter will be used as supplementary teaching materials.

I have enclosed a self-addressed envelope for your convenience in replying to this request.

Sincerely,

Faculty Member

## **Statement of Policy on Honorary Degrees**

(Adopted by the Board of Trustees, November 25, 1968)

The University grants honorary degrees to signalize respect for individuals who have made outstanding contributions to mankind or who exemplify ideals and purposes for which the University stands. The following guidelines have been followed in making selections:

1. In selecting candidates for honorary degrees at Commencement, the Board of Trustees seeks to present a balanced group that demonstrates the breadth of the University's interests and concerns. At the same time, the number of candidates selected is kept relatively small (between six and eight in recent years) in order not to dilute the significance of the degree or to prolong the Commencement ceremonies.
2. One criterion for awarding honorary degrees is to signalize areas of unusual distinction within New York University.
3. The University has a deliberate policy of honoring alumni who have achieved outstanding positions and have made unusual contributions to their professions. There is an equal policy against awarding an honorary degree to any Trustee, administrative officer, or faculty member engaged in regular full-time service in the University.
4. The University prefers to award honorary degrees to those who have not already received a host of degrees from other institutions but are on the threshold of general recognition. In certain instances, however, such as those involving national leaders of great distinction, the fact that an individual has received a number of degrees from other institutions is not a deterrent to his or her being awarded a degree by New York University.
5. Recommendations for honorary degrees are received from Trustees, faculty, staff members, and other friends of the University. They are filed on a standard form, the contents of which are summarized by the Secretary of the University for consideration by the Board of Trustees.
6. The degrees granted at Commencement are planned months in advance and involve the concurrence of the entire Board of Trustees. The University considers it appropriate also to grant degrees on particular occasions during the year for the purpose of celebrating an event within the University or for honoring a particularly distinguished visitor to the University. These degrees need be approved only by the designated committee of the Board of Trustees.
7. An informal procedure for consultation with appropriate deans and senior faculty members, through the offices of the President and the Secretary, has been regularly followed in the past, particularly when it is desired through an honorary degree to recognize outstanding achievement in a particular area of academic activity. This procedure is to be continued with respect to honorary degrees awarded at times other than at Commencement.
8. A more formal procedure for consultation with a committee of the Senate has been developed with respect to honorary degrees to be awarded at the annual Commencement



exercises in view of the special authority of the Senate under the University Bylaws over Commencement as an interschool function.

# SELECTED POLICIES CONCERNING GOOD ORDER IN THE CONDUCT OF UNIVERSITY AFFAIRS

## Guidelines for the Use of University Facilities

(Adopted by the University Senate on May 13, 1971, revised May 12, 1977)

1. For the purpose of these Guidelines, the following definitions apply:
  - a) A University facility is one which is primarily academic, social, dormitory-residential, or non-commercial in nature. Excluded from the scope of these Guidelines is space within a University facility used for offices of faculty, staff, or other employees; non-dormitory residences (e.g., Silver Towers apartments); or for commercial purposes (e.g., space rented to a public restaurant).
  - b) A University organization is an organization whose membership is limited exclusively to students, faculty, administration, staff, or alumni of New York University. A non-University organization is any organization whose membership is not so limited.
  - c) Members of the University community are persons who are currently students, faculty, administration, staff, or alumni of New York University.
2. The use of University facilities shall be limited to lawful purposes consistent with the educational purposes of the University. The assignment of space within University facilities shall be determined within the Guidelines by the primary function of the facility, the attendant priority in its use, and the purpose for which the space is designed and for which it is suitable.
3. It is recognized that the assignment of space in University facilities for academic and administrative use is not covered by these Guidelines, and is the responsibility of administrative officials designated by the President.
4. Reasonable charges, including overhead, for the use of space and related equipment, facilities or amenities may be made to users of University facilities.
5. For each University facility the President shall designate the appropriate dean or Officer (hereinafter, the local office) who shall be primarily responsible for allocating space available for non-academic purposes and for coordinating the non-academic use of such space with its academic use. A local office may be responsible for more than one facility.
  - a) The local office shall prepare a list of space within the facility available for non-academic use, which shall be determined in accordance with the purposes for which the space was designed and its customary use. Such space may include classrooms or seminar rooms when not in academic use or held in reserve for academic use.
  - b) The Office of the Vice President for Administration in consultation with the local offices shall prepare and publish, consistent with these Guidelines, a schedule of

fees, if any, for the use of space within the facility for non-academic purposes. The schedule may include the requirement of a deposit according to the proposed use of the facility.

- c) The local office shall prepare a reservation form<sup>13</sup> and a summary of special rules and regulations governing the use of space for non-academic purposes within the facility. The reservation form shall indicate the persons assuming responsibility for the use of the space and the nature of the responsibility for charges, extra expenses, and damages. The form shall also indicate whether persons other than members of the University community are to participate, whether by invitation or otherwise, in the use of the facility. The summary of the rules and regulations shall include notice of legal limitations on the number of persons who can be accommodated in the given space, and opening and closing hours.
6. The assignment of space listed as available for non-academic use will be governed by these Guidelines. If an applicant, otherwise qualified to reserve and use space within a University facility, is denied requested space by the local office on the grounds that the proposed use is inappropriate, the Office of the Vice President for Administration shall endeavor to find alternative space suitable for the user's purpose.
  7. All space assignments for non-academic purposes must be made in writing on the appropriate reservation form and approved by the local office responsible for the facility.
  8. Assignment of the use of space within a University facility available for non-academic purposes may be made to a non-University organization on meeting the following conditions:
    - a) The applicant must be sponsored by a unit of the University administration or faculty, by a faculty organization, or by a registered student organization that will assume responsibility, including financial obligations, for the non-University organization in connection with the application.
    - b) The purpose and objectives of the non-University organization must be consistent with the educational purposes of the University and not conflict with any legal restrictions on the use of University facilities.
    - c) The organization must qualify as a non-profit organization eligible for tax exemption under section 421 of the New York Real Property Tax Law. The burden of establishing eligibility rests with the organization, but doubtful cases shall be referred to the Office of General Counsel for decision.
  9. An application for assignment of space for one or more occasions made by a member of the University community or in the name of a University organization shall be deemed to be made by a non-University organization and subject to all the requirements of those guidelines applying to non-University organizations when, for any occasion, the expected attendance of persons who are not members of the University community exceeds the expected attendance of persons who are members of the University community.

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<sup>13</sup> A standard space reservation form is available from the Office of Room Assignments, in the Office of the University Registrar (see the University Directory for contact information).

10. The acceptance of reservations and the assignment of space within a University facility available for non-academic purposes will be made in accordance with the following schedule of priorities:
  - a) Members of the University community for whose use the facility was primarily designed, e.g., School of Education administration, faculty, or students in Education Building; Weinstein residents in Weinstein.
  - b) University organizations of faculty, administration, staff, or alumni and registered student and student-faculty organizations.
  - c) Meetings (limited to two) to organize a University organization, as defined above, sponsored by a member of the student body, faculty or administration.
  - d) Other use by students, faculty, and administration.
  - e) Non-University organizations meeting the requirements of paragraph 8 above.
11. Recognizing the need to create conditions in which people of all shades of political opinion are given an opportunity to meet and discuss their views, University facilities may be used by members of the University community for the purposes of engaging in political activities when those activities are directed to and conducted within the University. However, the University cannot under its charter and the obligations of a not-for-profit educational institution in New York State become a source of subsidy for strictly political action groups. University facilities are not available to non-University organizations for use in political activities. Questions of appropriate use of University facilities for political activities should be referred to the Office of Legal Counsel (see the NYU Public Directory for contact information).
12. The use of University facilities for the purpose of raising funds whether through charter admission to an event, by soliciting voluntary contributions, or otherwise, is permitted only under the following conditions:
  - a) By University organizations, provided the funds raised are intended for purposes consistent with the purposes of the University and its exemption from registration under the New York Social Services Law, and in no event are intended to be used for the support of political activities.
  - b) By non-University organizations, qualifying under paragraph 8 above to use University facilities, provided the funds are to be used for the purposes upon which their eligibility for tax-exempt status is based.
13. Local offices may designate areas within University facilities for the distribution of literature or other materials by students as long as such activity does not (a) impede the flow of traffic or (b) disrupt the normal functions of the facility. Sales persons, advertising distributors or other persons not members of the University community are prohibited from soliciting or distributing literature in University facilities at any time.

14. The University Senate Committee on Public Affairs shall be responsible for the review of these Guidelines and for developing additional Guidelines, if needed, for approval by the Senate; for hearing grievances and arbitrating disputes; and for determining violations of the Guidelines. Appeals from decisions of the Committee may be made to the Senate.
15. Any violation of University regulations, including these Guidelines, shall be sufficient cause for the cancellation of, or limitation on, assignment of space without prejudice to any other sanctions that may be imposed by any disciplinary body within the University.

## **New York University Rules for the Maintenance of Public Order**

(Adopted by the University Board of Trustees on May 26, 1969 and amended through November 17, 1980)

The Trustees of New York University do hereby adopt the following rules for the maintenance of public order on campus and other University property used for educational purposes, and a program for the enforcement of these rules; and do hereby authorize the President of the University to file a copy with the Regents and the Commissioner of Education as provided in section 6450 of the New York Education Law.

### *I. Rules of Conduct*

- A. All members of the University community—students, faculty members, and members of the staff—shall comply with city, state, and federal laws and ordinances affecting the maintenance of order on University premises.
  - 1. Conduct that is violative of such laws and ordinances occurring on University premises may be subject to both University discipline and public sanctions as circumstances may warrant or dictate.
  - 2. Conduct that is violative of such laws and ordinances occurring off University premises will ordinarily not be subject to University discipline, unless such conduct:
    - a) Seriously affects the interests of the University or the position of the member within the University community; or
    - b) Occurs in close proximity to University premises and is connected with violative conduct on University premises.
- B. All members of the University community are prohibited from engaging in conduct leading to or resulting in any of the following:
  - 1. Interference with or disruption of the regular operations and activities of the University.
  - 2. Denial of, or unreasonable interference with, the rights of others—including persons not members of the University community who are present as invitees or licensees—on University premises. These rights include the right of academic freedom as well as constitutionally protected rights.
  - 3. Injury to University property, real or personal.
  - 4. Unauthorized access to or occupation of nonpublic areas on University premises, including but not limited to classrooms, seminar rooms, laboratories, libraries, faculty and administrative offices, auditoriums, and recreational facilities.

5. Unauthorized access to or use of personal property, including files and records.
  6. Recklessly or intentionally endangering mental or physical health or forcing consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization.
- C. Visitors, including invitees and licensees, shall at all times conduct themselves in a manner that is consistent with the maintenance of order on University premises, and their privilege to remain on University property shall automatically terminate upon breach of this regulation. The University in addition reserves the right in its discretion to withdraw at any time the privilege of an invitee or licensee to be on University premises. A trespasser has no privilege of any kind to be on University property but is nevertheless subject to these regulations governing the maintenance of order.
- D. Any authorized member of the University community, after properly identifying himself or herself, may in the course of performing his or her duties request identification from members of the University community. Refusal to identify oneself shall be considered prima facie evidence of non-University status. “Authorized” members of the University community shall include:
1. Members of the University Administration;
  2. Faculty in the performance of teaching or supervisory duties;
  3. Faculty or student marshals designated by the University Senate or the University Administration;
  4. University security officers.
- E. Nothing contained in these rules is intended, nor shall it be construed, to limit or restrict the freedom of speech or peaceful assembly.

## *II. Program of Enforcement*

- A. Visitors (Invitees, Licensees, and Trespassers). When an administrative officer or member of the protection service of the University in his or her discretion determines that the privilege of an invitee or licensee to be on University premises should be withdrawn, he or she shall ask the invitee or licensee to leave the premises, and the invitation or license shall thereby be terminated. If any person, whether initially a trespasser, licensee, or invitee, fails to leave University premises promptly upon request, the University will use all reasonable means, including calling for the assistance of the police, to effect that person’s removal.
- B. Summary Suspension of Members of University Community. Penalties for violation of University rules shall not be imposed upon members of the University community except after compliance with the disciplinary procedures applicable to students, or faculty members, or members of the University staff (administrative

and other employees). However, summary suspension pending disciplinary proceedings may be imposed upon students in accordance with the Bylaws, or upon faculty members in accordance with the Rules of Tenure and Related Provisions, as adopted and subsequently amended by the Board of Trustees, or upon members of the University staff in accordance with administrative practice.

C. **Disciplinary Action.** A member of the University community who is charged with a violation of the University rules set forth in Section I above shall be subject to appropriate disciplinary action as follows:

1. **Students**

- a) If the alleged violation of University rules involves a matter affecting more than one school, disciplinary proceedings shall be carried out under the Rules Regulating Student Disciplinary Proceedings adopted by the Senate in accordance with the authority delegated to it under paragraph 34(c) of the University Bylaws.
- b) If the alleged violation of University rules involves a matter affecting only one school, disciplinary action shall be carried out by the faculty of the school in which the student charged is enrolled.

The authority of the faculty is derived from paragraph 61(b) of the University Bylaws. Disciplinary proceedings shall be in accordance with the established practice of the school. In the absence of an established practice in a school, the following procedure shall be used:

- (i) When a charge of misconduct has been made, the dean of the school, or such other administrative officers or faculty members as may be designated, shall try to resolve the matter on an informal basis.
- (ii) If the matter cannot be disposed of on an informal basis, the hearing procedure shall follow in principle, though not necessarily in detail, the provisions in the Rules Regulating Student Disciplinary Proceedings, with the following exceptions: (a) no verbatim record of the proceeding shall be required, (b) the hearing tribunal shall be composed of such persons as the faculty of the school may designate, and (c) the appellate tribunal, if any, shall be a person or persons within the school or the University.

2. **Faculty Members**

- a) When a faculty member is charged with a violation of these rules, an effort shall be made to resolve the matter informally under the direction of the dean of the faculty member's school at the departmental level or with a committee of the faculty of that school.



- b) When the matter cannot be resolved as provided in the preceding paragraph, disciplinary action shall proceed as follows:
  - (i) If the faculty member charged with a violation has permanent or continuous tenure (and the charge is brought specifically to terminate service), the Rules of Tenure and Related Provisions shall apply.
  - (ii) If the faculty member does not have continuous or permanent tenure, his or her case shall be referred to a special committee of the faculty designated for that purpose. The special committee shall adopt its own rules of procedure. It shall have the authority to impose any of the penalties, other than dismissal, listed in section II-D and to recommend the penalty of dismissal. A recommendation for dismissal for a faculty member who does not have continuous or permanent tenure shall be submitted to the dean of the faculty member's school for approval and shall not become effective except on the concurrence of the President as provided in paragraph 52(a) of the University Bylaws.

3. University Staff: Administrative Officers and Other Employees

When a member of the University staff, other than a faculty member, has been charged with a violation of University rules, the charge shall be considered and determined administratively in accordance with established practices of the department to which the staff member is assigned. If the person against whom the charge has been made is both an administrative officer and a faculty member his or her case shall be governed by this section unless the violative conduct was of such a nature as to call into question his or her continued qualification for service on the faculty; in the latter event, disciplinary action will proceed in accordance with section II-C-2, above.

4. Organizations

Any organization which authorizes conduct prohibited under Section I.B.(6) shall be subject to having its permission to use the facilities of New York University and to operate as a University organization rescinded, and shall be subject to any additional penalties pursuant to the penal law or any other applicable provision of law.

D. Penalties. Penalties for violation of University rules that may be imposed upon members of the University community include, but are not limited to, the following:

- 1. Reprimand
- 2. Censure

3. Removal of privileges
4. Suspension
5. Dismissal or expulsion

### **Statement of Policy on Student Conduct at New York University**

(Adopted by the University Senate, February 29, 1968)

#### *Preamble*

The Bylaws of New York University, entrusting the “educational conduct” of each school to the faculty and officers of that school, provide that “subject to the approval of the Board and general University policy, it is the duty of each faculty member...to make and enforce rules for the guidance and conduct of the students.” These Bylaws also authorize the University Senate to act upon such matters which affect more than one school, and in these instances, the Senate speaks for the joint faculties of the University.

The University operates under a University common law, developed with respect to both substance and procedure over more than a century of existence, as well as under the University’s Charter and Bylaws. In the past, questions of student conduct referred to disciplinary committees have generally concerned problems of academic honesty, such as cheating or plagiarism, and were properly dealt with by the single school involved. More recently, instances of questionable student conduct have involved problems such as the maintenance of order in University buildings and grounds in connection with protest demonstrations and have frequently involved students from more than one school. In light of this development, the Senate believes that a statement of University-wide policies on student conduct, reflecting the University common law is necessary.

#### *1. Statement of Principles*

It is our judgment that the University, like other communities and organizations in our society, has an inherent right to require the cooperation of its members in the performance of its educational functions, and to control and regulate the conduct and behavior of such members which tend to impede, obstruct, or threaten the maintenance of order and achievement of the University’s educational goals. We further believe that the relationship between the University and its students is a special educational relationship involving rights, and obligations, as well as considerations and procedures, which are distinct from those in the courtroom, the political arena, or the market place, and that from the very nature of the University as an educational community both the substantive rules and the procedural processes related to student conduct must be equitable and just.

#### *2. Basic Rules of Conduct*

Students are expected to conduct themselves as mature and law-abiding members of both the University community and the general community, and to comply with requests of the administrative authorities of the University for maintenance of order on University premises. Behavior which jeopardizes the health or safety of the University community, or disrupts the educational activities and supporting services of the University, is subject to

review and possible penalty in accordance with the procedures and practices of the University and its colleges, schools, or divisions. Where activities sponsored by student organizations constitute violations of University rules or of public laws and regulations, sanctions may be imposed on such organizations as well as on individual students.

The University should not use its powers to interfere with the rights of a student outside the University campus. In general, a student's off-campus activities should be subject only to sanctions of the public authorities. Where a student is convicted of a violation of law, he or she should not be subject to University discipline for the same offense unless the student's conduct seriously affects his or her position as a member of the academic community. Where a student's conduct on campus constitutes violations of both University rules and public law, the student may be subject to both University discipline and public sanctions.

### 3. *Academic Freedom*

The University is a community where the means of seeking to establish truth are open discussion and free discourse. It thrives on debate and dissent. Free inquiry, free expression, and free association are indispensable to the purposes of the University, and must be protected as a matter of academic freedom within the University, quite apart from the question of constitutional rights.

Accordingly, conditions must be such as to allow this freedom for all. Causes may be supported by orderly means; but the University cannot tolerate suppression of ideas, nor the forceful disruption of the regular and essential operations of the University community. Regardless of sincerity, no individual or group of individuals has the right to disrupt or to interfere unreasonably with the workings of the colleges, schools, or divisions of the University or with the regular process of education and service to its members. Regardless of moral impetus, no student or group of students has the right to deny the freedom of other members of the University community.

### 4. *Invitations, Demonstrations, Protests*

Students are entitled to invite and hear persons of their own choosing. Since no outside person or agency has an independent right to use University facilities, each must be directly or indirectly invited through appropriate University channels, and each is entitled to the courtesy owed by the University to an invited visitor. It is improper for students to harass the visitor or impede the purposes of his or her visit by violent means or threats, or by any other method that is offensive or unacceptable to an educational community.

Forums are to be encouraged, particularly on subjects where there are differences of opinion. Career counseling and job interviewing are also considered a legitimate part of the activities of the University in support of its educational program. Where counseling or recruitment is connected with a controversial issue, every effort should be made to allow a general discussion of the issue, but apart from the job interviewing. Such discussion of the issue should not be considered a necessary condition precedent to counseling or interviewing. It is improper, as inconsistent with the purpose of the University, to subject speakers, recruiters, job interviewers, or other official visitors to political, social, or moral sanctions or tests.

It is expected that all such activities, whether forums, lectures, recruitment programs, job interviews and the like, will be conducted in a manner appropriate to an academic community. The right to engage in peaceful protest must be honored and protected, but such protests must take place in a manner that does not interfere with normal academic procedures. Freedom of discussion does not include the license to disrupt a meeting or interview. Demonstrations, including those which are described as peaceful, cannot be allowed to interfere with the rights of others to have normal access to the persons against whom the demonstration is addressed; nor can demonstrations be used to harass or intimidate other individuals or groups.

5. *Use of University Facilities*

The University administration necessarily has the right to control the access to and use of institutional facilities. If in the judgment of a University official, or an administrative officer of a college, school, or division, or a member of the faculty who has responsibility for a particular activity, a student or group of students or other persons are interfering with the rights of other individuals or groups, as above, said official has the right to ask the student or group of students to leave the room, hall or building. Refusal of a student or group to do so after warning shall be considered a sufficient basis for the institution of disciplinary proceedings, subject to the defense in such proceeding that the order to leave was *ultra vires* or unreasonable.

6. *Disciplinary Proceedings*

The University Bylaws provide that the power of suspending or dismissing a student in any school is lodged with the faculty of that school, but the President or the dean of a school may suspend a student pending consideration of the student's case by the faculty. Each faculty has the duty of enforcing not only its own rules of conduct but also, in appropriate cases, the University rules of conduct established by the Senate under the authority granted to it by the University Bylaws.

## **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" (see page 123) and the "New York University Rules for the Maintenance of Public Order" (see page 119), 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 the 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 premises 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 non-academic activity.
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, to 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 Chairperson of the disciplinary committee of a faculty in which such student is enrolled, or the Chairperson of the University Judicial Board disagrees with the decision rendered by the Office of Legal Counsel, such person 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. Delegates 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 NYU Medical Center (all references hereinafter made to the Vice President for Student Affairs shall be deemed to include the equivalent person at the School of Medicine). 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 Dean's 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 Review Board.
4. Jurisdiction over dormitory offenses shall lie with the Judiciary Committee of such residence and with the Residence Hall Manager, in accordance with dormitory procedures, where established. If no Judiciary Committee exists, jurisdiction shall be the same as for other offenses listed in I.B. above.

## *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 48 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 or her 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 sanctions 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 adviser. The student or his or her counsel or adviser 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 (15) 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 Chairperson 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 a 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 extracurricular 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.

## **Policy on Solicitation**

(This long-standing policy is here recorded in its complete form.)

The solicitation of New York University employees for any purpose (raffles, sales of merchandise, solicitation for membership or support of social, community, labor, or other organizations, etc.) is not permitted during the work time of the person being solicited or the solicitor.

Literature relating to the above activities may not be distributed in work areas.

Employees may not use University communication facilities—mail, telephone, supplies, or equipment—for other than NYU business purposes.

Salespersons, advertising distributors, and all other non-employees are prohibited from soliciting or distributing literature in any NYU building at any time.

These rules are necessary to minimize intrusions into the privacy of employees, as well as to prevent the unwarranted disruption of normal work activity. Employees engaging in prohibited activity including solicitations which disrupt their own or other employees' work assignments are subject to disciplinary action.

## **Speakers and Other Campus Visitors**

(A Recommendation of the Commission on Student Life at Washington Square, affirmed by the University Senate on February 29, 1968)

The University is committed to upholding freedom of inquiry and expression on the campus;

The interests of the academic community are not served by fear and suppression of free discussion, controversy, and dissent;

The University upholds and encourages the freedom of students to express their views, to protest and demonstrate in an orderly and peaceful manner.

Hence:

We support the presence of speakers and other campus visitors without subjecting them to political, social, and moral tests;

We support the freedom of expression and the invitation of speakers and other visitors without obstructive or restraining actions by individuals or groups, whether they constitute a majority or minority of students, faculty, or administration;

We reject the use of physical force or other disruptive means to obstruct and restrain speakers and other campus visitors as destructive of the pursuit of inquiry and learning in a free and democratic society.

## **Guidelines Regarding Protest and Dissent**

(Approved by the University Senate on May 2, 1991)

### *A. Commitment and Responsibilities of the University*

New York University is committed to maintaining an environment where open, vigorous debate and speech can occur. This commitment entails encouraging and assisting University organizations that want to sponsor speakers as well as informing members of the University community who seek guidance concerning forms of protest against speakers. It may also involve paying for extraordinary security measures in connection with a controversial speaker. Consistent with these obligations, the University promulgates these guidelines, which are intended to be applied without regard to the content of any proposed speaker's speech.

### *B. Application of Guidelines*

These guidelines apply to all meetings held at the University which are not part of academic courses of instruction or regular University or school or department administration to which speakers are invited.

### *C. Meetings to be Designated as Open or Closed*

1. The sponsoring organization may designate a meeting to which a speaker is invited as "open" or "closed." In either case, incidental University facilities such as a room and utilities may be used.
2. If a University organization or group uses University funds for other than incidentals, the meeting must be designated and treated as open. Use of room and utilities is considered "incidental" and therefore available for a closed meeting; all expenses of substance (e.g., a speaker's travel expenses or provisions of more than de minimus refreshments) are not considered "incidental," and may only be paid from University funds if the meeting is open. This requirement does not apply to meetings for which University funds have been authorized to finance a training event carried on by an organization designated by the dean or appropriate administrator as a University training organization (e.g., University clinical organization or University journal).
3. Closed Meetings
  - a) A meeting at which the sponsoring organization limits the attendance to membership in the organization or to invited or designated individuals or groups (including members of the press), and from which members of the University community, not related to the sponsoring organization or to the meeting are excluded, shall be deemed closed. The meeting may not be closed on the basis of any category which is, or is a pretext for, discrimination in violation of the University's published anti-discrimination policies.

- b) To the extent that a closed meeting is advertised to those who are not invited to attend, there must be clear disclosure that the meeting is closed.

4. Open Meetings

- a) A meeting is considered open even though the sponsoring organization limits the audience to members of the University community or to portions thereof (e.g., first-year graduate students) other than as provided in paragraph 3(a).
- b) At an open meeting, the sponsoring organization must provide that at least a majority of the seats be available to the University community or portion thereof, as the case may be.
- c) The sponsoring organization must provide adequate and timely notice for an open meeting.

*D. Identification*

- 1. The sponsoring organization or University administration may require attendees to produce identification, so long as:
  - a) Advance notice is given as to what specific types of ID will be required.
  - b) Identification procedures are enforced consistently and uniformly.
- 2. When required in an open meeting, identification and, when appropriate, press credentials should be checked by any official perceived to be neutral (e.g., an administrator, or designated general student monitor), not by a member of the sponsoring organization or by any person perceived as partisan.

*E. Dissent/Protest*

1. General Principles

The right to dissent is the complement of the right to speak, but these rights need not occupy the same forum at the same time. The speaker is entitled to communicate her or his message to the audience during her or his allotted time, and the audience is entitled to hear the message and see the speaker during that time. The dissenter must not substantially interfere with the speaker's ability to communicate or the audience's ability to hear and see the speaker.

When a meeting is closed, dissent by non-attendees is limited to activity outside the meeting that does not impede access to the meeting or substantially interfere with the communication inside. When a meeting is open, the acceptable form of dissent will depend on whether the dissenter is inside or outside the meeting, and on whether the dissenter is acting before or after the meeting or during the meeting.

## 2. Some Examples of Dissent

The following guidelines, which are neither comprehensive nor absolute, suggest the limits of acceptable dissent:

- a) Picketing; literature. Picketing in an orderly way or distributing literature outside the meeting is acceptable so long as it does not impede access to the meeting. Distributing literature inside an open meeting is acceptable before the meeting is called to order and after the meeting is adjourned.
- b) Silent or symbolic protest. Protesting noiselessly such as by displaying a sign, wearing clothing, gesturing, or standing, is acceptable so long as the protest does not interfere with the audience's view, or prevent the audience from paying attention to the speaker. Any use of signs, prolonged standing or other activity likely to block the view of any one in the audience should be confined to the back of the room.
- c) Noise. Responding vocally to the speaker, spontaneously and temporarily, is generally acceptable, especially if reaction against the speaker is similar in kind and degree to reaction in his or her favor. Chanting or making other sustained or repeated noise in a manner which substantially interferes with the speaker's communication is not permitted, whether inside or outside the meeting.
- d) Force or violence. Using or threatening force or violence, such as defacing a sign or assaulting a speaker or a member of the audience is never permitted. Any interference with freedom of movement, or with freedom from personal force and violence, is a serious violation of personal rights.

## 3. The Audience's Responsibility

The audience, like the host and the speaker must respect the right to dissent. A member of the audience or the host organization who substantially interferes with acceptable dissent is violating these guidelines in the same way as a dissenter who violates the rights of the speaker or audience.

## 4. Question and Answer Period in Open Meetings

In any open meeting the sponsoring organization is strongly encouraged to arrange with the speaker to assure a reasonable opportunity for a question and answer period.

### *F. Security*

1. Senior University officials shall determine, either on their own initiative or after hearing from campus organizations or groups, whether the protection of free speech at an open meeting requires measures to provide security.

2. Upon making this determination that security measures are required, these University officials, acting in consultation with the University Security Department, will have and will exercise the responsibility to determine the nature and extent of security measures required and ensure their implementation in a way which will not unfairly discriminate against nor intimidate any participant. The University will fund these measures. They may include but are not limited to, the following:
  - a) Bags and other containers may be subject to search by university security officers, and may be required to be put in a checkroom before entrance to the event.
  - b) Coats or outerwear may be required to be put in a checkroom before entrance.
  - c) Videotaping, audiotaping, and/or photographing of the event may be done, with prior notice to the audience.
3. When a meeting is closed, the sponsoring organization will ordinarily be responsible for planning, obtaining, and funding its own security. Any provision for the use of force as a security measure will be planned with participation of the University Security Department. Only the Security Department or police officers may use force as a security measure.

*G. Use of Moderator/Facilitator*

1. Determination of Need

Senior officials may determine that the protection of free speech at an open meeting requires the use of a moderator/facilitator. If so, the meeting shall be held with a moderator/facilitator.

2. Selection

The moderator/facilitator will be selected by the sponsoring organization, subject to approval by the University administration. The person selected shall be perceived to be neutral and non-partisan.

3. Role

The moderator/facilitator should make clear at the meeting that her or his role reflects no position for or against the views of the speaker or sponsoring organization. In any open meeting at which a moderator/facilitator has been assigned he or she shall be empowered to preside over any question and answer period.

At the event, final decisions regarding balancing the rights of the speaker with the rights of those who disagree will be made by the moderator/facilitator. These decisions include, but are not limited to:

- a) Whether to eject a disrupter from the room.
- b) Whether to suspend a speech temporarily if disruption occurs.
- c) Whether to move an event because of disruption or security.
- d) Whether to cancel an event because of security concerns.

The moderator/facilitator should take any of the above actions only as a necessary resort and, if possible, only after a good faith attempt to consult with the sponsoring organization.

#### *H. Sanctions*

Violation of the free speech rights of any person, as protected in these guidelines, will be treated seriously. Violators will be subject to the following sanctions:

- a) Expulsion from the meeting or event.
- b) Arrest or other legal action.
- c) As to members of the University community, disciplinary procedures before the appropriate tribunal, which may impose any of the following sanctions:
  - 1. Warning
  - 2. Written reprimand
  - 3. Suspension
  - 4. Expulsion

Pursuant to existing procedures, these sanctions may be noted on a student's transcript or employee's personnel file and later reported to appropriate external officials.

#### *I. Advisory Committee on Free Speech*

The Committee on Organization and Governance of the University Senate shall maintain its oversight of this subject and should as appropriate:

- a) Advise the University administration concerning the further development and the enforcement of these guidelines through content-neutral policies related to time, place, and manner.
- b) Review the effectiveness of these guidelines and proposals for change.
- c) Development, recruitment, and training, if needed, of moderator/facilitators.



Inquiries concerning the application of these Guidelines or the use of a moderator/facilitator should be addressed to the Office of Student Life (see the NYU Public Directory for contact information).

## **New York University Policies on Substance Abuse and Alcoholic Beverages**

(Annually reviewed, updated, and distributed to the student community)

New York University is committed to providing preventive education about the dangers of drug abuse and compassionate attention to the needs of those who may require help with alcohol or other drug-related problems. To that end, the University provides on-campus support programs and services as well as information about related services that are available in the local community. Some of these programs and services are listed at the end of this section. Full details are given in a publication distributed annually to employees by the Human Resources Division, [Substance Abuse and Alcoholic Beverages](#), and at the following websites:  
<http://www.nyu.edu/hr/pdf/forms/sabuse07.pdf>  
<http://www.nyu.edu/student.affairs/pdfs/sabuse08.pdf>

### **A. Statement of Policy on Substance Abuse**

In addition to policies and practices that emphasize concern for the welfare of individuals, the University also recognizes the importance of maintaining the safety and well-being of the community as a whole. The University therefore adheres to the following guidelines concerning the unlawful possession, use, or distribution of drugs:

1. The unlawful possession, use, or distribution of drugs will not be tolerated on University premises.
2. Upon finding evidence of the unlawful possession, use, or distribution of drugs on its premises by any student, the University will take appropriate disciplinary action, including, but not limited to, probation, suspension, or expulsion.
3. Using regularly established procedures, the University will take disciplinary action, up to and including discharge, against any member of the faculty or staff found unlawfully using, possessing, or distributing drugs.

Faculty, staff, and students should also be aware that, in addition to University sanctions, they may be subject to criminal prosecution under federal and state laws that specify fines or imprisonment or loss of federal financial student aid for conviction of drug-related offenses.

### **B. Statement of Policy on Alcoholic Beverages**

The sale<sup>14</sup>, service<sup>15</sup>, possession, and consumption of alcoholic beverages at New York University is governed by the New York State Alcoholic Beverage Control Law and other laws of the State of New York. Based on such laws, it is the policy of New York University that:

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<sup>14</sup> Sales of liquor include, without being limited to, cash bars, events to which admission tickets are sold or for which fees are charged either by the event or for a period of time (e.g., entertainment charge or annual dues), entitling the purchaser access

1. Persons under the age of 21 years are prohibited from possessing any alcoholic beverage at New York University or at any event sponsored by the University or by a University organization, whether the event is at the University or not.
2. The following rules are applicable to all events at which alcoholic beverages are served or sold at New York University and to all events or activities, whether or not at the University, which are sponsored by the University or by a University organization.
  - a. No person shall be sold or served any alcoholic beverage:
    - i. if that person is, or appears to be, under the legal drinking age of 21;
    - ii. if that person is, or seems to be, intoxicated, or is known to the server or seller to be a problem drinker.
  - b.
    - i. No person under the age of 21 years shall present any written evidence of his or her age that is false, fraudulent, or not actually his or her own in order to purchase or be served or to try to purchase or be served, any alcoholic beverage or in order to gain access or to try to gain access to any event or activity at which any alcoholic beverage is being sold or served.
    - ii. No person shall in any way misrepresent the age of any other person or help any other person to misrepresent the age of any other person or help any other person to misrepresent his or her age so that such person can purchase or be served or try to purchase or be served any alcoholic beverage or gain access to any event or activity at which any alcoholic beverage is being served or sold.
  - c. No alcoholic beverage shall be sold to any person unless:
    - i. a license or permit sanctioning the sale of such alcoholic beverage has been obtained by the seller; and
    - ii. the license or permit sanctioning such sale and any posters, signs, notices, or other material or information required by applicable law or by the State Liquor Authority are prominently displayed at the site of such sale.
3. The individual or group, or groups sponsoring an event or activity at which any alcoholic beverage is to be sold or served (the “sponsor”) shall be responsible to make sure that all New York State laws and regulations and all New York University rules and regulations regarding the sale, use, service, possession, and consumption of alcoholic beverages are observed at such event or activity. This responsibility shall include, without being limited to, the following:
  - a. complying with items 1 and 2 above, including examining attendees’ evidence of age;

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to an open bar, and parties at which alcoholic beverages are served and for which contributions or donations to offset the costs of the party are sought.

<sup>15</sup> To serve alcoholic beverages shall mean to give away, deliver, or otherwise provide alcoholic beverages to any person by any means other than by sale to such person.

- b. notifying either the Student Activities Office (when the sponsor is a student group) or the Kimmel Center for University Life Operations Office (when the sponsor is a non-student group) prior to each on-campus event at which alcoholic beverages are to be sold or served; and
- c. instructing the person or persons actually selling or serving alcoholic beverages at the event not to sell or serve alcoholic beverages to any person who is or appears to be intoxicated, or who such server or seller knows to be a problem drinker, or who is or appears to be under the legal drinking age.

In addition, specific policies, procedures, and regulations governing particular facilities or populations will be developed by the persons or offices authorized to do so, in conjunction with the Office of the Vice President for Student Affairs.

Violation of the University's Policy on Alcoholic Beverages will be addressed pursuant to applicable University disciplinary codes and policies. Sanctions which may be imposed against violators include, for students, suspension and expulsion; for employees, discharge; and for organizations, loss of privileges.

Faculty, staff, and students should also be aware that, in addition to University sanctions, they may be subject to criminal penalties under certain circumstances for the possession, service, or sale of alcoholic beverages, particularly for serving or selling an alcoholic beverage to a person under the age of 21 years. Where appropriate or necessary, the University will cooperate fully with law enforcement agencies.

#### *Counseling and Other Programs*

A network of services is available through New York University and New York City to help people with problems stemming from the use or abuse of alcohol or drugs. The following programs and services at NYU are voluntary and completely confidential.

Faculty, Administrators, and Staff and their family members can obtain confidential counseling and referrals through Corporate Counseling Associates 1-800-8707. Students may call the University Health Center 212-443-1000

For additional information on programs at NYU and on treatment facilities in New York City refer to your copy of [Substance Abuse and Alcoholic Beverages](#), access this information via the web at <http://www.nyu.edu/hr/pdf/forms/sabuse07.pdf> or at <http://www.nyu.edu/student.affairs/pdfs/sabuse08.pdf>, or call one of the numbers above. If you have any questions about these programs, or to obtain a full policy statement on the issues of substance abuse and use of alcoholic beverages at NYU contact the Office of Employee Relations.

Limited coverage for treatment of drug and alcohol addiction may be available to individuals enrolled in the University Medical Plans. Consult the Benefits Office for details.

### **Statement of Policy on Smoking**

Consistent with the University's responsibilities under the New York City Smoke Free Air Act, as amended, and New York State Public Health Law Article 13-E, smoking is prohibited in all University buildings including private offices.

Conflicts among employees should be brought to the attention of appropriate supervisory personnel and, if necessary, referred to the Office of the Assistant Vice President for Human Resources. Conflicts among students should be referred to the Assistant Vice President for Student Life.

In accordance with the law, any individual can voice objections to smoke that gathers in any smoke-free area without fear of retaliation.

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**All of the material included in this Faculty Handbook has been reviewed by and accepted by the Faculty Senators Council of New York University.**