

University Policy on Student Conduct

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 marketplace, 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 should not be subject to University discipline for the same offense unless his conduct seriously affects his position as a member of the academic community. Where a student’s conduct on campus constitutes violations of both University rules and public law, he 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 processes 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 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 his 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.