

# CODE OF CONDUCT

Effective as of July 1, 2012

Preamble: As an educational community, The Cooper Union affirms the freedom of its students to pursue their scholarly, artistic and intellectual interests. The Cooper Union has developed policies to safeguard this freedom and to maintain an environment conducive to academic endeavor. These rules are not intended to replace federal, state or municipal laws. All Cooper Union students are responsible for upholding such laws, and any violation of law may result in disciplinary action being taken by The Cooper Union.

In addition to the Standards of Conduct defined below, students are bound by the rules of their individual school or program, and any rules regarding the use of the facilities or equipment at The Cooper Union, including, but not limited to, classrooms, the library, the Great Hall, the Student Residence, the Computer Center, laboratories, shops, studios, and other facilities. The Cooper Union has established separate policies, published elsewhere, to adjudicate claims of academic dishonesty, and claims of discrimination or harassment against a protected class (e.g., race, sex, and disability).

The Cooper Union reserves the right to modify and/or amend this Code at any time it deems necessary and in accordance with applicable laws.

## Part One: Student Rights

Students have certain rights established by federal, state or local statutes or under institutional policy. Among these rights, but not limited to these alone, are:

The freedom to engage in free discussion, inquiry and expression.

The freedom of access to public records.

The freedom of association.

Freedom from assault.

The right to express views on issues of institutional policy.

Freedom of the press.

Freedom from discrimination on the basis of age, race, religion, sex, color, disability, sexual orientation, ethnicity, national origin, or any other legally protected characteristic.

Freedom from discriminatory or sexual harassment.

Freedom from improper academic evaluation.

## Part Two: Standards of Conduct for Students

### Category A

The Cooper Union finds the following violations extremely serious and subject to the highest penalties:

1. Physical assaults resulting in injury, including sexual assaults.
2. The sale of drugs in a manner that violates federal or state law.
3. Possession of drugs, as defined as a felony, under state or federal law.
4. Undermining campus safety by setting off false fire alarms, discharging fire extinguishers, tampering with security systems, or ignoring the instructions of security guards or studio monitors.
5. Possessing or introducing dangerous weapons to campus in the manner prohibited in the Weapons Policy.
6. Violations of campus alcohol policy that result in injury or damage to property or undermine the safety and security of the campus community, including acts of hazing.
7. Acts of fraud. Some examples of these acts, but not limited to the following, are: misrepresentation, falsifying records or documents, assuming the identity of another person, or furnishing fraudulent information.
8. Acts of theft or vandalism (including graffiti) against the property of another student, guest, staff or faculty member or against the property of Cooper Union itself.
9. Reckless behavior involving the interior or exterior structures of campus buildings. Some examples of these acts, but not limited to the following, are climbing the grid of 41 Cooper Square, hanging over terrace balustrades, and accessing the roof of the Student Residence.

For these categories of violation, the sanction will ordinarily be suspension or dismissal. In some cases, the Presidential Right of Summary Suspension will be invoked.

## Category B

The purpose and ideals of The Cooper Union depend, for their full achievement, on respect, cooperation and integrity among members of the community. The Cooper Union has adopted the following rules of behavior in the interests of maintaining an orderly atmosphere.

1. At all reasonable times, a student shall comply with a request for identification from an employee or security guard of The Cooper Union.
2. Students will respect the building hours and will leave the premises at the appropriate time.
3. Students will cooperate with the staff supervising the facilities of The Cooper Union.
4. Except for actions protected under state or federal law or the institutional governances, a student may not willfully obstruct or disrupt any authorized activities on college premises or other Cooper Union activities, including its public service functions.
5. A student may not engage in libel or slander.
6. A student may not be involved in acts that cause physical or psychological harm.
7. A student may not consume, buy, sell, borrow, possess, lend or give as a gift any drug, narcotic, or alcoholic beverage in such a way that would be a violation of any local, state or federal law or the institutional alcohol policy.
8. When a student has a guest on campus, the appropriate guest procedures must be followed, and the student is responsible for the conduct of his or her guest and for any damages caused by that guest.
9. The use of the computer and network facilities is for the purpose of supporting the educational experience at The Cooper Union. Unauthorized or inappropriate use of these facilities is prohibited. Misuse may include, but is not limited to, damaging or altering records or programs; invading the privacy of other users by using or manipulating directories, files, programs or passwords; engaging in disruptive behavior; illegally duplicating or copyrighted or licensed software; using the facilities in support of a commercial concern or venture or any unauthorized use of network and/or computer hardware, software, accounts or passwords.
10. A student may not gamble for money or other valuables while on the campus of The Cooper Union.
11. A student may not threaten members of the Student Judicial Committee or attempt to tamper with witnesses to the Student Judicial Committee.
12. A student may not smoke within any Cooper Union building or within 20 feet of the entrance to any Cooper Union building.

Category C: Other Complaints. The Student Judicial Committee may also consider complaints that are not delineated under Category A or Category B above, provided that the person against whom the complaint is made is notified in writing as to whether the proceeding will follow the rules of Category A or Category B, delineated below.

Part Three: Presidential Right of Summary Suspension. Subject to prompt review, the President of The Cooper Union may summarily suspend a student from the College when, in his or her best judgment, such immediate action is necessary for protecting the health and safety of the College and/or any member of the College community. The President will consult with the student's academic dean prior to such action, if time permits. Any person so suspended shall have all the rights as outlined in the Code of Conduct. Summary Suspensions must be reviewed by a Judicial Panel within seven regular business days of the suspension. Until and unless the accused is found to have violated the Standards of Conduct, his/her status as a member of the Cooper Union community shall not be altered. Any person so suspended shall have the right, if the suspension is not upheld, to excused absences from all classes and examinations during the suspension period.

## Part Four: The Cooper Union Student Judicial Committee

4.1 Jurisdiction. The Student Judicial Committee of the Joint Student Council shall have jurisdiction of all matters involving an alleged violation of the Standards of Conduct stated above.

4.2 Membership. Each student council shall elect two representatives and two alternates to the Student Judicial Committee and one representative and one alternate to the Judicial Appeals Committee. Student Judicial Committee members must be elected to the Joint Student Council with plurality and cannot be on probation for academic reasons or have been issued a sanction by the Student Judicial Committee. Judicial Panels shall ordinarily be chosen from members of the Student Judicial Committee; however, any member of the Joint Student Council eligible to serve on the Student Judicial Committee can serve on a Judicial Panel if necessary.

4.3 General Rules. Proceedings conducted by the Student Judicial Committee are completely independent of any civil or criminal proceeding and may occur simultaneously with such court action. The Student Judicial Committee is administrative,

rather than criminal or civil, in nature. The standard of proof applied by the Student Judicial Committee shall be “preponderance of the evidence.” Judicial Panels do not use technical rules of evidence. Committee members may take notice of any matter in the common experience of Cooper Union students.

Before calling a Judicial Panel, the Dean of Students shall review the list of eligible panelists for possible prejudice with the complainant and the person being accused. The Dean of Students shall notify the members of the Judicial Panel as to the time and date of the hearing. This does not preclude the Dean of Students from acting as witness, if necessary.

Representatives to the Student Judicial Committee may also serve as mediators in informal hearings.

All hearings shall be considered confidential except when applicable law mandates disclosure to the community; the complainant, however, shall have the right to be notified as to the result of the hearing.

Every student charged under the Code of Conduct shall be presumed not to have violated the Code of Conduct until the Judicial Panel arrives at its decision.

If, because of a disability, a student participating in the any stage of the hearings (or subsequent appeals process) in any capacity requires a modification to policies, practices, or procedures, and/or an auxiliary aid or service the student should submit such a request in writing to the Dean of Students at least five days prior to the scheduled start of the hearing so that the request can be appropriately assessed prior to the start of the hearing.

**4.4 Judicial Panels for Category A Violations.** For a Category A offense, the Judicial Panel shall be a subcommittee of the Student Judicial Committee drawing one representative from each student council plus any two administrative officers of The Cooper Union. The associate dean of the school in which the student charged in the complaint is registered shall ordinarily be invited to participate as one of the administrative officers on the Judicial Panel in the Category adjudication. Persons charged with a Category A offense have the right to a representative of his or her choice at his or her expense, but the representative’s role will be limited to providing support to the person being charged. Cooper Union may also appoint a lawyer to such committee to serve as an advisor to the committee members.

**4.5 Judicial Panels for Category B Violations.** For a Category B offense, the Judicial Panel shall be a subcommittee of three from the Student Judicial Committee, generally one representative from each school.

A Judicial Panel formed under the rules of Category B has the right to stop the hearing and request that the case be heard instead under Category A Rules, so long as the parties are notified and the Category A hearing is scheduled within 7 days.

#### Part Five: Procedures for Filing Charges

1. Any member of the Cooper Union community may file a written complaint about an infraction of the Standards of Conduct by a student. Such complaint should be addressed to the Student Judicial Committee and delivered to the Office of Student Services, 6th floor, 30 Cooper Square, NY NY 10003, Attention: Dean of Students.
2. A complaint must be made within 30 days of the alleged infraction.
3. The complaint must set forth the basic facts of the alleged infraction, including the date, time, and place in which the incident occurred.
4. The Dean of Students will meet with the complainant to determine if the complaint can be resolved informally or through mediation. The penalties of warning, probation or loss of privileges may be meted out in these cases by the Dean of Students, with the agreement of all parties concerned.
5. Absent a successful resolution, the Dean of Students will schedule a hearing within 10 business days. S/he will notify the student being charged by letter of the charges, place and time of the hearing, and whether it will be conducted as a Category A or B hearing.

#### Part Six: Procedures for Conducting Hearings

1. The Judicial Panel shall elect one of its members to be chairperson and to preside over the hearing. The person presiding shall exercise control over the proceedings to avoid needless consumption of time and to achieve orderly completion of the hearing. Any person who disrupts a hearing, including the parties to the complaint, may be excluded by the person presiding.
2. The failure of the student charged to appear at the stated time and place shall constitute a waiver of the right to a hearing. The complainant shall have the option of not appearing at the hearing; however, a complainant cannot selectively attend portions of the hearing but must follow the instructions of the chairperson.
3. Any person being charged, having appeared at the hearing, shall have the right to contest the acceptance into the record of any evidence presented in support of the charges.
4. Each party shall have the right to summon witnesses, provided that a list of these is presented to the Dean of

Students 72 hours prior to the hearing. The chairperson of the hearing shall have the right to exclude witnesses who appear to offer redundant testimony.

5. Each party may question the other party's witnesses, under the supervision of the chairperson.

6. The chairperson shall summon witnesses into the hearing room and ask them to withdraw once they finish testifying.

7. Hearings shall be taped on an audio recorder. Tapes shall be destroyed at the expiration of the appeal process.

8. After testimony is concluded, the panel shall come to a decision and present the decision in writing to the person being charged, either by hand or by mail to the last address given by the student.

9. In the event of a disciplinary dismissal, the President shall review the recommendation before it is put into effect.

## Part Seven: Disciplinary Sanctions

By majority vote, the Judicial Panel may impose any of the following sanctions. The Student Judicial Committee will retain a written copy of the sanction in its file until the student permanently separates from The Cooper Union.

7.1 **Warning.** A warning in writing, in the case of a minor infraction, that further violation of the Standards of Conduct may result in a more severe disciplinary sanction.

7.2 **Loss of Privilege.** In cases that involve breaking the rules of a specific facility, students may lose the privilege of using that facility on a temporary or permanent basis or have the hours of their use restricted.

A student who loses privileges may also be issued a warning or higher penalty.

7.3 **Behavioral Probation.** A letter of censure given in instances of more serious violations of the Standards of Conduct. Behavioral probation is a trial period in which a student who has been in difficulty has the opportunity to demonstrate that he or she can be a responsible member of the community. The terms of the probation may be varied to fit the individual circumstances.

7.4 **Suspension.** Given in cases where it is judged that the student should be removed from the college community. This penalty is for a stated period of time, either one semester or one year. A suspended student is prohibited from being on any Cooper Union premises during the period of the suspension without written authorization from the Office of the President. A notification of the suspension will be sent to the Office of Admission and Records, the Office of the President, and the Office of Buildings and Grounds as well as to the student's academic dean.

7.5 **Dismissal.** Subject to the approval of the President of the College before taking effect, a disciplinary dismissal involves involuntary and permanent dismissal from the college. The President shall have the right to accept, reject or modify the proposed dismissal. The dismissal will be a permanent part of the student's file and will be noted on his or her transcript.

7.6 **Other Actions.** The Judicial Panel may impose other penalties that it deems appropriate to the infraction. Examples of such penalties are: financial restitution for damages or for medical expenses, letters of apology, community service work, etc.

7.7 **Legal Action.** The above listed penalties shall be in addition to any penalties or liabilities pursuant to the laws of the State of New York, both civil and criminal. Cooper Union or its designee may, at its discretion, depending on the gravity of the violation, file a criminal or civil complaint. Filing an action under this Code does not preclude the complainant from also filing a civil or criminal complaint.

## Part Eight: Appeal Process

8.1 **Filing an Appeal.** Any student found to have violated any of the Standards of Conduct may appeal the decision of the Judicial Panel within 4 business days by writing a letter to his or her academic dean setting forth the reasons why the appeal is being made. The Dean will convene an Appeal Board within 5 days of receiving the appeal letter.

8.2 **Composition of the Appeal Board.** The board will consist of two students and one academic dean. Ordinarily, the academic dean and one of the students shall come from the same school as the appellant. The remaining student shall be from one of the other schools. Alternates may replace student representatives and have full rights to vote on the appeal board.

8.3 **Limitations of the Authority of the Appeal Board.** The Appeal Board shall limit its review to these issues:

- does the record show that the party had a full and fair opportunity to present his or her case?
- was the sanction imposed fair and proper in light of the infraction proved?

8.4 Decision of the Appeal Board. After considering the record and the letter of appeal, the Appeal Board may:

- a. Accept the decision of the Judicial Panel;
- b. Return the case to the Student Judicial Committee for a further hearing in keeping with the Appeal Board's instructions;
- c. Reverse the Judicial Panel's decision and dismiss the case;
- d. Accept the Judicial Panel's decision but reduce the sanction. The sanction may not be increased.

If the Appeal Board accepts the decision of the Judicial Panel, whether or not it reduces the sanction, the matter shall be deemed final.