



The Cooper Union  
for the Advancement  
of Science and Art

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To: JSC Ad Chairs

From: Chris Chamberlin, Associate Dean of Student Affairs 

Date: November 18, 2013

Re: Code of Conduct Periodic Review

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The Code of Conduct is reviewed periodically to ensure compliance with best practices and applicable laws. This year the Code of Conduct was reviewed and revised to reflect the modern era in which we live. We surveyed over 20 other colleges and universities and examined their codes of conduct and also spoke to higher education professionals who specialize in areas of Community Standards and Student Conduct. The research conducted resulted in revisions to the Code of Conduct as reflected in the attached document.

Please take time to review the attached document and provide your comments and suggestions to Chris Chamberlin, Associate Dean of Student Affairs ([chamber@cooper.edu](mailto:chamber@cooper.edu)), by no later than 5:00pm on Wednesday, December 4, 2013.

We will consider and evaluate all comments and suggestions.

Thank you!

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### **The Cooper Union for the Advancement of Science and Art**

#### **CODE OF CONDUCT**

*Revised: November 18, 2013*

#### **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, as a community dedicated to learning and the advancement of knowledge, expects and requires the behavior of students to be compatible with its high standards of scholarship, community, character and conduct.

Acceptance of admission to The Cooper Union carries with it an obligation to uphold these standards and promote the welfare of the community.

Academic communities differ from other communities in several ways. For the purpose of this code, two differences are particularly worthy of emphasis. First, the primary mission of colleges and universities is the pursuit of knowledge and the development of the whole person. The environment must be conducive to teaching, learning, research, and personal growth. Second, campus living and learning environments are unique. Students generally live in close proximity to one another and interact continuously in their day-to-day living and pursuit of the academic pursuits. Freedom to learn can be preserved only through respect for the rights of others, for the free expression of ideas, and for the law.

In order to fulfill its mission and function, The Cooper Union has the authority and responsibility to maintain order and to exclude those who are disruptive of the educational process. The Student Code of Conduct aims to protect the community and the rights of its members, to cultivate and sustain a positive living and learning environment, to educate students regarding responsibility and accountability for their actions, to encourage and foster self-insight and self-initiated change of behavior, to uphold the procedural rights of students accused of violating the rules and regulations, and to encourage the application of ethical decision-making in the daily life of our students.

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 Board of Trustees reserves the right to modify and/or amend this Code at any time it deems necessary and in accordance with applicable laws.

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### **Authority**

The Student Code of Conduct describes the non-academic behavior expected of all students as well as the procedures for addressing and adjudicating complaints of student misconduct. Authority for student conduct ultimately rests with the President of the Cooper Union and the Board of Trustees, who delegate authority for non-academic student conduct to the Office of Student Affairs. The Associate Dean of Student Affairs serves as the chief student conduct officer for The Cooper Union.

The Associate Dean of Student Affairs has authority to initiate the disciplinary process, issue charges against the student on his/ her own initiative or based on a complaint filed by a member of the Cooper Union community, and convene Judicial Panels and appellate panels. Any reference in the Student Code of Conduct to the role or responsibilities of a specific College official may be delegated by him or her to an appropriate designee.

The Code of Conduct shall apply to student conduct that occurs on Cooper Union premises, at Cooper Union-sponsored activities, and off campus. The Associate Dean of Student Affairs has discretion to determine what off-campus conduct will be addressed by the student conduct process. Factors that will be considered include whether the incident is documented by a verifiable source, adversely affects the Cooper Union community, occurs at a Cooper Union-affiliated event, or endangers the health or safety of the student or others.

### **Part One: Scope of Code of Conduct**

Each student shall be responsible for his or her conduct from the time of enrollment in courses or matriculation in a degree program, through the actual awarding of a degree or cessation of academic coursework.

### **Part Two: Students' Rights and Responsibilities**

#### **Student Rights**

Students at The Cooper Union have the same rights and protections under the Constitutions of the United States and the State of New York as other citizens. These rights include freedom of expression, press, religion, and assembly. The Cooper Union has a tradition of student and community activism and values freedom of expression, which includes voicing unpopular views and dissent. As members of the Cooper Union community, students have the right to express their own views, but must also take responsibility for respecting the same right of others.

Students have the right to be treated fairly and with dignity regardless of race, creed, color, national origin, nationality, ancestry, age, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability.

The Cooper Union is committed to providing students with a balanced and fair system of

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accountability and dispute resolution. Accordingly, students will be provided appropriate procedural standards that are administrative in nature and should not be equated with procedures used in civil or criminal court.

Students' rights include those noted above as well as other noted in various Cooper Union Policies and Procedures. Violation of Cooper Union policy, including but not limited to the Code of Conduct, may result in forfeiture of such rights when necessary to preserve the safety of the Cooper Union community or the orderly execution of the educational mission of the Cooper Union.

### **Student Responsibilities**

Along with rights come certain responsibilities. Students at The Cooper Union are expected to act consistently with the values of an academic community to preserve a safe and vibrant environment that encourages scholarship and personal growth.

The Cooper Union values the individual contribution of every member of the community and expects students to:

- Engage in responsible social conduct that reflects credit upon the Cooper Union community both on and off campus, and is consistent with a safe and healthy environment;
- Respect the rights of others to pursue an exceptional education free from harassment, bullying, defamation, and discrimination;
- Conduct oneself with personal integrity and in an honest manner that makes him or her worthy of the trust of others;
- Model good citizenship in any community by committing to actions that benefit the community and others, and do not impede the educational mission of The Cooper Union or individual pursuits of knowledge in concert with The Cooper Union;
- Recognize that respect for the ideas and contributions of all persons allow for diverse and creative intellectual inquiry;
- Do no harm and do not present a threat of harm to self, others, or personal or institutional property;
- Seek assistance, resources, or aid for self or others in a timely manner when health, safety, or wellness is at risk;
- Respect the right of fellow students to participate in Cooper Union or outside organizations, associations, or relationships with other students without fear, threat, or act of hazing;
- Conduct oneself professionally and with civility in and outside the classroom;

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- Be responsible and held accountable for one's decisions and actions, and the impact on self and others; and
- Be fully acquainted and comply with The Cooper Union's published policies and procedures and local, state, and federal law.

### **Part Three: Standards of Conduct for Students**

Peter Cooper desired to "awaken in the minds of the rising generation an undying thirst for knowledge and *virtue*, in order that they may be able, by wise and honorable measures, to preserve the liberties we enjoy." It is in the spirit of this thirst for knowledge *and* virtue that we initiate Standards of Conduct for Students that are in concert with not only members of any academic community, but specifically with the elevated standards of The Cooper Union.

The following is a non-exhaustive list of conduct that does not meet The Cooper Union's expectations for student conduct. Such misconduct is a violation of the Code of Conduct and may result in disciplinary sanctions. Because it is not possible to set forth a comprehensive list of all the potential ways in which student conduct may fail to comport with The Cooper Union's standards, conduct not found in this Code may still be deemed unacceptable and may be the basis for disciplinary charges.

#### **Standards of Conduct**

Each of the following constitutes a violation of The Cooper Union's Code of Conduct and may result in disciplinary action:

*Financial Malfeasance.* Failure to meet financial obligations with respect to Cooper Union funds, or conducting any financial transaction unlawfully or unethically.

#### *Falsification of Documents*

- Falsifying, or being party to the falsification, of any official Cooper Union identification card, record, or document.
- Possession, use, manufacture, or sale of a falsified identification card, document, or record.

#### *Bullying, Intimidation, and Harassment*

- Engaging in conduct, including any gesture, written, verbal or physical act, or any electronic communication (which includes e-mails, text messages, and postings on social media or elsewhere on the Internet), whether it be a single incident or series of incidents; that is so severe or pervasive and objectively offensive that it substantially disrupts or interferes with the orderly operation of The Cooper Union or the rights of any student or other member of the Cooper Union community; and that:
  - Involves intimidation or threats to another person's safety, rights of personal privacy and property, academic pursuits, Cooper Union employment, or participation in activities sponsored by The Cooper Union or organizations or groups related to The Cooper Union; or

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- A reasonable person should know, under the circumstances, will have the effect of insulting or demeaning any person or group; or
  - Creates an intimidating or hostile environment by substantially interfering with another student's education, or by materially impairing the academic pursuits, employment or participation of any person or group in the Cooper Union community, or by severely or pervasively causing physical or emotional harm to the student or other member of the Cooper Union community; or
  - A reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or other person or damaging the person's property or placing him or her in reasonable fear of physical or emotional harm to his or her person, or to any member of that person's family or household, or of damage to his or her property.
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- Any attempt to intimidate, threaten, or unduly influence another person with the purpose to discourage cooperation or truthful participation in a student conduct matter, investigation, or proceeding.

### *Invasion of Privacy*

- Unauthorized making of an explicit or objectively offensive recording (including but not limited to photographs, video, and/or audio) of another person.
- Unauthorized display, publication, transmission, or other dissemination (including via the Internet) of explicit or objectively offensive recordings (including but not limited to photographs, video and/or audio) of another person. Consent to be recorded does not imply consent for such records to be displayed, published, transmitted, or otherwise disseminated.
- Unauthorized intrusion upon a person's private property or communications.
- Unauthorized appropriation and/or use of someone's identifying or personal data or documents.

***Stalking.*** Purposefully or knowingly engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of a third person, or suffer other emotional distress. Such courses of conduct include but are not limited to alarming conduct, following a specific person or otherwise communicating with a person repeatedly in a manner likely to cause fear for safety, or seriously annoy a reasonable person under similar circumstances.

***Defamation.*** Oral or written publication of a false statement of fact that exposes the person about whom it is made to hatred, contempt, or ridicule; subjects that person to loss of the good will and confidence of others; or so harms that person's reputation as to deter others from associating with him or her. This does not include the good faith documentation of a possible policy violation.

### *Physical Abuse*

- Use of unwelcome force against the person or property of any person or group.
- Any action or statement that imminently threatens significant harm to the health or safety of any person or group.

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- Any action, statement, or use of force against a person that would reasonably threaten or intimidate that person.
- Interference with the freedom of another person to move about in a lawful manner by force, threat, intimidation, or other means without effective consent.
- Abusive or harassing conduct directed at a person or group because of membership in a protected category may result in an enhanced sanction.

### *Hazing*

- Any action taken, or situation created, that negligently, intentionally, or recklessly subjects any person to the risk of bodily harm, physical discomfort, harassment, emotional or mental degradation, abuse, or interferes with academic activities; or causes or encourages any person to commit an act that would be a violation of law or Cooper Union regulations for the purpose of initiating, promoting, fostering, or confirming any form of affiliation with a student group or organization. This provision applies to all students regardless of Cooper Union or JAC recognition of the student group or organization.
- Observation by a member of a student group or organization of any hazing activity as described above without reporting the incident to Cooper Union authorities.
- Aiding or assisting another to engage in any hazing activity as described above.
- The expressed or implied consent of a person is not a defense to any hazing activity described above.

### *Property*

- Unauthorized use or possession, attempted or actual theft, and/or misappropriation of property belonging to others or to The Cooper Union.
- Damage, malicious or negligent defacement, or destruction of property belonging to others or to The Cooper Union.
- Unauthorized possession, duplication, or use of keys to any Cooper Union premises; or unauthorized entry into any office, residence hall room, mailbox, or other Cooper Union facility.
- Defacement, damage or destruction of property directed at a person or group because of membership in a protected category may result in an enhanced sanction.

### *Drugs, Narcotics, Controlled Substances, and/or Paraphernalia*

- Unlawful possession, use, purchase, or attempted purchase of drugs, narcotics, or controlled substance and/or paraphernalia.
- Unlawful manufacture, distribution, or intended distribution of drugs, narcotics, or controlled substance and/or paraphernalia.
- Misuse or misappropriation of any prescription or over-the-counter medication.
- Knowingly being in the presence of the illegal use of a drug, prescription drug, narcotic, or controlled substance.
- Disrupting the campus or off-campus community or engaging in any policy violation while under the influence of a drug, controlled substance, or narcotic.

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### *Alcoholic Beverages*

- Possession and/or utilization on campus of devices for the rapid, high-risk consumption of alcohol including, but not limited to funnels, beer pong accessories, beer bongs, luges, etc., regardless of age.
- Hosting the underage consumption of alcohol in a social space, residence hall room, common area, or off-campus space that is occupied by, under the control of, or reserved for the use of a student or organization.
- Excessive use of alcohol resulting in a state of intoxication, which endangers oneself or others.
- Being in possession of, attempting to purchase, purchasing, or consuming alcoholic beverages on or off campus while under the age of 21.
- Selling, distributing, or serving alcoholic beverages to a person under the age of 21.
- Consuming alcoholic beverages or carrying alcohol in open containers in any public area without the receipt of an alcohol permit, regardless of age.
- Possession of common source containers of alcohol on campus whether empty or full, including but not limited to kegs, funnels, etc., regardless of age.

### *Weapons and Dangerous Substances*

- Possession, storage, or carrying of a firearm or other weapon in a residence hall room, on a person, or in a motor vehicle on Cooper Union premises or at any Cooper Union - affiliated activity or event.
- Possession or use of fireworks, gun powder, explosives or other incendiary devices, or dangerous chemicals, except as authorized for use in class, in connection with Cooper Union-sponsored research, or for another approved activity and used in the way authorized and approved on Cooper Union premises or at any Cooper Union-affiliated activity or event.

### *Fire and Safety*

- Setting or attempting to set fire to, or creating a fire on property owned or operated by The Cooper Union without a permit.
- Intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency.
- Unauthorized or improper handling of or tampering with any fire, safety, or emergency equipment or fixtures.
- Removing screens, entering or exiting a building through a window, and/or throwing objects out windows.
- Leaving exit, fire, and/or smoke doors propped open or unlocked, or entering or exiting the buildings through emergency exit doors.
- Presence on the roofs of Cooper Union buildings, fire escapes, ledges, service elevators, balconies, and other areas that are designated closed or prohibited.
- Lighting a candle, incense, or any other open flame inside a Cooper Union facility or wooded area without express permission from the Campus Safety Officer.
- Smoking inside any Cooper Union building and/or within 10 feet of a doorway to any Cooper Union building.

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### *Reckless Behavior*

- Riding of bicycles or skateboards, the throwing, kicking, or bouncing of objects, the use of roller skates or blades, the use of water guns, and any other activity that causes risk to property or personal safety inside a Cooper Union facility.
- 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.

### *Disruption/Obstruction*

- Deliberate or knowing disruption to, or obstruction of teaching, research, administrative, disciplinary proceedings, or other Cooper Union activities or normal operations including its public service functions on or off campus.
- Deliberate or knowing obstruction of the free flow of pedestrian traffic on Cooper Union premises or at Cooper Union-sponsored or supervised events or activities.
- Behavior that disturbs the peace, academic study, or sleep of others on or off campus.

### *Sexual Misconduct*

- Sexual misconduct is defined at pp. 34-46 of the Cooper Union Campus Safety, Security and Fire Report, 2012-13.

*Repeated Behavior.* Repeated behavior that materially and/or substantially interferes with the operation of The Cooper Union or individuals, and that previously has been brought to the attention of the student through participation in a separate behavior review process or by a Cooper Union official.

### *Non-Cooperation with Campus Policies and Authorities*

- Failing to comply with a request for identification from an employee or security guard of The Cooper Union.
- Failing to respect the building hours and to leave the premises at the appropriate time.
- Failing to follow appropriate guest procedures for any guests that a student has on campus.
- Failure of a student to comply with all Cooper Union policies and procedures while on our premises.
- Unauthorized or inappropriate use of computing facilities, including but 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.

*Gambling.* Gambling for money or other valuables while on the campus of The Cooper Union.

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### **Part Four: Procedural Standards**

#### 1. Filing a complaint.

Any member of the Cooper Union community may file a complaint against a student for possible violations of the Student Code of Conduct. An Officer of The Cooper Union may also file a complaint on behalf of The Cooper Union if the incident has an adverse effect on the College and there is documentation from a reliable source.

A complaint must be prepared in writing and submitted to the Associate Dean of Student Affairs. Any complaint should be submitted as soon as possible after the incident takes place, preferably within 30 days. However, the Associate Dean of Student Affairs has discretion to accept or issue a complaint and initiate the disciplinary process against a student regardless of when the complaint is submitted, if the conduct poses a possible threat to the College community or to individual members of the College community.

The complaint must set forth the basic facts of the alleged infraction, including the date, time, and place of the incident.

#### 2. Investigation.

The Associate Dean of Student Affairs will conduct an investigation to determine if the information in the complaint merits:

- formal disciplinary charges against a student or students,
- a formal admonishment, warning, pending termination of housing, pending suspension, or loss of privileges at the discretion of the Associate Dean;
- no charges, or
- informal resolution through mutual cooperation of the parties.

The sanctions of formal admonishment, warning, or loss of privileges may be meted out in these cases by the Associate Dean of Student Affairs, at his/ her sole discretion. The Associate Dean of Student Affairs may also initiate and oversee an informal discussion between aggrieved parties in the hopes of arriving at an informal resolution.

The Associate Dean will give serious consideration to formal admonishment or informal resolution if: (1) the complaint constitutes the first disciplinary action against the student; and (2) the nature of the offense is consistent with such sanctions.

If the Associate Dean of Student Affairs determines that pending termination of housing and/ or pending suspension (as defined at §§ 7.8, 7.10) is an appropriate sanction, the student will have the option of either (1) accepting the sanction imposed by the Associate Dean and forgoing a Judicial Panel hearing; or (2) presenting his/ her case to the Judicial Panel review process and

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accepting whatever sanction it may issue, whether that sanction is more or less severe than that recommended by the Associate Dean.

If the Associate Dean of Student Affairs determines that he or she cannot resolve the matter unilaterally and that formal disciplinary charge(s) are warranted, the charge(s) will be communicated to the student and adjudicated by a Judicial Panel in the manner described below.

### **3. Charge(s).**

Any charge(s) will be presented to the accused student in writing through the student's Cooper Union email address, along with a description of the Student Judicial Panel review process.

A Judicial Panel shall be convened for a Judicial Hearing within a timely period, ordinarily within 30 days of the issuance of charges. However, this time period may be extended at the discretion of the hearing chairperson or the Associate Dean of Student Affairs for unforeseen circumstances.

## **Part Five: The Judicial Panels**

**5.1 Jurisdiction.** The Student Judicial Committee of the Joint Student Council, together with administrative officers of The Cooper Union as set forth in § 5.2, shall have jurisdiction over hearings involving any formal disciplinary charge for violation of the Code of Conduct, issued by the Associate Dean of Student Affairs. The Associate Dean of Student Affairs shall select the individuals to serve on the Judicial Panel for each charge, within the parameters set forth below.

**5.2 Membership.** Student membership on Judicial Panels for disciplinary hearings shall generally be drawn from the Student Judicial Committee. 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 a plurality and cannot be subject to the disciplinary sanctions of pending termination of housing or pending suspension 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.

Judicial Panels also consist of administrative officers of The Cooper Union. These individuals can be faculty or staff and will be selected for each Judicial Panel by the Associate Dean of Student Affairs. These individuals will be chosen from a pool of faculty and staff, to be selected by the Associate Dean of Student Affairs at the outset of each academic year, and will be trained in administration of the Code of Conduct and in the Judicial Panel hearing process.

**Judicial Panel Composition.** The Judicial Panel for each offense shall include a subcommittee of the Student Judicial Committee drawing one (1) representative from each student council, one

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(1) academic Dean, preferably from the school of the accused, plus any three (3) administrative officers of The Cooper Union as defined above.

**5.3 General Rules and Pre-Hearing Procedures.** Proceedings conducted by Judicial Panels are completely independent of any civil or criminal proceeding and may occur simultaneously with such court action. The Judicial Panel process is administrative, rather than criminal or civil, in nature. The standard of proof applied by any Judicial Panel shall be “preponderance of the evidence.” Judicial Panels do not use technical rules of evidence. Panel members may take notice of any matter in the common experience of Cooper Union students.

1. Before calling a Judicial Panel, the Associate Dean of Student Affairs shall, together with the complainant and the charged student, review the list of eligible panelists for possible prejudice, including interviewing panelists as necessary. The charged student and the complainant may bring potential conflicts to the Associate Dean’s attention, but the ultimate decision of whether a conflict of interest exists, such that a Committee member is ineligible for a given Panel, is vested in the Associate Dean of Student Affairs. The Associate Dean of Student Affairs is not precluded from acting as a witness, if necessary.
2. Upon completion of the conflict-of-interest review, the Associate Dean of Student Affairs shall send a notification to the Cooper Union email addresses of the charged student, the complainant, if applicable, and the members of the Judicial Panel, notifying them of the time and date of the hearing. Although the Associate Dean of Student Affairs will make reasonable efforts to accommodate the schedules of the accused, the complainant, and Judicial Panel members, it is the ultimate responsibility of each of these persons to make him/ herself available for the hearing.
3. The charged student, the complainant, and the Associate Dean of Student Affairs shall all have the right to summon witnesses. At least 3 working days prior to the hearing, both the charged student and the complainant must provide the Associate Dean of Student Affairs with a list of witnesses they expect to call. The Associate Dean of Student Affairs shall, in turn, add any of his or her own witnesses, and will provide the chairperson with the finalized list of witnesses prior to the hearing. The chairperson of the hearing shall have the right to exclude witnesses who appear to offer redundant testimony.
4. The charged student, the complainant, and the Associate Dean of Student Affairs will be responsible for identifying and summoning their own witnesses, and for ensuring those witnesses’ attendance at the hearing. Generally, acting as a witness is voluntary. However, if the chairperson believes that a particular witness’s testimony is so central to the proceedings that a fair result cannot be reached without it, and the witness is a member of the Cooper Union community, the chairperson may request that the Associate Dean of Student Affairs compel the witness’s attendance.

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5. The charged student and the complainant may each call up to two character witnesses.
6. 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 Associate Dean of Student Affairs 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.
7. All hearings shall be considered confidential except when applicable law, regulation, or pending government investigation mandates disclosure to the community. The complainant, however, shall have the right to be notified as to the result of the hearing, and to be present at the hearing in accordance with the procedures set forth in Part Six below. In matters directly impacting the operation of the institution, the Executive Committee of the Board of Trustees may be notified of the outcome of a hearing.

### **Part Six: Procedures for Conducting Hearings**

1. In advance of each hearing, the Judicial Panel shall select one of its members to be chairperson and to preside over the hearing. The chairperson 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 chairperson.
2. The Associate Dean of Student Affairs, or his or her appropriate designee, has the right to observe Conduct Hearings but is not a member of the Judicial Panel.
3. 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.
4. The failure of the student charged to appear at the stated time and place shall constitute a waiver of his or her right to a hearing, and the hearing shall proceed in his/ her absence, unless he or she demonstrates that exigent circumstances resulted in his/ her absence. The complainant shall have the option of not appearing at the hearing; however, a complainant cannot selectively attend portions of the hearing. All hearing participants must follow the instructions of the chairperson.
5. The charged student has 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 charged student. Accordingly, the representative may only confer with the charged student and may not speak to or address the panel. The representative need not be from within the Cooper Union community and need not be an attorney. The representative may not, however, be an individual who is in any way connected to the offense. The Cooper Union may also appoint a lawyer to serve as an advisor to the committee members.

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6. Each party may question the other party's witnesses, under the supervision of the chairperson.
7. The charged student may appear as a witness on his/ her own behalf and may, in that capacity, offer his/ her account of the occurrence that is the basis for the charge. In that instance, the complainant will be permitted to question the charged student as he or she would any other witness. If a charged student appears as a witness, his/ her testimony will be limited to a factual account of what occurred, rather than an argument as to whether or not he or she should be subject to sanctions.
8. The chairperson shall summon witnesses into the hearing room when it is time for them to testify, and will ask them to withdraw once they finish testifying.
9. Hearings shall be taped on an audio recorder. The chairperson shall destroy the tape at the expiration of the appeal process.
10. The use of personal electronic devices during the hearing is prohibited.
11. After testimony is concluded, the panel shall deliberate in private and come to a decision, by simple majority vote, on whether a preponderance of the evidence establishes that the student committed the Code of Conduct violation alleged in the charge. The panel will present the decision in writing to the person being charged, either by hand or by mail to the last address given by the student. The decision shall also be sent to the student's Cooper Union email address.

### **Part Seven: Disciplinary Sanctions**

If the Judicial Panel determines that the charged student violated the Code of Conduct, the Panel may, by majority vote, impose any of the following sanctions. The choice of sanction is within the Panel's discretion based on the totality of the circumstances. The Office of Student Affairs will retain a written copy of the sanction in its file until the student permanently separates from The Cooper Union, and a Judicial Panel may consider any of a charged student's previous sanctions in arriving at an appropriate sanction for a subsequent charge.

The following sanctions, alone or in any combination, may be imposed upon any student found to have violated the Student Code of Conduct.

**7.1 Warning.** A notice in writing to the student that the student is violating or has violated institutional regulations and that further violations may result in more severe disciplinary action.

**7.2 Loss of privilege.** Denial of any specified privilege for a designated period of time.

**7.3 Restitution.** Compensation for loss, damage, or injury to Cooper Union property, or to the property of another student. This may take the form of appropriate service and/or monetary or material replacement.

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**7.4 Discretionary sanctions.** Work assignments, essays, presentations, research projects, conduct contracts, service to The Cooper Union, or other discretionary assignments.

**7.5 Restorative justice.** Participation in a mediated discussion with any persons or departments harmed and development of a shared agreement of how to correct the harm. Unlike other sanctions, all participants must voluntarily agree to participate in the restorative justice process. Restorative justice and mediation programs will not be available to students accused of or found responsible for any sexual misconduct.

**7.6 Master education plan.** Develop a master education plan with the aid of the Associate Dean of Student Affairs and academic Dean, agree to the terms of the plan, and to continuous evaluation.

**7.7 Parental notification.** Notification may be sent to parents or guardians of a student who is under 18 years of age, or financially dependent on his or her parents or guardians, depending on the circumstances surrounding the incident. Parents or guardians may also be notified of alcohol and other drug incidents for students under 21 years of age, regardless of financial dependency or resulting sanction. Notwithstanding these limitations or any other terms of the Code of Conduct, The Cooper Union reserves the right to notify parents or guardians of any issues, disciplinary or otherwise, relating to a student's health and/ or safety.

**7.8 Pending termination of housing.** This status serves as a housing probationary status assigned to a student for a specified period of time before his or her housing privileges are terminated. While on this status, any further violations of Cooper Union policy may result in termination of housing. In addition, this status constitutes a disciplinary record that will remain on file with the Office of Student Affairs until a student separates from The Cooper Union or another timeframe consistent with applicable laws.

**7.9 Termination of housing.** Removal of a student from Cooper Union housing, for a specified period of time. Through the duration of the termination, the student will be restricted from entering all residential floors in College buildings. In addition, this status constitutes a disciplinary record that will remain on file with the Office of Student Affairs until a student separates from The Cooper Union or another timeframe consistent with applicable laws.

**7.10 Pending suspension.** This status serves as the disciplinary probation status assigned to a student for a specified period of time before he or she is suspended from The Cooper Union. While on this status, any further violations of Cooper Union policy may result in suspension from the Cooper Union. In addition, this status constitutes a disciplinary record that will remain on file with the Office of Student Affairs until a student separates from The Cooper Union or another timeframe consistent with applicable laws.

**7.11 Suspension.** Termination of course registration and residency (if applicable) from The Cooper Union after a specific date and for a specified time. Through the duration of the suspension, the student may be restricted from Cooper Union property and may be required to provide prior notice and receive approval from the Associate Dean of Student Affairs for the purpose of conducting Cooper Union business. In order to be readmitted to the Cooper Union after the designated period of time, the student must meet with the Associate Dean of Student

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Affairs to show satisfactory completion of any assigned directives or to discuss stipulated conditions for his or her return. In addition, this status constitutes a disciplinary record that will remain on file with the Office of the Student Affairs and/or the Registrar indefinitely. Should a student wish to return to The Cooper Union after the suspension period, he or she must comply with any academic standards and procedures then in effect.

**7.12 Expulsion.** Permanent dismissal from The Cooper Union and restriction from Cooper Union property. In addition, this status constitutes a disciplinary record that will remain on file with the Office of the Student Affairs and/or the Registrar indefinitely. Expulsion is the most serious disciplinary action taken by The Cooper Union and is generally reserved for only those cases of behavioral misconduct in which all the relevant facts and aggravating circumstances support a conclusion that the only reasonable sanction is permanent removal from The Cooper Union.

**7.13 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. The Cooper Union or its designee may, at its discretion and 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: Administrative Review**

The Associate Dean of Student Affairs will perform an administrative review of all cases where a student was found responsible for the charges. In cases where the Judicial Panel has recommended expulsion or suspension for a semester or more, this review will be in consultation with the President.

If, based upon the Review, the Associate Dean of Student Affairs and/ or the President finds that the sanction is not consistent with the violation, the case will be sent back to the Judicial Panel to be reconsidered. If the Panel reconsiders the sanction and upholds the initial sanction, then the Associate Dean of Student Affairs shall convene a review panel for the purpose of reviewing the sanction. The panel shall consist of one student to be drawn from the Student Judicial Committee, one academic dean and one administrative member. The Associate Dean of Student Affairs shall participate in the panel but will not have a vote. The panel may maintain the initial sanction or reduce or increase the sanction based upon the recommendations of the Administrative Review. The decision of this panel is final and the sanction of the panel will be issued to the charged student. The student will still retain the right to appeal the decision as detailed in *Part Nine: Appeal Process*.

### **Part Nine: Appeal Process**

**9.1 Filing an Appeal.** Any student found to have violated the Code of Conduct may appeal the decision of the Judicial Panel within 5 business days by writing a letter to the Associate Dean of Student Affairs. The Associate Dean will convene an Appeal Board within a reasonable time of receiving the appeal letter; this will generally be completed within 10 working days, but that period may be extended for unusual circumstances. "Working days" are defined as days on which The Cooper Union is in regular session.

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**9.2 Composition of the Appeal Board.** The board will consist of two students, one academic dean, and two administrators. Alternates may replace student representatives and have full rights to vote on the appeal board.

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

--Does the record show that the charged student 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?

**9.4 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.

### **Part Ten: Interim Suspension Policy.**

The Cooper Union retains the authority to impose an interim (immediate) suspension if such action is necessary to preserve the safety of persons or property or to prevent disruption of the normal operations of The Cooper Union. In this instance, the student will be afforded the opportunity to show that his or her continued presence on campus does not constitute a threat to self, others, or property, and/ or does not threaten a major disruption of the normal operations of The Cooper Union. A Judicial Panel hearing will be provided as soon as possible. Students may be suspended on an interim basis from the university or selected campus facilities with proper notice. The following steps explain the procedure for imposing an interim suspension:

1. When an Officer of The Cooper Union becomes aware of a disciplinary issue creating a threat to person or property, and/ or a threat of disruption to the normal operations of The Cooper Union, he or she will notify the Associate Dean of Student Affairs or his/her designee who will in turn determine if an immediate interim suspension is appropriate.
2. The student will be sent an interim suspension letter immediately, via Cooper Union email, which states that the student is either suspended from the university and/or banned from all or selected campus facilities pending review of the disciplinary charge by a Judicial Panel. Upon receipt of the interim suspension notice, if the student is on campus or in university

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facilities, the student will be escorted out of the facility and/or off campus by a Cooper Union official and/or security personnel.

3. The student can immediately request an interim suspension review to be conducted by the Associate Dean of Student Affairs or his/her designee. The interim suspension letter will contain instructions on how to request a review. The Associate Dean of Student Affairs will convene the review and will summon witnesses as he/ she deems appropriate. During the review, the student will be given an opportunity to demonstrate why his or her continued presence on campus does not constitute a threat to self, others or property, or a major disruption to the normal operations of The Cooper Union. The decision of the interim suspension review will be final. There will be no appeal. If the student does not request a review, the interim suspension and/or ban from campus facilities will remain in effect until the Judicial Panel hearing is convened and the Judicial Panel makes a determination.
4. If, during the interim suspension review, the Associate Dean of Student Affairs determines that the student's alleged misconduct is primarily attributable to physical or mental health concerns, the Associate Dean may abort the disciplinary process and begin the process for initiating a Compulsory Medical Leave of Absence (described at pp. 25-26 of the 2012-2013 Course Catalog). In that instance, the terms of the interim suspension will remain in effect pending the Medical Leave process.

The Associate Dean of Student Affairs will consult with the student's academic dean prior to initiating an interim suspension, if time permits. Any person so suspended shall have all the rights as outlined in the Code of Conduct. Interim Suspensions must be reviewed by a Judicial Panel in an expedited manner. 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. If the suspension is not upheld, all of the student's absences from classes and examinations during the period of interim suspension shall be treated as excused.