



NYU SHANGHAI STUDENT CONDUCT POLICY

Supplemental to the University Student Conduct Policy

The following is prohibited conduct for ILLICIT SUBSTANCES as included in the NYU Shanghai Student Conduct Policy dated August 1, 2020. For the complete version of the NYU Shanghai Student Conduct Policy please visit <https://shanghai.nyu.edu/campuslife/community-standards>.

III. PROHIBITED CONDUCT

The following behavior is prohibited for students at NYU Shanghai.

D. ILLICIT SUBSTANCES

Possession, use, and/or distribution of an illicit substance, including marijuana, is prohibited in all NYU Shanghai facilities. Substances considered illicit in the PRC or in the United States are not permitted at NYU Shanghai.

1. Any student who is found to be in possession of any illicit substances or any narcotics, including marijuana will be subject to disciplinary action and possible criminal charges.
2. Water pipes, bongs, hookahs and other paraphernalia commonly associated with drug use are also prohibited.
3. It is also a violation of NYU Shanghai drug policy to be in the presence of drugs or drug paraphernalia.
4. Students must obey local laws regarding the use, sale, possession, and distribution of controlled substances.
5. Drug use in the PRC is a serious criminal offense and can result in revocation of visa, incarceration, or other negative consequences for both the student and NYU Shanghai.
6. Students found responsible for violating NYU Shanghai's policies related to possession, use, and/or distribution of drugs will be assigned sanctions that reflect the very serious nature of this offense.

NOTE: The police in Shanghai (and elsewhere in China) continue to crack down on the use of illegal drug use and have broad authority to do so. This may involve raids on nightclubs and bars and unannounced drug tests of anyone who is suspected of having purchased, used or been in the presence of illegal drugs. Drug tests may be conducted using urine, blood and/or hair follicle samples, and positive test results may lead to administrative penalties, including but not limited to fines, detention/jail and, for foreigners, cancelation of visas, deportation and/or a re-entry ban. ***These sanctions may apply even if the positive test result stems from drugs that were consumed legally prior to arriving in China.***



NYU SHANGHAI STUDENT CONDUCT PROCEDURES FOR ALLEGATIONS OF MISCONDUCT RELATED TO ILLEGAL SUBSTANCES

Addendum to the NYU Shanghai Student Conduct Policy

Effective Date:

August 1, 2020

Issuing Authority:

Dean of Students, NYU Shanghai

The following procedures are those by which alleged violations of University policies relating to illegal substances will be reviewed and resolved for students in attendance at NYU Shanghai.¹

A. CONSIDERATION OF INTERIM SUSPENSION

If, in the judgment of the Dean of Students, or designee, a student's behavior is deemed to be disruptive to the personal or academic well-being of members of the NYU Shanghai community, including, but not limited to, threatening or causing injury to the health or safety of self or others, to NYU Shanghai property, to the maintenance of public order, or to the effective continuation of the educational process at NYU Shanghai, the Dean of Students may recommend to the Vice Chancellor of NYU Shanghai or designee an interim suspension of the student from NYU Shanghai, including residential and/or academic programs and facilities, pending the resolution of the matter through these procedures. The period of interim suspension shall be deducted from any final sanction involving suspension. A student who has been subject to interim suspension and who is found "not responsible" shall be allowed full opportunity to make up any work that was missed due to the interim suspension. Should the student be an external or visiting student, NYU Shanghai may notify the college or university in which the visiting student is permanently enrolled.

¹ These procedures do not apply in matters which include allegations of sexual misconduct, relationship violence, or stalking. Such allegations are administered under the University's Sexual Misconduct, Relationship Violence, and Stalking Policy. Allegations of conduct that could constitute a violation of both the University's Sexual Misconduct, Relationship Violence, and Stalking Policy and the University's Student Conduct Policy will be administered according to the Sexual Misconduct, Relationship Violence, and Stalking Policy.

B. FACT FINDING AND INFORMATION GATHERING

When the University receives a report of alleged violation of the University policies on illegal substances, the accused student (respondent) will be notified and invited to speak with the Assistant Dean for Student Life, or designee. Thereafter, the Assistant Dean will make efforts to gather all available information and evidence regarding the allegations. Information and evidence gathered during this period may include, but is not limited to: reports from University officials, information and documents provided to the University from external or government agencies, interviews with relevant witnesses, and other documentary evidence provided by the respondent. A respondent may request that the Assistant Dean speak with other individuals with direct knowledge of the incident. However, the University cannot compel witnesses to participate. Witnesses testifying solely to character will not be permitted.

C. FORMAL NOTICE

Once the relevant information regarding the allegations has been gathered by the Assistant Dean, or designee, a written notice will be sent to the respondent detailing the date of the report, nature of the alleged conduct, and applicable policies alleged to have been violated. The notice shall also provide the date, time, and location for a student conduct conference. In addition to the letter of notice, the respondent shall be provided with all documentary evidence to be reviewed at the student conduct conference at least two (2) calendar days prior to the scheduled meeting. If despite being notified of the meeting, the respondent is not in attendance, the meeting may proceed and sanctions may be imposed.

D. STUDENT CONDUCT CONFERENCE

The student conduct conference will occur with the respondent and two trained administrators from the Office of Student Life. The specific format of the conduct conference shall be determined by the conduct administrators. At the conduct conference, the respondent will have the opportunity to provide their perspective on the matter, respond to the evidence, and answer questions from the conduct administrators.

After the conduct conference, the respondent will have the opportunity to submit any additional evidence they believe to be relevant to the conduct administrators within 48 hours after the end of the conduct conference.

After the conduct conference and review of any additional evidence submitted by the respondent, the conduct administrators will make a determination, based on a preponderance of the evidence, as to whether the respondent violated University policy. The conduct administrators shall issue a written decision to the respondent generally within seven (7) days of the conduct conference. If a violation of policy has been found, the conduct administrators shall then determine appropriate sanctions, up to and including dismissal from the University.

E. APPEAL

A respondent may request an appeal review of a decision within three (3) calendar days of the date of the written decision. An appeal must be based on at least one of the following grounds:

- a) Substantive, new exculpatory evidence has become available that was not known either to the conduct administrator who rendered the decision, the respondent, or the complainant at the time of the initial review. This excludes information that was known to the respondent at the time of review but not shared.
- b) There was a fundamental procedural error in the manner in which the case was managed that was of such magnitude that it had the effect of rendering the process unfair.
- c) The decision reached and/or the sanctions imposed were arbitrary or disproportionate in regard to the nature of the violation.

Appeals will be reviewed as follows:

- a) Appeals of decisions made by conduct administrators under these procedures that do not include dismissal from the University shall be reviewed by the Dean of Students.
- b) Appeals of decisions that include dismissal from the University will be reviewed by the Vice Chancellor.
- c) Appeals of decisions rendered for Study Away students will be forwarded to the Office of Student Conduct and Community Standards.

The appeal shall not consist of a new hearing and will be limited to the documentation, the written decision, and additional appeal materials submitted by the respondent. The appeal officer may accept the decision without modification, accept the decision but modify the sanction imposed, or remand the case for further proceedings. Upon the discovery of new previously unavailable information, which might have had a substantial bearing on the decision, the matter may be referred back to the preceding forum for consideration of the new information. If the appeal officer accepts the decision without modification, the matter shall be deemed final. The respondent shall receive a written decision from the appeal officer within seven (7) calendar days of the submission of the appeal.