

Rules and Regulations for the Maintenance of Public Order Pursuant to Article 129A of the Education Law

The tradition of the University as a sanctuary of academic freedom and center of informed discussion is an honored one, to be guarded vigilantly. The basic significance of that sanctuary lies in the protection of intellectual freedom: the rights of professors to teach, of scholars to engage in the advancement of knowledge, of students to learn and to express their views free from external pressures or interference. These freedoms can flourish only in an atmosphere of mutual respect, civility, and trust among teachers and students, only when members of the University community are willing to accept self-restraint and reciprocity as the conditions upon which they share in its intellectual autonomy.

Academic freedom and the sanctuary of the University campus extend to all who share these aims and responsibilities. They cannot be invoked by those who would subordinate intellectual freedom to political ends, or who violate the norms of conduct established to protect that freedom. Against such offenders, the University has the right, and indeed the obligation, to defend itself. We accordingly announce the following rules and regulations to be in effect at each of our colleges, which are to be administered in accordance with the requirements of due process as provided in Bylaws of The Board of Trustees.

With respect to enforcement of these rules and regulations, we note that the Bylaws of the Board provide that.

THE PRESIDENT, with respect to his educational unit, shall:

- a) Have the affirmative responsibility of conserving and enhancing the educational standards of the college and schools under his jurisdiction
- b) Be the adviser and executive agent of the Board and of his respective College Committee and as such shall have the immediate supervision with full discretionary power in carrying into effect the Bylaws, resolutions, and policies of the Board, the lawful resolutions of the several faculties
- c) Exercise general superintendence over the concerns, officers, employees, and students of his or her educational unit

I. Rules

1. A member of the academic community shall not intentionally obstruct and/or forcibly prevent others from the exercise of their rights. Nor shall he interfere with the institution's educational processes or facilities, or the rights of those who wish to avail themselves of any of the institution's instructional, personal, administrative, recreational, and community services.
2. Individuals are liable for failure to comply with lawful directions issued by representatives of the University /college when they are acting in their official capacities. Members of the academic community are required to show their identification cards when requested to do so by an official of the college.
3. Unauthorized occupancy of University/ college facilities or blocking access to or from such areas is prohibited. Permission from appropriate college authorities must be obtained for removal, relocation, and use of University/college equipment and/or supplies.
4. Theft from or damage to University/college premises or property, or theft or damage to University/college premises or property or theft or damage to property of any person on University/college premises is prohibited.
5. Each member of the academic community or an invited guest has the right to advocate his position without having to fear abuse--physical, verbal, or otherwise--from others supporting conflicting points of view. Members of the academic community and other persons on the college grounds shall not use language or take actions reasonably likely to provoke or encourage physical violence by demonstrators, those demonstrated against, or spectators.
6. Action may be taken against any and all persons who have no legitimate reason for their presence on any campus within the University/college, or whose presence on any such campus obstructs and/or forcibly prevents others from the exercise of their rights, or interferes with the institution's educational processes or facilities, or the rights of those who wish to avail themselves of any of the institution's instructional, personal, administrative, recreational, and community services.
7. Disorderly or indecent conduct on University/college-owned or controlled property is prohibited.
8. No individual shall have in his possession a rifle, shotgun, or firearm or knowingly have in his possession any other dangerous instruments or material that can be used to inflict bodily harm on an individual or damage upon a building or the grounds of the University/college without written authorization of such educational institution. Nor shall any individual have in his or her possession any other instrument or material, which can be used and is intended to inflict bodily harm on an individual or damage upon a building or the grounds of the University/college.

9. Any action or situation, which recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization, is prohibited.
10. The unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs or other controlled substances by University students or employees on University/college premises, or as part of any University/college activities is prohibited. Employees of the University must also notify the College Personnel Director of any criminal drug statute conviction for a violation occurring in the workplace not later than five (5) days after such conviction.
11. The unlawful possession, use, or distribution of alcohol by students or employees on University/college premises or as part of any University/college activities is prohibited.

II. Penalties

1. Any student engaging in any manner of conduct prohibited under substantive Rules 1 to 11 shall be subject to the following range of sanctions as hereafter defined below: admonition, warning, censure, disciplinary probation, restitution, suspension, expulsion, ejection and/or arrest by the civil authorities.
2. Any tenured or non-tenured faculty member or classified or other member of the instructional or member of the classified staff engaging in any manner in conduct prohibited under substantive Rules I to 11 shall be subject to the following range of penalties: warning, censure, restitution, fine not exceeding those permitted by law or by the Bylaws of The City University of New York, or suspension with/without pay pending a hearing before an appropriate college authority, dismissal after a hearing, ejection, and/or arrest by the civil authorities, and, for engaging in any manner in conduct prohibited under substantive Rule 10, may, in the alternative, be required to participate satisfactorily in an appropriately licensed drug treatment or rehabilitation program.

A tenured or non-tenured faculty member, or other member of the instructional staff, or member of the classified staff charged with engaging in any manner in conduct prohibited under substantive Rules 1-11 shall be entitled to be treated in accordance with applicable provisions of the Education Law or the Civil Service Law, or the applicable collective bargaining agreement, or the Bylaws or written policies of The City University of New York.

3. Any visitor, licensee, or invitee engaging in any manner in conduct prohibited under substantive Rules 1 to 11 shall be subject to ejection and/or arrest by the civil authorities.
4. Any organization, which authorizes the conduct prohibited under substantive Rules 1 to 11, shall have its permission to operate on campus rescinded.

Penalties 1 to 4 shall be in addition to any other penalty provided by law or by The City University Trustees.

Sanctions Defined

- A. *Admonition.* An oral statement to the offender that he has violated University rules.
- B. *Warning.* Notice to the offender, orally or in writing, that continuation or repetition of the wrongful conduct, within a period of time stated in the warning, may cause far more severe disciplinary action.

- C. *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 any University regulation within a period stated in the letter of reprimand.
- D. *Disciplinary Probation.* Exclusion from participation in privileges or extra-curricular University activities as set forth in the notice of disciplinary probation for a specified period of time.
- E. *Restitution.* Reimbursement for damage to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.
- F. *Suspension.* Exclusion from classes and other privileges as set forth in the notice of suspension for a definite period of time.
- G. *Expulsion.* Termination of student status for an indefinite period. The conditions of readmission, if any is permitted, shall be stated in the order of expulsion.
- H. *Complaint to Civil Authorities.*
- I. *Ejection.*

A true copy of resolution adopted by the Board of Trustees of The City University of New York on June 23, 1969, as amended on October 27, 1980, May 22, 1989, and June 25, 1990.