

**Facilities**

*Board of Trustees Policy*

<b>SUBJECT:</b>  Maintenance of Public Order	<b>NUMBER:</b>  4.8
	<b>DATE:</b>  January 04, 1971
	<b>SUPERSEDES:</b>  

This policy document directly relates to Maintenance of Public Order Policy, of the SUNY Schenectady Board of Trustees, as hereto attached.

RULES AND REGULATIONS FOR MAINTENANCE OF PUBLIC ORDER ON  
THE PREMISES OF THE SUNY SCHENECTADY  
SCHENECTADY, NEW YORK

PREFACE

The right to dissent and the right to be heard are fundamental to our American democratic society. This nation, and this state (New York) have traditionally accepted the right of minority expressions of discontent.

Dissent and debate, along with sound, reasonable techniques of discussion procedures have often led to improvements in the American way of life. Individuals and groups who feel that social institutions are condoning and practicing unjust or wrong beliefs, policies, rules and regulations can preserve, sustain, and strengthen our societal mores by calling attention to such procedures.

On the college campus, the constant search for knowledge, truth and enlightenment is of primary importance and fundamental to campus life. Open inquiry and the freedom to express one's beliefs are basic to that search. Peaceful, orderly dissent and discussion is indeed encouraged in the academic setting to build a foundation for needed change. It is further given, however, that any demonstration of dissent which interferes with the orderly operation of the institution, and thereby threatens the moral and/or civil rights of others in the academic community will not be condoned.

1. Statement of Purpose

The following rules are adopted in compliance with Section 6450 of the Education Law and shall be filed with the Commissioner of Education and the Board of Regents on or before July 20, 1969, as required by that Section. Said rules shall be subject to amendment or revision and any amendments or revisions thereof shall be filed with the Commissioner of Education and Board of Regents within ten days after adoption. Nothing herein is intended, nor shall it be construed, to limit or restrict the freedom of speech nor peaceful assembly.

2. Application of Rules

These rules are not intended to repeal, supersede or preclude any other rules relating to the same subject matter except to the extent they are inconsistent therewith. The rules hereby adopted shall govern the conduct of students, faculty and other staff, licensees, invitees, and all other persons, whether or not their presence is authorized, upon the campus of SUNY Schenectady and also upon or with respect to any other premises or property, under the control of SUNY Schenectady, used in its teaching, research, administrative, service, cultural, recreational, athletic and other programs and activities.

3. Prohibited Conduct

No person, either singly or in concert with others, shall:

- (a) Wilfully cause physical injury to any other person, nor threaten to do so for the purpose of compelling or inducing such other person to refrain from any act which he has a lawful right to do or to do any act which he has a lawful right not to do.
- (b) Physically restrain or detain any other person, nor remove such person from any place where he is authorized to remain.

- (c) Wilfully damage or destroy property of SUNY Schenectady or under its jurisdiction, nor remove or use such property without authorization.
- (d) Without permission express or implied, enter into any private office of an administrative officer, member of the faculty or staff member.
- (e) Enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others.
- (f) Without authorization, remain in any building or facility after it is normally closed.
- (g) Refuse to leave any building or facility after being required to do so by an authorized administrative officer.
- (h) Obstruct the free movement of persons and vehicles in any place to which these rules apply.
- (i) Deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings or deliberately interfere with the freedom of any person to express his views, including invited speakers.
- (j) Knowingly have in his possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm or weapon without the written authorization of the chief administrative officer whether or not a license to possess the same has been issued to such person.
- (k) Wilfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so.

4. Freedom of Speech and Assembly; Picketing and Demonstrations

No student, faculty or other staff member or authorized visitor shall be subject to any limitation or penalty solely for the expression of his views nor for having assembled with others for such purpose. Peaceful picketing and other orderly demonstrations in public areas of ground and building will not be interfered with. Those involved in picketing and demonstrations may not, however, engage in specific conduct in violation of the provisions of the preceding section.

5. Penalties

A person who shall violate any of the provisions of these rules shall:

- (a) If he is a licensee or invitee, have his authorization to remain upon the campus or other property summarily withdrawn and shall be directed to leave the premises. In the event of his failure or refusal to do so he shall be subject to ejection.
- (b) If he is a trespasser or visitor without specific license or invitation, be subject to ejection.
- (c) If he is a student, be subject to expulsion or such lesser disciplinary action as the facts of the case may warrant, including suspension, probation, loss of privileges, reprimand or warning.

- (d) If he is a faculty member having a term or continuing appointment, be guilty of misconduct and be subject to dismissal or termination of his employment or such lesser disciplinary action as the facts may warrant including suspension without pay or censure.
- (e) If he is a staff member in the classified service of the civil service, described in Section 75 of the Civil Service Law, be guilty of misconduct, and be subject to the penalties prescribed in said section.
- (f) If he is a staff member other than one described in paragraphs (d) and (e), be subject to dismissal, suspension without pay or censure.

6. Procedure

The President or his designee shall inform any licensee or invitee who shall violate any provisions of these rules that his license or invitation is withdrawn and shall direct him to leave the campus or other property of the institution. In the event of his failure or refusal to do so such officer shall cause his ejection from such campus or property.

In the case of any other violator, who is neither a student nor faculty or other staff member, the President or his designee shall inform him that he is not authorized to remain on the campus or other property of the institution and direct him to leave such premises. In the event of his failure or refusal to do so, such officer shall cause his ejection from such campus or property. Nothing in this paragraph shall be construed to authorize the presence of any such person at any time prior to such violation nor to affect his liability to prosecution for trespass or loitering as prescribed in the Penal Law.

In the case of a student, charges for violation of any of these rules shall be presented and shall be heard and determined in the manner established by the College for the disposition of charges which may lead to expulsion.

In the case of a faculty member having a continuing or term appointment, charges of misconduct in violation of these rules shall be made, heard and determined in accordance with Policies of the Board of Trustees.

In the case of any staff member who holds a position of the classified civil service, described in Section 75 of the Civil Service Law, charges of misconduct in violation of these rules shall be made, heard and determined as prescribed in that section.

Any other staff member who shall violate any provision of these rules shall be dismissed, suspended or censured in accordance with policies of the Board of Trustees.

7. Enforcement Program

The President shall be responsible for the enforcement of these rules and he shall designate the other administrative officers who are authorized to take action in accordance with these rules when required or appropriate to carry them into effect.

It is not intended by any provision herein to curtail the right of students, faculty or staff to be heard upon any matter affecting them in their relations with the institution. In the case of any apparent violation of these rules by such persons, which, in the judgment of the President or his designee, does not pose any immediate threat of injury to person or property, such officer may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged to desist and to resort to permissible

methods for the resolution of any issues which may be presented. In doing so, such officer shall warn such persons or the consequences of persistence in the prohibited conduct, including their ejection from any premises of the institution where their continued presence and conduct is in violation of these rules.

In any case where violation of these rules does not cease after such warning and in other cases of wilful violation of these rules, the President or his designee shall cause the ejection of the violator from any premises which he occupies in such violation and shall initiate disciplinary action as hereinbefore provided.

The President or his designee may apply to the public authorities for any aid which he deems necessary in causing the ejection of any violator of these rules and he may request the Counsel of the College to apply to any court or appropriate jurisdiction for an injunction to restrain the violation or threatened violation of these rules.