

STATE OF NEW YORK

Cal. 1244

6610—A

IN ASSEMBLY

February 18, 1969

Introduced by Mr. HENDERSON—Multi-Sponsored by—Messrs. BARTLETT, SUCHIN, McCLOSKEY, BALLETTA, BATTISTA, BECKER, BECKMAN, BELL, BERSANI, BOLAND, BROWN, BUCKLEY, BURNS, V. S. CARROLL, CEROSKY, Mrs. C. E. COOK, DROMS, EMERY, FARRELL, FLACK, GILMAN, GINSBERG, Miss GUNNING, HARDT, HARRIS, JERABEK, KELLY, KUNZEMAN, LANE, LEASURE, LERNER, LONG, MASON, MARGIOTTA, MARSHALL, RUSSELL, TERRY, WALKLEY, WEMPLE, BIONDO, BURROWS, D. M. COOK, CRAWFORD, KEENAN, RUSSO, SEARS, SHOE-MAKER, TAYLOR, VAN COTT, PUSANI—read once and referred to the Committee on Education—reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading.

AN ACT

To amend the education law, in relation to the regulation of conduct on college campuses and other college property used for educational purposes

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. The education law is hereby amended by adding
- 2 thereto a new article, to be article one hundred twenty-nine-a, to
- 3 read as follows:

- 4 **ARTICLE 129-A**
- 5 **REGULATION BY COLLEGES OF CONDUCT ON CAMPUSES AND OTHER**
- 6 **COLLEGE PROPERTY USED FOR EDUCATIONAL PURPOSES**

EXPLANATION — Matter in *italics* is new; matter in brackets () is old law to be omitted.

1 *Section 6450. Regulation by colleges of conduct on campuses and*
2 *other college property used for educational pur-*
3 *poses.*

4 *§ 6450. Regulation by colleges of conduct on campuses and other*
5 *college property used for educational purposes. 1. The trustees or*
6 *other governing board of every college chartered by the regents or*
7 *incorporated by special act of the legislature shall adopt rules and*
8 *regulations for the maintenance of public order on college campuses*
9 *and other college property used for educational purposes and pro-*
10 *vide a program for the enforcement thereof. Such rules and regula-*
11 *tions shall govern the conduct of students, faculty and other staff*
12 *as well as visitors and other licencees and invitees on such campuses*
13 *and property. The penalties for violations of such rules and regula-*
14 *tion shall be clearly set forth therein and shall include provisions*
15 *for the ejection of a violator from such campus and property, and*
16 *in the case of a student or faculty violator his suspension, expulsion*
17 *or other appropriate disciplinary action. Such rules and regula-*
18 *tions shall be filed with the regents and the commissioner of educa-*
19 *tion not later than ninety days after the effective date of this act.*
20 *All amendments to such rules and regulations shall be filed with*
21 *the regents and the commissioner of education not later than ten*
22 *days after their adoption.*

23 *2. If the trustees or other governing board of a college fails to*
24 *file the rules and regulations within the time required by this sec-*
25 *tion such college shall not be eligible to receive any state aid or*
26 *assistance until such rules and regulations are duly filed.*

- 1 3. *Nothing contained in this section is intended nor shall it be*
- 2 *construed to limit or restrict the freedom of speech nor peaceful*
- 3 *assembly.*
- 4 § 2. *This act shall take effect immediately.*



STATE OF NEW YORK
EXECUTIVE CHAMBER

NELSON A. ROCKEFELLER
GOVERNOR

ALBANY 12224

April 22, 1969

Dear Father Cahill:

I share the deep public concern over the problem of disturbances on college campuses resulting in the disruption of the orderly affairs of the college, a breakdown in student-college relationships, and, in some instances, serious violations of law.

I believe that the creation of a framework of rules and regulations within which students have academic freedom, in which they can protest, but at the same time have access to their classrooms and their public places, is the responsibility of the president and the trustees of the college.

Accordingly, yesterday I gave my approval to a bill (Chapter 191 of the Laws of 1969) that requires the trustees of all of the colleges and universities chartered by the State Regents or the Legislature to file, not later than July 21, 1969, rules and regulations for the "maintenance of public order" and a program for the enforcement of such rules and regulations.

The bill further requires that the rules and regulations include provision for basic disciplinary action against violators. Failure to file the rules and regulations would render any college ineligible for State aid or assistance until they are filed.

In order to facilitate early compliance with the provisions of this new law, I am enclosing a copy of the bill and my approval memorandum in order to bring this important matter directly to your attention.

With best wishes,

Sincerely,

A handwritten signature in cursive script that reads "Nelson A. Rockefeller". The signature is written in dark ink and is positioned below the word "Sincerely,".

The Very Reverend Joseph T. Cahill
President, St. John's University
Grand Central and Utopia Parkways
Jamaica, New York 11432

Enclosures

STATE OF NEW YORK
EXECUTIVE CHAMBER
NELSON A. ROCKEFELLER, GOVERNOR

Ronald Maiorana - 518-474-8418 (Albany); 212 JU 2-7030 (N.Y.C.)

FOR RELEASE:
IMMEDIATE, MONDAY
APRIL 21, 1969

April 21, 1969

Governor Rockefeller today approved the following bill:

MEMORANDUM filed with Assembly Bill Number 6610-A, entitled:

#7

(Chapter 191)

"AN ACT to amend the education law, in relation to the regulation of conduct on college campuses and other college property used for educational purposes"

A P P R O V E D

This bill would require that all colleges and universities in the State adopt rules and regulations for the "maintenance of public order" and a program for the enforcement thereof.

The intolerable situation on the Cornell University Campus dramatizes the urgent need for adequate plans for student-university relations and clear rules governing conduct on the Campus.

The absence of such plans and established rules of conduct create an atmosphere in which serious disorders can arise and destroy the orderly functioning of any university.

The bill requires the trustees of each college to adopt rules and regulations for the maintenance of public order and a program for enforcement.

The rules and regulations are to govern the conduct of student, faculty, staff, as well as visitors on the campus. Penalties for violation are to be clearly set forth and must include provisions for:

- ejection of violators from the campus; and,
- suspension, expulsion or other appropriate disciplinary action in the case of a student or faculty violator.

The failure of any college to file such rules and regulations within 90 days would render the college ineligible to receive any State aid or assistance until they were filed.

The bill specifically declares that it shall not operate to limit or restrict the funds of any college or university.

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- ejection of violators from the campus; and,
- suspension, expulsion or other appropriate disciplinary action in the case of a student or faculty violator.

The failure of any college to file such rules and regulations within 90 days would render the college ineligible to receive any State aid or assistance until they were filed.

The bill specifically declares that it shall not operate to limit or restrict the freedom of speech or peaceful assembly.

The bill, prepared by a special Assembly Task Force appointed by Speaker Duryea, is supported by the Association of Colleges and Universities of the State of New York.

The bill is approved.

(Signed) Nelson A. Rockefeller

ASSOCIATION OF COLLEGES AND UNIVERSITIES
OF THE STATE OF NEW YORK

P.O. BOX 1896 - 100 STATE STREET

ALBANY, NEW YORK 12201

EXECUTIVE VICE PRESIDENT
AND SECRETARY

22 April 1969

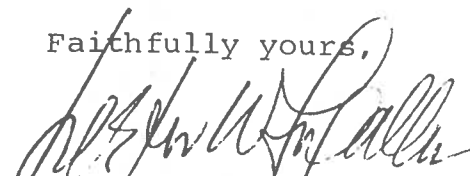
Dear Colleague:

Governor Rockefeller yesterday approved Assembly 6610-A, to amend the education law to provide for the regulation of conduct on college campuses and other college property used for educational purposes. A copy of the bill, which becomes Chapter 191, Laws of 1969, is enclosed for your information. Please note that this act takes effect immediately, April 21, 1969, and that the required rules and regulations shall be filed with the regents and the commissioner of education not later than ninety days after the effective date of this act, or before July 20, 1969.

The law requires the trustees of each college to adopt rules and regulations for the maintenance of public order and a program of enforcement. The rules and regulations are to govern the conduct of students, faculty and staff as well as visitors on the campus. Penalties for violation are to be clearly set forth and must include provisions for ejection of violators from the campus and, suspension, expulsion or other appropriate disciplinary action in the case of a student or faculty violator. Failure to file such rules within 90 days would render the college ineligible to receive any state aid or assistance until they are filed.

The Governor noted in his approval memorandum that the bill is supported by the Association of Colleges and Universities of the State of New York. This action was taken by the Executive Committee on March 15 and incorporated in a statement released by Chancellor Samuel B. Gould, State University of New York, who is vice president of the Association and our legislative chairman.

Faithfully yours,



Lester W. Ingalls

St. John's University

NEW YORK

MEMORANDUM

TO All Faculty Administrators & Staff FROM Rev. Joseph T. Cahill, C.M.
SUBJECT Attached DATE August 14, 1969

Enclosed is a copy of the University's policy concerning the maintenance of public order on campus.

This statement has been approved by a committee composed of students, faculty and administrators, by the University Senate and by the Board of Trustees. As mandated by State law, it has been sent to the New York State Education Department as the basic policy of St. John's regarding campus disorders.

The enclosed copy of the statement is sent to you for your information.

Statement by St. John's University,
New York Pursuant to Chapter 191 of
the Laws of the State of New York
for 1969.

St. John's University, New York, supports the right of all members of the University community (viz., persons who are students, faculty, staff, or administrators of the University) as individuals or as organizations to examine, to discuss, and to advocate any issue and to express any opinion, both publicly and privately, within constitutionally valid limitations set by local, state or federal law. In particular, all substantive issues relating to University policy are to be considered open to full discussion and debate by the University community, whether through open forum or some other procedure. Members of the University community, whether individuals or campus organizations, are free to support causes by orderly means. A rational and orderly examination of issues--whether local, national, or international--is fundamental to the academic process and is to be encouraged rather than repressed.

To this end members of the University community are permitted to conduct orderly demonstrations on the University's grounds provided the demonstrations do not disrupt the educational process taking place at the University or interfere with the rights of any member of the University community.

The broadest possible exercise of freedom can be carried out only in conjunction with responsibility. Members of the University community and all other persons on University property assume the obligation to conduct themselves in a manner compatible with the University's function as an educational institution. To this end, the following acts and/or conduct are prohibited:

1. Persons who are not members of the University community are not permitted to demonstrate.
2. Conducting a demonstration at a time or place other than the time and place previously approved by the President or his designee, or in the case of students, the Dean of Students or his designee.
3. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other University activities on University-owned or controlled property, including its grounds, campus, building, and/or other facilities (hereinafter collectively referred to as "University property").
4. Physical abuse of any person on University property or at University-sponsored or supervised functions or conduct which threatens or endangers the health or safety of any such person.

5. Theft of or damage to property of the University or of a member of the University community or campus visitor.
6. Unauthorized entry to or use of University property.
7. Disorderly conduct or lewd, indecent, or obscene conduct or expression on University property or at University-sponsored or supervised functions.
8. Failure to comply with directives of University officials acting in the performance of their duties.
9. Any other violations of civil law and/or University regulations.
10. In addition to the foregoing specific prohibitions, which are not exclusive, members of the University community and other persons on the property of the University shall conduct themselves at all times in a manner which does not disrupt the University community or infringe upon the rights of others, and faculty and non-faculty staff shall conduct themselves in a manner not inconsistent with the duties and responsibilities of their positions.

The President or his designee is directed to protect the rights of all members of the University community by maintaining order and enforcing the provisions referred to

above. Violation of any of the foregoing prohibitions shall be dealt with as follows:

In the case of any individual who is not a member of the University community: The authority of such individual to remain on University property will immediately be revoked; and if the individual thereafter refuses to leave University property, necessary and appropriate action will be taken to eject such person therefrom.

2. In the case of a student: The student shall be requested to cease and desist from such prohibited conduct and, if he fails to do so, necessary and appropriate action will be taken to eject such student from the University property. In addition, disciplinary proceedings shall be commenced against such student pursuant to Article 6.8 of the 1960 Statutes of the University and any amendments or procedures relating thereto and, in the case of an undergraduate student, pursuant to the provisions of the Undergraduate Student Handbook. In accordance with these provisions, the penalties of suspension, expulsion, or other appropriate discipline may be invoked against the student.

3. In the case of a faculty member: The faculty member shall be requested to cease and desist from such prohibited conduct; and if he fails to do so, necessary and appropriate action will be taken to eject such faculty member from the University property. In addition, charges shall be brought against such faculty member in accordance with the procedures set forth in Articles 35-40 of the 1960 Statutes of the University, as amended. In accordance with those provisions, the penalties of suspension, removal from the faculty, or other appropriate discipline may be invoked against the faculty member.

4. In the case of a non-faculty staff member or administrator: The staff member or administrator shall be requested to cease and desist from such prohibited conduct; and if he fails to do so, necessary and appropriate action will be taken to eject such staff member from University property. In addition:

(a) In the case of a non-academic professional staff member or administrator, disciplinary action shall be taken against such staff member or administrator by the President or his designee subject to review by the Board of Trustees or a committee thereof.

(b) In the case of any other staff member, disciplinary action shall be taken against such staff member by appropriate representatives of the University, subject to the grievance procedures set forth on pages 11 and 12 of the 1969 Handbook for Office Staff. As a result of such disciplinary action, any staff member or administrator may be suspended, discharged or otherwise disciplined.

In addition to the foregoing, the University reaffirms all of its rights to utilize and seek the aid of public authorities and such judicial, civil, and criminal processes and proceedings as may, in the discretion of the University, be necessary or appropriate.

ST. JOHN'S UNIVERSITY
NEW YORK

DUE PROCESS PROCEDURES
FOR HANDLING STUDENT
DISCIPLINARY MATTERS

Adopted by the
University Senate
October 30 and 31, 1969

Service of Charges

Charges against a student for violations of University regulations shall be made by the Dean of Students or another appropriate officer. The student will be informed of his right to a hearing. The student will be informed, in writing, within a reasonable time after disciplinary action has been taken, of the charges brought against him and of his right to be assisted by an adviser of his choice.

Status of Student Pending Final Action

Pending action on the charges, the status of a student shall not be altered, or his right to be present on the campus and to attend classes suspended, except for reasons relating to his physical or emotional safety and well-being, or for reasons relating to the safety and well-being of students, faculty, or University property.

Hearing and Deciding Committee

On each campus of the University there shall be a Hearing and Deciding Committee. This committee shall consist of five full time teaching faculty members elected by the full time teaching faculty in May of each year and four students to be elected in May of each year at the general election.

For the academic year 1969-70, the faculty members shall be elected by and from the University

Senate; the student members shall be the four students elected to the Judicial Board at the Jamaica Campus and four of the five Justices of the Student Judiciary at the Brooklyn Center.

The Hearing and Deciding Committee shall elect a chairman, with power to vote, from its membership. The Committee shall have authority to select a faculty member from the Law School to serve as legal adviser to the Committee.

The Hearing and Deciding Committee shall consider the formal charges and all evidence presented by witnesses.

The student shall be given an opportunity to testify and to present evidence and witnesses. He shall have the opportunity to hear and question adverse witnesses. In no case shall the Committee consider statements against the student unless the student has been advised of their content and of the names of those who made them, and unless he has been given an opportunity to rebut unfavorable inferences which might otherwise be drawn.

All matters upon which the decision may be based must be introduced into evidence at the proceeding before the Committee. The decision shall be based solely upon such matter. Improperly acquired evidence shall not be admitted.

In the absence of a transcript, there shall be both a digest and a verbatim record, such as a tape recording, of the hearing.

This Committee may take the following actions:

1. Dismissal of charges
2. Probation
3. Suspension
4. Recommend expulsion

A 2/3 majority vote is required for decisions on cases considered by this Committee.

Appeals Committee

There shall be one Appeals Committee for the University. This Committee shall consist of five members; namely, the Dean of the Law School, who will serve as chairman, one full time teaching faculty member from each campus, to be elected by the full time teaching faculty in May of each year, and one student from each campus, elected at the general election in May of each year.

For the academic year 1969-70, the faculty members shall be elected by and from the University Senate; the student members shall be nominated and elected by the University Senate.

The Appeals Committee shall review the decision of the Hearing and Deciding Committee at the request of the student involved. If the decision of the Hearing and Deciding Committee recommends expulsion, the case must be reviewed by the Appeals Committee.

The Appeals Committee shall consider only the facts presented at the trial of the case by the Hearing and Deciding Committee. No new evidence may be introduced.

The decision of the Appeals Committee shall require a 2/3 majority vote and shall be final except in a case concerned with expulsion, which case shall be referred to the Board of Trustees for final determination.

November 3, 1969.