APPENDIX A

BOARD OF TRUSTEES
THE CITY UNIVERSITY OF NEW YORK

RULES AND REGULATIONS FOR THE MAINTENANCE OF PUBLIC ORDER
Pursuant to Article 129-A of the Education Law
(The “Henderson Rules”)

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 condition 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 the 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. 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 advisor 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 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 of property, or theft of or damage 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 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 the written authorization of such educational institution. Nor shall any individual have in his possession any other instrument or material which can be used and is intended to inflict bodily harm on any 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 Human Resources 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 in conduct prohibited under substantive Rules 1–11 shall be subject to the following range of sanctions as hereafter defined in the attached Appendix: admonition, warning, censure, disciplinary probation, restitution, suspension, expulsion, ejection, and/or arrest by the civil authorities.

2. Any tenured or nontenured faculty member, or other member of the instructional staff, or member of the classified staff engaging in any manner in conduct prohibited under substantive Rules 1–11 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 nontenured 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 1–11 shall be subject to ejection, and/or arrest by the civil authorities.

4. Any organization which authorized the conduct prohibited under substantive Rules 1–11 shall have its permission to operate on campus rescinded.

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

Appendix

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 extracurricular 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 or activities 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 are permitted, shall be stated in the order of expulsion.

H. Complaint to Civil Authorities.

1. Ejection.


Martin J. Warnbrodt, Secretary of the Board

APPENDIX B

CUNY POLICIES ON HATE CRIMES

BOARD OF TRUSTEES MINUTES, JANUARY 24, 1994

No. 8. Committee on Public Affairs: RESOLVED, That the following item be approved, and report noted:

A. Implementation of University Policy to Combat Bigotry and Promote Pluralism and Diversity:

WHEREAS, The Board of Trustees of the City University of New York is committed to engendering values and implementing policies that enhance respect for individuals and their cultures; and

WHEREAS, This commitment is manifested in the statement of principles and recommendations for action on pluralism and diversity in the City University of New York adopted by the Board on January 20, 1988; and

WHEREAS, Our cultural, racial, and ethnic diversity—our pluralism—is one of our most valued, significant, and important characteristics; and

WHEREAS, The student body of the City University of New York now includes students who trace their ancestries to over 130 countries, as well as growing numbers of students who are of color, women, immigrants, older adults, and disabled persons; and

WHEREAS, We must be proactive in developing programs that both combat bigotry and other biases in all their forms, as well as build on the strengths that our multicultural, multiracial, multigenerational student body offers; and

WHEREAS, Such programs should build upon successful models of curricular and cocurricular pursuits developed by both members of the CUNY community, as well as with the advice and assistance of the extended CUNY family of supporters and resource persons; therefore:

BE IT HEREBY RESOLVED, That the Chancellor in consultation with the Council of Presidents and the leadership of the University Faculty and Student Senates develop guidelines for a University-wide program to combat bigotry and to promote