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RULES AND REGULATIONS FOR THE MAINTENANCE OF PUBLIC ORDER
ON COLLEGE PROPERTY
OF THE
STATE UNIVERSITY
AGRICULTURAL & TECHNICAL COLLEGE
FARMINGDALE, NEW YORK

INTRODUCTION

Pursuant to Assembly Bill 6610-A dated February 18, 1969, and approved by the Governor on April 21, 1969, entitled "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 following procedures have been formulated to comply with this law.

The college facilities have been established for educational purposes. Conduct disruptive of these purposes will not be permitted.

This plan sets forth rules and regulations governing the conduct on campus of:

- a. Students
- b. Academic Staff
- c. Other Staff
- d. Visitors and Invitees
- e. Licensees

The penalties for violations of the rules and regulations are herein set forth. Procedures are included for:

- a. The ejection of a violator from campus property
- b. Appropriate legal actions
- c. Appropriate college disciplinary action against students, academic staff, and other staff, including

1. Dismissal
2. Suspension
3. Other action

To insure an environment conducive to the college carrying out its stated objectives as an educational institution and to meet its responsibilities to the community, each student, faculty member, staff member, visitor and licensee, is expected to conduct himself with propriety and to abide by college regulations. In addition they are expected to abide by applicable local, state and Federal laws.

CONDUCT ON COLLEGE PROPERTY

In general, it is required that each member of the college community, and each visitor to the campus, shall conduct himself in a manner which will reflect credit upon the college. Each person in his relationships with students, faculty, administrators, or visitors shall respect the rights and privileges of the other party.

In addition to the general statement above, the following specific rules and regulations apply:

1. Persons participating in demonstrations or other action which endangers life, public or private property, or violates a college or university regulation or local, state or federal law will be subject to appropriate sanctions. Each person may be held personally responsible for any damage or injury resulting from such an action or demonstration.
2. The unauthorized possession or use of firearms, explosives or firecrackers on the college campus is prohibited.
3. The possession, sale or use of alcohol beverages on campus shall be limited to circumstances expressly covered by

Campus Alcoholic Policy. (Adopted: College Council 9/68)

4. The illegal possession, sale, use or exchange of any drug, narcotic, hallucinogen or any similar chemical agent on campus is prohibited.
5. The use of fire alarm systems and/or fire fighting equipment for any purpose other than safety or protection is prohibited.
6. Gambling on the college property is not permitted.
7. The unauthorized use of the college name to obtain privileges which would not otherwise be granted is not permitted.
8. Any and all forms of academic dishonesty are prohibited.

Nothing contained herein shall deprive an individual of rights granted to him under law or other appropriate regulations pertaining to his classification of employment.

PROCEDURE FOR
REGULATION OF CONDUCT ON COLLEGE PROPERTY

Students, faculty, and other staff, as well as visitors and other licensees and invitees on the SUNY Farmingdale property, who attempt to, or do violate, any provisions of law, or the rules and regulations governing the administration of SUNY Farmingdale will be subject to the penalties therein sanctioned.

When such attempts to violate, or actual violations occur, the following general procedures will apply:

1. The authorized college official will visit the location of the incipient, or actual violative occurrence, identify his authority to all concerned and ascertain the necessity for acting pursuant Article 129-A of the Education Law. If he determines that action is necessary, he will make this known to all concerned.

2. The authorized College official will then request those concerned to refrain from all incipient or violative conduct and then notify these same persons that they have a reasonable length of time in which to comply with this request.
3. If the persons concerned fail to comply, the authorized College official will announce to such persons that their conduct, namely, failure to comply with laws, rules and regulations requires that further action be taken by appropriate campus administrative and security personnel or the local law enforcement agencies. He will then direct that such appropriate action be taken if the violative conduct persists.
4. Appropriate courses of action may be the following:
 - a. Direct that all persons involved in the violative occurrence identify themselves and that they then be notified that their conduct has caused them to be considered unauthorized persons on College property and, as such, they are subject to the trespass law.
 - b. Students may be liable to expulsion, suspension, or lesser disciplinary action pending a hearing by the appropriate hearing body.
 - c. Academic staff, or other staff personnel may be liable to suspension, pending a hearing by the appropriate hearing body.
 - d. Visitors and invitees may suffer loss of College property visitation rights, thereby becoming trespassers.
 - e. A licensee, or any employee of same, will be arred from College property, pending investigation of his violative

conduct by appropriate authority.

- f. The local law enforcement agency may be requested to take appropriate action necessary to restore normal conditions on the College property. This action would be taken to permit all persons to exercise their legal right to conduct the regular and essential operation of the College.

STUDENT DISCIPLINARY PROCEDURES

The procedure to be followed concerning the alleged misconduct of students will be:

1. A statement of the charges will be presented to the student giving him appropriate advance notice of a meeting to be held with the Dean of Students. The Dean of Students will discuss with the student the entire situation. If warranted, appropriate disciplinary action will be taken.
2. The student will be informed that a hearing can be scheduled before the Disciplinary Hearing Committee if the student would like a review of the decision. The student will also be advised that the Committee may sustain, increase, or reduce the penalty.
3. The student has the right to introduce information, materials, or persons in support of his contentions at either the meeting with the Dean of Students or the review by the Disciplinary Hearing Committee, or both, at his own discretion. He will of course, be permitted to raise questions related to the charges and direct them toward any persons involved in the review.

4. All decisions of the Disciplinary Hearing Committee will be submitted to the President of the College.

ACADEMIC STAFF DISCIPLINARY PROCEDURE

Academic staff disciplinary procedures, if appropriate, will be taken as stipulated in the Policies of the Board of Trustees published by State University of New York. If there is a question of termination of an academic staff member's services, Article XIV, Termination of Service, Title D., Termination for Cause, shall be followed by the President or Chief Administrative Officer of the College.

OTHER STAFF DISCIPLINARY PROCEDURES

Disciplinary procedures against college administrative officers and professional staff, if appropriate, will be taken as covered by Policies of the Board of Trustees; Article IX, College Officers and Organization; Title B, College Administrative Officers, Section 2 Appointment.

Disciplinary procedures to be followed against college staff classified personnel are contained in New York State Civil Service Law, Article V, Personnel Charges, Title B. Removal and Other Disciplinary Proceedings, July 1, 1967.

VISITOR AND INVITEE DISCIPLINARY PROCEDURES

College will take action appropriate to the violation or violations with the proper legal authority.

APPLICABLE LEGAL REFERENCES

I. CRIMINAL TRESPASS

Section 140.05 Third Degree

A person is guilty of criminal trespass in the third degree when he knowingly enters or remains unlawfully in or upon premises.

A Violation

Section 140.10 Second Degree

A person is guilty of criminal trespass in the second degree when he knowingly enters or remains unlawfully in a building or upon real property which is fenced or otherwise enclosed in a manner to exclude intruders.

A Class B Misdemeanor

"Premises" - any building or real property

"To enter or remain unlawfully" - Not being licensed or privileged to do so. Where premises are open to the public, a person is presumed to be licensed or privileged to enter or remain unless he has been personally ordered not to do so by someone in authority. Where a premises is partly open to the public, a person is not presumed to be licensed or privileged to enter those parts of the premises which are closed to the public.

II. CRIMINAL MISCHIEF

Section 145.00 Third Degree

A person is guilty of criminal mischief in the third degree when, having no right to do so nor any reasonable ground to believe that he has such right, he:

1. Intentionally damages the property of another in an amount exceeding \$250., or
2. Recklessly damages property of another in an amount exceeding \$250

Class A Misdemeanor

Section 145.05 Second Degree

A person is guilty of criminal mischief in the second degree, when, with intent to damage property of another person, and having no right to do so nor any reasonable ground to believe that he has such right, he damages property of another person in an amount exceeding \$250.

Class E Felony

Section 145.10 First Degree

A person is guilty of criminal mischief in the first degree when, with intent to damage the property of another person, and having no right to do so nor any reasonable ground to believe that he has such right, he damages property of another person:

1. In an amount exceeding \$1,500., or
2. By means of an explosive. (any value)

Class D Felony

Section 145.15 Criminal Tampering - Second Degree

A person is guilty of criminal tampering in the second degree when, having no right to do so nor any reasonable ground to believe that he has such right, he:

1. Tamperers with the property of another with intent to cause substantial inconvenience to such person or to a third person,

Class B Misdemeanor

Section 145.25 Reckless endangerment of property

A person is guilty of reckless endangerment of property when he recklessly engages in conduct which causes a substantial risk of damage to the property of another person in an amount exceeding \$250.

Class B Misdemeanor

"Recklessly" - Aware of the probably ill consequences of what he is doing but goes ahead and does it anyhow regardless of the consequences. There is no specific intent in reckless conduct, intent is implied.

"Person" - Includes a public or private corporation or a government instrumentality.

III. DISORDERLY CONDUCT

Section 240.20

Intending to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof:

1. Engages in violent or tumultuous behavior, or

3. In a public place, uses abusive or obscene language, or
 makes an obscene gesture, or
4. Without lawful authority, disturbs any lawful meeting, or
5. Obstructs vehicular or pedestrian traffic, or
6. Congregates with others in a public place and refuses to
 comply with a lawful police order to disperse, . . .

A Violation

IV. LOITERING

Section 240.35

A person is guilty of loitering when he:

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5. Loiters or remains in or about a school, college or university
 building or grounds, not having any reason or relationship
 involving custody of or responsibility for a pupil or any
 other specific, legitimate reason for being there, and not
 having written permission from anyone authorized to grant the
 same, or

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A Violation

V. POSSIBLE PENALTIES

<u>Offense</u>	<u>Maximum Punishment</u>
Violation	15 days and/or \$200 fine
B Misdemeanor	90 days and/or \$500 fine
A Misdemeanor	1 year and/or \$1,000.
E Felony	1-4 years indeterminate
D Felony	1-7 years indeterminate

In an E or D felony, the court at its discretion
may sentence as for an A Misdemeanor.