RUTGERS POLICY

Section: 50.3.5

Section Title: Legal Matters

Policy Name: Disruptions – Administrative Procedures for Responding

Formerly Book: 6.4.6

Approval Authority: Board of Governors

Responsible Executive: Executive Vice President for Academic Affairs

Responsible Office: Office of Academic Affairs

Originally Issued: 4/1974

Revisions: 4/04/2004 (corrected titles of senior executives); 8/11/2008 (corrected titles of senior executives)

Policy:

50.3.5 ADMINISTRATIVE PROCEDURES FOR RESPONDING TO DISRUPTIONS

An academic community, where people assemble to inquire, to learn, to teach, and to reason together, must be protected for those purposes. While all members of the community are encouraged to register their dissent from any decision on any issue and to demonstrate that dissent by orderly means, and while the university commits itself to a continual examination of its policies and practices to ensure that causes of disruption are eliminated, the university cannot tolerate demonstrations that unduly interfere with the freedom of other members of the academic community. With this in mind, the following administrative procedures have been formulated to guide the implementation of university policy:

A. Broadly defined, a disruption is any action that significantly or substantially interferes with the rights of members of the academic community to go about their normal business or that otherwise unreasonably interrupts the activities of the university.

B. The president of the university and the executive vice president for academic affairs will have the authority throughout the university to declare a particular activity to be disruptive. In the two geographic areas of Camden and Newark, the respective chancellor will have the same authority. In New Brunswick, the senior vice president for finance and administration will have the same authority.

C. A statement will be read by the appropriate officers as specified in (1) or by such officers as they may designate for the purpose of such reading and will constitute the official warning that the activity is in violation of university policy, that it must cease within a specified time limit, and where appropriate, that no commitments made by university officials will be honored if those commitments are made under duress. The official statement follows:

Any demonstration that interferes with the freedom of members of the academic community to go about their normal business constitutes a disruption and violates University Regulations. It is necessary for me as a duly authorized officer of Rutgers
University charged with responsibility in this matter to inform you that your present action constitutes a disruption and is in violation of both State law and the University Student Disciplinary Hearing Code. I advise you that you must desist from this present disruption within (time limit) or be subject to prosecution under the laws of the State and/or under the Student Disciplinary Hearing Code, including possible suspension from the University. I further advise you that any agreement reached by an administrator while under physical duress or restraint will not be honored by the University.

D. If the activity continues beyond the specified time limit as determined by the official in authority, the authorized officers as specified in (1) will have the discretion to call upon the university police to contain the disruption. Ordinarily, the president of the university alone, or in his or her absence the executive vice president for academic affairs, will have the authority to decide that civil authorities beyond the campus are to be called upon to contain those disruptions that the university police are unable to handle. In extraordinary circumstances, where neither the president nor the executive vice president for academic affairs is available to make such a decision, the senior vice president for finance and administration in New Brunswick and the chancellors on the Camden and Newark campuses have the same authority.

E. The deans of students are the chief representatives of the deans of the colleges in all matters of student life. Members of the university community who are aware of potentially disruptive situations are to report this to the deans of students on their respective campuses. In a disruption, the deans of students and their staff members have a twofold responsibility: to protect against personal injury and to aid in providing for the order of the university. In the latter case, the deans of students, as well as other university personnel, may be called upon to coordinate or assist members of the academic community in ending the disruption, directing it to legitimate channels for solution, or identifying those who have violated the rights of others.