

RUTGERS UNIVERSITY POLICY

Section: 50.3.5

Section Title: Legal Matters

Policy Name: Disruptions – Administrative

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)

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| <u>Policy Name:</u> | Disruptions: Administrative Policy and Response | | | | |
| <u>Section #:</u> | 50.3.5 | <u>Section Title:</u> | Legal Matters | <u>Formerly Book:</u> | 6.4.6 |
| <u>Approval Authority:</u> | Board of Governors | <u>Adopted:</u> | 4/1974 | <u>Reviewed:</u> | 4/6/2017 |
| <u>Responsible Executive:</u> | Senior Vice President for Academic Affairs | <u>Revised:</u> | 4/4/2004 (corrected titles of senior executives); 8/11/2008 (corrected titles of senior executives); April 6, 2017 | | |
| <u>Responsible Office:</u> | Office of Academic Affairs | <u>Contact:</u> | Senior Vice President for Academic Affairs svpaa@rutgers.edu | | |

1. Policy Statement

This policy provides direction for addressing disruptions on Rutgers University property. The right of freedom of expression at Rutgers is protected. However, the University has long recognized that the right of free expression does not include the right to engage in conduct that disrupts the University's operations or endangers the safety of others. This policy outlines the difference between expression and disruption and the potential ramifications.

2. Who Should Read this Policy

All members of the University community.

3. Resources

University Policy 10.2.11: University Code of Student Conduct;

All policies are subject to amendment. Please refer to the Rutgers University Policy Library website (policies.rutgers.edu) for the official, most recent version.

Public Forum Procedures

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4. Definitions

Disruption is conduct by any person that intentionally or recklessly obstructs, impairs, or interferes with: (1) teaching, studying or administration of the University, including the clinical mission of RBHS, (2) the authorized and other permissible use of University facilities, and (3) the rights and privileges of other members of the University community to engage in educational pursuits.

Disruptive conduct includes but is not limited to the following: obstruction, impairment, or interference with University sponsored/authorized activities or facilities in a manner that deprives, or is likely to deprive, others of the benefit or enjoyment of the activity or facility.

4.5. The 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~~ The primary function of an academic community is to discover and disseminate knowledge through research and teaching. Freedom of expression is vital to our shared goal of pursuit of knowledge. Such freedom comes with a responsibility to welcome and promote this freedom, even in disagreement or opposition. Community members are therefore encouraged to register their dissent from any decision on any issue for issues and to demonstrate that dissent by through 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.

~~The right to freedom of expression includes peaceful protests and orderly demonstrations that unduly. However, the right to protest does not include the right to engage in conduct that intentionally or recklessly interferes with the University's operations or infringes on the rights of other members of the community. Faculty, students, and all other personnel who intentionally act to impair, interfere with the freedom of other members of the academic community-, or obstruct the orderly conduct, processes, and functions of the University may be subject to appropriate disciplinary action by University authorities.~~

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 ~~In order to ensure that significantly individuals or substantially interferes groups not intentionally or recklessly interfere with the rights of members operation of the academic community to go about their University or the rights of others, they shall not:~~

1. obstruct vehicular, bicycle, pedestrian, or other traffic;
2. obstruct entrances or exits to buildings or driveways;
3. interfere with educational activities inside or outside any building;

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- 4. harass passersby;
- 5. interfere with or preclude a scheduled speaker from being heard;
- 6. interfere with scheduled University ceremonies or events;
- 7. damage property, including lawns, shrubs, or trees; or
- 4.8. engage in any other activities that disrupt university business or that otherwise unreasonably interrupts the activities of the university/infringe upon the rights of others.

A.—~~The president of the university and the executive senior 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 with regard to their respective areas. In New Brunswick, the senior vice president for finance and administration will have the same authority.~~

B.—~~A statement will be read by the appropriate officers as specified in (B4), or a designee, have the authority to declare a behavior disruptive, and must, if possible, alert demonstrators that they are in violation of the University's disruption policy. 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.~~

C.—~~If the activity continues beyond the specified time limit as determined by the official in authority, the authorized officers as specified in (1). At this point, the officer has 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 senior 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 have the same authority in their respective units. on the Camden and Newark campuses have the same authority.~~

B. ~~The deans of students are the chief representatives of the deans of the colleges in all matters of student life.~~

C. ~~Members of the university community who are aware of potentially disruptive situations are encouraged 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 campus. The deans of students and 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.~~