

NORTH COUNTRY COMMUNITY COLLEGE

The State University of New York

POLICY: Maintenance of Public Order

INITIALLY ADOPTED: January 26, 2011

REVISED and ADOPTED: June 2, 2015

1. **Definition:** Alleged violation of any criminal law (federal, state, or local) or local ordinance where the students, staff, faculty, or community conduct interferes with the college's exercise of its educational objectives or responsibilities to its members, whether on college premise or off campus, or when such a violation of the law has, or may have, an adverse impact upon the college community is prohibited.
2. **Statement of Purpose:** The following rules are adopted in compliance with various provisions of New York State Education Law 129A. Nothing herein is intended, nor shall be construed, to limit or restrict the freedom of speech, nor peaceful assembly.
3. **Application of Rules:** These rules are not intended to repeal, supersede or preclude any other rules relating to the same subject matter except to the extent they are inconsistent therewith. The rules hereby adopted shall govern the conduct of students, faculty, and staff, all members and all organizations of the college community, visitor, licenses, invitees, and all other persons, whether or not their presence is authorized, upon the campus of North Country Community College and also upon or with respect to any other premises or property, under the control of such institution, used in its teaching, residential life, research, administrative, service, cultural, recreational, athletic and other programs and activities.
4. **Prohibited Conduct:** Specific to the Maintenance of Public Order, no person, either singly or in concert with others shall:
 - A. Willfully or intentionally cause physical injury to any other person, nor threaten to do so for the purpose of compelling or inducing such other person to refrain from any act, which he/she has a lawful right to do or to do any act which he/she has a lawful right not to do.
 - B. Physically neither restrains or detains any other person, nor removes such person from any place where he/she is authorized to remain.
 - C. Willfully damage or destroy property of the institution or under its jurisdiction, nor remove or use such property without authorization.
 - D. Enter into any private office of an administrative officer, faculty or staff member without implied or explicit consent.
 - E. Enter upon or remain in any building or facility after it is closed without authorization.

- F. Refuse to leave any building or facility after being required to do so by an authorized administrative officer.
 - G. Obstruct the free movement of persons and vehicles in any place to which these rules apply.
 - H. Deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings of deliberately interfere with the freedom of any person to express his/her views, including invited speakers.
 - I. Knowingly have in his/her possession upon any premise to which these rules apply, any rifle, shotgun, pistol, or other firearm or weapon without the written authorization of the President of North Country Community College, whether or not a license to possess the same has been issued to such person. Duly authorized peace officers are exempted.
 - J. Willfully incite other to commit any of the prohibited conduct acts herein with specific intent to procure them to do so.
 - K. Take any action, create, or participate in the creation of, any situation which recklessly or intentionally endangers mental or physical health or which involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization on college owned property or at college sponsored activities, is expressly prohibited.
5. **Penalties:** A person who shall violate any of the provisions of these rules shall:
- A. If a person is a licensee or invitee, have his/her authorization to remain upon the campus or other property withdrawn and shall be directed to leave the premises. In the event of his/her failure or refusal to do so, he/she shall be subject to ejection or other legal process.
 - B. If person is a trespasser or visitor without specific license or invitation, be subject to ejection or other legal process.
 - C. If person is a student, be subject to expulsion or such lesser disciplinary action as the facts of the case may warrant; including suspension, probation, loss of privilege, reprimand or warning.
 - D. If person is a member of NCCCAP, be afforded a process for review of these allegations as prescribed in the current collective bargaining agreement.
 - E. If person is a staff member in the classified service of civil service, described in Section 75 of the Civil Service Law, be guilty of misconduct, and be subject to the penalties in said section.
 - F. If person is a staff member other than one described in paragraphs (d) and (e), be afforded a hearing to respond to the allegations and be subject to disciplinary action that may include dismissal from employment or suspension without pay or censure.
6. **Procedure:** The President of North Country Community College or his/her designee, shall inform any licensee or invitee who violates any provision of these rules that their license or invitation is withdrawn and shall direct him/her to leave the campus or other property of the institution. In the event of his/her failure or refusal to do so, such officer shall cause his/her ejection from the campus or property or shall use other legal process.

In the case of any other violator, who is neither a student nor faculty or other staff member, the President of the college, or his/her designee, shall inform the violator that he/she is not authorized to remain on the campus or other property of the institution and direct the violator to leave such premises. In the event of his/her failure or refusal to do so, such officer shall cause his/her ejection from the campus or property or shall use other legal process.

Nothing in this procedure shall be construed to authorize the presence of any such person at any time prior to such violation or to affect his/her liability to prosecution for trespass or loitering as prescribed in the Penal Law.

In the case of a student, charges for violation of any of these rules shall be presented and shall be heard and determined in the manner established for the disposition of charges, which may lead to expulsion. Incidents involving individual student violations of the rules shall be reviewed by the Dean of Admissions or designee. The

Dean of Admissions or designee may request an investigation be conducted and, in extreme circumstances, may charge the accused immediately and place him/her in interim suspension pending the outcome of a hearing. Appeals may be submitted in writing per the Student Code of Conduct. *Students who disclose a documented disability have the right to have the impact of their disability on their behavior considered during the hearing.

In the case of a NCCCAP or CSEA staff member having a continuing or term appointment, charges of misconduct and/or incompetence shall be made, heard and determined in accordance with the NCCCAP or CSEA collective bargaining agreements as approved by the College's Board of Trustees.

Any other NCCCAP or CSEA member who shall violate any provision of these rules shall be dismissed, suspended or censured in accordance with policies and procedures specified herein and within the appropriate collective bargain agreement.

All other employees may be disciplined by the President of the college or his/her designed representative.

7. **Enforcement Program:** The President and Union Leaders of the college shall be responsible for the enforcement of these rules and shall designate the other administrative officers who are authorized to take action in accordance with these rules when required or appropriate to carry them into effect.

It is not intended by any provision herein to curtail the right of students, faculty or staff to be heard upon any matter affecting them in their relations with the institution. In the case of any apparent violation of these rules by persons, which, in the judgment of the President of the college or the President's designee, does not pose any immediate threat of injury to person or property, such officer may make reasonable effort to persuade those engaged therein to desist and to resort to permissible methods for the resolution of any issues which may be presented.

8. **Rules of Public Order:** The rules for the Maintenance of Public Order are deemed part of the by-laws of all student organizations approved by the college. Violations of these rules by student organizations will be heard by the Dean of Student Life and may result in rescissions of permission for that organization to operate by the College President.

If, in the judgment of the Dean of Student Life, individual members of the student organization have violated the Rules for the Maintenance of Public Order, the procedures established for adjudicating individual violations of these regulations shall be followed.

Any action taken by the college shall be in addition to any penalty pursuant to the penal law or any other chapter to which a violator or organization may be subject to.

Students who have a complaint with the college regarding the administration of the Maintenance of Public Order should see the Dean of Student Life, who may attempt to mediate the complaint on an informal basis. Students may also contact the NYS Department of Education.