

Rules for the Maintenance of Public Order

In compliance with Education Law Section 6430 of the Laws of the State of New York, Elmira College hereby adopts the following "Rules for the Maintenance of Public Order" which shall apply to all members (students, faculty, and staff) and organizations of the College community as well as visitors, guests, licensees, independent contractors, and invitees to college-sponsored activities on college-owned or College operated property. Nothing contained in these rules is intended, nor shall it be construed, to limit or restrict the freedom of speech or right to peaceful assembly. The Board of Trustees hereby authorizes the President of the College or President's designee to enforce these rules as provided.

Freedom of Speech and Peaceful Assembly

Elmira College supports the rights of all members of our community to express their views and to peacefully and lawfully protest actions and opinions with which they disagree. Yet the right to free speech and expression is not absolute. The U.S. Supreme Court has made several exceptions to the expression of free speech, and some forms of speech may be limited, banned, or prosecuted. These include obscenity, defamatory speech such as libel or slander, threats of violence to a person or group of people, false advertising, and what are called "fighting words," or speech that is meant to incite an immediate retaliation from the audience. Elmira College bans these types of speech. In addition, human and civil rights laws, including the New York State Human Rights Law and Title VI of the Civil Rights Act of 1964, demand that institutions maintain a harassment-free environment for all students and employees, specifically those who belong to one of the protected classes named in these statutes. Elmira College students, faculty, and staff are expected to uphold the values that drive the College's mission to provide a collaborative and supportive environment that enables students to become active learners, effective leaders, responsible community members, and globally engaged citizens. Each member of the Elmira College Community is expected to balance their right to freedom of speech with the need to maintain a civil and secure environment where faculty, staff, and students can freely exchange ideas and openly engage in deliberation, debate, and learning. All members of the EC Community and visitors shall comply with this Policy. This Policy is considered part of the conditions of employment and participation in EC sponsored events or programs. This Policy applies to speech and expression that takes place on the EC campus, at EC sponsored events or programs off campus, and while employees and students are traveling and/or studying abroad. This policy also applies to speech and expression that occurs on electronic resources (e.g., EC computers and elmira.edu email accounts) and EC owned/maintained social media sites (e.g., Facebook, Instagram, and Twitter). Members of the Elmira College community who do not conform to this policy will be subject to disciplinary action as outlined in the Student Code of Conduct (pgs. 19-25) and Employee Handbook (pgs. 69-73). Violating these terms may also open the speaker to legal action off campus. Freedom of speech is a cherished and important part of American society and is central to the mission of higher education. Elmira College is

committed to supporting speech of all sorts, including speech that might be seen as offensive or unpopular. However, the College is also committed to protecting the rights of members of its community to enjoy an educational experience that is free from harassment. From its founding, Elmira College has been committed to supporting its students' rights to expression, debate, and the free and respectful exchange of ideas; it continues to support those rights today

Violations

The following actions are prohibited:

Possession or use of firearms, ammunition, fireworks, use of open flames, and/or other dangerous substances, weapons, or materials that are being used as or could be used as weapons at college sponsored activities or on college-owned or operated property unless previously approved by permit through the Office of Campus Safety. Elmira College adheres to all New York State laws regarding firearms, ammunition, fireworks, and other dangerous substances or weapons.

Interrupting, impeding, hindering, inhibiting, restricting, blocking, stopping, halting, or bringing to a standstill an event, activity, or operation of the College including, but not limited to, teaching, guest lectures, research, college business, disciplinary proceedings, activities/programs sponsored by students, or Elmira College student clubs and organizations, or activities/programs sponsored by departments, divisions, or faculty, staff, or administration.

Unauthorized entry into, tampering with, or use of facilities, property, services, or resources belonging to the College, its community members, guests, or licensees. This includes unauthorized access to or occupation of non-public areas on college premises including classrooms, seminar rooms, laboratories, library, faculty and administrative offices, auditoriums, event venues, meeting spaces, and recreational facilities. Use of classroom space after normal class hours for study purposes will not be deemed a violation of this policy.

Any action or situation including harassment prohibited by law or college policy, intimidation, or other conduct that recklessly or intentionally endangers or threatens the health, safety, or welfare of any person on college-owned or leased property or at college-sponsored activities.

Conduct that substantially impairs a person's access to college programs or activities, such that the person is effectively denied equal access to Elmira College's resources and opportunities on the basis of the person's race, color, religion, sex, sexual orientation, gender identity or expression, age, marital status, familial status, military status, national origin, or disability, or perceived membership in any of these classifications.

Hazing, defined as intentionally or recklessly subjecting any person to the risk of bodily harm, or severe emotional distress, subjecting a person to treatment intended to put that person in a humiliating or disconcerting position, or causing or encouraging any person to commit an act

that would be a violation of law or college regulations for the purpose of initiating, promoting, fostering, or confirming any form of affiliation with any group, including, but not limited to, registered organizations or athletic teams on College-owned or operated property or at college-sponsored activities.

Theft, defacing, damaging, or destroying of personal or college owned or operated property, including files and records, belonging to Elmira College, its community members, visitors, guests, licensees, independent contractors, or invitees.

Refusing to provide identification such as an Elmira College ID or state issued license when requested to do so by a clearly identifiable College official (i.e. supervisor, vice-president, or public safety officer) acting in the performance of his or her duties.

Attempting or inciting others to violate any provision of these Rules.

Applicability

These Rules shall apply to all persons, including students, employees (faculty, staff, or administrators), visitors, guests, licensees, independent contractors, or invitees, organizing and/or participating in any college sponsored activity or on any college owned operated property, or on any other property or facility used by Elmira College.

Violations of these rules by faculty and/or staff, or administrators will be addressed by the appropriate vice president and may result in the rescission of permission to use college-owned, leased, or operated property for future events.

The "Rules for the Maintenance of Public Order" apply to all members of clubs and organizations operating on college-owned, leased, or operated property. Violations of these rules by student clubs or organizations will be heard by the Chief Conduct Officer (or designee) and violations of the Rules for the Maintenance of Public Order may result in rescission of permission and/or revocation of that club or organization to operate on college-owned, leased, or operated property. If, in the judgment of the Chief Conduct Officer, student members of clubs or organizations have violated the Rules for the Maintenance of Public Order, the procedures established for adjudicating individual violations of these rules shall be followed.

Visitors, including guests, licensees, independent contractors, or invitees, shall at all times conduct themselves in a manner that is consistent with the Rules for the Maintenance of Public Order on college premises, and their privilege to remain on college property shall automatically terminate upon breach of these Rules. The College, in addition, reserves the right to withdraw, at any time, the privilege of an independent contractor, invitee, or licensee to be on college premises. A trespasser has no privilege of any kind to be on college property but is nevertheless subject to these Rules governing the maintenance of public order.

Removal from Premises

Any person while on college-owned or college-controlled premises who violates these Rules or refuses the request or command of an authorized Elmira College official to desist in any prohibited conduct may be ejected from the entire campus, from the property being utilized for an event, or any such premises where the conduct constitutes a substantial danger to public order on such premises.

Penalties

All the penalties listed below will be in addition to possible removal from campus and any criminal penalty under the penal law or any other law to which a member of the campus community, visitor, guests, licensee, independent contractor, or invitee may be subject to.

Students: In the case of a student violator, penalties may include suspension, expulsion, or other appropriate disciplinary action in accordance with the Student Conduct Code. Individual student violations of the Rules will be heard through the College judicial system as constituted in section “Student Conduct Code”, subject to the range of possible sanctions therein.

Faculty, Staff or Administration: In the case of a violation by an individual member of the faculty, staff, or administration, penalties for violations may include suspension or termination from employment, or other appropriate disciplinary action in accordance with the respective policies covering the individual.

Non-community members: Violations by non-community members, including invited or uninvited guests, licensees, or invitees, will result in the offender’s immediate removal from the campus and possible criminal prosecution and/or permanent barring from the premises.

Organization: If a recognized or unrecognized club or organization authorizes conduct in violation of these Rules, penalties may include rescission of permission for that organization to operate on campus property.