

Hamilton

Freedom of Expression/Maintenance of Public Order

In compliance with the provision of Article 129a of the Education Law of New York State as added by Chapter 191 of the Laws of 1969, Hamilton College submitted the following statements of the procedure to be used for the maintenance of public order on its campus and other college property used for educational purposes.

In December of 1967, the faculty of Hamilton College adopted the following statement of freedom of expression:

“Free inquiry and free expression are indispensable to the attainment of those goals to which Hamilton College is dedicated. All members of the college community should be free to examine and discuss all questions of interest to them, to express opinions, and to question but not suppress the opinions of others. Because of its commitment to free discussion, the faculty states that actions by individuals or groups to prevent speakers invited to the campus from speaking, to disrupt the operation of the institution, or to restrain others

by physical force cannot be tolerated. In short, the right to protest the expression of opinion and the right to express opinion are mutually dependent.”

Based on the above, the College would stress that it has not only protected but has encouraged controversy and indulged dissent, whether by students, faculty members or visitors. This has applied to all forms of vocal demonstrations, protests, and criticism, whether directed at national or local policy or at Hamilton.

At the same time, the College recognizes that the maintenance of proper order is essential to the conduct of College activities, and will not tolerate disruptions that unduly interfere with those activities, jeopardize public safety, or violate applicable laws. Individuals or groups who, in the judgment of the President or the President’s representative, disrupt public order on campus or who refuse to comply with a College directive or instructions from a College official designed to maintain public order may be subject to disciplinary action and/or arrest or expulsion from the campus, in keeping with this policy

Hamilton College has a system of rules, regulations, and procedures which have proven effective. These are published annually here and in the Faculty Handbook. It now adds to these rules the following procedures for the maintenance of public order on its campus and other College property used for educational purposes.

We recognize that in matters of this sort in particular, full and prompt communication among all components of our College community is highly desirable, and that to the extent time and circumstances permit, such communication should precede the exercise of the authority, discretion and responsibilities granted and imposed in the following rules, regulations and procedures:

. These rules, regulations and procedures shall apply as appropriate at all times to all persons (students, faculty, staff, visitors, invitees, licensees and trespassers) on the campus or other College property used for educational purposes, and this includes not only those persons associated with the regular academic sessions of the College, but also those present for special programs, such as are held during the summer. All of the participants in such special programs, other than members of the Hamilton faculty and staff, shall be deemed invitees.

. All disruptions of public order shall be dealt with by the College authorities according to the established system of rules, regulations, and procedures as supplemented herein.

. Disruptions of public order include the following without limitation thereto:

- a.** physical possession of a building which denies or significantly impairs the right of authorized persons to enter and to work in it;
- b.** violence or threats that unduly restrict the movements or activity of authorized personnel;
- c.** destruction of College property;
- d.** undue noise or other interference which disrupts the carrying out of an academic or noncurricular activity of the College;
- e.** any other gross misconduct which interferes with proper activities of the College.

. When, in the judgment of the president or the president's designee, who has been specifically designated by the president for the purpose, the normal procedures have failed to maintain proper order, the president or the president's designee shall put the following into effect:

- a.** if they deem necessary, the president or the president's designee may request the appropriate law enforcement agency or agencies to take such measures as are necessary and appropriate to maintain or restore order. Such measures

may include warnings, arrests, and/or the removal of disruptive persons from the campus. Such measures are to be used only in exceptional circumstances.

- b.** if, in the judgment of the president or the president's designee, circumstances permit, the president or the president's designee may offer a specific invitation to meet with representatives of those responsible for disrupting public order at some stated place and time in the immediate future for the purpose of constructive discussion which may continue without limit provided there is no interference with the conduct of any College activity or access to any College-controlled facility;
 - c.** if this invitation is not accepted, or if after such time as the president or the president's designee deems reasonable under the circumstances there shall have been no sufficient progress, the following steps may be taken:
 - i.** the College campus or a portion or portions of it may be declared closed to outsiders without legitimate business on the campus. Violators shall be liable to treatment as trespassers;
 - ii.** the president or the president's designee may declare the disrupted area or areas off-limits to anyone not expressly permitted to be there by the president or the president's designee;
 - iii.** if in the judgment of the president or the president's designee, circumstances warrant it, the president or the president's designee shall warn the disrupters that unless the disruption ends by a specified time, they may be subject to arrest and/or removal from the campus with assistance of outside law enforcement agencies;
- Notwithstanding the pendency or termination of criminal or civil proceedings with reference to the same conduct, by independent or parallel action the College may bring students, faculty, staff and other members of the community before appropriate collegiate bodies for such actions as individual cases may warrant.

Penalties for violations of the provisions of these rules, regulations, and procedures (which penalties shall be in addition to any penalty provided for in the New York State penal law or any other New York or federal law to which a violator may be subject) shall include the following:

- a.** violators who are neither students nor members of the faculty or staff shall be subject to removal from College property;
- b.** for students the procedures shall be those set forth under the Code of Student Conduct and may result in disciplinary action, up to and including suspension or expulsion;
- c.** for faculty the procedures shall be those set forth in the applicable Faculty Handbook, including the procedures recommended by the Association of American University Professors and agreed to by the College, and may likewise result in suspension or dismissal from the College;
- d.** for staff and other employees of the College, normal procedures appropriate to the determination of their rights and responsibilities shall be followed, and may also result in suspension or dismissal;
- e.** any organization that engages in conduct prohibited by these rules, regulations and procedures shall be subject to the review and possible termination of its permission to operate on College property.

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