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faculty member, or tenured member of the administrative or custodial staff, engaging in any manner in conduct prohibited under substantive Rules 1-11 shall be entitled to be treated in accordance with applicable provisions of the Education Law, Civil Service Law and collective bargaining agreement.

3. Any visitor, licensee, or invitee engaging in any manner in conduct prohibited under substantive Rules 1-11 shall be subject to ejection and/or arrest by the civil authorities.

4. Any organization that authorizes the conduct prohibited under substantive Rules 1-12 may have its permission to operate on campus rescinded. The penalties stated in this section shall be in addition to any other penalty provided by law or the City University.

#### **APPENDIX:**

##### **Sanctions defined:**

A. Admonition. An oral statement to the offender that he/she has violated university rules.

B. Warning. Notice to the offender, orally or in writing, that continuation or repetition of the wrongful conduct, within a period of time stated in the warning, may be cause for more severe disciplinary action.

C. Censure. Written reprimand for violation of specified regulation, including the possibility of more severe disciplinary sanction in the event of conviction for the violation of any university regulation within a period stated in the letter of reprimand.

D. Disciplinary Probation. Exclusion from participation in privileges or extracurricular university activities as set forth in the notice of disciplinary probation for a specified period of time.

E. Restitution. Reimbursement for damage to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.

F. Suspension. Exclusion from classes and other privileges or activities as set forth in the notice of suspension for a definite period of time.

G. Expulsion. Termination of student status for an indefinite period. The conditions of readmission, if any is permitted, shall be stated in the order of expulsion.

H. Complaint to Civil Authorities.

I. Ejection.

#### **STUDENT DISCIPLINARY POLICY AND PROCEDURES**

##### **CUNY Bylaws Article XV Section 15.0. PREAMBLE.**

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Student participation, responsibility, academic freedom, and due process are essential to the operation of the academic enterprise. As members of the academic community, students should be encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth.

Freedom to learn and to explore major social, political, and economic issues are necessary adjuncts to student academic freedom, as is freedom from discrimination based on racial, ethnic, religious, sex, political, and economic differentiations.

Freedom to learn and freedom to teach are inseparable facets of academic freedom. The concomitant of this freedom is responsibility. If members of the academic community are to develop positively in their freedom; if these rights are to be secure, then students should exercise their freedom with responsibility.

##### **Section 15.1. CONDUCT STANDARD DEFINED**

Each student enrolled or in attendance in any college, school or unit under the control of the board and every student organization, association, publication, club or chapter shall obey the laws of the city, state and nation, and the bylaws and resolutions of the board, and the policies, regulations, and orders of the college.

The faculty and student body at each college shall share equally the responsibility and the power to establish, X subject to the approval of the board, more detailed rules of conduct and regulations in conformity with the general requirement of this article.

This regulatory power is limited by the right of students to the freedoms of speech, press, assembly and petition as applied to others in the academic community and to citizens generally.

##### **Section 15.2. STUDENT ORGANIZATIONS**

a. Any group of students may form an organization, association, club or chapter by filing with the duly elected student government organization of the college or school at which they are enrolled or in attendance and with an officer to be designated by the faculty of the college or school at which they are enrolled or in attendance (1) the name and purposes of the organization, association, club or chapter, (2) the names and addresses of its president and secretary or

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other officers corresponding in function to president and secretary.

However, no group, organization or student publication with a program against the religion, race, ethnic origin or identification or sex of a particular group or which makes systematic attacks against the religion, race, ethnic origin or sex of a particular group shall receive support from any fees collected by the law school or be permitted to organize or continue at any law school or school. No organizations, military or semi-military in character, not connected with established law school or school courses, shall be permitted without the authorization of the faculty and the duly elected student government and the board.

b. Extra-curricular activities at each college or school shall be regulated by the duly elected student government organization to insure the effective conduct of such college or school as an institution of higher learning and for the prevention of activities which are hereafter proscribed or which violate the standards of conduct of the character set forth in bylaw 15.1. Such powers shall include:

1. The power to charter or otherwise authorize teams (excluding intercollegiate athletics), publications, organizations, associations, clubs or chapters, and, when appropriate in the exercise of such regulatory power, the power to refuse, suspend or revoke any charter or other authorization for cause after hearing on notice.

2. The power to delegate responsibility for the effective implementation of its regulatory functions hereunder to any officer or committee which it may appoint. Any aggrieved student or group whose charter or other authorization has been refused, suspended or revoked may appeal such adverse action by such officer or committee of student government to the duly elected student government. On appeal an aggrieved student or group shall be entitled to a hearing following the due process procedures as set forth in section 15.3. Following such hearing the duly elected student government shall have the authority to set aside, decrease or confirm the adverse action.

c. Any person or organization affiliated with the college may file charges with an office of the dean of students\*\* alleging that a student publication has systematically attacked the religion, race, ethnic origin or sex of a particular group, or has otherwise contravened the laws of the city, state or nation, or any bylaw or resolution of the board, or any policy, regulation or order of the college, within a reasonable period of time after such occurrence. If the dean of students determines, after making such inquiries as he/she may deem appropriate, that the charges are substantial, he/she shall attempt to resolve the dispute, failing which he/she shall promptly submit the charges to the faculty-student disciplinary committee for disposition in

accordance with the due process procedures of section 15.3. thereof.

If the committee sustains the charges or any part thereof against the student publication, the committee shall be empowered to (1) reprimand the publication, or (2) recommend to the appropriate funding bodies the withdrawal of budget funds. The funding body shall have the authority to implement fully, modify or overrule the recommendations.

\*\* Throughout these bylaws in any college or unit where the title "dean of students" does not exist, the same shall refer to the officer performing the functions which would otherwise be performed by a dean of students.

d. Each college shall establish a student elections review committee in consultation with the various student governments. The student elections review committee shall approve the election procedures and certify the results of elections for student governments, and student body referenda.

e. Student government elections shall be scheduled and conducted, and newly elected student governments shall take office, in accordance with policies of the board, and implementing regulations.

### **Section 15.3 STUDENT DISCIPLINARY PROCEDURES**

#### **Complaint Procedures:**

a. Any charge, accusation, or allegation which is to be presented against a student, and, which if proved, may subject a student to disciplinary action, must be submitted in writing in complete detail to the Office of the Dean of Students promptly by the individual, organization, or department making the charge.

b. The chief student affairs officer of the law school or his/her designee will conduct a preliminary investigation in order to determine whether disciplinary charges should be preferred. The chief student affairs officer or his /her designee will advise the student of the charge(s) against him/her, consult with other parties who may be involved or who have information regarding the incident, and review other relevant evidence. Following this preliminary investigation, which shall be concluded within thirty (30) calendar days of the filing of the complaint, the chief student affairs officer or designee shall take one of the following actions:

(i) dismiss the matter if there is no basis for the allegation(s) or the allegation(s) does (do) not warrant disciplinary actions. The individuals involved shall be notified that the complaint has been dismissed.