

RULES AND REGULATIONS FOR THE MAINTENANCE
OF PUBLIC ORDER ON DISTRICT PROPERTY

SECTION 1. PURPOSE

The following rules and regulations are adopted for the maintenance of public order on district property, and provide a program for enforcement thereof in accordance with Section 2801 of the Education Law. Nothing contained herein is intended nor shall it be construed to limit or restrict the freedom of speech or peaceful assembly.

SECTION 2. PROHIBITED CONDUCT

No person, either singly or in concert with others, shall:

- a) willfully 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 has a lawful right to do, or to do any act which he has a lawful right not to do;
- b) physically restrain or detain any other person, nor remove such person from any place where he is authorized to remain;
- c) willfully damage or destroy property of the District, nor remove or use such property without authorization;
- d) without permission, express or implied, enter into any private office of an administrative officer, member of the faculty or staff member;
- e) other than student, employee or board member, enter a classroom or the building beyond the administrative office without written permission of the chief administrative officer or his designee;
- f) enter upon and remain in any building or facility for any purpose other than its authorized uses, or in such manner as to obstruct its authorized use by others;
- g) without authorization, remain in any building or facility after it is normally closed;
- h) refuse to leave any building or facility after being requested to do so by an authorized administrative officer;
- i) obstruct the free movement of persons and vehicles in any place to which these rules apply;
- j) deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings, or deliberately interfere with any person to express his views, including invited speakers;

- k) knowingly have in his possession upon any premises to which these rules apply, any knife, shotgun, pistol, revolver, or other firearm or weapon without the written authorization of the chief administrative officer whether or not a license to possess the same has been issued to such person;
- l) willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so.

SECTION 3. PENALTIES

A person who shall violate any of the provisions of these rules shall:

- a) if he is a licensee or invitee, have his authorization to remain upon the district property withdrawn, and shall be directed to leave the premises. In the event of his failure or refusal to do so, he shall be subject to ejection;
- b) if he is a trespasser or visitor without specific license or invitation, be subject to ejection;
- c) if he is a student, be subject to suspension or such lesser disciplinary action as the facts of the case may warrant;
- d) if he is a faculty member, be guilty of misconduct and be subject to dismissal or termination of his employment, or such lesser disciplinary action as the facts may warrant, including suspension without pay or censure;
- e) if he is a staff member in the classified service of the Civil Service, described in Section 75 of the Civil Service Law, be guilty of misconduct and subject to the penalties prescribed in said section.
- f) if he is a staff member not in the classified service of the Civil Service, described in Section 75 of the Civil Service Law, be guilty of misconduct and be subject to dismissal or termination of his employment or such lesser disciplinary action as the facts may warrant, including suspension without pay or censure.

SECTION 4. PROCEDURE

- a) The chief administrative officer or his designee, shall inform any licensee or invitee who shall violate any provision of these rules, that his license or invitation is withdrawn, and shall direct him to leave the district grounds. In the event of his failure or refusal to do so, such officer shall cause his ejection from such property.
- b) In the case of any other violator, who is neither a student nor faculty or other staff member, the chief administrative officer or his designee shall inform him he is not authorized to remain on the property of the district, and direct him to leave such premises. In the event of his failure or refusal to do so, such officer shall cause his ejection from such property. Nothing in this subdivision shall be construed to authorize the presence of any such person at any time prior to such violation, or to affect his liability to prosecution for trespass or loitering, as prescribed in the Penal Law.
- c) 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 provided in Section 3214-3 of the Education Law.

- d) In the case of a faculty member having tenure, charges for misconduct and violation of these rules shall be made, heard and determined in accordance with Section 3020-a of the Education Law.
- e) In the case of a faculty member not having tenure, the chief administrative officer shall conduct a hearing, after written notice to the teacher, of the charges, and shall determine the punishment if the teacher is found guilty.
- f) In the case of any staff member who holds a position in the classified Civil Service, described in Section 75 of the Civil Service Law or is covered by Section 75 of the Civil Service Law, charges of misconduct and violation of these rules shall be made, heard, and determined as prescribed in that section.
- g) In the case of any staff member who does not hold a position in the classified Civil Service and is not covered by the provisions of Section 75 of the Civil Service Law, the chief administrative officer shall conduct a hearing after written notice to such staff member of the charges, and shall determine the punishment if such staff member is found guilty.

SECTION 5. ENFORCEMENT PROGRAM

- a) The chief administrative officer shall be responsible for the enforcement of these rules and he shall designate the other administrative officers who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.
- b) The chief administrative officer or his designee may apply to the public authorities for any aid which he deems necessary in causing the ejection of any violator of these rules, and he may request the attorney of the district to apply to any court of appropriate jurisdiction for an injunction to restrain the violation or threatened violation of these rules.

SECTION 6. APPLICATION OF RULES

These rules shall apply to all buildings and grounds of the district, and shall govern the conduct of students, teachers, and staff members, as well as visitors and other licensees and invitees.

SECTION 7. DEFINITION OF TERMS

A "licensee" is defined as a person who enters the property of the school district for such person's own interests, without express or implied invitation (an invitee).

An "invitee" is a person who enters the property of the school district with express or implied permission by someone who is authorized by the school district to give such permission.

SECTION 8. EFFECTIVE DATE

These regulations shall be effective as of the date of adoption by the Board of Education and shall supersede any regulations pertaining to this subject which have been adopted before.

First reading: September 12, 1994
Second reading: September 26, 1994

