



Category:  
Student Affairs

Responsible Office:  
[University Life](#)

**Procedure Title:**

Campus Conduct & Other College Property used for Educational Purposes

Document Number:  
3650

Effective Date:  
July 01, 2004

This procedure item applies to:  
Community Colleges  
State-Operated Campuses

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**Summary**

This procedure implements the legal requirements of Article 129-A of NYS Education Law (Regulation by Colleges of Conduct on Campuses and Other College Property Used for Educational Purposes), hereinafter Article 129-A. Accordingly,

1. The Board of Trustees of the State University of New York (University) has adopted written rules for the maintenance of public order on campuses and for the enforcement thereof; a copy of which shall be provided to all students enrolled in the campuses of the State University of New York; and shall be deemed to be part of the by-laws of all organizations operating on such campuses; such by-laws shall be annually reviewed with the organizations;
2. University campuses must, on July 1 of each year, file a certificate of compliance with the New York State Education Department (SED) attesting that they have in place the policies and programs required by Article 129-A;
3. University campuses must, by July 1, 2004 and whenever amended, file with SED copies of their rules relating to the mandated student conduct policies. No further filing of student conduct rules will be necessary for a period of ten years;
4. University campus presidents must appoint an advisory committee on campus safety to review specific campus policies and procedures on safety and to make written recommendations for their improvement at least once each academic year;
5. University campuses must provide information to incoming students concerning sexual assault prevention and bias related crime prevention and the method the University employs to advise and update students about safety procedures;
6. University campuses must indicate in their campus catalog, student handbook and viewbook how to access the campus crime statistics that are filed annually with the United States Department of Education;

7. University campuses must adopt and implement a plan providing for coordination with local law enforcement agencies in connection with investigation of any violent felony offenses occurring at or on the grounds of the campus, and for the investigation of reports of any missing student.

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## Process

This procedure implements the legal requirements of Article 129-A of NYS Education Law (§ 6430 – 6436). This procedure outlines the specific requirements for campuses as mandated by the law.

### I. Rules for the Maintenance of Public Order

- A. The Trustees of the State University of New York (University) have adopted written rules for the maintenance of public order on University campuses and other college property used for educational purposes and for the enforcement thereof.
- B. A copy of such rules shall be given to all students enrolled at each University campus and shall be deemed to be part of the by-laws of all organizations operating on said campus which shall review annually such by-laws with individuals affiliated with such organizations.
- C. Each University campus shall annually file with the SED (Office of Quality Assurance, 981 EBA, Albany, NY 12234) on or before the first day of July, [a certificate of compliance](#) with the provisions of Article 129-A of NYS Education Law.
- D. Each University campus shall file a copy of all written policies and procedures adopted as required in Article 129-A with the SED (Office of College and University Evaluation, New York State Education Department, 5 North Mezzanine, Albany, NY 12234) on or before the first day of July, two thousand four, when such policies are amended and once every ten years thereafter.
- E. Nothing contained in this policy shall:
1. be construed to limit or restrict the freedom of speech and peaceful assembly; or
  2. prevent or limit a campus from setting forth additional standards of conduct for students.

### II. Advisory Committee on Campus Safety.

The president of each University campus shall appoint an advisory committee on campus safety in accordance with University policy (Establishment of Campus Safety Advisory Committees Policy).

### III. Sexual Assault Prevention Information.

Each campus shall inform incoming students about sexual assault prevention measures through programs which may include workshops, seminars, discussion groups, and film presentations, in order to disseminate information about sexual assault, promote discussion, encourage reporting of incidents of sexual assault, and facilitate prevention of such incidents (Sexual Assault Prevention Policy). Such information shall include, but not be limited to:

1. the applicable laws, ordinances, and regulations on sex offenses;
2. the penalties for commission of sex offenses;
3. the procedures in effect at the campus for dealing with sex offenses;

4. the availability of counseling and other support services for the victims of sex offenses;
5. the nature of and common circumstances relating to sex offenses on college campuses;  
and
6. the methods the campus employs to advise and to update students about safety procedures.

#### **IV. Campus Crime Reporting and Statistics.**

A. Each University campus shall indicate in its campus catalog, student handbook and viewbook how to access the campus crime statistics that are filed annually with the United States department of education as required under [20 US 1092\(f\)](#). Every campus catalog, student handbook and viewbook shall state that "The Advisory Committee on Campus Safety will provide upon request all campus crime statistics as reported to the United States Department of Education."

B. The information in the catalog, student handbook and viewbook shall include the [United States Department of Education's](#) web site address for campus crime statistics and a campus phone number for a designated college campus contact who is authorized to provide such statistics for that college. Whenever an individual requests such campus crime statistics, the campus shall provide a hard copy mailed to the individual within ten days of the request and that information will include all of the statistics that the campus is required to report under 20 US 1092(f).

C. The president of each University campus shall, working with the advisory committee on campus safety, take steps to inform students and prospective students of the existence of the campus crime statistics on an annual basis and other campus safety policies and procedures of the school (Campus Security Policy and Campus Crime Statistics Reporting Procedure).

#### **V. Investigation of Violent Felony Offenses.**

Each University campus shall adopt and implement a plan providing for the investigation of any violent felony offense (as defined in NYS Penal Law §70) occurring at or on its grounds and providing for the investigation of a report of any missing student. A missing student is defined as any student of a campus who resides in a facility owned or operated by a campus and who is reported to such campus as missing from his or her residence). Such plans shall provide for the coordination of the investigation of such crimes and reports with local law enforcement agencies. Local law enforcement agencies are defined as any agency or agencies employing peace officers or police officers for the enforcement of the laws of the state and which has or have jurisdiction under provisions of the criminal procedure law over offenses occurring at or on the grounds of any institution). Such plans shall include, but not be limited to, written agreements with appropriate local law enforcement agencies providing for the prompt investigation of such crimes and reports.

#### **VI. Bias Related Crime Prevention Information.**

Each University campus shall inform incoming students about bias-related crime prevention measures through programs which may include workshops, seminars, discussion groups, and film presentations, in order to disseminate information about bias related crime, promote discussion, encourage reporting of incidents of bias related crime, and facilitate prevention of such incidents (see the University policy on Bias-Related Crime Prevention). Such information shall include, but not be limited to:

1. the applicable laws, ordinances, and regulations on bias related crime, including the provisions and coverage of the hate crimes act of 2000 codified in article 485 of the penal law;
2. the penalties for commission of bias related crimes;

3. the procedures in effect at the college for dealing with bias related crime;
4. the availability of counseling and other support services for the victims of bias related crime;
5. the nature of and common circumstances relating to bias related crime on college campuses; and
6. the methods the campus employs to advise and to update students about safety procedures.

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## Forms

There are no forms relevant to this procedure.

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## Related Procedures

There are no related procedures relevant to this procedure.

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## Other Related Information

[Campus Safety Advisory Committees, Establishment of](#)

[Bias-Related Crime Prevention Policy](#)

[Sexual Assault Prevention Policy](#)

[20 U.S.C. 1092 \(f\)](#) (Institutional and financial information for students)

The following links to FindLaw's [New York State Laws](#) are provided for users' convenience; it is not the official site for the State of New York laws.

Penal Law:

[§70](#) (Sentence of imprisonment for felony)

[§130](#) (Sex offenses; definitions of terms)

[§485](#) (Legislative findings)

In case of questions, readers are advised to refer to the New York State Legislature site for the menu of [New York State Consolidated](#).

[U.S. Department of Education, Office of Postsecondary Education](#)

[New York State Department of Education, Office of Quality Assurance](#)

[New York State Department of Education, Office of College and University Evaluation](#)

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## Authority

The following link to FindLaw's [New York State Laws](#) is provided for users' convenience; it is not the official site for the State of New York laws.

[Article 129-A](#) (Regulation by Colleges of Conduct on Campus and Other College Property Used for Educational Purposes.)

In case of questions, readers are advised to refer to the New York State Legislature site for the menu of New York State Consolidated.

Chapter 597, Laws of 2003

Chapter 590, Laws of 2003

Chapter 22, Laws of 1999

Chapter 739, Laws of 1990

State University of New York Board of Trustees Resolution 99 – 18, adopted October 29, 1999.

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## History

Memorandum to presidents from the office of University counsel and vice chancellor for legal affairs dated August 9, 2004

Memorandum to presidents from the office of the chancellor dated April 27, 2004

Memorandum to presidents from the office of University counsel dated October 8, 2003

Memorandum to the presidents from office of vice chancellor and chief operating officer dated April 26, 2002

Memorandum to presidents from the office of the chancellor dated April 18, 2003

Memorandum to presidents from the vice chancellor and secretary of the University dated November 4, 1999.

Memorandum to presidents from office of University counsel and the vice chancellor for legal affairs dated August 3, 1991.

Memorandum to presidents from office of student affairs and special programs dated December 21, 1990.

Memorandum to presidents from office of University counsel and the vice chancellor for legal affairs and the office of student affairs and special programs dated November 26, 1990.

Memorandum to presidents from the chancellor of the University dated October 2, 1989.

Memorandum to presidents from the chancellor of the University dated January 22, 1986.

Memorandum to presidents from office of University counsel and the vice chancellor for legal affairs, dated May 23, 1977.

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## Appendices

There are no appendices relevant to this procedure.