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## **PART 536**

### **STATE UNIVERSITY OF NEW YORK AT BUFFALO**

Sec.

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#### **§ 536.1 Disruption.**

A person is guilty of disruption when he or she, by action, by threat, or otherwise:

- (a) interferes with university activities; or
- (b) obstructs university activities. University activities include, but are not limited to: teaching, research, administration, public service function or other authorized activity or program on university premises.

#### **§ 536.2 Unauthorized entry.**

No person shall break into or illegally enter any university building or room; nor shall any person enter or remain in any private room or office of any student, faculty member, administrative officer or other person on university property without the express permission of the person or persons authorized to use or live in that room; nor shall any unauthorized person enter or remain in any university building or facility at a time when that facility normally is closed or after the facility has been closed because of special or unusual circumstances. University facilities include, but are not limited to, the following: buildings, parking lots, athletic fields and all campus areas.

#### **§ 536.3 Theft and destruction of property.**

- (a) No person shall take, steal, burn, destroy or otherwise damage any property not his or her own, on the university campus or on any university property.
- (b) No person, in any manner whatsoever, shall deface walls of any structure of the university, either on the inside or the outside of said structure. This includes the use of paints, posters and advertisements affixed in any areas other than those designated for such purposes.
- (c) No person shall knowingly harbor or possess stolen property while on or residing at the university campus.

#### **§ 536.4 Physical abuses and harassment.**

A person is guilty of physical abuse and harassment when:

- (a) he or she intentionally assaults, strikes, threatens or intimidates any person;
- (b) he or she engages in a course of conduct, over any period of time, or repeatedly commits acts which alarm or seriously annoy another person and which serve no legitimate purpose; or

(c) he or she creates a condition which unnecessarily endangers or threatens the health, safety or well-being of other persons or of other property on university property.

**§ 536.5 Dangerous weapons and explosives.**

(a) It is a violation of New York State law and/or university regulations for a person to possess a rifle, shotgun, firearms, ammunition, firecrackers or explosives in or upon the buildings or grounds of the university without appropriate written authorization from the appropriate university official. This includes roman candles or similar combustibles or explosives.

(b) No person, either singly or in concert with others, shall possess and carry, on any grounds or in any building of the university, an airgun, or other instrument or weapon in which the propelling force is air, knife, dirk, stiletto, sabre, cudgel, bludgeon, club, slingshot or other thing adaptable to the purpose of a weapon, including batons, canes or similar articles, excluding only orthopedic aids, athletic equipment, and project or construction materials and tools on proof of a proper specific use or purpose on the day in question.

(c) No person hired for purposes of enforcing security, whether in lieu of or in addition to department of public safety officers, may have in his or her possession in or upon the buildings and grounds of the university any firearm or other deadly weapon without specific written authorization from the university official empowered to give such authorization.

**§ 536.6 Picketing and demonstrations.**

(a) In regard to on-campus student actions and demonstrations that tend to endanger life, public or private property or to violate local, State or Federal laws, each student will take the consequence of his or own actions as an individual before the law, as well as being referred to the appropriate university disciplinary body. The cost of any damage to public or private property must be borne by those legally responsible.

(b) All members of a university community must share the responsibility for maintaining a climate in which diverse views can be expressed freely and without harassment.

(c) The State University of New York at Buffalo has traditionally supported the right of its students, faculty and staff to peaceful protest. Always implicit is the understanding that demonstrators will not interfere with or violate the rights of others. It is the obligation of all to assist in maintaining order and to assure courteous reception of any campus speaker or visitor.

(d) The following pertains to the conduct of those members of the university community who feel compelled to express their dissent through picketing and other forms of demonstration:

(1) Picketing and demonstrating must be orderly at all times and should in no way jeopardize public order or safety or interfere with the university's programs.

(2) Picketing or demonstrating must not interfere with entrances to buildings or the normal flow of pedestrian or vehicular traffic.

(3) Those involved in picketing or demonstrating may not interfere by mingling with organized meetings or other assemblies for the purpose of harassment, since this invades the rights of others to assemble and the rights of speakers to free expression.

(4) Picketing or demonstrating may not obstruct or physically interfere with the integrity of the classroom, the privacy of the residence halls, or the functioning of the physical plant.

**§ 536.7 Loitering and trespassing on university grounds or in the university buildings.**

(a) Any person not a student, employee, guest of a student or an employee, or the parent or legal guardian of a student in attendance at the university, who loiters in or about any university building or any part of university grounds without written permission from the president, custodial or other person in charge thereof, or in violation of posted rules or regulations governing the use thereof, shall be guilty of trespass. Regulations on each campus shall include the manner by which campus visitations by nonstudents shall be developed in accordance with the Penal Law.

(b) Under New York Penal Law, section 240.35, subdivision 5, a person is guilty of loitering when he/she loiters or remains in or about a school, college or university building or grounds, not having any reason or relationship involving custody of or responsibility for a pupil or student or any specific, legitimate reason for being there, and not

having written permission from any person authorized to grant the same.

(c) Under New York Penal Law, section 140.05, a person is guilty of trespassing when he or she knowingly enters or remains unlawfully in or upon premises. Trespass is a "violation" punishable by a fine, or imprisonment of up to 15 days.

(d) Under New York Penal Law, section 140.10, a person is guilty of criminal trespass in the third degree when he/she knowingly enters or remains unlawfully in a building or upon real property which is fenced or otherwise enclosed in a manner designed to exclude intruders. This is a Class B Misdemeanor.

**§ 536.8 Sanctions.**

The judicial bodies established to consider cases involving student violations of the provisions stated in this section are the student-wide judiciary and the committee for the maintenance of public order. These judicial bodies have the power to institute \* the following range of sanctions:

- (a) warning;
- (b) notation on record;
- (c) restitution;
- (d) loss of privileges:
  - (1) denial of use of an automobile on campus for a designated time;
  - (2) removal from dormitory or other university housing;
  - (3) loss of such privileges as may be consistent with the offense committed and the rehabilitation of the student;
- (e) disciplinary probation with or without loss of designated privileges for a definite period of time. The violation of the terms of disciplinary probation or the infraction of any university rule during the period of disciplinary probation may be grounds for suspension or expulsion from the university;
- (f) suspension from the university for a definite or indefinite period of time;
- (g) expulsion from the university;
- (h) such other sanctions as may be approved by the university's tribunals.

*\*Subject to final review of the president, an action that is mandatory if suspension or expulsion is recommended.*