

CAMPUS UNREST, DISSENT, AND PROTEST

Policy 3.44

Glen Oaks Community College is categorically committed to the concept of individual and group freedom - so long as freedom of thought and/or action does not infringe upon or abuse the freedoms, rights, and privileges of other individuals or groups. It is within the context of this commitment that the following statement is issued.

Campus violence already threatens some colleges and universities in a way that could cripple their freedom for many years. Even so we must be mindful of the dangers in laying out inflexible guidelines about unacceptable conduct or in specifying the precise moment when a hazard to the institution is such that civil authority must be called upon.

If one central theme or thread can be extracted from the fabric of campus and student unrest, it would reveal problems occur when communication breaks down or is lacking. Students should not only be given substantial autonomy but also participate in matters of general educational policy, especially in curricular affairs. Since increased participation contributes to effective decision-making, students should serve in a variety of roles on committees. Effective student representation will not only improve the quality of decisions, but also ensure their acceptability to the student body.

Every attempt must be made to establish effective communications so that policy questions, grievances and/or disciplinary problems can be aired by the college community. To this end, violations and/or violators of individual or group freedom will be referred to the President to hear, weigh, evaluate, and recommend as is necessary by the evidence at hand in solving the problem and attaining the objective.

Students must know that they cannot be shielded from the consequences of their behavior, especially when it violates the laws of society at large. They must recognize and respect the rights of other students as they seek rights and privileges for themselves. Threats, violence, coercive disruption of classes and events, and similar acts that tread on the rights of others are intolerable.

Mindful of the concerns of the general public as well as the state legislature the following information, entitled Act #26 of the Public Acts of 1970 of the State of Michigan, is reproduced herein.

ACT #26 OF THE PUBLIC ACTS OF 1970

AN ACT to provide penalties for certain conduct at public institutions of higher education.

The People of the State of Michigan enact:

Sec. 1. A person is guilty of a misdemeanor, punishable by a fine of not more than \$500.00, or by incarceration in the county jail for not more than 30 days, or both:

(a) When the chief administrative officer of a publicly owned and operated institution of higher education, or his designee, notifies the person that he is such officer or designee, and the person is in violation of the properly promulgated rules of the institution; and

(b) When the person is in fact in violation of such rules; and

(c) When, thereafter, such officer or designee directs the person to vacate the premises, building or other structure of the institution; and

(d) When the person thereafter willfully remains in or on such premises, building or other structure; and

(e) When, in so remaining therein or thereon, the person constitutes (1) a clear and substantial risk of physical harm or injury to other persons or of damage to or destruction of the property of the institution, or (2) an unreasonable prevention or disruption of the customary and lawful functions of the institution, by occupying space necessary therefore or by use of force or by threat of force.

Sec. 2. A person is guilty of a misdemeanor, punishable by a fine of not less than \$200.00 and not more than \$1,000.00 or by incarceration in the county jail for not more than 90 days, or both, who enters on the premises, building or other structure of a publicly owned and operated institution of higher education, with the intention to, and therein or thereon does in fact, constitute (a) a clear and substantial risk of physical harm or injury to other persons or of damage to or destruction of the property of the institution, or (b) an unreasonable prevention or disruption of the customary and lawful function of the institution, by occupying space necessary therefore or by use of force or by threat of force.

Sec. 3. This act shall take effect August 1, 1970.

This act is ordered to take immediate effect.

The following act or acts could or might necessitate invoking the trespass law but not be necessarily limited to it:

Destruction of or willful damage to institutional property, grounds, or facilities:

Where responsibility can be ascertained, resultant action should evolve through "due process" with local and/or state agencies. Restitution if and when practicable will be considered. Suspension and/or dismissal action may be instituted by proper authority.

Disruption of or undue distractive influences within an organized classroom situation:

Any person or persons when in the opinion of the instructor are not contributing to or are distracting from the educational atmosphere of the class or logical pursuit thereof shall be removed and/or denied access thereto with resultant notification to the Vice President of Academics and the Vice President of Student Services.

Policy 3.44

Page 3 of 4

Barricading or causing to prevent free access to or egress from any area of the campus including but not exclusive of classrooms, office areas, corridors, stairways, library areas, student center, maintenance and service areas, and roadways:

After ample opportunity and notification by proper authority has been afforded to and no response and/or action resulted there from, physical apprehension and eviction by proper authority shall be affected. Length of time interval from notification to desist from, to notification of proper authority not to exceed three (3) minutes duration. Suspension and/or dismissal action may be instituted by proper authority.

Disruptive action prior to, during or subsequent to an address, performance, event, or ceremony:

Adopted by Board of Trustees 11/18/70, revised 9/14/05, 9/17/14, 1/20, reviewed 3/9/23

Any person who interferes with access to or egress from a performance of an address, ceremony, athletic event, or any college sanctioned activity and/or interferes with the continuity of an address, performance or event shall be considered to be preventing or disrupting the customary and lawful function of the institution. Suspension and/or dismissal action may be instituted by proper authority.

Readmission to a class or function after having been removed or suspended there from:

Any student has the absolute right to attend a class in which he is duly enrolled unless he/she has abrogated that right. Final permission for readmission rests with the instructor and/or designated responsible person involved acting in conjunction with the Vice President handling the incident. Offenders in this regard should be handled in the same manner as a disruptive or distractive influence.

The right of student dissent or protest within the confines of a building or on the grounds of Glen Oaks Community College:

The right of peaceful dissent and protest should be and will be honored as long as it does not interfere in the rights of others to pursue an education, access to normal working stations, or bring discredit upon the institution and the customary and lawful functions of the institution.

The possession, use of, or causing to bring firearms, dangerous weapons, or explosive agents within the confines of a building or onto the grounds of Glen Oaks Community College is expressly prohibited:*

Any person or persons who are in violation of the above shall, through due process, be subject to suspension and/or dismissal action and will necessitate immediate notification of violation and of proper legal authority of said violation.

Violations of Act #26 of the Public Acts of 1970; The Employees Trespass Law or any of the above rules and regulations of Glen Oaks Community College will result in immediate suspension of said employee and if substantiated through due process by duly constituted legal authority will be grounds for termination of said employment. Student violations will result in suspension and if substantiated, possible expulsion in the future from college classes and events.

*See Resolution and Policy Amendment 3.32.

In the event that it is necessary to inform certain individuals they are in violation of Act #26 of 1970, the following format is to be used:

"My name is, _____ and I am the designee of the President of Glen Oaks Community College and I am also the agent of the owner of the property upon which you are now standing. I hereby notify you, and each one of you individually, that all persons in this group are in violation of the properly promulgated rules of Glen Oaks Community College, specifically that _____. Any right that you have to use these premises is hereby suspended, whether you are a student or not, and acting on behalf of Glen Oaks Community College and on behalf of the owner of this property, I hereby instruct each and every one of you, whether or not you are a student, to immediately vacate and depart from this property. If you fail to do so, you will immediately be arrested and prosecuted for violating the laws of the State of Michigan relative to trespassing and to conduct upon the property of institutions of higher education."