

March 1, 1995

ADMINISTRATIVE MEMORANDUM NO. 35

To: Vice Presidents, Deans, Directors, Department Chairs, and Other Administrative Officials

From: Gordon H. Lamb, President

Subject: Campus Disturbances

Campus disturbances while rare do occur on occasion, and the Board has determined that the interests of all concerned would be served best by promulgating an express statement of policy as to the consequences of such a disturbance within this system.

The policy enunciated herein is in no sense intended to deprive any person of his rights of free speech and assembly; and the exercise of those rights in a lawful manner is to be encouraged at every institution under the jurisdiction of this Board. Actions, however, which deprive others of their rights without due process of law cannot be justified.

Campus disturbances have on occasion disrupted educational functions, deprived the majority of the right to pursue their education, and/or resulted in injury to persons and damage to property. The State, no less than a private property owner, has the right and responsibility to preserve property under its control for the use to which it is lawfully dedicated. Neither the United States Constitution, nor the Constitution of the State of Illinois, preclude the State from controlling the use of its own property for lawful, non-discriminatory purposes.

Accordingly, in order that normal educational processes can continue without interruption and in order that individual safety, personal freedoms and property rights can be enjoyed without impairment, this Board declares that unlawful activities will not be tolerated on the campus of any institution under its jurisdiction. In particular, the Board believes that Article 21 of the Illinois Criminal Code provides appropriate penalties for dealing with persons who willfully damage State property, commit trespass on the campus, or interfere with a public institution of higher education.

Criminal damage to State property is committed by one who does any of the acts specified in Section 21-4, Chapter 38, Illinois Revised Statutes and, without regard to time or place, any person who knowingly damages campus property violates the law and should be arrested and prosecuted.

Criminal trespass to State land is committed by one who enters upon the campus or a building with legal notice that entry therein is forbidden or who remains in an area after notice to depart. It is lawful and proper to prescribe reasonable regulations as to

conditions and times for access to campus buildings. Entrances, halls and exits must be kept open for normal operations and the safety of others; offices are to be used for purposes intended; and buildings are to be cleared and closed at established hours. Persons who violate such reasonable regulations should be notified to depart. This advice and notification should be given publicly and orally by an authorized representative. Thereafter, if such persons remain, a police officer should read applicable portions of the criminal trespass statute, Section 21-5, Chapter 38, Illinois Revised Statutes, and advise them that they are in violation of the law and that they will be arrested if they do not depart. In appropriate circumstances court action of an injunctive or criminal nature should be sought.

Interference with a public institution of higher education is committed by one who, without authority from the institution, through force or violence, actual or threatened, willfully acts as prohibited by Section 21.2-1, Chapter 38, Illinois Revised Statutes. In appropriate circumstances court action of an injunctive or criminal nature should be sought.

Members of a campus community who participate in unlawful activities which disrupt educational functions will be dealt with in accordance with established disciplinary and administrative processes. Such processes may be invoked regardless of either civil or criminal actions arising out of the same event.

When the President in her/his judgment, believes that unlawful activities, which disrupt educational functions occur, she/he will not hesitate to summon Public Safety without delay and where necessary public prosecutors will be advised of the situation and the courts will be asked to make timely disposition of all cases resulting from the incident.

Procedures for Dealing with Campus Disturbances/Disruptions

(For policy refer to BGU Regulations, Section VII, Miscellaneous Board Regulations, Subsection A, Campus Disturbance Regulations, pages 1-3)

- a. The following offices are directly involved in handling a campus disturbance:
 - 1) Vice President for Student Affairs
 - 2) Public Safety
 - 3) Public Relations
 - 4) Others as deemed necessary by the Vice President for Student Affairs, e.g., Health Service.

- b. Responsibilities for each office:
 - 1) Vice President for Student Affairs
 - (a) Coordinate overall University response including follow-up.

- (b) Insure that appropriate offices and personnel are notified.
- (c) Obtain names of as many demonstrators as possible.
- (d) Inform demonstrators that they are disrupting normal functions of the University, that what they are doing is in violation of University and BGU regulations, that they are to disperse immediately, and that failure to do so may result in disciplinary actions, including suspension and/or criminal proceedings. (See statement).
- (e) Instruct Public Safety to take photographs if demonstrators do not depart.
- (f) If appropriate, inform the demonstrators (students) that they are suspended effective immediately. (See statement). Suspension may also occur after the occasion as a result of subsequent filing of charges.
- (g) If demonstrators do not depart, instruct the Director of Public Safety to read applicable portions of the criminal trespass statute, Section 21-5, Chapter 38.
- (h) If demonstrators still do not depart, consult with the President concerning if and when to request Public Safety and police to arrest and remove demonstrators.
- (i) If appropriate, implement the University Student Due Process Policy and Procedures with respect to the student demonstrators.

2) Public Safety

- (a) Where appropriate, seal off demonstration area as soon as possible, allowing in only appropriate personnel.
- (b) Record as many names as possible and submit list to Vice President for Student Affairs. If appropriate, request I.D. cards.
- (c) Upon authorization by the Vice President for Student Affairs, photograph all demonstrators, submit the photographs immediately to the Vice President for Student Affairs, and secure the negatives.
- (d) Upon receiving instructions from the Vice President for Student Affairs, read statement to demonstrators regarding violation of trespass statute (see Statement).
- (e) In consultation with the Vice President for Student Affairs, determine the most appropriate means for arresting and removing the demonstrators,

and proceed to implement. Methods may include court injunction, arrest by Chicago Police, or temporary incarceration, among others.

3) University Relations

Central point of information dissemination. Any information requested by reporters, etc., is to be referred to the University Relations Office.

4) Statement(s) to be read by the Vice President for Student Affairs to the demonstrators:

(a) "This disturbance is disrupting the normal functions of the University and is in violation of University and Board of Governors Regulations. If you do not _____ (e.g., stop the noise, leave the area -- whatever is appropriate) immediately, you may be subject to disciplinary action in accordance with the University Student Due Process Policy and/or subject to arrest."

(b) If immediate suspension is an appropriate action and if the demonstrators do not appear to leave the area within a reasonable time (e.g. 15 seconds to 5 minutes), then the following is read*:

"This disturbance is in violation of the University and the Board of Governors Regulations. Since you did not leave when instructed, you are hereby notified that you are suspended from the University effective immediately."

5) Statement to be read by the Director of Public Safety to the demonstrators upon instructions from the Vice President for Student Affairs:

"The Criminal Law and procedures section of the Illinois Revised Statutes expressly forbids interference with the normal functions of a public institution of higher education. Such interference occurs if a trustee, employee, student or invitee of the institution is denied freedom of movement or the use of the property or facilities of the institution. Furthermore, it is a violation of said statutes to obstruct or interfere with the performance of institutional duties by trustees or employees. Knowingly occupying or remaining in or at the building property or other facilities operated or controlled by the institution after due notice to depart is also a violation of Illinois law. To the extent that you are in violation of these statutes, you are instructed to cease this activity and leave the area immediately or face arrest."

*Suspension may also occur after the occasion as a result of subsequent filing of charges.