

Discussion on Al Gore protest of October 19

Relevant Documents

Article I, US Constitution

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Exerpts from the Rules of University Conduct, Chapter XLI of the Univeristy Statutes (found in Appendix C of *Facts About Columbia Essential To Students*)

§410. Demonstrations, Rallies and Picketing.

Demonstrations, rallies, picketing, and the circulation of petitions have an important place in the life of a university. They are means by which protests may be registered and attention drawn to new directions possible in the evolution of the University community. But, in order to protect the rights of all members of the University community and to ensure the proper functioning of the University as an institution of teaching and research, it is necessary to impose reasonable restraints on the place and manner in which picketing and other demonstrations are conducted and on activities of counter demonstrators or self-appointed vigilantes. This is the intention of the Rules of University Conduct: to protect the concurrent rights of both the University community as a whole and demonstrators.

While the University as a private institution is not subject to the Constitutional provisions on free speech and due process of law, the University by its nature is dedicated to the free expression of ideas and to evenhanded and fair dealing with all with whom it conducts its affairs. The Rules of University Conduct are thus enacted by the University to provide as a matter of University policy the maximum freedom of expression consistent with the rights of others and a fair and speedy hearing to any person charged with a violation of these Rules.

A violation of these Rules is an offense against the entire University community. However, such violations are not here considered as crimes, and University disciplines should not carry the same stigma as a criminal conviction. All members of the University community are assumed to be innocent until proven guilty of a violation of the Rules. The University shall publicize the existence of the Rules and make them readily available to persons who may be affected by them. Such persons are responsible for being aware of all provisions contained in the Rules.

§413. Violations and Sanctions.

a. *Violations.* A person is in violation of these Rules when such person individually or with a group, incident to a demonstration, including a rally or picketing:

- (1) (simple violation) Engages in conduct which places another in danger of bodily harm.
- (2) (serious violation) Causes or clearly attempts to cause physical injury to another person.
- (3) (simple) Uses words which threaten bodily harm in a situation where there is clear and present danger of such bodily harm.
- (4) (serious) Uses words in a situation of clear and present danger which actually incite others to behavior which would violate Sections 413a (2) or (6).
- (5) (simple) Causes minor property damage or loss, or endangers property on a University facility.
- (6) (serious) Misappropriates, damages, or destroys books or scholarly material or any other property belonging to the University, or to another party, when that property is in or on a University facility, and by such action causes or threatens substantial educational, administrative, or financial loss.
- (7) (simple) Interferes over a very short period of time with entrance to, exit from, passage within, or use of, a University facility but does not substantially disrupt any University function.
- (8) (serious) Continues for more than a very short period of time to physically prevent, or clearly attempt to prevent, passage within, or unimpeded use of, a University facility, and thereby interferes with the normal conduct of a University function.
- (9) (serious) Enters or remains in a University facility without authorization at a time after the facility

has been declared closed by the University. (Comment: The University shall make all reasonable attempts to publicize this declaration to the fullest extent possible.)

(10) (simple) Enters a private office without authorization.

(11) (serious) Holds or occupies a private office for his own purposes. (Comment: Persons may not enter a private office unless invited and then not in excess of the number designated or invited by the occupant. Anyone so entering must leave on request of a recognized occupant of such office or on request of another authorized person. Passage through reception areas leading to private offices must not be obstructed. Clear and unimpeded passageway through lobbies, corridors and stairways must be maintained at all times.

For this purpose, the delegate may advise demonstrators as to the permissible number of participants in such restricted areas and regulate the location of such participants. Persons may use rooms in which instruction, research, or study normally take place only when such rooms are assigned to them through established University procedures.)

(12) (simple) Causes a noise which substantially hinders others in their normal academic activities.

(13) (simple) Briefly interrupts a University function.

(14) (serious) Disrupts a University function or renders its continuation impossible.

(15) (serious) Illicitly uses, or attempts to use, or makes threats with a firearm, explosive, dangerous or noxious chemical, or other dangerous instrument or weapon.

(16) (serious) Fails to self-identify when requested to do so by a properly identified delegate.

(17) (serious) Prevents a properly identified delegate from the discharge of his official responsibilities under these Rules, except through a mere refusal to self-identify.

(18) (simple) Fails to obey the reasonable orders of a properly identified delegate regulating the location of demonstrators or others within the vicinity of a demonstration to assure unimpeded access to or use of a facility or to avoid physical conflict between demonstrators and others. (Comment: This Regulation gives the delegate authority to regulate assemblies. The check against abuse of such authority is provided by the test of reasonableness imposed by the Hearing Officer in such disciplinary proceedings as may result from noncompliance. Should a delegate in the exercise of discretion fail to disperse an assembly in which some or all of the participants are violating or have violated the Rules, this should in no way be construed as excusing the violators, who remain liable for their acts under these Rules).

(19) (simple) Fails to disperse from an assembly upon order of a properly identified delegate when such order results from repeated or continuing violations of these Rules by members of the assembly and the delegate has by verbal directions made reasonable effort to secure compliance before ordering dispersal.

(20) (serious) Fails to disperse from an assembly upon order of a properly identified delegate when such order results from serious violations of these Rules by members of the assembly and the delegate so states in his order to disperse.

(21) (simple) Aids and abets others or other groups in a simple violation of these Rules.

(22) (serious) Aids and abets others or other groups in a serious violation of these Rules.

b. *Reserve Clause.* Disciplinary matters not specifically enumerated in these Rules are reserved in the case of students to the Deans of their schools or their delegated authorities and to the regulations and mechanisms they have established, and in the case of faculty and staff to the President of the University or his delegated authority and to the regulations and mechanisms that have been established to deal with such matters.

§414. Enforcement.

h. If the President, upon consultation with a majority of a panel established by the Executive Committee of the University Senate, decides that a demonstration poses a clear and present danger to persons, property, or the substantial functioning of any division of the University, he shall take all necessary steps to secure the cooperation of external authority to bring about the end of the disruption. The President shall make public his decision to the fullest extent possible as soon as it is feasible. Nothing in the above shall be construed to limit the President's emergency authority to protect persons or property.