

UNIVERSITY POLICIES

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Rules of University Conduct

The National Labor Relations Board recently ruled that students working as teaching and research assistants are “employees” under Section 7 of the National Labor Relations Act (NLRA).

Columbia is committed to ensuring that all employees are free to exercise their NLRA Section 7 rights. These rights include but are not limited to discussions concerning wages, hours and terms and conditions of employment, picketing, leafleting, strikes, and other “concerted” activities.

The Rules of University Conduct have been reviewed to ensure that they do not interfere with the rights of any individual under the NLRA. Based on that review, the following clarifying statement has been added:

These Rules of Conduct shall not be construed to limit any employee’s rights under Section 7 of the National Labor Relations Act. These Rules do apply to conduct not protected by the NLRA, including violations designated as serious by the Rules such as the destruction of property, threats of physical harm to others, the occupation of University facilities, and the disruption of University events.

▼ Overview

Who is Governed by This Policy

Columbia University faculty, students, and employees are governed by this policy.

▼ Policy Text

The Rules of University Conduct

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§440. Affirmative Statement

The Rules of University Conduct, found in Chapter XLIV of the Statutes of Columbia University, are intended to ensure that all members of our community may engage in our cherished traditions of free expression and open debate. The University, as a forum for the pursuit and attainment of knowledge in every field of human endeavor, has a special role in fostering free inquiry. A principal reason why universities have endured and flourished over centuries is that they provide a place for ideas to be tested, for values to be questioned, and for minds to be changed with as few constraints as possible. Like society at large, but even more so, the University has a vital interest in fostering a climate in which nothing is immune from scrutiny. And Columbia, in particular, has a long tradition of valuing dissent and controversy and in welcoming the clash of opinions onto the campus.

To be true to these principles, the University cannot and will not rule any subject or form of expression out of order on the ground that it is objectionable, offensive, immoral, or untrue. Viewpoints will inevitably conflict, and members of the University community will disagree with and may even take offense at both the opinions expressed by others and the manner in which they are expressed. But the role of the University is not to shield individuals from positions that they find unwelcome. Rather, the University is a place for received wisdom and firmly held views to be tested, and tested again, so that members of the University community can listen, challenge each other, and be challenged in return.

The University recognizes only two kinds of limitations on the right of freedom of expression, and both are to be narrowly construed. **First**, the University reasonably regulates the time, place, and manner of certain forms of public expression. In keeping with the University's dedication to the principle of uninhibited discourse, these regulations do not turn on the content of any message that might be expressed. Rather, they are necessary not because they would prevent any opinion from being stated or heard, but, to the contrary, because they protect the rights of free speech, free press, and academic freedom. Just as all members of the University community have the right to speak, to study, research, to teach, and to express their own views, so must they allow others in the community to do the same. The right to demonstrate, for example, cannot come at the expense of the right of others to counter-demonstrate, to teach, or to engage in academic pursuits requiring uninterrupted attention. As is true of the larger community in which the University sits, the University must protect the rights of all to engage in their callings and express their own views.

Second, the University may restrict expression that constitutes a genuine threat of harassment, that unjustifiably invades an individual's privacy, or that falsely defames a specific individual. These forms of expression stand apart because they do little if anything to advance the University's truth-seeking function and they impair the ability of individuals at the University to participate in that function. The University has an obligation to assure members of its community that they can continue in their academic pursuits without fear for their personal security or other serious intrusions on their ability to teach and to study.

Because of the University's function as an incubator of ideas and viewpoints, the principle of free expression must be jealously guarded. As President Bollinger has noted, "Our great institutions of higher education bear a special social responsibility for educating people to possess a nimble cast of mind, able to grasp multiple perspectives and

the full complexity of a subject. And for centuries, great societies of all types have understood that this kind of intellectual capacity is essential to progress. But never have critical thinking and tolerance been more important for individual well-being and for our collective prosperity.” Every member of our community therefore retains the right to demonstrate, to rally, to picket, to circulate petitions and distribute ideas, to partake in debates, to invite outsiders to participate, and to retain the freedom to express opinions on any subject whatsoever, even when such expression invites controversy and sharp scrutiny. Although the University values the civil and courteous exchange of viewpoints, it does not limit discussion because the ideas expressed might be thought offensive, immoral, disrespectful, or even dangerous. We expect that members of our community will engage in public discussions that may confront convention, and free expression would mean little if it did not include the right to express what others may reject or loathe.

§441. Definitions

Terms used in this Chapter shall have the following meanings: (Comment: While gender-neutral language is employed in these Rules whenever possible, "he," "him," or "his" occasionally appear. They are used to avoid awkward locutions and are not intended to perpetuate gender stereotypes.)

a. *University* means Columbia University in the City of New York.

b. *University facility* means that place where a University function occurs.

c. *University function* means any charter or statutory operation or activity of the University, including instruction, research, study, administration, habitation, social life, space allocation and control, food supply, and other functions directly related thereto. Specifically included are both functions of fixed-time duration (e.g., classes, examinations, lectures, etc.) and functions of continuing duration (e.g., the operation of libraries, research laboratories, maintenance shops, computers, business offices, etc.). Also included are functions ancillary to directly educational purposes, such as meetings, disciplinary proceedings, and athletic and social events sponsored by any University-approved organization.

d. *Deans* are persons appointed by the President, and approved by the Trustees, either as dean, acting dean, or director of one of the divisions or schools of the Columbia Corporation, or such staff persons as they may assign to administer disciplinary affairs.

e. *Delegates*. Delegates are appointed by the President and/or the Rules Administrator. In addition, all Deans and Deans of Students are automatically considered Delegates under these rules. Delegates have authority for the enforcement of these Rules. They shall warn individuals and groups whose actions may violate these Rules and may declare their belief that the demonstration does not conform to the Rules of Conduct. They shall, when facts known to them or brought to their attention warrant, file a complaint with the Rules Administrator against alleged violators.

f. *Day* means a calendar day, regardless of whether the University is in academic session except for purposes of the procedures set forth in Section 448 and 450. Whenever any time limit expires on a nonworking day, it shall be extended to the next working day.

g. *Students* are any persons registered in any division of the University, whether for courses or research, and whether or not they are candidates for a degree or certificate. They also include persons who are on leave or suspended or continuing matriculants for any degree or certificate, as well as persons registered during any preceding terms and who have not since that time earned the degree or certificate or withdrawn from the University.

- h. *Faculty* means officers of instruction appointed to any division, school, or other department of the University, including officers on leave
- i. *Staff* means members of the administration, administrative staff, research staff, library staff, or supporting staff, and includes all non-instructional officers.
- j. *Violation* means the commission of an act proscribed by these Rules. However, inadvertent or accidental behavior shall not be considered to be the substance of a violation.
- k. *Respondent* means a person against whom a charge for violation of these Rules has been filed.
- l. *Rules Administrator* means the Rules Administrator appointed under Section 445a.

§442. Jurisdiction

The Rules of University Conduct shall apply to all members of the University community: administrators, administrative staff, research staff, library staff, supporting staff, faculty, and students. Also visitors, licensees, and invitees on a University facility shall be subject to the Rules of University Conduct. Violations by such persons may result in the revocation of their invitation or license to be on a University facility and their subsequent ejection.

The Rules of University Conduct apply to any demonstration, including a rally or picketing, that takes place on or at a University facility or at any University sponsored activity. Such facilities include, but are not limited to, all University campuses, research laboratories, maintenance shops, business offices, athletic fields, dormitories, classrooms, and meeting halls. The Rules of University Conduct do not apply to participation in a demonstration, including a rally or picketing, by full-time employees of the University represented by a collective bargaining agent, where the demonstration arises in the course of or is incident to a labor dispute involving the University.

§443. Violations

- a. 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 that 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 that 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 that actually incite others to behavior that would violate Sections 443a (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 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