

## **DISORDERLY OR UNAUTHORIZED ASSEMBLY**

It is permissible for members of the college organization to state their position on controversial matters by conducting an orderly demonstration. However, each organization must file in the campus Provost's Office, ninety-six hours in advance, the College Registration of Demonstration Form which is available in the Provost's Office. The laws of the United States; the laws of Virginia; the ordinances of the cities of Chesapeake, Norfolk, Portsmouth, Suffolk, and Virginia Beach; and the Virginia Community College System regulations are fully applicable on the campuses concerned. These laws and regulations were not written by the College and cannot be altered or suspended by college officials.

Tidewater Community College, in common with other educational institutions, has for its orderly and effective conduct, special regulations in addition to the laws of the land. Developed by the College and approved by the Tidewater Community College Board and Student Government Association, these regulations supplement, but do not supersede, higher laws and regulations. Regulations in addition to those published in the handbook section may originate in the Student Government Association, the faculty, and/or the administration.

Students may conduct political activities on the campus, but such activities must be conducted with respect for the rights of all students and without disturbing classes or the administration of the College.

The right of free speech irrevocably includes the right to speak, the right to listen, the right to be quiet, and the right not to listen.

The right of peaceable protest or demonstration irrevocably includes the right not to agree and the right not to participate.

To prevent misunderstanding, the chancellor has issued the following clarifications.

1. When an assembly of students on campus not authorized by the College has been requested to disband by the president or an other designated officer, those refusing to comply will be subject to immediate suspension and/or dismissal and legal action.
2. In the event that an assembly appears to be a demonstration related to grievances, those present should be advised that orderly procedures for the hearing of grievances are available to which adherence is mandatory. College officials will not negotiate with such groups under conditions of duress, such as unauthorized occupation of college property.
3. Any unauthorized occupation of buildings and/or college property constitutes reason for immediate suspension and/or dismissal from the institution of students who may be involved in illegal acts on community college property. Furthermore, legal action will be brought against any student involved in illegal acts on community college property.

4. Any person currently not a student is not allowed to participate in demonstrations on the campuses.

On the College campuses the right to attend the duly assigned class is a student right and, of necessity, includes the right to attend the class without physical violence, fear of violence, or psychological abuse.

A single act may simultaneously violate a federal law, a state law, a county ordinance, a city ordinance, and a college regulation. Judgement and punishment by one governmental agency for a violation of its laws and a second judgement and punishment by a different governmental agency for a violation of its laws, even though based on the same act, does not constitute double jeopardy.

The policy of the College in cases of violation of state, federal, county, or city laws is to state the facts to the appropriate, duly constituted authorities and to press neither for, nor interfere with, their judgement and punishment.

Separate action by the College for violation of the college rules will be conducted without reference to the action of other authorities. Destruction of state (college) property must be reported to the appropriate state officials for their action.

Once it has been committed, the criminal act of violating another person's (student's, staff or faculty member's, or administrator's) rights cannot be undone. The loss of education to a student illegally barred from attending a class cannot be returned to the student in the future. The act of destroying state or private property is not rescinded by an apology or by restitution. Once the act has been committed, the responsibility for the act is fixed. Retroactive amnesty is not the policy of the College. College officials will not consider any proposals or demand presented to them during a period of duress created by a group or faction of the student body.

A student may be subject to disciplinary action in the following instances:

1. When attending campus activities, attending activities off campus, attending functions of college-chartered organizations off campus, or visiting the campus of any other college or university, she/he is guilty of any of the following:
  - a. academic cheating or plagiarism or assisting in the act of plagiarism or cheating, (See Academic Misconduct, College Catalog p. 39);
  - b. use or possession of weapons (guns, knives, etc.) on one's person or in one's motor vehicle;
  - c. use or possession of unauthorized alcoholic beverages;
  - d. unauthorized gambling;
  - e. furnishing false information to the College;
  - f. forgery, alteration, or misuse of college documents, records, or identification cards;
  - g. assault and/or battery, hazing, psychological abuse, or harassment;
  - h. destruction, damage, defacing, or misuse of public property or private property;
  - i. theft, larceny, embezzlement, or the temporary taking of the property of another;
  - j. issuance of bad checks or failure to pay a debt owed to the College;

- k. obscene conduct, public profanity, or fighting;
  - l. manufacture, sale, possession, or use of narcotics, marijuana, stimulants, hallucinogens, and other similar harmful or habit-forming drugs and/or chemicals;
  - m. failure to comply with the official and proper order of a duly designated College authority or agency;
  - n. violation of any other College policy or regulation, including, but not limited to, vehicular traffic;
  - o. disruption of a judiciary hearing or faculty committee meeting;
  - p. littering;
  - q. illegal entry and/or occupation of state property; breaking and entering;
  - r. unauthorized use of computer or word processing service or time, or unauthorized efforts to penetrate or modify the computer or word processing security system or any program software;
  - s. failure to comply with College policy regarding children on campus;
  - t. conviction of participating in a riot or a disorderly assembly; and/or
  - u. failure to provide for children on campus.
2. When she/he is formally charged with the commission of a crime and her/his continued presence at the College is deemed potentially dangerous.
  3. When there is evidence that she/he may have violated a local, state, or federal law, but civil authorities have not taken jurisdiction or imposed penalties.
  4. When she/he is reported to the College for misconduct which is considered to be prejudicial to the academic functions or to the reputation of the College.
  5. When she/he used the college's name for soliciting funds or for some other activity without prior approval by the proper college authority.

In summary, rights and responsibilities are equal for all persons. Federal, state, and local laws apply on the campus. Rights and responsibilities are mutually and irrevocably intertwined. Disorderly conduct will not be tolerated. The College places primary responsibility for student conduct on the student.