

BROOKLYN LAW SCHOOL

POLICY REGARDING THE MAINTENANCE OF PUBLIC ORDER

RESPONSIBLE OFFICERS: The Vice Dean and Chief Academic Officer; Executive Vice President of and Chief Operating Officer; Dean of Students; Director of Campus Safety; Human Resources; General Counsel and Chief Compliance Officer

DATE ISSUED: May 22, 1969

DATE REISSUED: August 20, 2018

DATES REVISED: September 11, 2019, May 23, 2024

- I. TO WHOM THIS POLICY APPLIES:** This policy applies to all students, administrators, staff, faculty, and any other persons on the Law School's premises.
- II. THE PURPOSE OF THIS POLICY:** The purpose of this policy is to ensure, pursuant to Section 6430, Article 129-A of the New York State Education Law, that Brooklyn Law School's premises and other Law School property are used for educational purposes without undue interference or disruption, and to ensure the mental or physical health and safety of faculty, students, administrators, staff and all other persons lawfully on Law School premises.
- III. DEFINITIONS:**

Dean – Includes the Dean and President of the Law School ("Dean") and any party designated by the Dean to act under the Dean's authority.

Educational Purposes – Includes teaching, scholarship, academic pursuits, and any other activities on the Law School's premises related to legal education and its administration, the legal profession, and student life, including student organizations.

Law School Premises – Any buildings or space owned, rented, or otherwise lawfully occupied by Brooklyn Law School for educational purposes.

Student Organization – This definition includes the *Law Review*, *Journal of International Law*, *Journal of Law and Policy*, *Journal of Corporate, Financial and Commercial Law*, *Moot Court*, and every society, association, or committee, of which two or more students of Brooklyn Law School are members, whether organized for educational, scholarly, social, communal, or other purposes and whether or not officially recognized by the Student Bar Association of the Law School.

Person – The word "person" shall include a student, faculty member, administrator or staff member, a visitor to the Law School (including a vendor), an invitee, licensee, or trespasser.

Retaliation –action taken to deter an individual from reporting, filing, or supporting a complaint of a violation of Law School policy.

IV. POLICY:

- a. No person may destroy, mutilate, or deface any Law School property or the property of any member of the faculty, staff, or student body located on Law School premises.
- b. No person may disrupt the normal functioning of the Law School by interfering with its educational activities, processes, programs, or facilities, or interfering with the rights of others who wish to avail themselves of the law school's instructional, administrative, scholarly, or community services. Prohibited interference can include, but is not limited to: obstructing access to classrooms or other facilities; blocking doorways or entrances; making of excessive and unreasonable noise; creating encampments in common areas; or harassing, intimidating, or attempting to cause harm to students, faculty, administrators, staff, or visitors.
- c. No person shall engage in any conduct that:
 - i. recklessly or intentionally endangers the mental or physical health of students, administrators, staff, faculty, or anyone else lawfully on the Law School's premises;
 - or
 - ii. involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization.
- d. The Dean may eject any person who engages in any conduct prohibited by this policy. For that purpose, the Dean may employ all legal means.
 - i. If the violator of this policy is a *student*, charges shall be preferred, and a hearing shall be held in accordance with the [Student Disciplinary Procedures](#). If, as a result of that hearing, the student is found culpable of the charge, the student may be reprimanded, suspended or expelled, or any other penalty provided by those Procedures.
 - ii. If the violator is a member of the *faculty*, charges shall be preferred, and a hearing held pursuant to the Faculty Regulations. If a faculty member is found culpable of the charge, the faculty member may be censured, suspended with pay, lose tenure status or be discharged, or any other penalty provided by those Regulations.
 - iii. If the violator is an *administrator or staff member*, charges shall be preferred under the appropriate disciplinary process and if found culpable, the administrator or staff member may be reprimanded, suspended without pay, or discharged.
 - iv. If the violator is a vendor or visitor to the Law School community, appropriate

action will be taken at the discretion of the Dean, including rescinding permission to operate, meet, or conduct any business on the Law School's premises in addition to any other equitable, contractual or legal remedy.

In the case of a student organization that authorizes or permits conduct prohibited by this policy, the Dean may rescind permission for that organization to operate on Law School premises or to benefit from receiving Law School resources.

In all cases, if charges are preferred, the person against whom the charges are preferred has all rights as set forth in the appropriate disciplinary procedures. The charges will be reviewed de novo without any presumption arising from the fact that charges were preferred.

V. PROCEDURES:

A. Reporting

All incidents which may be a violation of this policy must be reported to the Director of Campus Safety *and* (i) the Dean of Students (if a student or student organization is involved); (ii) the Vice Dean (if a faculty member is involved); (iii) Human Resources (if an administrator or staff is involved); or (iv) the Executive Vice President and Chief Operating Officer (if a vendor is involved).

B. The Investigator

The matter will be investigated by the Director of Campus Safety. If the complaint of a violation of this policy also includes a violation of the Law School's Sexual Misconduct Policy, the matter will be investigated by the Director of Equal Opportunity, who is also the Title IX Coordinator.

C. Notification of an Investigation

The investigator will promptly notify the complainant and respondent that a prompt, thorough and impartial investigation of an alleged violation of this policy has commenced. Simultaneous notification shall be made by email to the complainant and respondent's Law School email accounts. If a complainant or respondent does not have a Law School email account, notification shall be made either by personal delivery, overnight mail with signature, or known email address, and shall include a copy of this policy.

The Notice shall contain: (1) the date, approximate time, and location of the alleged policy violation; (2) a description of the factual allegations; and (3) a summary of potential sanctions associated with the alleged violation and information about the applicable disciplinary process.

Please note that the Law School may be the complainant seeking redress under this policy.

D. Evidence Gathering

The investigator will interview the parties to the complaint, as well as any witnesses who have been identified. The investigator will ask the parties and witnesses for any documentary, electronic, or other evidence related to the complaint that they may want to offer. The investigator may also independently gather available evidence as part of the investigation. For complaints involving sexual misconduct, prior sexual history with persons other than the charged party in a disciplinary proceeding is not considered evidence and will be excluded. Please refer to the Sexual Misconduct Policy for further information on the evidence gathering.

All individuals interviewed shall be advised to maintain the confidentiality of the investigation process and not to disclose any information related to the complaint unless otherwise required by law. Maintaining confidentiality is important to preserve the integrity of the investigation, protect privacy of those involved in the matter, and deter retaliation.

The investigation process is an internal procedure, so the presence of legal counsel or third-parties is not permitted at any stage of the investigatory process.

E. The Standard Applied to Investigations

The investigator shall state a conclusion as to whether a violation of this policy occurred under the *preponderance of the evidence* standard. Under this standard, it must be more likely than not that a violation of the policy occurred.

F. Interim Measures

The Law School may take appropriate interim measures during the pendency of the investigation as necessary. Such measures may include, but are not limited to, separation or “no contact” orders, housing and work reassignments, academic or work schedule modifications, and counseling for emotional support. Failure to comply with the terms of any interim measures imposed constitutes a violation of this policy.

G. The Disposition of the Complaint

The investigator will prepare a written report of the investigator’s findings of fact, not a determination as to whether charges should be preferred. Such determination will be made by one of the following based on the investigator’s findings:

(a) the Vice Dean if the matter involves faculty; (b) the Dean of Students if the matter involves students or student organizations; (c) Human Resources and the supervisor if the matter involves administrators or staff; and (d) the Executive Vice President and Chief Operating Officer if the matter involves a visitor/vendor. If a conflict of interest exists, an alternate person will be selected to review the investigator’s report.

Preferred charges shall be adjudicated de novo according to the appropriate disciplinary procedures.¹ The outcome of the appropriate disciplinary procedure shall be communicated to the complainant and respondent in the same manner as in Notification of an Investigation above

H. False Allegations

If the results of an investigation show that the complainant knowingly filed false accusations under this policy, or that a witness gave false statements, such individuals will be referred to the appropriate disciplinary process for prompt action.

I. Time Frame

In general, the investigation, disciplinary process and appeal, if any, will not exceed sixty (60) days, although the Law School reserves the right to exceed this time frame in order to conduct a thorough investigation.

J. Appeals

Appeals shall be pursued through the appeal process set forth in the appropriate disciplinary procedures used to pursue sanctions.

VI. RETALIATION

Retaliation against any person for reporting an incident under this Policy is prohibited.

The Law School will take every step necessary to protect the parties and any witnesses against retaliation for reporting an incident under this Policy or for participating in the investigation of an incident.

If you believe that you are the subject of retaliation because of making a report or assisting in an investigation in under this Policy, you must promptly contact the investigator for immediate action.

Disciplinary action will be pursued against any administrator, staff member, faculty member, or student who retaliates against any individual who reports, witnesses, or participates in the investigation.

¹ For students, consult Student Disciplinary Procedures located in the Student Handbook. For faculty, consult the Faculty Regulations, and for administrators and staff, consult the Employee Handbook.

VII. DISCLAIMER

This Policy does not form an agreement of any kind. It is for internal purposes only and may be altered, modified, or rescinded at the discretion of Brooklyn Law School.