

A Brief Legislative History of the Rules

The Rules of University Conduct as now written derive from a set of Interim Rules put in place in the fall of 1968 following the building takeovers by students the previous April. Once the Senate was established by campus-wide referendum in the spring of 1969, responsibility for these Rules was handed to a special Senate committee.

The need for the Rules was evident after the disruptions of 1968. Free speech, especially on political matters, was a central value at universities, but expression could not be allowed to take forms, as it had done then, that were inimical to the educational process.

The need for order on campuses was recognized at higher levels, too, by the passage of the Henderson Act, which required colleges to adopt regulations for the maintenance of public order as a condition of State aid and assistance. The Rules were understood to comply with that Act, as well as with other legal requirements imposed upon State colleges, like minimal due process in discipline, even though Columbia as a private institution was not compelled to comply.

The first version of the Rules (called Interim Rules) was in effect from 1968 until 1973, during which time over 130 cases were handled, some resulting in suspensions. In 1973, the Rules were substantially revised by the Senate and the Trustees and incorporated into the Statutes of the University. Particularly, violations were spelled out in greater detail in this version, and the proceedings were styled as fact-finding rather than adversarial.

Under the 1973 Rules, four separate hearings were conducted, but it was found that the proceedings tended to break down due to excessive red tape and a clash in the roles assigned to various players. The Legislative Drafting Fund was therefore commissioned to rewrite sections of the Rules to obviate these shortcomings, which resulted in further revisions to the Rules in 1982.

The Rules Committee at this time had wished to remove lawyers as much as possible from the process, to make it more simple and collegial, but University trustees insisted on students' right to legal counsel.

After students conducted a lengthy blockade of Hamilton Hall in 1985, the Rules Committee suggested further amendments based on the lessons of that incident. The Rules were changed so that lawyers representing students need not be affiliated with the University, hearing officers were not to be affiliated at all except possibly as alumni, and transcripts could not be withheld while charges were pending. A paragraph was also added to the Rules clarifying the University's commitment to due process and free speech, even though it was not bound by Constitutional rights in that area. Not everyone agreed with the hearing officer's interpretation in that case of the definition of a blockade, which in the view of many was too lenient, but no action was taken to clarify the matter at that time.

A day-long blockade of Hamilton Hall in 1987, particularly after the hearing officer in that case relied on the interpretation of the previous hearing officer on blockades, led to discussion in the Rules Committee and elsewhere about the effectiveness of the Rules as written to deter disruptions.

The matter did not come to a head until another incident occurred in February of 1988 when an Israeli speaker on campus was booed down by Palestinian students and prevented from speaking. The Senate voted that month to instruct the Rules Committee to suggest amendments that would strengthen the Rules to increase their value in deterring disruptions, and incidentally to cut the costs associated with formal hearings, which had run into the tens of thousands of dollars.

In short order the Senate acted on a set of changes at its March and April meetings that year. Citing the blockades of 1985 and 1987 as cases where persons found guilty of participating in demonstrations deemed unlawful and disruptive had resulted in substantial penalties, the Rules Committee recommended an amendment that would overturn the hearing officers' interpretation that a blockade of a building, or similar disruptions like booing down a speaker, were not necessarily serious violations of the Rules.

The Committee also recommended that the formal (and expensive) hearing process be reserved for serious violations only, the rest to be handled routinely through Dean's Discipline. Since the hearing officers would now be limited to dealing with serious charges, the Committee suggested that they also be limited in the array of penalties they could impose to suspension or dismissal. The milder penalty of Censure would only be available if the student chose to submit to Dean's Discipline, an added incentive to take that less expensive route.

Minor changes were made again the following year, and discussion continued about whether it was desirable or possible to fill in every shade of meaning in the definition of blockades.

Prepared in May, 1993, and updated in October 2014.

***2014 update:** Since 1993 there have been disruptive campus protests, including building occupations in the name of ethnic studies in 1996 and the Minuteman episode of 2006. But the case for which Senate manager Bill Phipps supplied his historical summary—involving a building occupation protesting the development of the area near the Medical Campus where the Audubon Ballroom had stood—was the last one the University tried under the hearing procedure for charges of serious violations that is outlined in the Rules of Conduct (§447). Since 1993 there have been no changes to the Rules, and the Rules Committee has met only sporadically—until last year, when the current round of deliberations got under way.*