Attachment 2

MICHIGAN STATE
UNIVERSITY

October 26, 2012

MEMORANDUM

To: Trustee Policy Committee

From: Fred L. Poston

Subject: Revision of Ordinances 15, Disorderly Assemblages or Conduct, and 47, Obstructing Official Business

RECOMMENDATION:

BE IT RESOLVED that the Trustee Policy Committee recommends to the Board of Trustees that, effective November 1, 2012, University Ordinances 15.00 and 47.00 be amended as indicated on the attached Exhibit A, including changes to Ordinances 15.01, 15.02, 15.03, and 15.05 and the addition of new Ordinance 47.02.

BACKGROUND:

The Office of the General Counsel and the Department of Police and Public Safety have been considering changes in the Ordinances arising out of the decision of the Michigan Supreme Court in *People v Rapp*, 492 Mich 67 (2012). The proposed changes reflect their recommendations.

The present versions of Ordinances 15.00 and 47.00 are attached for your information as Exhibit B. Please note that no changes are proposed in Ordinances 15.04, 15.06 - 15.11, and 47.01.

c: Trustee Finance Committee, L.A. Simon, K. Wilcox, R. Noto, J. Dunlap

OFFICE OF THE
VICE PRESIDENT FOR FINANCE AND OPERATIONS

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15.00 DISORDERLY ASSEMBLAGES OR CONDUCT

.01 No person shall, without authorization, assemble together anywhere on the campus for the purpose of creating any excessive noise or any disturbance, riot, or raid, ~~or disruption,~~ or assemble in a manner which obstructs the free movement of persons about the campus or the free and normal use of University buildings and facilities~~,~~ or which prevents or obstructs the normal operations of the University.

.02 No person shall ~~disrupt~~ obstruct, hinder, or impede the normal operation of any ~~properly authorized~~ class, laboratory, seminar, examination, field trip, or other educational activity of the University.

.03 No person shall ~~disrupt~~ obstruct, hinder, or impede the normal use or operation of any campus building or area which has been assigned or scheduled ~~by appropriate means~~ for educational or extracurricular activities~~. I~~, includ~~ed~~ing ~~within~~, but not limited to, ~~the foregoing, is the use of appropriate buildings or areas for~~ dramatic or musical presentations, lectures, athletic events, military exercises, orientation meetings, ~~registration, c~~commencement ceremonies, and placement activities.

.05 No person shall obstruct, hinder, or impede ~~disrupt~~ the normal operations~~activity or molest the property~~ of any person, firm, or agency, or the use of its property, while that person, firm, or agency is providing a service or carrying out ~~service,~~ an activity or agreement for or with the University.

47.00 OBSTRUCTING OFFICIAL BUSINESS

.02 No person shall hinder or obstruct any traffic officer, parking officer, or other subordinate officer appointed by the Police Chief under Ordinance 4 in the performance of that officer's duties, or aid or abet any person doing the same.

15.00 DISORDERLY ASSEMBLAGES OR CONDUCT

.01 No person shall, without authorization, assemble together anywhere on the campus for the purpose of creating any excessive noise or any disturbance, riot, or raid, or assemble in a manner which obstructs the free movement of persons about the campus or the free and normal use of University buildings and facilities or which prevents or obstructs the normal operations of the University.

.02 No person shall obstruct, hinder, or impede the normal operation of any class, laboratory, seminar, examination, field trip, or other educational activity of the University.

.03 No person shall obstruct, hinder, or impede the normal use or operation of any campus building or area which has been assigned or scheduled for educational or extracurricular activities, including, but not limited to, dramatic or musical presentations, lectures, athletic events, military exercises, orientation meetings, commencement ceremonies, and placement activities.

.05 No person shall obstruct, hinder, or impede the normal operations of any person, firm, or agency, or the use of its property, while that person, firm, or agency is providing a service or carrying out an activity or agreement for or with the University.

47.00 OBSTRUCTING OFFICIAL BUSINESS

.02 No person shall hinder or obstruct any traffic officer, parking officer, or other subordinate officer appointed by the Police Chief under Ordinance 4 in the performance of that officer's duties, or aid or abet any person doing the same.

EXHIBIT B

Ordinances

15.00 DISORDERLY ASSEMBLAGES OR CONDUCT

15.01 Unauthorized assembly
15.02 Disruption of educational activities
15.03 Disruption of normal campus building or area activities
15.04 Public address systems or other amplification
15.05 Disruption or molestation of persons, firms or agencies
15.06 Enter athletic contest or exhibition
15.07 Projected or dropped objects at assemblages
15.08 Public event admission restrictions
15.09 Enter steam tunnel, mechanical or boiler rooms
15.10 Noise disturbance
15.11 Public urination or defecation

.01 No person shall, without authorization, assemble together anywhere on the campus for the purpose of creating any excessive noise or disturbance, riot, raid, or disruption, or assemble in a manner which obstructs the free movement of persons about the campus or the free and normal use of University buildings and facilities, or prevents or obstructs the normal operations of the University.

.02 No person shall disrupt the normal operation of any properly authorized class, laboratory, seminar, examination, field trip, or other educational activity of the University.

.03 No person shall disrupt the normal use of any campus building or area which has been assigned or scheduled by appropriate means for educational or extracurricular activities. Included within, but not limited to the foregoing, is the use of appropriate buildings or areas for dramatic or musical presentations, lectures, athletic events, military exercises, orientation meetings, registration, commencement ceremonies, and placement activities.

.04 No person shall use public address equipment, bullhorns, or other methods of sound amplification anywhere upon the campus except through written permit by the Secretary of the Board of Trustees.

.05 No person shall disrupt the normal activity or molest the property of any person, firm, or agency while that person, firm, or agency is carrying out service, activity or agreement for or with the University.

.06 No unauthorized person shall enter upon the playing area of any athletic contest or exhibition while said contest or exhibition is in progress.

.07 No person shall project or drop any object which could cause injury, damage, or interference in the spectator or playing area during any athletic contest or exhibition.

.08 No person shall enter or attempt to enter into any dance or social, athletic, theatrical, or other public event without a ticket of admission to such event when such tickets are required, or enter or attempt to enter contrary to any established rules or qualifications for eligibility for attendance at such events as provided by the sponsors. No person ineligible to attend such events shall loiter about the premises where such an event is being held.

.09 No person shall enter any steam tunnel, mechanical room or boiler room unless required to do so in the proper performance of assigned University duties.

.10 No person shall make, or continue, cause or permit to be made, orally or by use of any device, any unnecessary noise disturbance. Noncommercial public speaking and public assembly activities conducted on any public space or public right of way shall be exempt from this section, except as

otherwise provided herein.

.11 No person shall urinate or defecate in any public place or upon any public or private property, except in a sanitary facility intended for such activities.

The following acts, and the causing thereof, are hereby declared to be violations of this section:

Sound Production and Reproduction System. The playing, using or operating, or permitting the playing, using or operating, of any television or radio receiving set, musical instrument, or other machine or device for producing, reproducing or amplifying sound, in such a manner as to create a noise disturbance, or at any time with a louder volume than is reasonably necessary for convenient hearing for the person(s) present in the room, vehicle or other place in which such instrument, machine, set or device is operated and who are voluntary listeners thereto. The operation of any such television or radio receiving set, instrument, machine or device between 11:00 p.m. and 7:00 a.m. of the following day in such a manner as to be plainly audible at a distance of seventy-five feet from the building, structure, vehicle or other place in which it is located shall be prima facie evidence of a violation of this section. This subsection shall not apply to noncommercial speech.

Enacted: September 15, 1964
Amended: April 20, 1973
Amended: December 10, 1994
Amended: February 11, 2005

Ordinances Table of Contents

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Ordinances

47.00 OBSTRUCTING OFFICIAL BUSINESS

.01 No person shall hinder, oppose, obstruct or resist any police officer or any other law enforcement officer performing law enforcement duties as such, or aid or abet any person doing the same.

Enacted: December 10, 1994

Ordinances Table of Contents

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