

Demonstrations Expression and Protests Policy

I. Scope/Policy

The right to freedom of expression at Clark includes the right to acts of peaceful dissent, nonviolent protests, and orderly demonstrations including picketing and the distribution of leaflets. This document outlines the University policies that govern such expression, and aligns with the institutional Statement of Freedom of Expression and Community Values.

Time, Place, and Manner Restrictions

The University may impose reasonable time, place, and manner restrictions in a content neutral manner on the exercise of the right of free expression to preserve the safe and orderly operation of the campus. Freedom of expression must be exercised in a manner that:

1. Shall not interfere with or obstruct the free flow of pedestrian or vehicular traffic;
2. Shall not prevent or disrupt the effective carrying out of the academic, educational, or essential operational functions of the University;
3. Shall not prevent or disrupt the effective carrying out of classes in session or other scheduled academic, educational, or co-curricular programs;
4. Shall not unduly impede a person's opportunity to freely and fully participate in the curricular, co-curricular, and extra-curricular activities of the University
5. Shall not promote an unlawful end, such as promoting violence to persons or property, harassment or discrimination, or intimidation; and
6. Must comply with all applicable federal, state, and local laws.

Protests, counter-protests, and demonstrations are generally permitted to last until or unless University officials determine that disruption (see *Disruption* section below, page 1) has occurred, building closure has not been adhered to, or the rights of others have been significantly infringed. In order to maintain the safety of all involved, the University Police and other University officials have the right to intervene during any demonstration, protest, or speech when they deem violence, intimidation, or harassment to be imminent.

Noise Level

All protests and demonstrations held outdoors are subject to reasonable expectations for noise, considering disruption to classes, University business, and to our neighbors. University officials will determine if the noise level for any outdoor protest or demonstration is of an unacceptable volume and participants will be expected to comply with directives in that regard.

Disruption

As stated above, individuals in our campus community have a right to peaceful dissent, nonviolent protests, and orderly demonstrations. Individuals may not disrupt the orderly processes of the University that involve teaching, research, administration, disciplinary proceedings, or other activities. Disruptive actions include but are not limited to blocking

or unduly disrupting the ingress or egress of traffic into campus buildings or on or abutting campus sidewalks and roads, or the unauthorized entry into private offices, work areas, teaching areas, libraries, or social facilities. It is also a violation to harass individuals walking past or observing a demonstration, or to deprive anyone who is exercising freedom of expression the opportunity to speak or be heard, to physically obstruct their movement, or to otherwise interfere with speech rights or academic freedom - either via physical or social media threats, or other unlawful conduct.

Building Occupancy

The total number of participants for indoor protests and demonstrations cannot exceed the posted occupancy for the space per the City of Worcester fire code. Additionally, building closures are expected to be adhered to by participants in a protest or demonstration. For questions regarding occupancy limits or building closure times, contact the Office of Community Standards.

Signs and Banners

Signs and banners will not be permitted in indoor spaces during a protest or demonstration, so as to not interfere with the reasonable viewing, participation, or safety of others. Those wishing to hold or display signs or banners in connection to an event may do so in designated spaces for the event. Signs and displays that are stationary in nature and abnormally large, such that they unduly block pathways, sightlines or create unsafe campus conditions, may potentially be subject to removal.

Only registered students, employees, and those with a formal Clark appointment (such as emeriti or various research appointments, etc.) can post signs and banners on campus. All signs and banners must be posted in designated locations according to University policies. The only location where signs and banners can be displayed without prior permission is Red Square, though these displays must heed Clark's policies about vandalism. Intentional and/or repeated violation of this policy may result in appropriate disciplinary actions.

Abuse of Property

Abuse of property may include, but is not limited to, damaging, destroying, misappropriating, misusing, or improperly accessing/unauthorized entry to University buildings, grounds, equipment, computing resources, educational materials or the personal belongings of others. Individuals or groups (including event organizers) who are determined to be in violation of University policy on protests and demonstrations may be held responsible for any damage or costs resulting from those violations.

Participation

Participation in protests and demonstrations on University grounds is a right of members of the Clark University campus community only. Non-Clark community members are not guaranteed the privilege of protesting or demonstrating on campus grounds. Individuals are required to carry proper identification at all times while on University property and are expected to comply with any requests made by University officials to show their campus identification.

Advance Arrangements

In order to ensure effectiveness of the event, safety for all involved, and guidance on University policy, it is highly recommended that organizers of protests and demonstrations make advance arrangements with the Office of Community Standards who may partner with the Demonstrations and Protests Operations Team (DEPOT) (defined in Section III), and other relevant units. When possible, these arrangements should be made at least 48 hours in advance of the event, and must be made within 24 hours in advance of the event. With this advance notice, the organizers and appropriate University members can work together to ensure the safety of all those participating. For events taking place outside of campus grounds, organizers should adhere to all applicable city ordinances, state law, and federal law. For events requiring additional security, more advanced planning time is required.

Compliance with University Officials' Directives

Individuals are required to comply with reasonable directives or requests from University officials acting in the performance of their duties. Noncompliance also includes all acts of dishonesty, including but not limited to personal misrepresentation and knowingly furnishing false information to the University.

II. External Speakers

Organizing an Event

An external speaker must be invited by a recognized student organizations or a faculty or staff member of the campus community. An external speaker is deemed to be anybody who is neither a registered student nor a paid employee of Clark University or someone with a formal appointment (such as emeriti, research appointment, etc.).

Anyone organizing an event that will include an external speaker must follow the process detailed below. Note for Teaching and Scholarly Activities: In keeping with the spirit of academic freedom, the University recommends that faculty and those acting on behalf of an academic unit follow the policy when an invited speaker might invoke protests and demonstrations, in order to ensure peaceful dissent, nonviolent protests, and orderly demonstrations.

The Event Organizer is responsible for (a) informing the University of events they are organizing, (b) providing details of the event/speaker in a timely manner as required, (c) implementing any actions that may be required in order to ensure the event runs peacefully and lawfully. The Office of Student Leadership & Programming/Events Planning will serve as a first point of contact for event organizers.

All speakers taking part in a Clark University-hosted or -run event or activity, on campus or elsewhere, must act in accordance with this policy and it is the responsibility of the event organizer to ensure that speaker(s) are informed of their responsibilities. All external speakers are expected to abide by all existing policies, procedures, regulations, and guidelines.

Clark University reserves the right to specify locations for public address. The University also reserves the right to deny a request by any external speaker if it is determined by University officials that the proposed public address would constitute an imminent threat to the institution's orderly operation or the physical safety of the campus community.

Event Costs

An organization or department hosting an event is responsible for finding coverage for all costs associated with the event, including security, if such is deemed necessary by the DEPOT in collaboration with University administration. Excessive security costs should not be construed as a disincentive to host an event of a controversial nature; groups or programs encountering budget limitations should reach out to the Office of Community Standards or the Office of the Provost as early as possible to plan for event costs accordingly. No University subsidy will be available except by prior arrangement.

III. Demonstrations Expression and Protests Operations Team

The Demonstrations Expression and Protests Operations Team (DEPOT) is an administrative team charged with advising on the specific operational planning and response needs related to demonstrations, protests and other exercises of speech and expression on campus. The overarching goals for the DEPOT planning efforts include:

1. Analysis and planning to support the safety of the campus community, including assessment of security needs and costs;
2. Considerations and actions to support the rights of freedom of expression, open dialogue, and dissent;
3. Supporting the academic mission of the university.

University Police are responsible for public safety and emergency response. Members of the DEPOT or other University offices may be on site during a protest or demonstration to provide support and assistance for the campus community. The DEPOT can work with demonstration leaders, provide policy information, and work to address relevant issues related to the freedom of expression, speech, and assembly.

The DEPOT team does not manage the event planning process, which is coordinated by the Office of Student Leadership and Programming/Events Planning. The DEPOT does not regulate the classroom environment, research labs, or other teaching spaces led by faculty. The DEPOT is not a decision-making body. It is advisory only and can provide leaders specifically charged with managing these issues and processes with information, non-binding guidance, and recommendations. The DEPOT can only serve as a resource and provide consultation as appropriate.

The DEPOT membership includes the Dean of Students, the Chief of Police/University Police, the Chief Officer of Diversity Equity and Inclusion, the Dean of the College, the Chief of Staff and the VP for Government and Community Relations. The VP for

Marketing and Communications is an ex-officio member of DEPOT. The DEPOT may work with other campus constituents on response needs as appropriate. As an informal group, a DEPOT meeting can be organized by any member of this body or other administrative leaders in need of suggestions for the handling of matters articulated in or reasonably related to what is outlined in this Policy by contacting the Dean of the College, who shall serve as the DEPOT Chair. The Chair is responsible for convening the group, helping maintain proper process and decorum when discussing challenging topics, and collecting relevant data that may serve useful for after- action discussions, report-outs, etc.

The DEPOT will convene at least annually to review data from the prior year and may provide reports to the full or some subset of the campus community.

IV. Disclaimers and Restrictions

1. The use of the University's facilities in no way implies an endorsement by the University of the views and opinions of speakers and event organizers.
2. An invitation to speak at Clark University does not include any license for unlawful activity or activity that endangers or imminently threatens to endanger the safety of any member of the community or any of the community's physical facilities. Nor does it license any activity that disrupts or obstructs the essential functions of the University or imminently threatens such disruption or obstruction.
3. The University preserves its right to speak and to act as it deems appropriate to educate members of the Clark community.
4. Failure to comply with a request by a University administrator, University Police officer, or other law enforcement officials may result either in expulsion from the event or other measures to assure safety. Disciplinary actions may also be warranted in such cases.
5. The protocol governing the use of campus space by external groups that rent or use space on campus for a non-Clark event are overseen by the Office of University Events and Ceremonies and the Office of Government and Community Affairs.

V. Policy Application

Members of the Clark University community found to be in violation of the above policy will be subject to proceedings through the appropriate University processes. Violations of the policy pertaining to undergraduate and graduate students will be referred to the Office of the Dean of Students, and faculty and staff will be referred to the Office of the Provost and/or Human Resources.

Related Information

History/Revision Information

Responsible Office/Division: Office of the Chief of Staff

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