

## **GUIDELINES FOR PROTESTS, DEMONSTRATIONS, AND MEETINGS INVOLVING SPEAKERS, FILMS, AND OTHER FORMS OF ARTISTIC EXPRESSION**

*The General Faculty Council adopted the following policy on November 3, 1989 pertaining to student sponsored events. On November 13, 2001 the GFC extended the jurisdiction of this policy to include all relevant campus events. The final version was adopted by the General Faculty on December 3, 2002. An updated version was passed by General Faculty on November 20<sup>th</sup>, 2024.*

**1. COMMITMENT AND RESPONSIBILITIES OF OBERLIN COLLEGE** - Oberlin College is committed to maintaining an environment where open, vigorous debate and speech can occur. This commitment entails encouraging and assisting organizations that want to demonstrate for a specific cause, sponsor speakers, films, and other forms of expression, as well as informing students who seek guidance concerning forms of protest against speakers. Consistent with these obligations, the General Faculty Council promulgates these guidelines, which are intended to be content-neutral.

**2. APPLICATION OF GUIDELINES-** These guidelines apply to all protests and demonstrations on college-controlled property, as well as any meetings held at the college to which speakers are invited, films are shown, or other forms of artistic expression are part of the program. This policy is interpreted by the Dean of Students (or designee). It is important to note that all policies, including but not limited to Student Conduct policies, policies in the Office of Institutional Equity, and the Student Bill of Rights, apply to protest, demonstrations, and events including speakers on-campus. Those campus policies are interpreted by the individual designated as interpreters by each individual policy.

### **3. MEETINGS TO BE DESIGNATED AS OPEN OR CLOSED**

a. A meeting to which a speaker is invited, a film is being shown, or at which there is some form of artistic expression may be designated “open” or “closed.” In either case, incidental college facilities such as room and utilities may be used.

b. Media may be invited to either open or closed meetings.

c. Closed Meetings

(1) A closed meeting may be limited to membership in the organization, or by invitation to designated persons or groups, but cannot be closed on the basis of any category that is, or that is a pretext for, discrimination in violation of the college’s published antidiscrimination policies.

(2) To the extent that a closed meeting is publicly advertised, there should be clear disclosure that the meeting is closed.

d. Open Meetings

(1) A meeting is considered open even though the sponsoring organization limits the audience to members of the college community or to portions thereof (e.g., first-year students) unrelated to the sponsoring organization.

(2) At an open meeting, up to one-third of the seats may be reserved for guests of the sponsoring organization.

(3) Adequate and timely notice—in the Oberlin Review, via posters or flyers, on a college website, or similar advertising—must be given for an open meeting.

### **4. IDENTIFICATION**

According to college regulations, students must show their Oberlin ID when requested to do so by an appropriate college officer. Other attendees may be required to produce identification, so long as identification procedures are enforced consistently and uniformly. When required for an open meeting, identification or media credentials should be checked by an official perceived to be neutral (e.g., an administrator or a designated general student monitor), not by a member of the sponsoring organization or by any person perceived to be partisan.

### **5. DISSENT/PROTEST**

a. **General Principles** - The right to dissent is the complement of the right to speak, but these rights need not occupy the same forum at the same time. During a meeting, the speaker is entitled

to communicate their message to the audience during the allotted time, and the audience is entitled to hear the message and see the speaker during that time. The dissenter must not substantially interfere with the speaker's ability to communicate or the audience's ability to hear and see the speaker. When a meeting is closed, dissent by those not attending is limited to activity outside the meeting that does not impede access to the meeting or substantially interfere with the communication inside. When a meeting is open, the acceptable form of dissent will depend on whether the dissenter is inside or outside the meeting, and on whether the dissenter is acting before, after, or during the meeting.

b. **Some Examples of Dissent** - The following guidelines, which are neither comprehensive nor absolute, suggest the limits of acceptable dissent. As spelled out in the Faculty Statement on

Social and Political Unrest that was adopted on February 27<sup>th</sup>, "A person or persons sponsoring a demonstration or similar action may obtain an advisory opinion from the (Open Expression Observers) Dean of Students."

(1) **Policies during protests and events** – All student policies apply for students while engaging in dissent or protest on-campus. Those policies can be found at this [link](#) and include, but are not limited to, the student conduct policy, posting policy, and policies around student organizations.

(2) **Picketing, literature.** Picketing in an orderly way or distributing literature outside the meeting is acceptable unless it impedes access to the meeting. Distributing literature inside an open meeting is permissible; however, it should cease once the meeting is called to order and after the meeting is adjourned. All literature is subject to the policies set forth in the Posting Policy.

(3) **Silent or symbolic protest.** Displaying a sign (signs are subject to the posting policy), wearing expressive clothing, gesturing, standing, or otherwise protesting noiselessly is acceptable and must not be interfered with, unless the protest interferes with the audience's view or prevents the audience from paying attention to the speaker. Any use of signs, prolonged standing, or other activity likely to block the view of anyone in the audience should be confined to the back of the room. Security may confiscate signs and posters that interfere with the audience's view; signs and posters must be returned on request immediately following the event.

(4) **Noise.** Per the "Student Conduct Policy", noise at protests or during meetings cannot cause "Unreasonable interference with any institutional activity, program, event, or facility".

- Responding vocally to the speaker, spontaneously and temporarily, is generally acceptable. Chanting or making other sustained or repeated noise in a manner which substantially interferes with the speaker's communication is not permitted, whether inside or outside the meeting.

(5) **Locations of Protest** – Sponsoring organizations should reserve a room or space when holding a meeting or a protest. Reservations are made in the Office of Student Leadership and Involvement. If a protest occurs without a space reservation (i.e. Speaker, Rally, or any other valid reservation), the protest may not reasonably interfere with that program. Protests or meetings are not permitted in indoors common areas or lobbies due to safety concerns, fire-code, and disruption to campus operations.

(6) **Force or violence.** Using or threatening force or violence, such as defacing a sign or assaulting a speaker or a member of the audience, is never permitted. Any interference with freedom of movement and the usage of threatening force or violence are all considered serious violations of personal rights. Campus Safety and/or Police Involvement will be required when force or violence is reported.

c. **The Audience's Responsibility During a Meeting** - The audience, like the host and the speaker, must respect the right to dissent. A member of the audience or the host organization who substantially interferes with acceptable dissent is violating these guidelines in the same way as a dissenter who violates the rights of the speaker or audience.

d. **Question and Answer Period in Open Meetings** - In any open meeting the sponsoring organization may arrange with the speaker to assure a reasonable opportunity for a question and answer period.

## 6. SECURITY

- a. The Dean of Students (or designee) shall determine, of their own initiative or after hearing from student organizations or groups, whether the physical protection of students and the campus community requires additional security, or a change in venue or location.
- b. Upon making the determination that security measures are required, the Director of Campus Safety, acting in consultation with the Dean of Students (or designee), will have and will exercise the responsibility to determine the nature and extent of security measures required. The college will fund these measures. They may include, but are not limited to, the following:
  - (1) Bags and other containers may be subject to search only by Campus Safety staff and their delegates. Campus Safety can require that they be put in a checkroom before entering the event.
  - (2) Campus Safety may require that coats or outerwear be put in a checkroom before entrance.
  - (3) Videotaping of the event for security purposes may be done, with notice to the audience. Videotapes will be erased after the statutory time for filing charges has expired or after a final appeal has been handed down. Videotapes may be used only if charges are filed and only as evidence in a conduct hearing.
- c. the sponsoring organization, in consultation with the Dean of Students (or designee) will ordinarily be responsible for planning, obtaining, and funding its own security from or through the Office of Campus Safety.
- d. In the case of safety or security concerns that cannot be properly mitigated, or if security requirements exceed financial or other resources available, the Dean of Students in consultation with the Director of Campus Safety may cancel or move a speaker to a different location.

## 7. USE OF A MODERATOR OR FACILITATOR

- a. *Determination of Need* - The Dean of Students (or designee) may determine that the protection of free expression at a meeting or event requires the use of a moderator or facilitator. If so, the meeting or event shall be held with a moderator or facilitator.
- b. *Selection*- The moderator or facilitator will be selected by the Dean of Students (or a designee) after making every reasonable effort to consult with appropriate stakeholders on-campus, the sponsoring organization, and any others whose advice the dean might find useful. The person selected shall be perceived to be neutral and nonpartisan. The person selected will generally be a member of the college faculty or administration.
- c. *Role* - The moderator or facilitator should make clear at the meeting that their role reflects no position for or against the views of the speaker or sponsoring organization. At the event, final decisions regarding balancing the rights of the speaker with the rights of those who disagree will be made by the moderator or facilitator. These decisions include, but are not limited to:
  - (1) Whether to require a disrupter to leave the room and seek the assistance of Campus Safety to escort the disrupter from the room.
  - (2) Whether to suspend an event temporarily if disruption occurs.
  - (3) Whether to move an event because of disruption or security.
  - (4) Whether to cancel an event because of safety or security concerns.
  - (5) If an event must be cancelled by a special moderator or facilitator before the program has been fully executed, those responsible for the cancellation may be fully or partially liable for covering the costs of the event as determined by the Community Board.

## 8. SANCTIONS

Violation of the free expression rights of any person, as protected in these guidelines, will be treated seriously. Students who violate college policy while engaging in protest or dissent will also be treated seriously. Violators, whether or not they are members of the Oberlin community, may be subject to the following sanctions:

- a. Dismissal from the meeting or event.
- b. Arrest or other legal action.
- c. A referral to the Office of Student Conduct and Community Standards.
- d. A referral will be made to the appropriate faculty committees or college officers or other members of the college community.

## 9. QUESTIONS OF INTERPRETATION

All questions of interpretation and application of these guidelines shall be decided by the Dean of Students (or designee) after consultation, as needed.

#### **10. OTHER RESPONSIBILITIES**

The General Faculty Council (or designee) is responsible for:

- a. Offering advice to the administration concerning the further development and the enforcement of these guidelines through content neutral policies related to time, place, and manner.
- b. Reviewing of the effectiveness of these guidelines and offering proposals for change. The General Faculty Council recommends that the Dean of Students and the Director of Campus Safety adopt the relevant portions of these guidelines for public events sponsored by the college or by departments.