



## University Assembly R. 9: Resolution to Clarify Responsible Free Expression in the Campus Code of Conduct (reported)

Sponsor: Randy Wayne

1 RESOLVED that the first three paragraphs of Title One, Article III, Section B.3 of the Code are  
2 amended as follows:  
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4 **Outdoor** picketing, marches, rallies, and other demonstrations are traditional and legitimate  
5 forms of self-expression and dissent on campus. *The limiting principle for such activities is that*  
6 *demonstrators must* **Such activities are permitted so long as they do** not disrupt other  
7 University functions, including, without limitation, regular and special curricular activities,  
8 extracurricular activities, academic processions and events, conduct of University business,  
9 and employment interviews. The right to free expression here, as in other contexts, requires  
10 respect for the rights of others.

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12 *Because o* **Outdoor picketing, marches, rallies, and other demonstrations generally pose**  
13 **no threat of long-lasting exclusive use of University grounds or property.** , *there appears*  
14 *to be no need for a* **No mandatory university permit procedure for is required for such**  
15 **outdoor activities, provided they conform with applicable policies that are consistent**  
16 **with this Code and with the principles of free expression contained herein, and they do**  
17 **not disrupt University functions. The presence of a counter-protest does not itself**  
18 **constitute a disruption to a university to a university function or authorized event.**

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20 **Even when not required, event organizers may submit a Use of University Property form**  
21 **to assure they are informed of and able to mitigate risks of disruption of University**  
22 **functions, damage to University property, and harm to campus health or safety.**

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24 As to indoor demonstrations such as sit-ins, owners of private property, and even the  
25 administrators of public property, are not required to permit the occupation of buildings by  
26 those who are not present to transact the business or pursue the other purposes that the  
27 offices in the building are intended to serve. Classrooms, libraries, laboratories, living units,  
28 and faculty and administrative offices are dedicated to specific purposes, which the University  
29 must be free to pursue without disruption. The law of trespass and the right of free speech are  
30 not mutually exclusive and, indeed, have always coexisted in our legal system.

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32 Rationale:

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34 Clarify that community members do not have any blanket obligation under the Code to seek a  
35 permit. Suggest that organizations register their events as a means of proactively anticipating  
36 and mitigating risk factors, which is a major reason for the UUP process. Tie limitation on  
37 outdoor demonstrations to the University functions already defined in previous paragraph.  
38 Make clear that the right to demonstrate outdoors does not trump another organization's (an  
39 extracurricular event for a space that any organization may reserve first come, first served) or  
40 even a private party's right (for example a wedding held on campus grounds) to use that space  
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1 for an event if the organization or private party has obtained explicit permission to use that  
2 space during the specified time/place and in the specified way.