

 UNIVERSITY OF DENVER	UNIVERSITY OF DENVER POLICY MANUAL <i>Interim Policy on Demonstrations, Protest, and Free Expression</i>	
<u>Responsible Department:</u> Office of the Provost <u>Recommended By:</u> Provost <u>Approved By:</u> Chancellor	<u>Policy Number</u> PROV 2.30.083	<u>Effective Date</u> May 9, 2024

I. INTRODUCTION

A. Executive Summary

The University of Denver (“University”) is committed to an environment where the open expression of ideas and open, vigorous debate and speech are valued, promoted, and encouraged.

As a community of scholars, we affirm our commitment to critical thinking, inquiry, speech, and assembly. We also approach this commitment as a community of care, with our stated values of integrity, excellence, engagement, and inclusiveness.

To promote our commitment to the free expression of ideas, to further our values of community, and consistent with our commitments to the physical safety of our community and non-discrimination, through this Policy on Demonstrations, Protest, and Free Expression (“Policy”), the University articulates time, place, and manner expectations for the exercise of expressive activity that includes demonstrations, Protests, and Dissent.

B. Commitment to Free Expression

The University adopted a robust Statement of Policy and Principles on Freedom of Expression on May 19, 2017 (“Freedom of Expression Statement”), which is incorporated into University policy through the Statement of Policy and Principles on Freedom of Expression, PROV 2.30.081 (“Freedom of Expression Policy”). This Policy is adopted as a supplement to the Freedom of Expression Policy. Nothing in this Policy is meant to supersede or replace statements in the Freedom of Expression Policy or other applicable University policies. This Policy applies to all activities on University Premises and all other Protests, Events and Meetings (regardless of location) that are part of University Programs.

As noted in the Freedom of Expression Statement:

As a private institution of higher learning, the University of Denver has

historically and consistently dedicated itself to supporting the most fundamental goals of higher education, including establishing a community that promotes a culture of robust debate and open dialogue about a wide range of issues across a number of different campus venues. An essential element of promoting these values is the facilitation of free expression on campus to the fullest extent reasonably possible. The American university is the quintessential marketplace of ideas. Academic discourse and higher order learning cannot take place in an environment in which individuals are not at liberty to express their thoughts and ideas, however controversial or provocative.

The principles of free speech and inquiry are complemented by the principles of debate, challenge, and Protest. While Dissent may be vigorous, it must not substantially interfere with a speaker's ability to communicate, regardless of the speech's content, with an audience's ability to hear and see a speaker, or with the University's ability to fulfill its educational duties and conduct its operations. Dissent also must not interfere with the physical safety or security of Community Members or restrict ingress and egress to physical spaces on University Premises.

II. POLICY OVERVIEW

A. Spaces for Assembly

Recognizing that the University as a private property owner has the right to control access to University Premises, and consistent with the value the University places on free expression, the University makes its University Premises available to Students and Employees for assembly as set forth in this Policy. The University has established procedures for Students and Employees to schedule and hold Protests, Events and Meetings on University Premises consistent with this Policy. Such procedures must be reasonable and not require excessive limitations when not warranted, and it is the responsibility of administrators of space on campus to implement policies and procedures in a manner consistent with the promotion of free expression.

The University will evaluate requests for Meeting, Event, and Protest reservations consistent with this Policy and the applicable procedures, and it will not make decisions on those requests based on the content of any Meeting, Event, Dissent, demonstration, Protest, or viewpoint of any speaker unless such content would otherwise violate this Policy or other University policies.

Notwithstanding any other language in this Policy, any demonstration, Protest, or Dissent that may involve camping (including erection of tents, sleeping, or occupying a location overnight), must be registered with the University and approved in advance. Registration requests must be submitted at least 24 hours

in advance, as provided in the applicable procedures. No indoor spaces are available for camping.

The University may designate the outdoor area to be used for camping Protests and may articulate other content-neutral time, place, and manner restrictions (e.g., restriction on participation to Students and Employees, duration limits, health and safety protocols, sanitation requirements). Protests that include camping are subject to all other terms of this Policy and other applicable University policies. Persons who are neither Students nor Employees may be removed and could be trespass banned from University Premises.

B. Locations for Demonstrations, Protest, and Dissent

Many locations on campus are especially conducive to demonstrations and Protest, and most locations on campus should be welcoming of dissenting opinions. The foundations of this Policy are grounded in the principles of the campus being open and available to Community Members to build community through demonstrations, Protest, and Dissent. As such, all spaces, both indoors and outdoors, are available to support demonstrations, Protest, and Dissent except as provided below.

The University will not make the following locations on University Premises (collectively "Restricted Locations") available for demonstrations or Protest unless a request for use of such spaces is approved through applicable procedures (again, dissenting opinions should be welcomed in nearly all locations on campus):

1. Offices (of another individual), administrative office spaces, residential spaces and apartments, research laboratories or associated facilities, and computer centers;
2. Museums, libraries, or other facilities that contain valuable or sensitive materials, collections, equipment, and records protected by law, or by existing University Policy such as educational records, Student-related or personnel-related records, or financial records;
3. Classrooms, seminar rooms, auditoriums, Meeting rooms, or outdoor spaces in which classes, private Events, or Meetings are being held or are scheduled to be held during the time of the Protest or that are otherwise reserved for use;
4. Athletics and recreation facilities (including but not limited to Daniel L. Ritchie Center for Sports and Wellness, Peter Barton Lacrosse Stadium);
5. Outdoor and indoor locations where allowing a Protest, Event, or Meeting would unreasonably impede the free flow of traffic (either vehicular or pedestrian), create the risk of blocking entrances or exits to classrooms, meeting spaces, and/or private offices, or create undue risks to health and safety;

6. The entrances, parking areas, and sidewalks, as well as the interior areas of buildings in which the University offers services to members of the University Community and others through clinics (e.g., the Health & Counseling Center, Sturm College of Law legal clinics, or clinics associated with the Graduate School of Professional Psychology, Graduate School of Social Work, or Morgridge College of Education);
7. Places of worship; and/or
8. Locations where the University provides or supports emergency facilities, communication systems, utilities, or other facilities or services vital to the continued functioning of the University.

The University will not grant or deny requests for exceptions to use Restricted Locations based on the content of the speech or the viewpoint of the speaker. If the focus (such as an Event with a controversial speaker) of the demonstration or Protest includes one of these Restricted Locations, the University shall designate space for the demonstration or Protest in a nearby location, such as the outdoor spaces in front of the buildings or a common gathering place close to the focus of the demonstration, Protest, or Dissent; but such location will abide by the restrictions above. The University may create a designated space for “counter-speech”, demonstration or Protest which shall not be unduly far from the Event or Meeting, nor be located in an area where the message of protestors cannot be readily observed.

The University may establish reasonably tailored time, place, and manner restrictions in order to preserve University operations and functions. The University will implement these restrictions in a manner that is content neutral, leaves open alternative channels of communication, and is tailored to achieve the University’s interests.

C. Spontaneous, Non-Disruptive Demonstrations, Protest, and Dissent

Notwithstanding University policies and procedures regarding space reservation and Event registration, the University permits spontaneous, non-disruptive demonstrations, Protest, and Dissent, subject to the terms provided below.

A spontaneous demonstration or Protest that is not registered and not scheduled is restricted to outdoor public areas as designated by the University in the University’s protest procedures. The University shall permit such demonstration or Protest to continue unless it must be relocated to allow for previously scheduled activities or to facilitate the continuity of University operations and functions. Spontaneous demonstrations and Protests remain subject to the terms provided in Section III of this Policy.

If, under this Section, the University deems it necessary to terminate or relocate spontaneous, non-disruptive demonstrations, Protest, or Dissent, the University

shall take reasonable steps to provide some advance notice to those engaged in such activities before the activities are terminated or relocated.

Protests that involve the occupation of any space or area for longer than six (6) hours or involve camping on University Premises are not considered “spontaneous” and must follow registration requirements.

D. Internal vs. External Protest

The University acknowledges that some Protest may be externally focused, meaning the topic of Protest is directed at some broader issue beyond the University. Examples may include protesting local legislation or global social injustices, among others. The University also acknowledges that some Protests may be internally focused, directed at the leadership of the institution, at decisions made by faculty or administrators, or toward other members of the community with whom one disagrees. Both forms of Protest are valued, protected, and affirmed.

III. PROCESS OVERVIEW

A. Infringement

Community Members are prohibited from demonstrations, Protests, and Dissent that:

1. interfere with the ability of other Community Members to engage in free expression, demonstration, Protest, and Dissent;
2. disrupt a Meeting or Event in a manner that impedes the ability of attendees of that Meeting or Event to participate, including through excessive noise, continually interrupting a speaker, or preventing an audience from seeing, hearing, or otherwise engaging with a speaker during a Meeting or Event; and/or
3. create undue hardship that substantially impedes a Community Member’s ability to engage in free expression, such as unreasonable space reservation or usage policies.

In addition, Community Members are prohibited from:

4. violating any federal, state, local or other applicable law, including local ordinance, regulation, public health order, or other local safety order (e.g., gaining unauthorized access to restricted areas, refusing to leave an area if instructed, defacing of public and/or private property, violating fire codes, etc.);
5. violating any University policy;
6. interfering unreasonably with the activities or rights of other persons. Factors that the University may consider in determining whether conduct

- is reasonable include, but are not limited to, the time of day, size of audience, and noise level of a Meeting, Event, or Protest;
7. interfering with the operations or mission of the University;
 8. holding Meetings, Events, or Protests under circumstances where the health or safety of persons is endangered;
 9. knowingly interfering with unimpeded movement in a University location (examples may include preventing access to a building, impeding pedestrian or bicycle traffic, blocking fire lanes, or blocking any entrances or exits in a way that creates safety concerns);
 10. injuring persons, damaging property, or threatening to cause such injury or damage;
 11. using or threatening violence or force, or encouraging others to use or threaten violence or force;
 12. engaging in harassment, as defined by state law or University policy; and/or
 13. violating reasonable noise levels.

B. Community Accountability

When the University reasonably determines that an individual may have violated this Policy, the University may remove the individual from the Event, Meeting, or Protest. Removal of an individual who is in violation of this Policy does not preclude the University from taking other actions under law or applicable policies for violations of law, University policy, or University regulations.

In addition, the University may exercise its rights as a private property owner to bring trespass action against individuals engaging in prohibited conduct during Events, Meetings, and Protests, may refer Employees for disciplinary action, may refer students to the Office of Student Rights & Responsibilities for action under the Honor Code, and/or may take other legal action. Violations of this Policy by Students and Employees may result in disciplinary action.¹

C. Sponsor Accountability

Certain responsibilities accompany the holding of a speaker Event or organizing a demonstration, Protest, or Dissent. These responsibilities are especially pressing in cases in which the speaker may hold views that are controversial, or which may be likely to spark a demonstration, Protest, or Dissent.

1. The person(s) or University organization sponsoring the Event is accountable for its proper planning and execution. In the case of a speaker

¹ Free expression and civil disobedience are distinct concepts. Civil disobedience is the act of violating a law or policy that those engaged in disobedience believe is unjust, with the understanding that there may be adverse consequences for the breach of law or policy. In contrast, free expression is largely protected under both law and this Policy.

who is likely to be controversial, the organizer has an obligation to plan the Event sufficiently far in advance to allow for consultation and coordination with relevant University officials to address safety planning.

2. Event organizers must be candid about the identity of the speaker and the possibility that an Event might attract Dissent or Protest by other Community Members. Organizers must complete the Event registration in Crimson Connect or other applicable Event registration platform.
3. Event organizers must follow all established rules for booking space and holding an Event.
4. Those reserving space on campus for a demonstration, Protest, or Event serve as the de facto sponsors of the Event, and they are responsible for all of the duties set forth herein, in the procedures, and in other applicable University policies. They are expected to know all of the details of the Event, attend throughout the course of the Event, communicate applicable University policies and requirements to attendees, and act as a responsible party at the Event.

The sponsor is expected to take reasonable steps to deter, limit, or stop conduct that violates University policies.

D. Physical Safety on Campus

The University and the Event or Protest sponsors shall work together to plan and implement an Event or Protest to promote University safety and with the goal of having a peaceful and orderly Event or Protest, with the University bearing the expense for safety arrangements. The University has responsibility for determining, and has authority to direct, the nature and extent of physical safety measures. These may include, but are not limited to, relocating a Protest or Event, changing its timing, employing safety equipment or protocols, implementing ticketing or identification checks at the Protest or Event, or restricting the Protest or Event to certain segments of the community (e.g., only Students and Employees). In those rare instances in which the University concludes that an Event, Meeting, or Protest presents a substantial and immediate threat to public safety, is operating in violation of University policies, or is causing substantial disruption to operations, the University reserves the right to cancel it.

IV. DEFINITIONS

A. “Community Member” means a Student, Employee, trustee, or Third Party.

B. “Events” and “Meetings” means gatherings of Community Members in a location specifically reserved for that purpose (including classrooms and laboratories). Events are generally considered to be public. Meetings are generally considered to be private.

- C. **“Dissent”** means the expression of counterpoint(s) through symbols, speech, satire, posting flyers, distributing leaflets, action, wearing t-shirts or arm bands, and other comparable forms of expression.
- D. **“Employees”** means all full-time and part-time faculty, including those not currently in an active appointment, University staff, Student Employees, temporary Employees, professional research staff, and post-doctoral fellows.
- E. **“Protest”** means dissent with the goal of change, which may attract attention. Protests may include an actual gathering of people to bring attention to the cause, such as picketing, rallies, sit-ins, vigils, or similar forms of expression.
- F. **“Students”** means persons registered for or auditing classes at the University; admitted to or enrolled in any University program; or on University Premises for any purpose related to the same regardless of whether the class, program, or other education activity is credit earning or part of a degree or non-degree program. For the purpose of this Policy, a person is also considered a Student if they have completed the immediately preceding term and are enrolled for a subsequent term or program; if they are representing the University between terms or programs; or, if they have been previously enrolled, but are on a leave of absence or otherwise have a continuing relationship with the University;
- G. **“Third Party”** means any University contractor, vendor, visitor, volunteer, guest, prospective Student, applicant for employment, alumni or other third party when interacting with the University.
- H. **“University Premises”** means all land, buildings, facilities, or other property in the possession of or owned, used, operated, or controlled by the University, including adjacent streets and sidewalks.
- I. **“University Programs”** means events or activities that are sponsored by or affiliated with the University (whether for academic, educational, pre-collegiate, experiential, athletic, artistic, recreation, or other purposes) that are operated either: (1) on University Premises, or (2) off University Premises under the direction and authority of the University.

V. RESOURCES

- A. University Policy SAFE 7.10.061- *Campus Violence*
- B. University Policy EOIX 3.10.010 - *Discrimination and Harassment*
- C. University Policy SAFE 7.10.062 - *Face Coverings*
- D. University Policy PROV 2.30.081 - *Policy and Principles on Freedom of Expression*

- E. University Policy SAFE 3.20.020 - *Possession, Use, or Distribution of Controlled Substances*
- F. University Policy PROV 2.30.080 - *Speaker and Public Events*
- G. University Policy SAFE 7.10.060 - *Weapons on Campus*
- H. University of Denver Honor Code

Revision Effective Date	Purpose