

# Students' Rights and Responsibilities (cont.)

(3) All sponsors need to be mindful that the college is open to members of the Oberlin town community. Members of the college community should consider the placement and timing of posters and their effect on workplace environments and town residents (including children) whose values may be different from their own.

(4) Do not attach posters to surfaces (such as painted surfaces, wood, or glass) that may be damaged by tape, glue, staples, tacks, etc.

(5) Remove posters when the advertised event is over, or after they have been posted for two weeks.

(6) To help ensure that posters remain in place for two weeks, they should bear the date on which they are first posted.

(7) Members of the college community should be mindful of the fact that taping flyers to sidewalks creates significant additional work for college workers and compromises the environment.

## b. Bulletin Boards

Individuals are encouraged to use bulletin boards in a responsible manner. Although individuals and organizations are responsible for making their own decisions about the use of posters and flyers, they should consider the following:

(1) The use of designated public bulletin boards is strongly encouraged.

(2) Pushpins or staples should be used on bulletin boards. To avoid possible puncture of wheelchair/bicycle tires, please do not use thumbtacks or staple guns. Masking tape and/or sticky-tack putty are preferred types of adhesives. Duct, gaffers, packing, or scotch tape should not be used. (These materials are very difficult to remove and cause damage to surfaces.)

(3) No more than one posting for the same event or issue should be placed on a single bulletin board. Avoid posting on top of other material.

## 3. ALTERNATIVE SOURCES OF ADVERTISING (SAVE PAPER)

a. Newspaper ads.

b. Painting a rock in Tappan Square (etiquette suggests that you don't paint over an event that has not yet occurred).

c. Radio (WOBC and other local stations).

d. Outside banner on Wilder porch (must be scheduled in Student Union Office).

e. Inside banner (primarily Wilder lobby).

f. Press Releases (campus and off-campus publications).

g. Information tables in Wilder Bowl (must be scheduled in Student Union Office).

h. Electronic events calendar, Oberlin Online.

## D. Faculty Statement on Social and Political Unrest

*The following statement was adopted by the General Faculty on February 27, 1968, and remains in effect.*

The form and nature of protests and other social and political actions should not obstruct other persons in the exercise of their rights as members or guests of the academic community or in the conduct of their business in a normal manner. Acts of social and political protest must not disrupt the essential operations of the college and should not violate standards of civility and respect important to the achievement of the college's educational purposes.

Because definitions of the limits of acceptable actions cannot be free of ambiguity, and because clarity about the limits and about the penalties that may be incurred for violation of the limits is desirable, the following procedures are established:

1. A person or persons sponsoring a demonstration or similar action may obtain an advisory opinion from the Office of the Dean of Students as to the permissibility of the planned action and as to the possible penalties which the Office of the Dean of Students might impose or recommend if an impermissible action is carried out. If the Office of the Dean of Students rules that a planned action is not permissible, an effort to compromise should be made, in cooperation with the Student Life Committee.

2. If an action is carried out that has been ruled impermissible in accordance with paragraph 1. above, or that has become disruptive in the judgment of the Office of the Dean of Students, the said Office of the Dean of Students, or appropriate representative, will warn the participating students to desist, inform them of the possible consequences of refusal to desist, and allow the participants a reasonable amount of time to desist. The same procedure will be followed when the advice of the Office of the Dean of Students has not been sought.

## E. Faculty Statement of Policy on Student Demonstrations

*The following statement was adopted by the General Faculty on December 17, 1991.*

### 1. FREEDOM OF SPEECH AT OBERLIN/ AFFIRMATION OF INDIVIDUAL RIGHTS

On May 20, 1986, the General Faculty adopted a resolution on freedom of speech and expression that remains in effect today. It urges aggrieved persons or

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groups to make use of established judicial procedures to resolve specific instances in which rights may have been violated and affirms that freedom of speech and freedom of expression be guaranteed to individuals and groups to express whatever views they wish, so long as they do not interfere with the rights of others. The resolution calls upon all members of the college community to continue to foster a climate in which this tradition of academic and civic freedom is both cherished and asserted.

Within this context, Oberlin College emphatically affirms the right of all its members to protest and demonstrate. Both civil authority and college regulations reflect the obligation to balance rights of free speech and expression against such other rights as privacy and normal conduct of business. Thus, the college deems inappropriate any actions that intrude upon the rights of other members of the community, including reasonable expectations of peace and privacy, and tactics or behavior that include coercion, intimidation, or harassment. Additionally, obstruction of the normal conduct of business of the college, or of members or guests of the community are considered inappropriate.

## 2. OBERLIN COLLEGE POLICIES AND PROCEDURES FOR PROTESTS AND DEMONSTRATION

### a. *Existing Authority*

The college recognizes that the legal authority of the Oberlin City Police to enforce laws according to their best judgment extends to all areas of the city of Oberlin, including the Oberlin College campus, and that this authority will not in any way be restricted by college policies and procedures. Additionally, the college reserves the right to invoke its own judicial procedures in response to incidents that may occur at student protests and demonstrations, whether on or off campus.

### b. *Role of Students*

Students enrolled at Oberlin College are subject to the laws of the city of Oberlin, the state of Ohio, and the United States. Students who plan demonstrations or participate in protest activities should be aware of the applicable civil laws and regulations in addition to college regulations that govern their conduct. Consistent with the Faculty Statement on Social and Political Unrest that was adopted on February 27, 1968, students are encouraged to consult with the Office of the Dean of Students prior to sponsoring a demonstration, protest, or other activity where First Amendment rights are exercised, whether on or off the central campus. The purpose of such consultation is to obtain an advisory opinion as to the suitability of the planned action and as to the possible penalties that might be imposed or recommended if an unsuitable action is carried out. Such consultation

may also reduce the chance that students might place themselves at risk by unknowingly violating college regulations or civil laws and regulations. The college recognizes that students may choose to participate in spontaneous demonstrations and that prior notification from students therefore may not occur. Whether the advice of the Office of the Dean of Students has or has not been sought, students participating in a protest or demonstration should be prepared to assume the consequences of their behavior.

Students are also encouraged to communicate openly and actively with faculty and administrators who they feel can assist them in developing effective strategies for attempting to bring about institutional change.

### c. *Role of College Officials*

Professional staff in the Office of the Dean of Students and those college officials who hold broad responsibility for institutional policy are expected to maintain active and open channels of communication with students and to advise them on the most effective strategies for attempting to bring about institutional change. In the interest of student safety and the protection of student rights, college officials and other members of the community who learn about demonstrations and protests, whether on or off campus, are encouraged to notify the Office of the Dean of Students immediately. In the event of student demonstrations, both on and off campus, the Office of the Dean of Students or an authorized designee from that office will serve as the responsible official and spokesperson at the scene for the college. When the Office of the Dean of Students is unavailable, the authorized designated representative of that office will be one of the following, listed in order of authority:

- Associate Dean of Community Life.
- Associate Dean of Students/Judicial Coordinator for Nontraditional Housing and Nonresidential Areas.
- Associate Dean of Student Life/Judicial Coordinator for Traditional Housing.
- Associate Dean of Students/Director of the Multicultural Resource Center.
- Associate Dean of Students/Director of Residential Education.

This person will have responsibility to oversee normal college procedures for student demonstrations, to decide whether and when to call in civil authorities to campus, to act in an advisory capacity to students and police for off-campus demonstrations, and to speak on behalf of the college administration at the scene of any student demonstration. When appropriate, the Office of the

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Dean of Students (or its authorized representative) will notify the Oberlin Police Department of student demonstrations.

#### **d. Role of Campus Security**

Campus security officials act under the authority and at the request of the Office of the Dean of Students in situations involving student protests and demonstrations. In an emergency, until a representative from the Office of the Dean of Students arrives, Campus Security will follow procedures worked out in advance with the Office of the Dean of Students that are intended to provide for the safety of persons and the protection of property from serious damage. These procedures include the following measures:

- (1) Ensure that the Director of Safety and Security and the Dean of Students, or a representative, have been notified.
- (2) Observe the activity from an appropriate location to determine the extent of the protest.
- (3) Maintain a visible but neutral presence until the arrival of the Director of Safety and Security and/or the Dean of Students, or a representative of that office.
- (4) Safety and Security officers shall not undertake any enforcement measures or active enforcement stance unless necessary to prevent physical violence to any person, physical conflict between any persons or groups of persons, or serious damage or vandalism to buildings, physical facilities, or their contents. Security officers shall not employ electronic surveillance techniques, nor photograph persons at the scene of any protest.
- (5) Enforcement measures related to the protection of property shall be limited to actions necessary to prevent serious damage or vandalism to buildings, physical facilities, or their contents.

#### **e. Role of City Police**

The legal authority of the Oberlin City Police extends to all areas of the city, including the campus. Police authority is not restricted by college policies and procedures for handling student demonstrations. Nevertheless, the Oberlin Police Department normally will not interfere with any student demonstration conducted on and confined to the central campus, unless the laws of the city or state are being violated, a complaint is filed by a citizen, or the behavior of the protest's participants suggest a risk of physical harm to persons or serious property damage. Property considered by the college to be part of the central campus includes all administrative offices, academic buildings,

student residence and dining halls, libraries, Hall Auditorium, the Allen Art Museum, gymnasiums, and the grounds around them.

Student demonstrations that originate on the central campus and expand onto the public streets or the public right-of-way may be monitored by the city police. The college recognizes that the city police have authority to enforce laws according to their best judgment, and without consultation with college officials. It is urged, however, that before taking action at any student demonstration, the civil authorities would communicate with the responsible college official who would normally be expected to be present at the scene. The purpose of this communication is to allow, when possible, the Dean of Students (or his/her authorized representative) an opportunity to ameliorate the situation.

#### **f. Demonstrations on the Central Campus**

College authority and procedures for handling demonstrations on the central campus fall under the auspices of the Office of the Dean of Students. The dean (or the authorized representative) may summon civil authorities to the campus on behalf of the college and request appropriate action should circumstances warrant such a response.

Standard procedures for college response to central campus demonstrations call for the Dean of Students or an authorized representative, whenever he or she learns of a demonstration, to make every effort to be present at the demonstration and to serve as the responsible college official at the scene. This person, in addition to monitoring the demonstration, will judge the need for college disciplinary action or for the intervention of civil authorities when circumstances warrant. Before initiating college disciplinary action or invoking civil intervention in central campus demonstrations, the authorized college official will typically take the following course of action:

- (1) Attempt to gain an understanding of the demonstrators' grievances, and come to some resolution if possible and appropriate.
- (2) Attempt to notify protesting students about what actions are considered unacceptable and warn them of the consequences if they persist.
- (3) Allow a reasonable time for demonstrators to respond before establishing identification of students liable to college judicial procedure or requesting civil intervention in the case of central campus demonstrations.
- (4) If the behavior of the protest participants indicates an atmosphere of provocation or physical confrontation that is likely to cause a high risk of harm to persons or property,

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or, if the situation is judged as an emergency state such that the existing time will not allow the implementation of the normal procedures presented above, it shall be the responsibility of the dean or authorized representative to formulate and embark upon an appropriate plan of action that is intended to secure the safety of persons and property. Normally, the college will request the appropriate civil authorities to take action only in cases of fire, extensive damage, physical injury to persons, or in some instances, when persons not affiliated with the college are demonstrating.

## **g. Off-Campus Demonstrations**

Student demonstrations that occur off the Oberlin College central campus fall under the jurisdiction of civil authorities and their judgment in enforcing the law. When aware in advance of such demonstrations in Oberlin, the Dean of Students (or the authorized representative) will notify the city police and remain available at the scene in an advisory role, and will invoke college judicial procedures if warranted. College charges against students will be at the discretion of the Office of the Dean of Students. The dean's discretion in such cases would necessarily be informed and guided by consideration of whether the students' behavior poses a threat to college persons or property, or violates college regulations. College-owned homes rented by college employees, college-owned properties rented to persons not affiliated with the college, private homes owned by college officials, and nonresidential college owned properties that are not used for official college functions (such as the Arboretum) are not considered by the college as part of the central campus. Students planning to participate in off-campus demonstrations are urged to be aware that the final authority on what is legally permissible in the city of Oberlin is the Oberlin City Chief of Police. Students should be aware that some protest actions away from the central campus, such as impeding rights-of-way on city streets during a march, may require that they apply in advance for a permit from City Hall.

## **h. Special Cases**

### (1) The President's House, 154 Forest Street.

The college recognizes that the President's home (154 Forest Street) is college-owned property at which official college functions may occur. The President's home is also regarded by many students as a symbol of the college and its administration. Therefore, the President's lawn at 154 Forest Street may, on occasion, be the focus of student protests. When the Office of the Dean of Students learns in advance of demonstrations at this site, the college will treat such protests procedurally as central campus demonstrations.

The city of Oberlin defines the residence at 154 Forest Street as private property in a residential neighborhood. Accordingly, the Oberlin Police Department shall respond to incidents at this site and take needed actions according to the best judgment of the duty officer in charge, pursuant to city police policies. The college urges but cannot guarantee that police action would be taken only after communicating with the responsible college official at the scene (see paragraph 4 below). Students involved in demonstrations at the President's house are urged to consider with care their actions within the context of time, place, and manner (see paragraph 5 below).

### (2) The Oberlin College Inn

The Oberlin College Inn is also college-owned property at which official college functions occur. Therefore, it may, on occasion, be the locus of student demonstrations. When the Office of the Dean of Students learns in advance of demonstrations at this site, the college will treat such protests procedurally as central campus demonstrations. Therefore, the manager of the Oberlin College Inn or his/her representative is urged to notify the Office of the Dean of Students if a student demonstration occurs at the inn. If the dean or authorized representative cannot be reached, the Inn manager should contact campus security, in which case Campus Security will be responsible for contacting a representative of the Office of the Dean of Students.

Because the Oberlin College Inn is a commercial business accessible to the public, it is defined by the city of Oberlin as public property. As a commercial business open to the public, demonstrations at the Oberlin College Inn should not interfere with normal business, including restaurant service, privacy of guests, conferences and meetings, and public access via lobby, driveways, and parking lots. Regarding potential divergence between college and city authorities, see Note to Students" (paragraph 4 below).

### (3) Tappan Square

A court decision has found Tappan Square to be in the city domain and subject to normal city police procedures because it has open access for all citizens. At the same time, Tappan Square is also college-owned property and the site of official college functions such as Commencement. Therefore, it may, on occasion, be the locus of student demonstrations. When the Office of the Dean of Students learns in advance of demonstrations on Tappan Square,

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such demonstrations will be treated procedurally by the college as central campus demonstrations. Again, the college urges that police action would be taken only after communication with the responsible college official at the scene (see 4 below).

#### (4) Note to Students

Persons involved in demonstrations at the above referenced sites are urged to consider with care their actions within the context of time, place and manner (see section 5 below) as well as within the context of the primary authority of the Oberlin City Police. The college will attempt to treat protests at these sites procedurally as central campus demonstrations and will urge that police action be taken only after communicating with the responsible college official at the scene. Nevertheless, students should recognize that the police have the authority to respond to complaints at these sites according to their judgment at the scene and without regard to consultation with college officials.

#### (5) Time, Place, and Manner

The Oberlin College community emphatically affirms the right of all its members to speak out and demonstrate. Restraints regarding time, place, and manner reflect the need to balance the rights of free speech against such other rights as privacy and the normal conduct of business.

Thus, students involved in planning or carrying out demonstrations should bear in mind the following guidelines:

- Actions that intrude upon the rights of other members of the Oberlin College or town community, including reasonable expectations of peace and privacy, will be considered inappropriate.
- Obstruction of the normal conduct of business of members or guests of the community and disruptions of the essential operations of the college will be considered inappropriate.
- Tactics or behavior that include coercion, intimidation, or harassment will be considered inappropriate.

It is important to note that these guidelines describe general procedures. Their application to any specific demonstration shall be governed by the particular situational context. For example, considerations related to time, place and manner would normally be expected to inform and guide judgments about what is considered acceptable and unacceptable behavior. Unambiguous definitions of what is acceptable behavior in all cases cannot be provided. Similarly, unambiguous statements about the

implementation of these guidelines in all cases cannot be provided. For example, what is considered acceptable noise in a residential neighborhood during the day may become unacceptable after 10:00 p.m. What is considered to be acceptable expression of free speech at the Oberlin Inn if no patrons are disturbed by it would become unacceptable if it intruded upon the rights of the public. It is incumbent, therefore, on all members of the college community to be aware of applicable state, local, and federal laws in addition to college regulations that govern their conduct. Oberlin college will cooperate as required by law with civil authorities; the college cannot protect members of its community from prosecution under federal, state or local laws. Within this context, the college seeks to foster a sense of community in a climate of "civility." That is, it seeks to create an environment where free and open expression can take place without intimidation or interference with the rights of others.

## F. Guidelines for Meetings Involving Speakers, Films, and Other Forms of Artistic Expression

The General Faculty Council adopted the following policy on November 3, 1989 for application 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.

### 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 sponsor speakers, films, and other forms of expression as well as informing students who seek guidance concerning forms of protest against speakers. It may also involve paying for extraordinary security measures in connection with a controversial speaker. 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 meetings held at the college to which speakers are invited, films are shown, or other forms of artistic expression are part of the program.

### 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.