

Students' Rights and Responsibilities (cont.)

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.

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- b. The press may be invited to either open or closed meetings.
- c. If an organization or group uses college funds, including student activity fee funds, for costs other than incidentals, the meeting must be designated and treated as open. The cost of the use of room and utilities is considered "incidental." All other expenses are not considered incidental, e.g., a speaker's expenses, an honorarium, and refreshments. These expenses may be covered by the student activity fee or other college funds only if the meeting is open. (This requirement does not apply to meetings for which college funds have been authorized to finance a training event carried on by a chartered organization or college office.)
- d. 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 must be clear disclosure that the meeting is closed.

- e. 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

- a. According to college regulations, students must show and/or surrender their ID card when requested to do so by an appropriate college officer. Other attendees may be required to produce identification, so long as
 - (1) Advance notice is given as to what specific types of ID will be required.
 - (2) Identification procedures are enforced consistently and uniformly.
- b. When required for an open meeting, identification or press 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 as 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. The speaker is entitled to communicate his or her message to the audience during his or her 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 nonattendees 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 (Students' Rights and Responsibilities section V., D.), "A person or persons sponsoring a demonstration or similar action may obtain an advisory opinion from the Dean of Students."

- (1) Picketing, literature. Picketing in an orderly way or distributing literature outside the meeting is acceptable and must not be interfered with unless it impedes access to the meeting. Distributing literature inside an open meeting is acceptable and must not be interfered with before a meeting is called to order and after the meeting is adjourned.
- (2) Silent or symbolic protest. Displaying a sign (signs may not be mounted on poles when displayed indoors), 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.
- (3) Noise. Responding vocally to the speaker, spontaneously and temporarily, is generally

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acceptable. Chanting, coughing, 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.

(4) 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 or with freedom from personal force and violence is a serious violation of personal rights.

c. The Audience's Responsibility

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 in his or her absence the Provost or the President of the College) shall determine, either on his/her own initiative or after hearing from student organizations or groups, whether the protection of free speech at an open meeting requires security measures.

b. Upon making the determination that security measures are required, the Director of Security, acting in consultation with the Dean of Students, 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 the security staff and their delegates. Security can require that they be put in a checkroom before entering the event.
- (2) Security 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 judicial hearing.

c. When a meeting is closed, 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 Safety and Security.

7. USE OF A MODERATOR/FACILITATOR

a. Determination of Need

The Dean of Students (or designee) may determine that the protection of free speech at an open meeting requires the use of a moderator/facilitator. If so, the meeting shall be held with a moderator/facilitator.

b. Selection

The moderator/facilitator will be selected by the Dean of Students (or his/her designee) after making every reasonable effort to consult with the Chair of the Student Life Committee, the sponsoring organization, and any others whose advice the dean might find useful. The person selected shall be perceived to be neutral and nonpartisan. He/she will generally be a member of the college faculty or administration.

c. Role

The moderator/facilitator should make clear at the meeting that his/her 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/facilitator. These decisions include, but are not limited to:

- (1) Whether to require a disrupter to leave the room and seek the assistance of college security 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 security concerns.
- (5) If an event must be cancelled by a special moderator/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 speech rights of any person, as protected in these guidelines, will be treated seriously. Violators, whether or not they are members of the Oberlin community, will be subject to the following sanctions:

- a.** Dismissal from the meeting or event.
- b.** Arrest or other legal action.

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c. For students, disciplinary proceedings before the Community Board, which may impose any of the following sanctions:

- (1) Warning.
- (2) Written reprimand.
- (3) Suspension.
- (4) Dismissal.

Pursuant to existing procedures, these Board sanctions may be noted on the student's transcript.

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 his/her 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 Safety and Security adopt the relevant portions of these guidelines for public events sponsored by the college or by departments.

G. Faculty Statement on Intrusion of Unauthorized Persons into Private Offices

The following resolution was adopted by the General Faculty Council on April 10, 1987 to clarify the college's stance on the intrusion of unauthorized persons into private offices.

The General Faculty Council views with grave concern the intrusion by unauthorized persons into private offices containing sensitive materials. Such intrusion can result in the exposure of confidential information to possible violation and abuse and can constitute serious violations of individuals' rights to privacy.

H. Oberlin College Policy on Discrimination and Harassment

As of its effective date, December 31, 2010, this Policy on Discrimination and Harassment (the policy) incorporates and supersedes all other policies, procedures, and statements on discrimination and harassment previously adopted or issued by Oberlin College and/or its faculty, students, or employees.

1. POLICY STATEMENT

Oberlin College is committed to creating an institutional environment free from discrimination and harassment for students and employees. Thus, discrimination and harassment based on the following categories are prohibited: race, color, sex, marital status, religion, creed, national origin, disability, age, military or veteran status, sexual orientation, family relationship to an employee of Oberlin College, and gender identity and expression. [NOTE: In affirming the prohibition against discrimination and harassment on these bases, Oberlin College also affirms its compliance with applicable laws. Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on race, color, religion, sex, or national origin, and the Age Discrimination in Employment Act of 1967 prohibits employment discrimination based on age against individuals who are 40 years of age or older. Other federal laws prohibit discrimination against individuals in programs or activities that receive federal financial assistance. These laws prohibit discrimination on the basis of race, color, or national origin (Title VI of the Civil Rights Act of 1964), sex (Title IX of the Education Amendments of 1972), disability (Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990), and age (Age Discrimination Act of 1975). In addition, Chapter 4112 of the Ohio Revised Code prohibits discrimination in various contexts based on race, color, religion, sex, military status, national origin, disability, age, or ancestry. Likewise, Section 1185.02 of the Codified Ordinances of Oberlin prohibits discrimination in housing based on race, color, religion, sex, sexual orientation, ancestry, handicap, familial status, or national origin of any prospective owner, occupant or user of the housing.]

In addition, should any applicable law be enacted in the future prohibiting discrimination and/or harassment based on a category not listed above, or should there be other changes in the applicable law governing discrimination and/or harassment, this Policy will be deemed amended to the extent necessary to reflect such changes.

Oberlin College deplors incidents of discrimination or harassment wherever they may occur—for example between students, between employees, and between students and employees. The college is especially mindful of its obligation to seek learning opportunities for its students. Discrimination or harassment, whether overt or covert, may directly or indirectly have a negative impact on students' abilities to learn. Discrimination not only may have undesirable educational and psychological consequences; it is also against the law. Perpetrators of such behavior can be subject to College adjudication processes, including disciplinary action up to and including termination, suspension, and expulsion as appropriate. The community is further advised that recourse can be sought through the Equal Employment Opportunity Commission (EEOC), the Office of Civil Rights (OCR), the Ohio