Statement on Student Right to Dissent and Student Demonstration and Posting Policy

Preamble:

Muhlenberg College believes that freedom of expression and academic freedom are essential to its educational mission. The College endorses the robust, stimulating and thought-provoking exchange of ideas, which requires in-depth and complex educational experiences as well as the space for divergent perspectives. Such engagement encourages our community to critically reflect on how asymmetric power dynamics may privilege and marginalize values, beliefs, and norms.

Principles of freedom of expression and academic freedom may directly challenge individual and group beliefs, values, and/or cultural norms, and grappling with new ideas is crucial to the development of complex thinkers and engaged citizens. However, when such speech or expression crosses the threshold of conduct (as defined by the Student Code of Conduct or the College’s Equal Opportunity Policy) that demeans, denigrates, humiliates, or expresses hatred toward any particular person or class of persons, materially infringes upon the protected rights of others, materially obstructs the operation of the College, or otherwise violates the law, it is no longer recognized as falling inside the bounds of academic freedom or otherwise protected speech.

Guided by the above-stated principles, the Student Demonstration Policy is intended to clarify students’ and student groups’ and organizations’ right to demonstrate, protect students who are demonstrating as well as those who may be harmed by the demonstration, provide transparency with respect to the College’s response (should it become necessary), and ensure the continued operations of the College.

Statement on Student’s Right to Dissent:

The right to dissent is integral to a community grounded on freedom of thought, inquiry and expression. Students and student groups and organizations1 may hold a demonstration (including a rally, gathering, protest, parade or procession) on campus as an expression of support or dissent. This student right is protected so long as it is not in violation of the below “Student Demonstration Policy”.

Student Demonstration Policy:

The College supports the right of students to demonstrate and/or protest on campus as long as their actions and behaviors align with the restrictions stated in this Policy and all expectations of student conduct.

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1 Student groups and organizations include any number of students recognized formally or informally by the College as a student organization, including clubs, organizations, athletic teams, fraternities and sororities and/or cohorts in direct conjunction with current academic courses.
Demonstrations may occur in the form of silent protests, student marches, sit-ins, boycotting of events or services, etc. Some examples may include:

- Standing silently while holding signs at a College-sponsored lecture that is open to the campus (while still allowing the lecture to continue without disruption);
- Organizing a walk-out from class or a sit-in in a public space on campus (while still allowing access to College functions for others); and
- Holding a march across campus or reserving a space for a speak-out to occur.

As the College is generally supportive of students’ right to dissent, we strongly encourage students to discuss their plans with a College staff member who can provide Policy guidance and resources. This may include staff in the Dean of Students Office, Student Conduct, Campus Safety, Student Activities, Community Engagement, Multicultural Life, etc. These staff are trained to provide resources and answer questions about this Policy if needed. Their role is not to discourage or prevent a demonstration from occurring unless they believe there is a danger to Muhlenberg College community members or property.

Examples of resources that College staff may be able to provide include:

- A police escort for a march to occur at night;
- Assistance with contacts or reservations in order to close a street, cordon off a space outside or within an event space, reserve a room for meeting on campus, obtain a city noise ordinance, provide College access to sound equipment or lighting; or
- Offer interpretation of aspects of this Policy and/or advice on how to effectively demonstrate within the boundaries of College policy.

Demonstration actions by students may not materially infringe upon the protected rights of others. Accordingly, such actions may not:

1. Obstruct entrances or exits of buildings, or areas of egress;
2. Interfere with College business or activities;²
3. Disrupt scheduled College ceremonies or College-sponsored or approved events;³
4. Damage, deface, or destroy College property;
5. Cause a safety issue for others in the immediate vicinity;⁴ or
6. Impede traffic or block traffic flow on campus or between campus locations.

In addition, students and student groups and organizations could be in violation of this Policy if:

1. They interfere with the activities of others on campus;⁵
2. They cause injury to persons or property or threaten to cause such injury;⁶

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² For example, walking into a class when in session or demonstrating on the athletic field during a sanctioned athletic contest.
³ For example, heckling an invited speaker.
⁴ For example, setting fire to something or throwing things.
⁵ For example, causing disruption to students rehearsing a play or to students studying in the library.
⁶ For example, use of a weapon or use of verbal or physical violence.
3. They hold meetings or events or participate in actions that endanger the physical health or safety of themselves or others⁷;
4. They knowingly interfere with unimpeded movement in a College location⁸; or
5. They hold a demonstration in any of the following locations:
   (a) Private offices, private residential living spaces, research laboratories and associated facilities, and computer centers; or
   (b) Offices, museums, libraries, and other facilities that normally contain valuable or sensitive materials, collections, equipment, records protected by law or by existing College policy such as educational records, student-related or personnel-related records, or financial records; or
   (c) Classrooms, seminar rooms, auditoriums or meeting rooms in which academic classes or private meetings are being held or are immediately scheduled.

Students who are exercising their rights under this Policy must also abide by all other College policies, including the Student Code of Conduct and the Equal Opportunity and Nondiscrimination Policy, as stated in the Student Policy and Resource Guide: https://www.muhlenberg.edu/offices/deanst/services/student_guide.html

College Posting Policy:

The Muhlenberg College Posting Policy can be found here. Students may choose to demonstrate or protest through a passive campaign including fliers, banners, etc. If using these methods, these must be done in line with College policies, including:

1. All postings must include clear contact information for the sponsoring group or organization. Fliers posted without contact information that identifies a specific Muhlenberg faculty, staff, student or student organization will be removed from posted locations.
2. All expired postings (postings representing past events or outdated information) must be promptly removed by the individual/organization responsible for the posting.
3. Postings may not:
   i. Promote or condone behavior that violates College policies and/or values, or local, state or federal law;
   ii. Include content that is objectively offensive or biased against any protected class.

Guidelines for Resolving a Concern related to a demonstration:

If there is a need to address a concern related to a student demonstration, College administration will follow the guidelines below:

1. While not required, a student organizer(s) or advisor(s) may proactively identify themselves to the Vice President of Student Affairs (VPSA)/Dean of Students and/or

⁷ For example, demonstrating on the roof of a building.
⁸ For example, blocking food traffic entering and exiting the dining hall.
designated College official so that the College is aware of who to communicate with should a concern arise.

2. If the student organizer(s) or advisor(s) are known to the College, the VPSA/Dean of Students and/or designated College official may reach out to them to make them aware of boundaries and ways in which the College can support the group with their demonstration efforts (i.e. provide escorts, close streets or lots, direct traffic, etc.).

3. If there is a need for adjustment or if a concern arises, the VPSA/Dean of Students and/or designated College official will reach out to the identified student organizer(s) or advisor(s), or the individual(s) who appears to be leading/organizing or advising the group to share concern(s) and request a change if necessary.

4. If a change is requested but student demonstrators continue to conduct themselves outside of the boundaries of this Policy, the VPSA/Dean of Students and/or designated College official will make a good faith effort to work with the organizing group to adjust the demonstration so that it aligns with this Policy and is able to continue.

5. If student demonstrators continue to conduct themselves outside of the boundaries of this Policy after requests are made to adjust the demonstration, the VPSA/Dean of Students and/or designated College official will warn the demonstrators that if adjustments are not made to align with this Policy, the demonstration is at risk of being closed.

6. If the demonstration continues to move forward without adjustments to align with this Policy after the warning is given, Campus Safety will be authorized by the VPSA/Dean of Students to step in and bring the event to a close, using the least amount of effort necessary to close the event, in conjunction with other Dean of Students Office staff.

7. If it becomes necessary for Campus Safety to assist with the closure of an event, they will follow all Muhlenberg College Campus Safety policies and procedures and will notify Allentown Police for support if deemed necessary.

8. At an on-campus event, Campus Safety will only act to bring the event to a close and to gather identifying information of involved parties as needed for follow up. All follow-up related to Policy and conduct violations will be authorized by the Dean of Students Office once order has been maintained and in accordance with College policy and procedures.

9. In the event of an emergency or if any student is actively endangering self or others and/or breaking federal, state or local law, Campus Safety will immediately be authorized by the VPSA/Dean of Students (without any prior notice or warning to the student demonstrators) to work in conjunction with Allentown Police to take necessary measures using the least effort necessary to bring the situation to a close safely.