



Campus Demonstration

Policy Statement

The University of Vermont is a place to learn and to teach. It is not a cloister--it does not live in a vacuum. It is both in the world and of the world. Its mission is to educate people for leadership in society.--Board of Trustees, May 1969.

As the above quotation suggests, the University functions within the rules governing a larger society. It was created for a special purpose: the facilitation of learning and teaching. It follows that the University's policies must conform to the law as well as take account of the particular role of educational institutions. Fundamental to our entire philosophy is our firm belief that rights guaranteed by the First and Fourteenth Amendments to the Constitution of the United States, including rights to freedom of speech, peaceful assembly, petition, and association must be protected on the campus as elsewhere, and that local, state, and federal laws must prevail on the campus.

Becoming a member of the University community in no way abrogates or compromises the rights that the Constitution of the United States guarantees to all persons. This principle applies to the adjudication of violations of campus policies as well as other areas.

Within the University setting as within society at large, the exercise of one's rights must be tempered by recognition of the rights of others. For example, the exercise to free speech may not unreasonably infringe upon the right to learn. It should not be surprising that conflict may arise between parties engaged in activities that are individually lawful, for a fundamental function of social organization is the reconciliation of competing interests.

Within the University setting more than any other, the appropriate means for conflict resolution is rational discourse. The processes fundamental to the existence of the University cannot be abandoned under stress, especially since they represent the most effective means for progress. Further, the criteria employed to seek lawful accommodation of various interests must grant special attention to the central mission of the University: learning and teaching.

Applicable law and the mission of the University establish the framework within which disagreement, dissent, demonstration, and advocacy may, and indeed must, occur. For

humankind to progress, the educational process must be dynamic even if fraught with controversy, for change cannot take place until the first question is raised. The discovery of new propositions or new solutions may be followed by passionate advocacy. Such advocacy must not, however, compromise the ability of the University to provide safe access to its educational programs and activities.

It is within this context that the University rejects the use of intimidation, threats of violence, or force as the primary means of resolving differences and associated conflicts. Such conduct creates a climate anathema to reasoned discourse and is an unacceptable means of conflict resolution within an institution dedicated to reason. When disruption as defined below occurs, the University must, through its responsible officials, whenever possible and appropriate first attempt to resolve the situation through dialogue. If reasonable efforts to resolve the situation through dialogue fail, or where disruption presents an immediate and significant risk of harm or damage to persons or property, the University, under the direction of the President, may use lawful remedies it deems necessary to protect public safety and to restore order.

Reason for the Policy

See Policy Statement

Strategic Direction

This policy supports the following goal in the University's Strategic Plan:

http://www.uvm.edu/president/?Page=strategic_planning/strategicplan.html

- Create an outstanding student experience that promotes personal and intellectual development

Applicability of the Policy

This policy applies to all University of Vermont students, faculty, staff, University recognized groups and organization, and non-affiliated persons.

Policy Elaboration

None

Definitions

Disruption: is conduct that persistently or significantly interferes with educational or administrative activities, or presents an imminent and significant threat of personal violence or endangerment or property damage.

Consequently, this policy encompasses conduct that:

1. Presents an imminent and significant threat of violence to or endangerment of the health, safety, or welfare of any person on University property;
2. Imminently and significantly threatens, or causes, damage to or destruction of University property or the property of others engaged in lawful activity;
3. Persistently or significantly interferes with, or obstructs, the activities or operations of the University, or a component thereof;
4. Denies free movement of persons on the University campus or any property owned or leased by the University; or
5. Denies customary access to, egress from, or the use of classrooms, laboratories, offices, or other University facilities to students, faculty, staff, administrators, trustees, or guests of the University.

Procedures

Protocol during Disruption

The steps described in this section shall take place under the direction of the President or, in the absence or unavailability of the President, the acting president.

When disruption occurs, responsible administrators shall, whenever possible and appropriate, first attempt to resolve the situation through dialogue. If reasonable efforts to resolve the situation through dialogue fail, or where disruption presents an imminent and significant threat of violence or risk of harm to persons or property, persons engaged in disruptive conduct will first be advised that failure to desist may result in University disciplinary action, issuance of a trespass citation, and/or criminal prosecution; however, in cases where, in the considered judgment of the responsible administrator(s), action must be taken immediately to avert personal injury or property damage, notice of the violation shall be given at the same time as preventive or responsive action is instituted. With respect to possible disciplinary action, this policy is intended to support, not supplant, existing University policies, including without limitation those contained in the Code of Student Rights and Responsibilities, and policies and contract provisions applicable to faculty and staff.

Nothing in this section is intended to, nor shall it, prevent duly authorized public safety officials from taking action consistent with applicable law to protect persons and property.

Adjudication of Cited Violations

Violations of this policy by University students, faculty, or staff may result in disciplinary charges (with sanctions ranging from a warning to permanent separation from the University),

issuance of a trespass citation, and/or civil or criminal prosecution. Disciplinary charges shall be processed through normal institutional channels.

Violations of this policy by a University-recognized group or organization may result in suspension or removal of associated privileges.

Violations by persons not affiliated with the University are subject to trespass citations, civil action, and/or criminal prosecution.

Forms

None

Contacts

The President is the University official responsible for the interpretation and administration of this policy. Given the centrality of this policy to the mission of the University, its terms and manner of implementation shall be reviewed annually by the President in consultation with the presidents of the Faculty Senate, Student Government Association, Staff Council, and other governance leaders as appropriate, and the policy may be revised through normal channels as necessary or desirable, in light of experience gained.

Related Documents / Policies

Facilities and Grounds Use

<http://www.uvm.edu/policies/facil/facsched.pdf>

Banners Display

http://www.uvm.edu/policies/general_html/banner.pdf

Campus Speakers

http://www.uvm.edu/policies/general_html/campus_speaker.pdf

Solicitation

http://www.uvm.edu/policies/general_html/solicitation.pdf

No Trespass

http://www.uvm.edu/policies/general_html/notrespess.pdf

Political Activities Policy Statement: Tax Exempt Organization Restrictions

http://www.uvm.edu/policies/general_html/political_activity.pdf

Effective Date

Originally approved May 19, 2007

Approved by the President September 19, 2011