

Middlebury Handbook



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C.4. Demonstration Regulations

In keeping with Middlebury's Open Expression Policy, these Regulations provide the process for ensuring demonstrations can occur safely and establish Middlebury's time, place and manner requirements. These time, place and manner requirements are intended to ensure safety as well as to protect Middlebury's ability to fulfill its essential operations. Essential operations are operations that are necessary for the daily or regular operation of Middlebury to support and carry out our educational mission and typically cannot be easily moved to another location. For example, teaching classes, maintaining heat and power to the campus, supporting campus events and activities, providing meals to students in residence, clearing snow and ice, are examples of some of Middlebury's essential operations.

Middlebury's mission is to promote intellectual inquiry and exchange in accordance with our three pillars of academic freedom, integrity and respect. The safety of all participants is of utmost importance to Middlebury, and Event Sponsors as well as individual protestors will be obligated to comply with Middlebury requirements designed to protect the safety of our community and to allow Middlebury to maintain its essential operations.

- 1. Anyone who wishes to stage a demonstration or protest on Middlebury property, whether or not it is in response to another event, must submit an Event Scheduling Request. This is required in order for Middlebury staff and offices to review the event to determine whether there are safety or other operational considerations that should be addressed.
- 2. After submitting an event scheduling request, the Event Sponsor(s) should contact both Public Safety and Events Management offices to schedule a meeting to review

Middlebury policies, these Regulations, and safety and operational issues in general.

- 3. The following time, place and manner requirements are ordinarily determined by Events Management in response to an Event Request, in consultation with Public Safety and the office of the VPSA:
 - a. Location
 - (1) The location of a demonstration will be determined by Events Management and other offices. Demonstrations will ordinarily occur in outdoor areas of a Middlebury campus that are generally open to the public.
 - (2) If the demonstration is in response to another Middlebury event, the location of the requested demonstration will be determined with consideration for
 - a. The safety of all participants
 - b. Proximity to the other Middlebury event
 - c. Nature, time and security considerations of the other event
 - d. Input from local law enforcement agencies
 - (3) Depending on security and/or operational needs, Middlebury may require demonstrators to avoid a certain area or limit the areas in which demonstrations may occur. Participants in demonstrations must abide by any written or verbal instructions given in this regard.
 - (4) The use of public streets for parades or demonstrations in the Town of Middlebury is subject to the town's laws and requires a Public Assemblage Permit. An application and instructions for the town's permit may be found [here](#).
 - (5) Individuals participating in demonstrations may not trespass in areas of the campus that are not generally open and available to members of the public. Example of places where

demonstrators may not trespass include but are not limited to: residence rooms and private offices; academic and administrative buildings when closed; buildings and spaces not designed for overnight occupancy; specifically restricted spaces such as mechanical rooms, labs, technology spaces, etc.

Ordinarily, Middlebury warns individuals who are trespassing that they are in a restricted area or that a building is closed. After such a warning, which may include posted signs, a notice not to trespass, or a verbal warning by a Middlebury official, trespassing individuals are subject to arrest by local law enforcement.

- b. Time and Duration: Demonstrations may not interfere with the academic, educational or operational functions of Middlebury. The time and duration of the demonstration will be determined by Events Management in consultation with Public Safety and other offices, as appropriate to the circumstances, with consideration of the following factors:
 - i. Nature of the event and/or the demonstration
 - ii. Security needs of the event and/or the demonstration
 - iii. Time of the event and/or the demonstration
 - iv. Other relevant issues or considerations
- c. Manner:
 - i. Demonstrations must occur in the approved location.
 - ii. Demonstrations may not block access to the venue in which another event is being held.
 - iii. Demonstrations may not be unreasonably noisy, such that the noise level disrupts Middlebury's campus activities or operations.
 - iv. Middlebury may restrict objects that are permitted to be brought into the Event location, such as bullhorns, hard or

wooden signs, backpacks, large objects, things that would block others' view.

- v. Demonstrations may not include weapons, open flames or other hazardous materials.
- vi. Participants in a demonstration may be asked for identification at any time to ensure they are members of the Middlebury community or are otherwise permitted to be in open areas of Middlebury's campus.
- d. Event Sponsors are required to participate in meetings and discussions needed to plan for the safety and security of an event, as well as to respond in a timely way to email and other communications from Events Management, Public Safety, the office of the VPSA and others. Failure to communicate appropriately and participate in necessary planning may result in Middlebury declining to provide the resources to support the Event Sponsor's requested event.
- e. If necessary, Public Safety will develop a security plan. Event Sponsors are required to comply with the security plan, which may include utilization of local law enforcement, including but not limited to the Middlebury Police Department and the Vermont State Police. Middlebury's town Police Department and the State Police are ultimately responsible for keeping the peace on Middlebury's campus.
- f. Event Sponsors are required to support and comply with the security plan developed by Public Safety, and as applicable, local law enforcement. Specifically, Event Sponsors may request particular conditions for entry to an event or other aspects of how the Event will be organized, such as the time doors open, restricted items, whether tickets or a Midd ID is required. However, the final conditions for the Event will be determined by Middlebury.
- g. Once the conditions and requirements for the event are determined, and a final security plan from Public Safety is issued, Event Sponsor(s) will send an email announcement of these requirements to the Middlebury community and will post the requirements at the event entrance. The

Event Sponsor(s) may be required to assist in monitoring the entry to ensure that the requirements are being followed and/or to address any related issues or questions.

- h. If substantially disruptive protest occurs at the Event, the Event Sponsor(s) are responsible for upholding Middlebury's Open Expression Policy by asking that the substantially disruptive behavior stop, by warning that substantially disruptive behavior may result in the individual being removed from the event and subject to discipline in accordance with Middlebury's policies, and by notifying Public Safety or other appropriate Middlebury official.
- i. The Event Sponsor(s) are responsible for contacting Public Safety at any time that safety and security are at risk of being compromised.
- j. Important logistic requirements
 - i. Connection to Middlebury's utilities (power, etc.) or erection of any structure must be approved in advance (during the weekday) by Facilities Services.
 - ii. Demonstrators may not mark or use trees or Middlebury structures to support or display signs, messages, materials, or equipment without prior approval of Facilities Services.
 - iii. Objects normally permitted on campus may be prohibited when used in a manner that violates other policies (e.g., when a permitted object is used in a threatening manner). If a Middlebury official determines that an object is being used in violation of policy, demonstrators will be required to comply with whatever orders are given for the disposition of the item.
 - iv. Organizers must remove all items and materials at the end of the demonstration
- 4. Distribution of materials such as leaflets must allow people to decline to receive the materials and may not prevent people from receiving other material or engaging with another person.

- 5. Middlebury may choose to record demonstrations, protests, rallies, etc., as it does a number of events, by photos and/or videos. Such recording may occur through security cameras, whether stationary or not, with personal cameras, by Middlebury staff or local law enforcement, as well as other practical means. Documenting a demonstration provides protection both for those participating as evidence of peaceful activity and for Middlebury as evidence of any violation of policy, and is helpful for holding both participants and Middlebury accountable for compliance with all policies.
- 6. Community members may be asked for Middlebury-issued identification at any time, including during demonstrations, protests or other related events, by Middlebury officials to confirm that the person is a member of the community and has the ability to be on our campus. Students, specifically, are obligated under our [Handbook policies](#) to identify themselves when asked to do so by a Middlebury official, including Public Safety as well as other staff. Members of the public may also be asked for identification.
- 7. Public Safety staff are responsible for keeping the peace, in accordance with their departmental policies, as well as for coordinating with and supporting local law enforcement in order to keep the peace. Public Safety has the authority to respond to acts of violence, threats of violence, or overcrowding as appropriate to protect the safety of Middlebury community members. Public Safety ordinarily responds to substantially disruptive behavior by asking the person or persons to identify themselves and to stop the behavior, prior to documenting the person's conduct as a violation of policy or taking further action, such as engaging law enforcement, as appropriate to the circumstances. Other Middlebury officials may also issue warnings to individuals or groups to facilitate enforcement of Middlebury's Policy on Open Expression.
- 8. Individuals who engage in substantially disruptive behavior will generally be warned once, which may be done individually or to a group of participants. Any Middlebury official in attendance will ordinarily request identification, document substantially disruptive behavior, and record it to facilitate enforcement of Middlebury's Policy on Open Expression.
- 9. Guidelines for Sanctions - Students

- a. The following guidelines are provided to ensure consistent and transparent sanctions for students who violate the Policy on Open Expression and these Demonstration Regulations. The recommended sanctions are typical examples and should not be read to prevent lesser sanctions for less serious behavior, or greater penalties for more serious behavior. The range of sanctions below is not an exhaustive list as other sanctions including loss or restriction of Middlebury privileges or future Middlebury opportunities, educational/reparative assignments and/or fines or restitution may be issued as appropriate to the circumstances (see also [Sanctions](#)). Prior conduct and judicial history may also be taken into account in determining sanctions.
 - i. Warned about substantial disruption, asked to leave, leaves voluntarily without further disruption: *Range is ordinarily no sanction; a reprimand may be appropriate for disruption clearly intended to prevent someone else's expression.*
 - ii. Warned about substantial disruption, asked to leave, leaves voluntarily though disruptively: *Range is ordinarily a reprimand to probationary status.*
 - iii. Warned, asked to leave, refuses and/or must be escorted or arrested by law enforcement officers: *Range is ordinarily from probationary status to letter of official college discipline, depending on the severity of the disruption.*
 - iv. Warned, asked to leave, refuses and/or must be escorted or arrested by law enforcement and effectively prevents open expression: *Depending on the severity of disruption, range is ordinarily from a letter of official college discipline to suspension.*
 - v. Removed, including by arrest, due to physical violence against another person or property damage: *Range is ordinarily from suspension to expulsion.*

For more information on the interpretation and enforcement of the [Open Expression Policy](#) and these Regulations, please see the related [Frequently Asked Questions](#) and [Resources](#).

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