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Policy for Safe Campus Demonstrations

Overview

Barnard College is committed to open inquiry and the exchange of the widest range of ideas, free from institutional orthodoxy, coercion, and retaliation. This commitment is vital to Barnard's educational mission. Although the College, as a private institution, is not subject to the First Amendment of the U.S. Constitution, we seek to closely follow the principles of the First Amendment to emphasize our commitment to the important values of free expression.

Students, faculty, and staff therefore have the right to express their individual views while on the Barnard campus. Given Barnard's simultaneous commitment to inclusion and nondiscrimination, this right extends to all students, faculty, and staff regardless of their points of view, identities, or backgrounds.

The right to speak on campus includes the right to engage in campus demonstrations. To safeguard the rights of all members of the Barnard community, this new policy sets forth reasonable, content-neutral time, place, and manner restrictions for campus demonstrations that have long been permitted under the First Amendment. This policy protects the right to engage in campus demonstrations as long as demonstrations are conducted safely and do not interfere with the rights of others to speak, study, teach, learn, work, and live on our four-acre campus. Importantly, if students engaging in demonstrations follow this policy, they will comply with the Barnard Student Code of Conduct, and their demonstration activities will not subject them to student conduct proceedings unless they violate other campus policies.

This policy applies to any demonstrations on campus (hereinafter "Demonstrations"), defined as a group of people coming together in an event of public expression, including vigils. This policy therefore exempts Demonstrations from the [Barnard College Campus Events and Approval Policy](https://docs.google.com/document/d/1rnbG361DGh9cxqUbb7vEpMqWFKsiUqPFg01q0rZ6MTE/edit) (<https://docs.google.com/document/d/1rnbG361DGh9cxqUbb7vEpMqWFKsiUqPFg01q0rZ6MTE/edit>), which previously grouped Demonstrations with other campus events. This policy **does not** apply to events requiring indoor space or outdoor activities that have a purpose other than public expression; such events and activities continue to be governed by the [Campus Events and Approval Policy](https://docs.google.com/document/d/1rnbG361DGh9cxqUbb7vEpMqWFKsiUqPFg01q0rZ6MTE/edit) (<https://docs.google.com/document/d/1rnbG361DGh9cxqUbb7vEpMqWFKsiUqPFg01q0rZ6MTE/edit>).

Time, Place, and Manner

Courts have long held that the First Amendment right to engage in free speech is not infringed by reasonable and content-neutral time, place, and manner restrictions. The restrictions set forth below therefore are intended to support the right to engage in campus Demonstrations while also safeguarding

the rights and safety of the entire Barnard community, given our small campus size and limited staffing capacities. The restrictions are not intended to interfere with anyone's right to express themselves or be heard.

Designated Demonstration Area. The College designates Futter Field as the Designated Demonstration Area on our campus. Demonstrations are not permitted inside College buildings or at locations other than the Designated Demonstration Area. The Designated Demonstration Area is limited to the grassy area of Futter Field, and Demonstrations may not extend onto the walkways, patios, and terraces surrounding the field. Members of the Barnard community with disabilities may request exemptions to this policy if they require access to walkways, patios, or terraces in order to participate in Demonstrations. Please submit such exemption requests to Events Management, and Events Management will grant all reasonable requests consistent with Barnard's commitment to accessibility and compliance with the ADA and related law and policy.

Time Availability. The Designated Demonstration Area will be available to students, faculty, staff, and Barnard-recognized student groups for Demonstrations from 2:00 pm to 6:00 pm on Monday through Friday when classes are in session (excluding reading days, exam periods, and College holidays).

Notice and Registration. Demonstrations may take place in the Designated Demonstration Area within the available time window only upon advance notice and registration given Barnard's small campus size and limited staffing capabilities. Those seeking to demonstrate must submit an Intent to Demonstrate (<http://barnard.emscloudservice.com/web/>) to Events Management at least two working days (consisting of at least 48 hours) in advance of the requested Demonstration. The College will use content-neutral criteria to confirm registration, generally within one business day. An expedited registration and confirmation process for counter-Demonstrations is set forth below. Other requests for exceptions to the two-working day notice period based on exceptional circumstances may be made to Events Management; such requests will be considered using content-neutral criteria but will rarely (if ever) be granted given staffing limitations. A calendar of registered Demonstrations will be available on the Barnard website, and the College will add Demonstrations to the calendar as soon as their registration is confirmed.

Eligibility to Register an Intent to Demonstrate. Only Barnard students, faculty, staff, or Barnard-recognized student groups are eligible to register an Intent to Demonstrate. The College campus is not a public forum, and outside parties are not permitted to organize Demonstrations on our campus.

Registration Confirmation Criteria. Events Management will confirm all timely requests to demonstrate so long as:

1. The Designated Demonstration Area is available during the time requested and not reserved by any other group for that time (unless the request is for a counter-Demonstration as set forth below).
2. The Designated Demonstration Area is not needed for another event that requires tables, tents, or other items to be on the field during the time requested for the Demonstration.

3. The College is able to staff the Demonstration with members of College's Community Safety team.
4. The individual or group making the request has not previously advertised the date and time of the Demonstration.

If the above criteria are met, the College will confirm registration without regard to the content of the Demonstration. Registration confirmation will be made in the order requests are received. In situations where the College cannot confirm registration within one working day, the College will within one working day inform the individual or group making the request as to the reasons for the delay and work with them expediently to resolve any concerns.

Counter-Demonstrations. Those seeking to engage in a counter-Demonstration on the same day as a Demonstration must file an Intent to Demonstrate no later than 8 hours after the Demonstration appears on the calendar of registered Demonstrations and no fewer than 8 hours before the Demonstration is to begin. Events Management will confirm the request for a counter-Demonstration if the original Demonstration request estimated that fewer than 100 people will attend the Demonstration, and the counter-Demonstration request estimates that fewer than 100 people will attend the counter-Demonstration. If confirmed, each Demonstration will then take place on a separate part of the Designated Demonstration Area with a physical division between Demonstrations. No more than two registrations will be confirmed for the same day and time.

Participation in Demonstrations. To protect all demonstrating on our campus, attendance at registered Demonstrations will be limited to BC/CUID holders only. At times, the College may choose to close campus gates to ensure the protection of all who wish to demonstrate. To ensure campus safety, individuals participating in registered Demonstrations must follow all [Rules for the Maintenance of Public Order \(https://barnard.edu/sites/default/files/inline-files/Rules%20for%20Maintenance%20of%20Public%20Order_2.pdf\)](https://barnard.edu/sites/default/files/inline-files/Rules%20for%20Maintenance%20of%20Public%20Order_2.pdf).

Noise Amplification. The Designated Demonstration Area is close to the College's primary classroom and study areas. In order to ensure that registered Demonstrations do not interfere with normal College activities, those participating in registered Demonstrations may not use noise amplification (e.g., megaphones, bull horns, etc.) or sound machines (e.g., pots, pans, instruments, etc.) during Demonstrations.

True Threats and Incitement to Violence. Consistent with the First Amendment, those participating in registered Demonstrations may not make true threats, incite violence, use fighting words, or engage in unlawful harassment.

Failure to Follow Policy

Students engaged in registered Demonstrations shall not be subject to Student Conduct proceedings for their participation in Demonstrations unless they do not adhere to this policy, violate other College policies, or engage in illegal activity.

Anyone violating this policy will be asked to immediately cease their Demonstration activities. The College reserves the right to request identification of anyone violating this policy. Those refusing to cease their activities and/or to provide identification to College officials will be required to leave campus immediately.

Any student violating this policy, including by engaging in an unregistered Demonstration or in Demonstrations that go beyond the registered area or time, will be subject to Student Conduct proceedings. Any staff or faculty member violating this policy will be subject to policies governing employees.

Protection of Demonstrators

Barnard seeks to protect the rights of all who comply with this policy. Any member of our community engaging in registered Demonstrations may not be retaliated against in any way for exercising their right to demonstrate as long as they are complying with this policy. Any member of our community believing they have been retaliated against for exercising their right to engage in registered Demonstrations should report that retaliation to the Barnard Office of Nondiscrimination.

Notes and Exemptions

Nothing in this policy extends to Demonstrations taking place outside of the Barnard campus. NYPD has jurisdiction over Demonstrations and protests taking place on the streets and sidewalks outside of the Barnard gates. Students engaging in outside Demonstrations are still subject to the Code of Student Conduct.

Employees have the right to engage in certain protected activities under the National Labor Relations Act. Any employee wishing to demonstrate during assigned working hours on topics not covered under the National Labor Relations Act must seek an approved absence from their manager.

This policy exempts demonstrations from the Campus Events and Approval Policy

(<https://docs.google.com/document/d/1rnbG361DGh9cxqUbB7vEpMqWFKsiUqPFg01q0rZ6MTE/edit>).

Students, faculty, and staff should be mindful of other College policies, including the College's

nondiscrimination policies, which apply to all College activities. The College will review and modify this policy during the summer of 2024 based on experience during the spring semester of 2024. As with all Barnard policies, this policy may otherwise be revised without notice.



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