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Temporary Policy for Safe Campus Demonstrations

Effective: February 20, 2024

Temporary Revision Effective: September 10, 2024

Executive Summary:

This policy provides rules and guidelines for those wishing to organize or participate in demonstrations on the Barnard campus or in any building rented or owned by the College.

Reason for the Policy:

This policy establishes clear, content-neutral time, place, and manner rules for campus demonstrations. The rules ensure that public expression does not disrupt College operations or impede the ability of Barnard community members to learn, work, and live on our small campus. Failure to follow this policy can subject students to the Barnard Student Code of Conduct and employees to discipline up to and including termination.

Who Is Responsible for This Policy:

Responsible Administrator(s): Ciaran Escoffery, Vice President and Secretary to the Board of Trustees

Responsible Office(s): The Events Management Office and the Office of the General Counsel

Who Is Governed by This Policy:

All students, staff, and faculty are governed by this policy.

Policy Statement:

Barnard College is committed to open inquiry and the exchange of the widest range of ideas, free from institutional orthodoxy, coercion, or 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.

Consistent with this commitment, individuals are encouraged to express their personal views while on the Barnard campus regardless of their points of view so long as they follow all Barnard College [policies \(https://barnard.edu/college-policies-procedures\)](https://barnard.edu/college-policies-procedures), including the [Policy Against Discrimination and Harassment \(https://barnard.edu/cares/nondiscrimination-and-title-ix/inform/policy-against-discrimination-and-harassment\)](https://barnard.edu/cares/nondiscrimination-and-title-ix/inform/policy-against-discrimination-and-harassment). Employees must also ensure that their expression does not interfere with their required job duties or ability to perform those job duties in service to a diverse community.

Expression may take the form of campus demonstrations, so long as individuals follow the reasonable, content-neutral time, place, and manner restrictions for campus demonstrations set forth in this policy. These restrictions have long been permitted under the First Amendment, and they are designed to ensure that 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 audible, nonsilent event of public expression, including for the purpose of conducting a nonsilent vigil. 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, including tabling; 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 Rules

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 are intended to support the ability to engage in campus Demonstrations while also safeguarding the entire Barnard community, given our small campus size and limited staffing capacities. The restrictions are not intended to interfere with anyone's ability to express themselves or be heard.

Designated Demonstration Area. The College designates Futter Field as the Designated Demonstration Area. 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, fencing, or 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 email [events@barnard.edu \(mailto:events@barnard.edu\)](mailto:events@barnard.edu) to request such exemptions, and requests will be forwarded to the appropriate offices for evaluation. All reasonable requests will be granted consistent with Barnard's commitment to accessibility and the College's compliance with the ADA and related law and policy.

Time Availability. The Designated Demonstration Area will be available to current students, faculty, staff, and Barnard-recognized student groups for Demonstrations from 12 noon to 6 p.m. on Monday through Friday when classes are in session (excluding reading days, exam periods, and College holidays).

Notice and Registration. Given Barnard's small campus size and limited staffing capabilities, Demonstrations may take place in the Designated Demonstration Area within the available time window only upon advance notice and registration. Those seeking to demonstrate must [submit an Intent to Demonstrate \(http://barnard.emsclooudservice.com/web/\)](http://barnard.emsclooudservice.com/web/) to Events Management at least 36 hours in advance of the requested Demonstration date and time. 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 notice period based on exceptional circumstances may be made to Events Management; such requests will be considered using content-neutral criteria but will rarely be granted given staffing limitations. A calendar of registered Demonstrations will be available on the [Barnard website \(https://barnard.edu/events-management\)](https://barnard.edu/events-management), and the College will add Demonstrations to the calendar as soon as their registration is confirmed.

Eligibility to Register an Intent to Demonstrate. Only current Barnard students in good standing, 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 or conduct 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 to be set up or installed during the time requested for the Demonstration.
3. The College is able to staff the Demonstration with relevant staff members.
4. The individual or group making the request has not previously advertised the date and time of the Demonstration.
5. The individual or group making the request has not engaged in a pattern of making repeated requests that functionally prohibit other individuals or groups from making such requests under this policy.

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 that 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 and CU ID 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 also 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, bullhorns, 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 Comply With This 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 proceedings set forth in the Barnard Student Code of Conduct. Any staff or faculty member violating this policy will be subject to policies governing employees.

Staff members are permitted to participate in registered Demonstrations only on a pre-approved vacation day. All employees should be mindful that conduct that is inconsistent with their roles or disruptive to their work environment, including conduct during a Demonstration and conduct while on vacation, may be grounds for discipline, including termination.

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 Demonstrations outside of the Barnard campus are still subject to the Student Code of Conduct. Employees engaging in Demonstrations outside of the Barnard campus are still subject to College policies.

Silent demonstrations, including, for example, holding hands, putting tape over mouths, silent walkouts, or turning backs in an act of public expression are not considered Demonstrations under this policy. Sit-ins or occupations of buildings, even if silent, are considered Demonstrations and are not permissible under this policy. Students may otherwise engage in silent demonstrations in any nonclassroom or nonresidential location at any time so long as these silent acts are not disruptive, do not block any points of entrance or exit, and do not interfere with any person's right to enjoy the privileges of being a member of the Barnard community. Silent demonstrations that interfere with the privileges of another person will still subject Barnard students to the Student Code of Conduct and employees to appropriate disciplinary procedures. Students seeking to table as a form of public expression must comply with the [Campus Events and Approval Policy \(https://docs.google.com/document/d/1rnbG361DGh9cxqUbb7vEpMqWFKsiUqPFg01q0rZ6MTE/edit\)](https://docs.google.com/document/d/1rnbG361DGh9cxqUbb7vEpMqWFKsiUqPFg01q0rZ6MTE/edit).

Employees have the right to engage in certain protected activities under the National Labor Relations Act. Any staff member wishing to demonstrate during assigned working hours on topics not covered under the National Labor Relations Act, including during registered Demonstrations or silent demonstrations, must seek an approved vacation day from their manager.

This policy exempts Demonstrations from the [Campus Events and Approval Policy \(https://docs.google.com/document/d/1rnbG361DGh9cxqUbb7vEpMqWFKsiUqPFg01q0rZ6MTE/edit\)](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.

Website for This Policy:

[College Policies & Procedures \(https://barnard.edu/college-policies-procedures\)](https://barnard.edu/college-policies-procedures)

Revision History:

Original Policy Effective February 20, 2024

Temporary Revision Effective September 10, 2024

Justification for Temporary Policy: To broaden opportunities for safe Demonstrations and ensure expectations about Demonstrations are clear for the 2024–2025 academic year based on review and feedback received during the spring and summer of 2024.



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