

UCI Policies & Procedures

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UC IRVINE ADMINISTRATIVE POLICIES AND PROCEDURES

Physical Environment and Properties

Buildings and Grounds: General Use

Sec. 900-23: UCI Guidance Concerning Disruption of University Activities

Responsible Administrator: Vice Chancellor, Student Affairs

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References / Resources

- [The Constitution of the United States \(https://www.archives.gov/founding-docs/constitution-transcript\)](https://www.archives.gov/founding-docs/constitution-transcript)
- [California State Constitution \(https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=CONS&tocTitle=+California+Constitution+-+CONS\)](https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=CONS&tocTitle=+California+Constitution+-+CONS)
- [California Penal Code § 626.4 \(https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=15.&part=1.&chapter=1.&article=\)](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=15.&part=1.&chapter=1.&article=)
- [Regulations Governing Conduct of Non-Affiliates in the Buildings and on the Grounds of the University of California \(Cal. Code Regs. Tit. V, Div. 10, Chap. 1, §§ 100000-100015\) \(https://policy.ucop.edu/doc/3000127/NonAffiliateRegs\)](https://policy.ucop.edu/doc/3000127/NonAffiliateRegs)
- UC Policies
 - [Academic Personnel Policies \(https://www.ucop.edu/academic-personnel-programs/academic-personnel-policy/index.html\)](https://www.ucop.edu/academic-personnel-programs/academic-personnel-policy/index.html)
 - [Academic Personnel Manual - APM-010: Academic Freedom \(https://www.ucop.edu/academic-personnel-programs/files/apm/apm-010.pdf\)](https://www.ucop.edu/academic-personnel-programs/files/apm/apm-010.pdf)
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 - [PACAOS: Section 30 \(https://policy.ucop.edu/doc/2710523/PACAOS-30\)](https://policy.ucop.edu/doc/2710523/PACAOS-30), Policy on Speech and Advocacy
 - [PACAOS: Section 40 \(http://policy.ucop.edu/doc/2710524\)](http://policy.ucop.edu/doc/2710524), Policy on Use of University Properties

- [PACAOS: Section 100 \(https://policy.ucop.edu/doc/2710530/PACAOS-100\)](https://policy.ucop.edu/doc/2710530/PACAOS-100), Policy on Student Conduct and Discipline
 - [Personnel Policies for Staff Members \(https://policy.ucop.edu/manuals/personnel-policies-for-staff-members.html\)](https://policy.ucop.edu/manuals/personnel-policies-for-staff-members.html)
 - [Collective Bargaining Agreements \(https://ucnet.universityofcalifornia.edu/labor/bargaining-units/\)](https://ucnet.universityofcalifornia.edu/labor/bargaining-units/)
- [UCI Academic Senate Manual \(https://senate.uci.edu/uci-academic-senate-manual/\)](https://senate.uci.edu/uci-academic-senate-manual/)
- [UCI Implementation of PACAOS \(https://aisc.uci.edu/policies/pacaos/index.php\)](https://aisc.uci.edu/policies/pacaos/index.php)
 - [Section 30 \(https://aisc.uci.edu/policies/pacaos/speech-and-advocacy.php\)](https://aisc.uci.edu/policies/pacaos/speech-and-advocacy.php), Policy on Speech and Advocacy
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- UCI Administrative Policies & Procedures
 - [Section 900-01 \(../pols/900-01.php\)](https://pols/900-01.php), Free Speech at UCI Interim Policy
 - [Section 900-11 \(900-11.php\)](https://pols/900-11.php), Guidelines for Scheduling Campus Properties through Student Center & Event Services
 - [Section 900-15 \(../pols/900-15.php\)](https://pols/900-15.php), UCI Major Events Policy
 - [Section 900-20 \(../pols/900-20.php\)](https://pols/900-20.php), Withdrawal of Consent to Remain on Campus-Policy
 - [Section 900-21 \(900-21.php\)](https://pols/900-21.php), Withdrawal of Consent to Remain on Campus-Procedures
- UCI Resources
 - [Rights of Free Speech and Academic Freedom \(https://freespeech.uci.edu/\)](https://freespeech.uci.edu/)

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A. Purpose and Scope

1. This document is provided to the UCI community to:
 - a. interpret the term “disruption” in Section 102.13 of the University of California Policies Applying to Campus Activities, Organizations and Students (“[PACAOS 102.13 \(https://policy.ucop.edu/doc/2710530/PACAOS-100#page=3\)](https://policy.ucop.edu/doc/2710530/PACAOS-100#page=3)”) and in similar contexts;
 - b. detail how the UCI community can prevent and will respond to disruptions of [University Activities](#) in real time in order to protect lawful access to campus

programs and facilities, avoid unsafe behavior and prevent physical harm to person or damage to property; and

c. detail the potential consequences for disrupting University Activities.

2. This Guidance applies to the conduct of any UCI student, employee (faculty, staff or otherwise) or non-affiliate, on UCI Property or at a University Activity, whether or not it is on UCI Property (see Part F “Consequences for Disrupting,” below). For the purposes of this Guidance, UCI Property includes the main UCI campus, North Campus and the UCI Medical Center and excludes UCI Research Park and University Hills.
3. The application of this Guidance does not vary according to the cause or content of a particular protest, speech or other form of expression.

B. Definitions

Disruption:	Undue interference with any <u>University Activity</u> . This Guidance further defines Disruption.
UCI Property:	Includes the main UCI campus, North Campus and the UCI Medical Center and excludes UCI Research Park and University Hills.
University Activity/ies:	Teaching, research, learning, administration, disciplinary procedures or other University activities, including events hosted by students or student groups or by non-affiliates in venues reserved for that purpose.

C. Free Speech and Disruption

Freedom of speech is a bedrock value of our constitutional system and is at the core of UCI’s mission – through teaching, research and public service – to generate knowledge and encourage individuals to develop the capacity for independent judgment. Just as UCI does not deny speakers access to UCI venues because of their views, UCI does not tolerate Disruptions of University Activities.

In the case of a University Activity that involves a speaker or presenter, disruption means undue interference with the ability of the speaker to deliver, or the audience to receive, the speaker’s message. UCI is committed to working with speakers/presenters and organizers to ensure that speakers/presenters can safely and effectively communicate their messages without Disruption, including by coordinating before the

activity, imposing appropriate time, place or manner restrictions on some speech, coordinating during the activity and, where appropriate, addressing violations of University policy using existing disciplinary processes.

At the same time, because no view or message is beyond criticism, UCI will always ensure that members of the UCI community can peacefully protest and express condemnation of views with which they disagree. However, freedom of speech does not give anyone the right to drown out the words and speech of others engaged in authorized University Activities.

This Guidance is designed to assist in interpreting the term “disruption” and thus to prevent Disruption of University Activities, protect lawful access to UCI programs and facilities, avoid unsafe behavior and prevent physical harm to person or property. Its application does not vary according to the cause or content of a particular protest, speech or other form of expression.

D. Disruption Under PACAOS 102.13

PACAOS 102.13 (<https://policy.ucop.edu/doc/2710530/PACAOS-100#page=5>) provides that “Obstruction or **disruption** of teaching, research, administration, disciplinary procedures, or other University activities” can be grounds for discipline (emphasis added). While UCI protects all protected forms of speech and protest, the Disruption of University Activities can subject students to disciplinary proceedings pursuant to PACAOS. However, PACAOS does not define disruption.

Disruption of University Activities also can be the basis for consequences imposed on UCI employees (faculty, staff or otherwise) and non-affiliates (see Part F “Consequences for Disrupting,” below).

1. The following factors weigh in favor of a finding that conduct is Disruption of a University Activity, but are not exhaustive:
 - a. Whether the conduct unduly interfered with any person’s ability to participate in a University Activity.
 - b. Whether the conduct was violent or involved a threat of violence.
 - c. Whether the speech or conduct incited an immediate breach of the peace.
 - d. Whether the conduct and its effect lasted long enough, either in total and/or in comparison to any University Activity it may have affected, to unduly interfere with that University Activity.

- e. Whether the conduct stopped if and when a request to stop was addressed to the individual or group engaging in the conduct.
 - f. Whether the conduct caused physical harm to person or damage to property.
 - g. Whether the conduct was coordinated with others' conduct in such a way that it caused a cumulative effect that unduly interfered with a University Activity.
 - h. Whether the conduct was intentionally aimed at unduly interfering with a University Activity.
 - i. Whether the conduct unduly interfered with ingress or egress of any pedestrian or of any form of traffic.
 - j. Whether the conduct unduly interfered with others' access to University Activities.
 - k. In the case of a University Activity that involves a speaker or presenter:
 - i. Whether the conduct unduly interfered with the speaker's or presenter's ability to deliver the speaker's or presenter's message.
 - ii. Whether the conduct unduly interfered with the audience's, or any audience member's, ability to receive the speaker's or presenter's message, including whether the conduct was loud enough to unduly interfere with the audience's, or any audience member's, ability to hear the speaker or presenter.
2. The following factors may be considered in determining appropriate discipline, if it is determined that the conduct was a Disruption, but are not exhaustive:
- a. Whether the individual or group engaging in the conduct has been previously counseled or disciplined in connection with Disruption of University Activities.
 - b. Whether the conduct had a serious adverse effect on participants in the University Activity, as evidenced by, for example, whether those affected submitted complaints about the conduct.
 - c. Whether the individual or group engaging in the conduct has since taken steps to mitigate or compensate for the negative consequences of the conduct to affected individuals or to the institution.

3. In the context of an event with a speaker or presenter, this definition is not meant to eliminate the usual range of human reactions commonly displayed by an audience during heated discussions of controversial topics. Nor should it prevent various expressions of protest, including heckling that does not prevent the speaker from delivering the speaker's message or the silent display of signs that do not block the audience's view, so long as these activities allow the speech to continue and the speaker to communicate to the audience.

4. Examples:

a. The following conduct likely is not a Disruption:

- i. Holding an 8 ½ x 11 inch piece of paper in front of one's body.
- ii. Engaging with the speaker if the speaker chooses to engage, understanding that the speaker can decide to stop engaging at any point.
- iii. Wearing clothing with words or images on it, unless those words or images are themselves unprotected speech.
- iv. Silently kneeling.

b. The following conduct likely is a Disruption:

- i. Deliberately blocking the audience's view of the speaker or presenter.
- ii. Producing noise with the intent to prevent the speaker or presenter from being heard.
- iii. Using laser pointers.
- iv. Turning off the lights in the venue without the speaker's or event organizer's consent.
- v. Intentionally setting off alarms, on phones or otherwise.
- vi. Displaying real or facsimile weapons.

E. Preventing and Responding to Disruptions in Real Time

1. **Preventing:**

If the University or the organizer of an event has actual knowledge that planned protests could disrupt an event, the University or the organizer is highly encouraged to confer with the UCI Police Department as early as possible. At the event, the UCI representative or a representative of the organizer is highly encouraged to make the following (or a similar) announcement when the event begins:

- Hello. My name is _____ [name and title].
- Thank you for attending this event. UCI respects and values freedom of speech, including the lawful freedom to protest.
- Protest is welcome so long as it does not unduly interfere with the ability of the speaker to deliver the message or the ability of the audience to receive the speaker's message.
- A protestor whose actions interfere in this manner will be warned. If the protestor continues to interfere, the protestor will be escorted out and will be held accountable under relevant University policies.
- Our goal is to have a peaceful and respectful event.
- Thank you.

The announcement should be consistent, in substance and delivery, regardless of the identity of the speaker(s) or the protestor(s) or of the content or the viewpoints to be expressed at the event.

2. **Responding:**

If unexpected protests occur once the event has begun, a UCI representative or a representative of the organizer is highly encouraged to pause the event and read the above statement.

If the protest continues, UCI representatives should proceed according to UCI's constructive engagement model

([http://dos.uci.edu/images/freespeech/Constructive Engagement-The UCI Model.pdf](http://dos.uci.edu/images/freespeech/Constructive%20Engagement-The%20UCI%20Model.pdf)) and in compliance with the recommendations of the Robinson/Edley Report Twelve-Month Implementation Report

(<http://campusprotestreport.universityofcalifornia.edu/documents/implementation-report.pdf#page=18>), which favors resolution by communicating with protestors via University administrators or faculty instead of police. Recommendations 27,

28 and 29 are particularly instructive and should be kept in mind:

- Recommendation 27: In all cases, the most appropriate representative—faculty, administrator, police representative, mediator—should be designated by the event response team as the primary university representative communicating during a protest.
- Recommendation 28: Campuses should have senior administrators present and visible during protest absent good cause.
- Recommendation 29: Make every reasonable attempt to establish a communication link with identified leaders or [organizers] of the event; for leaderless groups, communicate broadly to the group as a whole (through social media and otherwise) until relationships form.

Finally, to the extent that communication fails and “a response is deemed necessary, [the campus should] limit the use of force to that which is objectively reasonable considering the totality of the circumstances to manage the situation and maintain public safety.” Recommendation 9.

The overriding goal of the University or organizer’s representative during a Disruption should be to reestablish with deliberate speed an atmosphere conducive to communication between the speaker and the audience, in order to ensure full respect for the rights of all parties.

F. Consequences For Disrupting

This Guidance may be used to determine whether the conduct by any individual or group, whether UCI student, employee (faculty, staff or otherwise) or non-affiliate, constitutes Disruption under the policy/ies that apply to that individual or group. This Guidance is meant to assist in applying such policies, including the policies noted below; it is not intended to create an independent basis for consequences.

Any consequences imposed for Disruption will: (1) be imposed only after a procedure that affords the alleged disrupter due process and in a content-neutral and viewpoint-neutral manner; and (2) focus on the Disruption of a University Activity and not on the viewpoint of the alleged disrupter.

1. Students:

Students whose conduct constitutes Disruption can be disciplined under PACAOS 102.13 (<https://policy.ucop.edu/doc/2710530/PACAOS-100#page=5>). (Other conduct in which the student may have engaged while disrupting (e.g., property damage, unauthorized entry, physical abuse, harassment) may be sanctioned

under other provisions of PACAOS (<https://aisc.uci.edu/policies/pacaos/index.php>.) This Guidance shall be consulted in any such process.

2. **Staff:**

Staff whose conduct constitutes Disruption can be disciplined under applicable University personnel policies (<https://policy.ucop.edu/manuals/personnel-policies-for-staff-members.html>) and the terms of applicable collective bargaining agreements (<https://ucnet.universityofcalifornia.edu/labor/bargaining-units/>). This Guidance may be consulted in any such process, notwithstanding the fact that the Vice Chancellor–Student Affairs is the Responsible Administrator for this Guidance.

3. **Faculty or Other Academic Appointees:**

Faculty or other academic appointees whose conduct constitutes Disruption can be disciplined under applicable Academic Personnel policies (<https://www.ucop.edu/academic-personnel-programs/academic-personnel-policy/index.html>) and Senate rules (<https://senate.uci.edu/uci-academic-senate-manual/>). This Guidance may be consulted in any such process, notwithstanding the fact that the Vice Chancellor–Student Affairs is the Responsible Administrator for this Guidance.

4. **Non-Affiliates:**

Non-affiliates whose conduct constitutes Disruption can be asked to leave UCI Property (pursuant to California Penal Code § 626.4 (https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=15.&part=1.&chapter=1.&article=), UCI Section 900-20: Withdrawal of Consent to Remain on Campus-Policy ([../pols/900-20.php](https://pols/900-20.php)) and UCI Section 900-21: Withdrawal of Consent to Remain on Campus-Procedures ([900-21.php](https://pols/900-21.php))) and/or referred to law enforcement for violation of the Regulations Governing Conduct of Non-Affiliates in the Buildings and on the Grounds of the University of California (Cal. Code Regs. Tit. V, Div. 10, Chap. 1, §§ 100000-100015) (<https://policy.ucop.edu/doc/3000127/NonAffiliateRegs>) or of other applicable law. This Guidance may be consulted in any such process, notwithstanding the fact that the Vice Chancellor–Student Affairs is the Responsible Administrator for this Guidance.

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