

# PROTEST GUIDELINES

UNIVERSITY OF WISCONSIN-MADISON

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## **PURPOSE**

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The University of Wisconsin-Madison strongly values free speech both in the statement of an idea and in the response to that idea. Generating and exploring innovative ideas and realities requires us to permit multiple perspectives and dynamic discourse. We are committed to freedom of expression and the right to assemble for the purpose of expressing differing opinions or to request certain actions from the University.

This Protest Response Procedures (PRP) is intended to provide general guidance to UW-Madison's community (students, faculty, staff, families, alumni and our governing bodies) concerning our response to protests and demonstrations consistent with our shared priorities and institutional values. The campus' 963-acre footprint is host to almost 400 buildings. The Wisconsin Union and certain classroom spaces alone have approximately 44,000 events each year in addition to many others hosted across the campus. Continuity of operations among these facilities is important in setting consistent expectations for expressive activity.

We encourage individuals and groups who plan to use UW-Madison as a site for expressive activity to reach out to the UW-Madison Police Department (UWPD) and/or the UW-Madison Division of Student Affairs (Student Affairs) so we can assist in making your event successful and safe (especially if you believe the event might draw controversy).

## **PHILOSOPHY**

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UW-Madison endeavors to educate students to become responsible citizens of the world who exercise critical thinking. Our mission calls on us to provide a learning environment in which faculty, staff and students can discover, examine critically, preserve and transmit the knowledge, wisdom and values that will improve the quality of life for all and help future generations thrive. This mission is advanced by ensuring a pursuit of learning and exchange of ideas that extends to every corner of our diverse human experience.

Protecting and promoting freedom of speech and expression is not only a fundamental constitutional right, it is the very bedrock of learning and is central to the University experience. It is vital to our University community that members of the community feel free to express their views, regardless of how unpopular those views may be. But while the First Amendment protects the right to express one's views, it also allows the University to place reasonable time, place, and manner restrictions on that expression. The First Amendment does not guarantee the right to say anything, any time, or in any place. To this end, protests and demonstrations that impede or that disrupt the academic mission, threaten research, interfere with the free speech of others or threaten campus/personal safety will prompt a swift and coordinated response to ensure compliance with UW rules.

The University of Wisconsin-Madison's approach to protests and demonstrations will consist of the following:

#### Clear Communication of Rights and Responsibilities

The University will strive to ensure that there is no confusion about the rights of individuals to express themselves and to assemble lawfully for that purpose. But the more challenging situations arise when protesters decide to violate laws or University regulations. Voluntary compliance with laws or University regulations is the primary objective. The University intends to respond to the violation of such laws or regulations as indicated in this PRP, but we may also employ a range of measures up to and including arrest, corrective counseling for employees, or student discipline.

#### Ongoing Relationship Building

The University endeavors to increase trust and understanding among campus stakeholders. Some protests can be avoided if there are effective lines of communication between would-be protesters and campus administration, and ongoing opportunities to raise substantive concerns with the administration.

#### Transparent Decision-Making Processes

To ensure an effective University response to protests, coordination between University representatives is essential. The campus will evaluate events in a viewpoint-neutral manner and avoid or limit the use of force against protesters wherever possible.

#### Protest Response Priorities

Our priorities when responding to a protest or demonstration:

- Attend to the physical safety of those involved in events, protests, and demonstrations and the campus community overall and minimize disruptions to the University.
- Constructively engage with demonstrators as appropriate about their issues of concern.
- Work with organizers and demonstrators to safely facilitate events and freedom of expression.
- Ensure that protests and demonstrations do not infringe on, or prevent the exercise of freedom of, expression of others.

## **DISRUPTION OF FREEDOM OF EXPRESSION: REGENTS' POLICY**

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On October 6, 2017, the UW System Board of Regents adopted the current Commitment to Academic Freedom and Freedom of Expression policy<sup>1</sup>. It prescribed conduct outcomes for students who violate the freedom of others to express themselves. This policy added to existing guidelines on computer use, picketing, rallying, parades, demonstrations, assemblies, sound amplification, and other behaviors found in Section UWS 18.11 of the Wisconsin Administrative Code (Offenses Against Public Peace and Order)<sup>2</sup>. One pertinent section in the new Regents' policy states:

Students and employees have the freedom to discuss any problem that presents itself, as the First Amendment of the U.S. Constitution and Article I of the Wisconsin Constitution permit. Students and employees shall be permitted to assemble and engage in spontaneous expressive activity as long as such activity does not materially and substantially disrupt the functioning of an institution.

Protests and demonstrations that materially and substantially disrupt the rights of others to engage in or listen to expressive activity shall not be permitted and shall be subject to sanction. This policy shall not prohibit administrators, faculty, or other instructors from maintaining order. Access to UW institutions for purposes of free speech and expression shall occur within the limits of reasonable viewpoint-neutral and content-neutral restrictions on time, place, and manner of expression and the provisions of Chapter UWS 21 (Use of University Facilities) of the Wisconsin Administrative Code.

This section of the PRP clarifies how UW-Madison will interpret and operationalize the Regents' policy. The intent is to provide a clear sense of appropriate behavioral parameters for students and the processes related to addressing disruption. Because it is not possible to anticipate every scenario given the organic and emerging nature of freedom of expression, more specific questions should be directed to the Dean of Students Office. These standards and practices will be reviewed, and if needed, revised by the Division of Student Affairs at the end of each academic year and publicized on their website and through various communication means on campus.

### **Components of a Disruption**

Behavior will be evaluated for whether it is disruptive based on when, where and how it occurs. Determining whether those elements will occur takes the following into consideration:

#### ***When***

Behaviors which occur during and near the time of an event.

#### ***Where***

Behaviors that occur at "university-run or university-authorized activities," as noted in

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<sup>1</sup> <https://www.wisconsin.edu/regents/policies/commitment-to-academic-freedom-and-freedom-of-expression/>

<sup>2</sup> [https://docs.legis.wisconsin.gov/code/admin\\_code/uws/18/11](https://docs.legis.wisconsin.gov/code/admin_code/uws/18/11)

Section UWS 17.09(8)<sup>3</sup>. Such activities are usually one of the following:

- An event sponsored by an employee of the University in the employee's capacity, a University department, school, college, division or a Registered Student Organization.
- An event held in a venue approved through a formal campus facilities reservation process or through an off-campus lease process.
- An event taking place in a space rented by the University to an outside group.

The Regents' policy will not generally be applied to places that are considered a public forum such as Library Mall or outside of a building.

### ***How***

Behaviors which materially and substantially disrupt another person's freedom of expression or the ability of others to receive the expression. Indicators include:

- Behaviors that UW staff believe are significant and have a significant impact on the event and, when confronted, don't cease.
- Behaviors that don't cease when requested.
- Behaviors inconsistent with the parameters set up by event organizers. Any limitations imposed on an event are acceptable as long as they are reasonably applied to all participants.

## **Examples of Disruptive and Non-Disruptive Behavior**

### Likely Disruptive

- Blocking the vision of others in any manner. (Examples: a sign, certain clothing, a prop, a person's body, etc.)
- Producing noise that interferes with events and activities.
- Laser pointers.
- Turning off lights in the room.
- Setting off alarms on phones.
- Facsimile weapons.
- Signs where event doesn't permit such signs.

### Likely Non-Disruptive

- If signs are allowed in the event, holding an 8.5"x11" poster in front of one's person.
- Props, costumes or other items, assuming they are allowed in the event, and don't block anyone's view or ability to hear.
- Engaging with a speaker if the speaker chooses to be engaged, understanding that the speaker can decide to stop engaging at any point.
- Pictures or words on clothing.

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<sup>3</sup> [https://docs.legis.wisconsin.gov/code/admin\\_code/uws/17/09](https://docs.legis.wisconsin.gov/code/admin_code/uws/17/09)

### Campus Process for Confronting Disruptive Behavior

- If person is considered to be disrupting an event, the event organizer should ask the person to cease. Issuing a warning before action is taken can be a useful, but not required, step to prevent escalation.
- If the disruption continues, a University staff or faculty member may be called upon to assist (e.g. OSCCS, Housing, Union, School/College department).
- If a faculty or staff member is not available to assist, the event organizers should document the disruption with pictures, videos, and witnesses. UWPD may also be asked to intervene as a last resort when the disruption will not cease.
- Documentation of disruptive behaviors should be submitted to OSCCS for evaluation.
- If a student is investigated for possible disruption, the student should be afforded all of the rights and process as outlined in Chapter UWS 17<sup>4</sup>. The possible consequences if a student is found responsible for second violation of this policy during their enrollment is suspension for a minimum of one semester. Any student who has been responsible for a third disruption will be expelled.

### Nonacademic Misconduct Process

If an incident of disruption occurs, the University will proceed under Chapter UWS 17 procedures (found on the OSCCS website<sup>5</sup>; please also refer to Chapter UWS 17<sup>6</sup> for the full description of the procedures).

## **PREPARATION FOR PROTESTS OR DEMONSTRATIONS**

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To ensure the campus is prepared and all potential alternatives have been considered, the University is committed to dedicating reasonably necessary resources when protests and demonstrations occur, and to continuously assess processes of event registration, event review, decision-making mechanisms, communication and coordination with outside agencies.

### **Training**

The University conducts ongoing training for staff and administrators in the areas of crowd management, mediation, de-escalation techniques, the Incident Command System, and police force options. Exercises and trainings are jointly conducted with campus administration and police to rehearse responses to protest and civil disobedience scenarios.

### **Campus Event Reservations**

The Campus Event Services Office (CESO) assists student organizations, academic departments, and others in planning and coordinating events and campus activities in the Memorial Union,

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<sup>4</sup> [https://docs.legis.wisconsin.gov/code/admin\\_code/uws/17](https://docs.legis.wisconsin.gov/code/admin_code/uws/17)

<sup>5</sup> <https://conduct.students.wisc.edu/nonacademic-misconduct/>

<sup>6</sup> [https://docs.legis.wisconsin.gov/code/admin\\_code/uws/17](https://docs.legis.wisconsin.gov/code/admin_code/uws/17)

Union South and other campus buildings. It offers event planning; room reservations; food selection, technology and room set-up; and campus facilities and outdoor spaces reservations. CESO is the primary office to facilitate space use/reservations for all events. For general information and reservation requests, go to:

- [General Event Information](#)<sup>7</sup>
- [Reservation Request](#)<sup>8</sup>

### **Event Notification and Security Review**

CESO and those persons responsible for reserving “Special Assignment” spaces outlined in Facilities Use Guideline G-14: Event Notification and Security Review Process<sup>9</sup> will notify appropriate campus offices of an upcoming space use request for approval and/or support. Based on the nature or location of the proposed event, space requests may also require a security review to assess site feasibility and safe facilitation of the event.

Event notifications to specific offices as outlined in G-14 will be required whenever a use request involves the following elements:

- Any non-instructional use request for a large auditorium with an anticipated audience of 400 or more.
- Event requests involving the use of outdoor space (runs, walks around campus, rallies on Library Mall, parades, festivals, etc.)

Whenever a request involves any of the following elements, CESO will notify the Security Review Team to conduct a safety assessment:

- Any event (without regard to size) where there might be security concerns, issues with transportation services, liability concerns, environmental health concerns, etc.
- All space requests for political rallies/appearances during state and federal elections (as defined in Policy P-6).
- Any non-instructional use request for specific spaces where logistics may pose a concern regarding the safe execution of the event as outlined in G-14.

In these circumstances, the organizers will be notified that a security review is required and the specific concerns will be clearly communicated. In such instances, it will be the responsibility of the organizer to work with the University to remedy the concerns prior to the event taking place. If a threat of violence exists in connection to the planned event, the University reserves the right to cancel the event.

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<sup>7</sup> <https://union.wisc.edu/host-your-event/>

<sup>8</sup> <https://union.wisc.edu/host-your-event/event-reservation-request/>

<sup>9</sup> <https://vc.wiscweb.wisc.edu/wp-content/uploads/sites/245/2017/10/G-14.pdf>



## **Venue/Facility Security Review**

The Security Review Team consists of the following additional offices:

- Division of Student Affairs
- Facilities, Planning and Management/Physical Plant
- Legal Affairs
- Risk Management
- University Communications
- UWPD

The security review will include a walk-through of the potential site to assess feasibility. In some instances, the walk-through may reveal changes necessary for the safety of those participating. Examples include identifying specific entry and egress points. If it is determined during the event review process that the venue is not suitable for the organization's request, alternate sites may be required or the requested site deemed unsuitable and the event cancelled.

## **Communication with Event Organizers and Demonstrators**

With effective communication between event organizers, demonstrators, and campus administration, disruptions can sometimes be avoided – or at least, can take place peacefully without any police intervention requiring force. When possible, Student Affairs staff and UWPD are open to meeting in advance with groups organizing events or those opposed to it with the intent to learn more about the issues at hand and suggest routes for resolution. Campus administration may also ask questions or propose adjustments that can facilitate the event while maintaining safety. Topics to be discussed concerning an event may include, but are not limited to:

- Will the event be ticketed?
- Is the event closed or open to the public? (the latter requires academic department sponsorship)
- Are signs or props allowed?
- If there is a speaker, will the speaker take questions and how will the event be moderated?
- When and how will you share event expectations be shared?
- Will sound amplification be used? (note there is a campus request process)
- How will demonstrators choose to express themselves? (Signs, chanting, etc.)
- Do demonstrators intend to enter the event?
- What is a good location for a counter demonstration?
- Are masks or costumes allowed?

The goal of pre-event planning is to share any known information so that all parties are informed of campus expectations, options and responsibilities, and any possible consequences that could arise due to actions of protestors or demonstrators. Groups consulting with the University should not expect confidentiality about their plans. After the pre-event planning, the University can

clarify what resources beyond the University's normal provision are needed and the associated costs and payment for such costs may be required.

### **Communication to Campus**

Campus administration will communicate with affected members of the community about anticipated disruptions prior to the event as well as any safety concerns that arise during the protest or demonstration. This communication may occur through University online website announcements, campus email messages, audible announcements, and WiscAlerts (or other methods).

### **Decision-Making Mechanisms**

Campus administration, UWPD, and Student Affairs staff will have responsibility for the campus' response to a protest or demonstration, subject to the supervision of the Vice Chancellor for Finance and Administration and the Vice Chancellor for Student Affairs.

### **Coordination with Outside Agencies**

To facilitate coordination and ensure a consistent police response, the UWPD will coordinate pre-event planning with any outside agencies that may provide assistance. Pre-event planning will include establishing an Incident Action Plan (IAP) - outlining police operations for the event. UWPD will conduct any and all event briefings and distribute, as appropriate, the IAP. In its communications with all involved agencies, the UWPD will emphasize the importance of respecting the freedom of expression of all those involved in protests or demonstrations.

## **ACTIVE PROTEST RESPONSE**

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Once a potential or active protest or demonstration has been identified, campus staff will generally assume the following roles:

### **Notification of Potential Protest**

#### Student Affairs Staff Roles

- Research group or event if it includes students.
- Identify the organizer and gather information, to aid in assessment of potential disruption.
- Assign staffing resources to the event.

#### UWPD Roles

- Gather information on event.
- Research previous events by organizers at UW-Madison and other locations.
- Assess event for safety concerns and volatility.

- Activate the Protest Decision-Making Team (PDT).
- Develop a response plan (with Student Affairs staff if students are involved).
- Assign staffing resources to event.
- Coordinate with outside agencies as needed.

#### UWPD, Student Affairs and University Communications Staff Roles

- Develop and assign responsibility for communications with campus, community and stakeholders.

### **Protest Response**

#### Event Organizer Roles

- Meet with University staff to understand responsibilities.
- Develop clear parameters for the event (e.g. signs, question and answer, etc.).
- If a disruption occurs at an event, the event organizer should ask the disruptor(s) to cease. Issuing a warning before action is taken can be a useful, but not required, step to prevent escalation.
- If the disruption continues after a warning, a University staff or faculty member may be called upon to assist (e.g. Student Affairs, Housing, academic department).
- If a faculty or staff member is not available to assist, the event organizers should document the disruption with pictures, videos, and witnesses. UWPD may also be asked to intervene as a last resort when the disruption will not cease.
- Document disruptive behaviors and submit it to OSCCS for evaluation.

#### Demonstrator Roles

- Demonstrate in such a way so as to not disrupt the academic or administrative functions of the University, nor disrupt the free expression of others. This includes work with Student Affairs or UWPD to determine demonstration parameters.

#### Student Affairs Staff Roles

- If appropriate, engage with lead event organizer and demonstrator(s), to ascertain intentions and set expectations.
- Monitor and observe on-going protest at a safe distance.
- Communicate information, problems and concerns with the on-scene UWPD Incident Commander and Dean of Students or designee.
- Pursue tactics designed to diffuse tensions and avoid tactics likely to increase tensions.
- Support UWPD's intervention plan, as needed.

### UWPD Roles

- Engage with protesters.
- Monitor and observe protest.
- Assess potential for violence and harm.
- Identify and communicate information, problems and concerns to Chief of UWPD.
- Using the campus protest philosophy intervene and enforce policies as necessary.
- Advise on the development of an intervention plan and implement, if needed.
- Create an accurate record of the actions of police and demonstrators during demonstrations. This may include the use of neutral observers, videotaping activity at the demonstration, or the creation of police after action reports following any police response to a demonstration. In particular, police should record all dispersal orders, all arrests, and any use of physical force, to the extent possible.

### Protest Decision-Making Team (PDT) Roles

- Provide policy guidance or other direction to UWPD and Student Affairs staff on-site.
- Determine if an event termination is required, crowd dispersed, or moved to an alternate venue.
- Oversee, review, and authorize intervention plan, if needed.
- Coordinate immediate communications to campus, parents, alumni, state and local officials, stakeholders and media.

## **Conclusion and After Action Review**

### Disruptor

- If a student is investigated for possible disruption, the student should be afforded all of the rights and process as outlined in the Non-Academic Code of Conduct in Chapter UWS 17. The possible consequences if a student is found responsible for second violation of the Regents' policy during the student's enrollment is suspension for a minimum of one semester. Any student who has been responsible for a disruption for a third time will be expelled, per Regent policy.

### Student Affairs Staff Roles

- Review event with Dean of Students or designee.
- Share information about possible student code of conduct violations with Office of Student Conduct and Community Standards (OSCCS).
- Participate in the after action report development.

### UWPD Roles

- Determine any injuries or ongoing safety issues
- Communicate with the Chief of UWPD or designee.
- Prepare an after action report.

### PDT Roles

- Establish long-term communication plan for campus and stakeholders and implement, if needed.
- Determine process for reviewing After Action Reports and implementing suggestions, if needed.

### Protest Administrative Review Team (PART) Roles

- Provide biannual review of the guidelines set forth in this report and assessment of campus response to protests and demonstrations.
- Provide feedback and recommendations on campus response to protests and demonstrations to the Vice Chancellor of Student Affairs and Vice Chancellor of Finance and Administration.

## **APPENDIX A - PROTEST DECISION-MAKING TEAM (PDT)**

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The Protest Decision-Making Team is comprised of senior campus administration charged with the ability to quickly assemble to evaluate on-going protests and demonstrations, provide guidance to campus staff facilitating specific campus events, and make necessary decisions regarding the event. The team will consist of the following standing members:

- Provost or Designee
- Vice Chancellor for Administration and Finance or Designee
- Vice Chancellor for Legal Affairs or Designee
- Vice Chancellor for Student Affairs or Designee
- Vice Chancellor for University Relations or Designee
- Chief of Police or Designee

*In addition to the above members, the PDT may also elect to include additional members as needed.*

## **APPENDIX B - PROTEST ADMINISTRATIVE REVIEW TEAM (PART)**

The Protest Administrative Review Team (PART) is comprised of campus stakeholders charged with ongoing review of the guidelines set forth in this report and assessment of campus response to protests and demonstrations. The PART is co-chaired by the Vice Chancellor for Student Affairs and the Vice Chancellor for Finance and Administration with membership to include the following:

- Provost
- Vice Chancellor for Finance and Administration, co-chair
- Vice Chancellor for Student Affairs, co-chair
- Chancellor's Office Designee
- Vice Chancellor for University Relations or Designee
- Vice Chancellor for Legal Affairs or Designee
- Faculty Senate Appointees (2)
- Academic Staff Appointees (2)
- University Congress Appointees (2)
- Student Affairs Appointees (2)
- UWPD Appointees (2)
- Associated Students of Madison Appointees (4)

## APPENDIX C - FREQUENTLY ASKED QUESTIONS

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**Does the PRP apply to outdoor campus spaces that are able to be reserved?** *Yes.*

**What if a group disrupts a group that is protesting within the allowed guidelines?** *The disrupting group would be subject to having its conduct reviewed.*

**What about disruptions like taking over an office?** *The assumption is that most other types of institutional disruption are generally covered in Section UWS 18.11 (Offenses Against Public Peace and Order<sup>10</sup>).*

**If a person is part of a group that plans a disruption (assuming it doesn't violate a law or policy), but doesn't do it themselves, can they be held responsible?** *No, the University would not usually go forward with action against an individual who did not participate in the disruptive behavior if the person did not engage in it themselves. We may hold a Registered Student Organization responsible through the Committee on Student Organizations.*

**Are all individuals in a group that disrupts treated the same?** *When multiple students are involved in the same incident, each may not receive the same outcomes. While the behaviors in question may be similar, each student has unique conduct histories that may warrant differential outcomes.*

**Can a person wear a mask? Does it matter if it is political?** *If masks are allowed in the building or venue where the event is being held, yes. The nature of the mask may be subject to interpretation as disruptive.*

**Does the BOR policy apply to a University event that occurs at an off-campus venue?** *Yes.*

**Is a campus/RSO sponsored Facebook live feed that is hacked or flooded with comments considered a disruption?** *Potentially.*

**How late can the organizers of an event wait to determine and announce the ground rules of an event? Can they change them in the middle of the event?** *Groups are encouraged to notify those attending of the ground rules for their event. That said, it is the organizers' event and they can change them as long as the change equitably applies to everyone.*

**What are recommended ways to communicate the interpretation and operationalization of this policy to students?** *Social media, print materials, orientation, presentations, meetings.*

**Who evaluates evidence used to determine whether a disruption occurred?** *An Office of Student Conduct and Community Standards assigned investigator.*

**Who participates in the process?** *See Chapter UWS 18.*

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<sup>10</sup> [https://docs.legis.wisconsin.gov/code/admin\\_code/uws/18/11](https://docs.legis.wisconsin.gov/code/admin_code/uws/18/11)