

Campus Policy and Protocol for Time, Place and Manner for Protest/Demonstrations/Rallies and Events that Express a Viewpoint or Support for a Cause

Valparaiso University believes in the rights of its community members to learn and work freely and that freedom of expression is critical to the educational mission of the University (see *Valparaiso University Free Speech Policy*). As such, Valparaiso University students are free to exhibit and support their views by lawful and peaceful demonstration and in a manner consistent with the *Valparaiso University Free Speech Policy*.

Peaceful protests and/or rallies present our community with the opportunity to further share information and to learn from others. Only University students, faculty and staff may organize and participate in such events, and faculty and staff only to the extent it does not interfere with work obligations. Participants must have a valid student/employee ID to present to University employees tasked to assure the event complies with this Protocol. These planned events may not restrict the freedom of movement of any member or guest of the University community, harass anyone in the area, or obstruct the normal operations and activities of the University. Unreasonable blocking or disruption of the University's activities is not acceptable. University administrators may choose not to permit a rally or demonstration if they have reason to believe the safety or the performance of University operations may be compromised.

The policies and procedures outlined below apply only to events on the Valparaiso University campus. Events happening off-campus will be the responsibility of the event hosts to coordinate with City of Valparaiso or Porter County officials. For events that may start on-campus and then move off-campus, event hosts must abide by the policies below for the on-campus portion of the event, but are responsible to coordinate with local officials for the off-campus portion of the event.

NOTE: Valparaiso University Communications is responsible for communications including media relations, public relations, publications, advertising/marketing, and web sites for the University. While individuals are free to speak to the press regarding personal positions, only the University's President can support, endorse, or oppose a position or statement on behalf of the University.

1. Time, Place and Manner

- a.** The First Amendment requires that the government not discriminate against particular viewpoints. The Supreme Court has, however, upheld the idea that speech may be regulated under "Time, Place, and Manner" regulations. Although the University is a government entity and not bound by Supreme Court law in this area, it extends similar rights to students and student organizations while reserving the right to restrict viewpoints and regulate Time, Place, and Manner in manners that may otherwise be prohibited by the government.
- b.** Time, Place, and Manner is a restriction on the time, place, or manner of expression that is justified when it is neutral as to content and serves a significant government interest and leaves open ample alternative channels of communication.

- c. Students, student organizations, staff and faculty have the right of freedom of expression to the extent allowed by law. The University reserves the right to make reasonable restrictions as to time, place, and manner in certain situations as outlined in the Valparaiso University Student Handbook, Staff Handbook and Faculty Handbook.

2. Events Covered by this Policy

a. Planned Protests, Rallies, or Demonstrations

- i. Protests, rallies, or demonstrations under this policy are classified as any event planned with the expressed purpose of gathering the University community to raise awareness about, or express a viewpoint on, any issue or cause. These events require advanced arrangements with the University as outlined below.
- ii. Events must be hosted by current University faculty, staff or students to take place on campus. Outside entities may not host protests, rallies or demonstrations or counter demonstrations on campus. Outside entities/individuals' members will be asked to leave if they do not adhere to the expectations set in this policy.
- iii. Events covered in this policy are intended to be focused primarily on Valparaiso University members. No employee should host or organize such an event during their regularly scheduled work hours.

b. Spontaneous Events

- i. The University recognizes that there are times when things happen that preclude the ability to plan an event. These include responses to world or local events, vigils, and/or celebratory gatherings (e.g. White Sox/Cubs win the World Series, Valpo wins a championship, etc.). The University has designated areas where these events may occur.
- ii. Restrictions to these spontaneous events include:
 - 1. No amplified sound after hours; no disruption of the operations of the University; no blocking traffic; and the expression of viewpoints that are inconsistent with the *Valparaiso University Free Speech Policy*.
 - 2. These events should take place between the hours of 9:00 a.m. and 8:00 p.m.

c. Counter Protests

- i. Planned protests, rallies, or demonstrations may invite protest by persons or groups whose ideas lie in contrast. Event hosts should be aware of, and train leaders of the groups for, the possibility of counter protests when organizing events. In cases where dissenting views are likely to be expressed, the University will reserve the right to identify areas designated for counter protest to protect the freedom of expression of all parties.

d. Duration of Events/Protests and Other Restrictions

- i. No Protests/Events shall take place before 9 am or after 8 pm. Limited exceptions may be made at the discretion of the Dean of Students (see Special Circumstances below). The University prohibits overnight protests.
- ii. Any behavior the University reasonably determines is disruptive (regardless of intent) to the rights of others or behavior which denies the daily productive

functioning of self or others will not be permitted (see *Student Handbook*). This includes but is not limited to the following:

- Disrupt, disturb, or interfere with educational or administrative activities, events, or operations inside or outside any building.
 - Obstruct, disrupt, or attempt by physical force to cancel or discontinue speech by any speaker, or the observation of speech by any person intending to see or hear a speaker.
 - Intentional or unintentional obstruction of pedestrian or vehicular traffic on University premises or at University-sponsored or supervised functions.
 - Obstruct any entrance or exit to any building, assembly space, driveway, parking lot, vehicular path, stairway or walkway or impede entry to or exit from any such area
 - Enter into any building or facility or occupy any university property without appropriate authorization.
 - Destruction, damage or defacement of personal, public or University property.
 - Violate any applicable federal, state, or local law, rule, ordinance, or the University's *Free Speech Policy*.
 - While amplified sounds (voices, music, noisemakers) may be part of a program or event, those that impact the operations of the University may need to be lowered at the discretion of the University official on site. Amplified sound may only be used during the hours of 9:00 am to 10:00 pm Central Time.
 - Failure to comply with any reasonable instruction by the Valparaiso University Police Department or any university official acting in the performance of their duty is not permitted and may result in further action by the University.
- iii. This Policy applies to all students and employees of Valparaiso University. Students and employees who violate this policy are subject to disciplinary processes as outlined in the Faculty Handbook, Staff Handbook, or Student Handbook.

NOTE: This policy does not extend to demonstrations and rallies related to political activities. For events of this nature, please refer to the [University Political Activities and Events Policy](#).

1. Planning and Execution of Event

a. Approved Location for Demonstrations

- i. The approved locations for demonstrations on campus will be determined by the Dean of Students in conjunction with the University Chief of Police and Facility Director.

b. Preapproval, Building Occupancy, and Hours of Operation

- i. Services. To ensure the safety of event attendees, events must adhere to established building occupancy codes, all building policies, and opening/closing times.

c. Restriction from Buildings (individuals and groups)

- i. The University may deny individuals access to all or some University property, if a person(s) is known to have or has engaged in criminal activity, suspicious activity, or behavior that is or is likely to be threatening, violent, or disruptive to University operations and activities. The University considers areas near or within classroom settings or residence halls to be disruptive to University operations and activities.

d. Construction

- i. The Dean of Students or designee must approve any structure (stage, tent, etc.) to be erected for use during a protest, rally, or demonstration. Necessary consultation will occur with the Facilities Management Office.

e. Advance Arrangements

- i. For protests, rallies, or demonstrations occurring on-campus, advanced reservations must be made for the space with the Dean of Students, the University Chief of Police, and Harre Union Event
- ii. Group organizers must submit a *Request for Demonstration Form* no less than five business days prior to the date of the proposed protest, rally, or demonstration. This will ensure that University officials can assist students, faculty, and staff in the planning of their event, and to help anticipate the possibility of counter protests. Approval of requests are made by the Dean of Students and University Chief of Police or designee.
- iii. University staff will be present during protests, rallies, or demonstrations to monitor the event's safety and to ensure the event does not interrupt University educational operations.
- iv. Protests, rallies, or demonstrations slated to occur on an adjacent street or sidewalk may require city permits and/or adherence to city ordinances. Event hosts proposing such events will need to work within the parameters as set forth by local, county and state government.

f. Community Notification

- i. Event organizers are responsible for notifying the Valparaiso University community that a protest or demonstration will be, or is, taking place including notification of the location of the event.

g. Posters, Placards, Banners and Signs, and Other Limitations

- i. The University allows posters, placards, banners and signs (without sticks or poles) as long as they are not attached to walls or buildings in a way that will cause permanent damage. Any such signs must state the students, faculty, staff, or organization hosting the event.
- ii. Outside chalk signs on sidewalks are permitted only in areas accessible to rainfall, thereby eliminating the necessity of University personnel to wash off the writing. Writing on the sides of buildings is not permitted.
- iii. Placards, banners, and signs used during a protest, rally, or demonstration may not impede upon the operations of the University and thus should not block sidewalks, entryways, roadways, etc. While allowed, if found to impede upon the operations of the University, placards, banners, and signs must be relocated at the request of University officials.

- h.** No items may be brought to a protest when the University determines, in its sole discretion, such items could be used in dangerous manner. Weapons of any kind are prohibited. In addition, the University reserves the right to inspect anything, including bags, backpacks, and purses, of anyone present at the event. Special Circumstances
 - i.** The University recognizes that some demonstrations may occur over a period of hours or days. Similarly, some protests, rallies, or demonstrations may draw large attendance warranting the need for an increased presence among University officials including the Valparaiso University Police Department (VUPD). Any such events will require the approval of the Dean of Students or designee, who will consult with the Valparaiso University Police Department, University Chief of Police, Facilities Management, etc.
 - ii.** It will also be necessary that the faculty or staff advisor associated with the club or organization be present throughout the duration of the event when it occurs over a period of hours or days, is expected to draw a large crowd, or when a counter protest should be anticipated.

2. Process for Appeal of Denied Requests

- a.** If a request for a rally, protest, or demonstration should be denied, the entity proposing the demonstration may submit a written letter of appeal, of no more than 500 words, within five (5) business days of notice of denial of the request. The appeal should clearly state the reason for the appeal, and the justifications must not violate any areas outlined in this policy or any other University policies.
- b.** The appeal letter should be addressed to the Office of the General Counsel of the University, and will receive a response within five business days.