



PROTEST GUIDELINES

UNIVERSITY OF WISCONSIN- WHITEWATER

September 2020

Prepared by University of Wisconsin - Whitewater Police

And Division of Student Affairs

UW-WHITEWATER PHOTO/CRAIG SCHREINER

TABLE OF CONTENTS

PURPOSE 2

PHILOSOPHY 2

 Clear Communication of Rights and Responsibilities3

 Ongoing Relationship Building3

 Transparent Decision-Making Processes3

 Protest Response Priorities4

DISRUPTION OF FREEDOM OF EXPRESSION: REGENTS’ POLICY4

 Components of a Disruption5

 Examples of Disruptive and Non-Disruptive Behavior5

 Campus Process for Confronting Disruptive Behavior6

 Nonacademic Misconduct Process6

PREPARATION FOR PROTESTS OR DEMONSTRATIONS.....7

 Training7

 Campus Event Reservations7

 Event Notification and Security Review8

 Venue/Facility Security Review8

 Communication with Event Organizers and Demonstrators9

 Communication to Campus9

 Decision-Making Mechanisms10

 Coordination with Outside Agencies10

ACTIVE PROTEST RESPONSE10

 Notification of Potential Protest10

 UWWPD Roles10

 University Communications Staff Roles11

 Protest Response11

 Event Organizer Roles11

 Demonstrator Roles11

 UWWPD Roles11

 Protest Decision-Making Team (PDT) Roles12

 Conclusion and After-Action Review12

 Disruptor12

 UWWPD Roles12

 PDT Roles13

FREQUENTLY ASKED QUESTIONS14

PURPOSE

The University of Wisconsin- Whitewater 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-Whitewater'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' 400-acre main campus footprint is host to almost 50 buildings. The Connor University Center, Center for the Arts, classrooms and other spaces across the Whitewater campus host numerous events. In addition, the UW-Whitewater at Rock County campus has a footprint of 50 acres that also hosts events in the Janesville community. 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-Whitewater as a site for expressive activity to reach out to the UW-Whitewater Police Department (UWWPD) so we can assist in making your event successful and safe (especially if you believe the event might draw controversy).

PHILOSOPHY

Public universities are venues for creative and thoughtful discourse where differing perspectives are debated and thoroughly discussed - a "marketplace of ideas" consistent with the goals of a liberal education. The guiding values of the institution – Inspire, Engage, Transform - set the framework for our commitment to being a principled, value-driven University. To that end, the University provides an environment for freedom of expression, as well as a forum for ideas, perspectives and viewpoints to be stated and questioned, as well as tested and clarified. In doing so, we uphold a long standing tradition at UW- Whitewater of supporting critical thought and expression, engendering greater awareness of systemic societal issues, and championing the development of one's own mind.

By creating this type of open climate for free expression, inevitably there will be moments in time where viewpoints conflict and dissent occurs. We will challenge each other as community members, and the community at large will challenge us. There will be times when one may be offended by the tone or content of speech being expressed. There will be times where viewpoints differ and moral codes are called into question. This will likely elicit negative feelings and/or responses; however, it is the University's responsibility to uphold the US Constitution and the right to freedom of expression, and we will do so with as few constraints as possible. There shall be no restrictions on legally protected free speech activity based on the content of such speech or expression, or on the political, religious or other affiliations of speakers.

Further, speech that is otherwise protected may not be disallowed solely because it is offensive, or because members of the audience find it offensive, even where such members react to the speech in a disruptive manner. In such circumstances, while there may be a legitimate need to take action against the disruptive members of the audience, the speech itself must be allowed to continue.

The University may impose reasonable time, place and manner restrictions on the exercise of the right of free expression in order to preserve the safe and orderly operation of the campus.

Three general principles apply to all events:

1. Scheduled events take precedence over spur of the moment activities.
2. Because an event may interfere with classes in session and/or other activities, sound amplification is generally limited to times when classes are not in session.
3. Activities that restrict or disturb the routine business of the University are generally prohibited and as such, may be directed to cease.

UW- Whitewater'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

On October 6, 2017, the UW System Board of Regents adopted the current Commitment to Academic Freedom and Freedom of Expression policy¹. 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, protests, sound amplification, and other behaviors found in Section UWS 18.11 of the Wisconsin Administrative Code (Offenses Against Public Peace and Order)². 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-Whitewater 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 UW-Whitewater Police Department. These standards and practices will be reviewed, and if needed, revised at the end of each academic year and publicized on their website and through various communication means on campus.

Students and student organizations can request a training on free speech and freedom of expression by contacting the Dean of Students Office at 262-472-1533 or University Police at 262-472-4660.

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 Section UWS 17.09(8)³. 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 Recognized 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 Wyman 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-W staff believe are significant and have a significant impact on the event and, when confronted, do not cease.
- Behaviors that do not 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

- Intentional blocking of entrances, stairwells or corridors.
- Intentionally obstructing the vision of others in any manner. (Examples: a sign, certain clothing, a prop, a person’s body, etc.)
- Being disruptive immediately outside a room occupied for classes or research.
- Intentionally creating a noise disturbance that interferes with authorized activities.

- Facsimile or real weapons.
- Using amplified sound/music, including megaphones, without a proper permit.
- Violence or threats of violence against people or property.
- Signs supported by poles or sticks.

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 do not 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.

Campus Process for Confronting Disruptive Behavior: Guests, Campus Community Members, and/or Students

Behavior in violation of any of these regulations is subject to intervention by university and/or law enforcement officials. In the event of an alleged or perceived violation, those in violation will be asked to comply with the applicable regulations by the appropriate campus authorities (e.g. Dean of Student 262-472-1533, Center for Students with Disabilities 262-472-4711, Career and Leadership Development, University Housing, University Center, School/College department) by contacting the UWWPD at 262-472-4660.

If a violation persists or is repeated, or if the assembly poses an imminent danger to public safety, those assembled may be required to disperse immediately. Continued violation may result in arrest and subsequent legal action by the university. If the violation occurs at a scheduled event, the permission for the event may be summarily revoked, and future requests by those individuals or groups in violation may be canceled or denied.

Additionally, documentation of disruptive behaviors related to students should be submitted to Dean of Students or Career and Leadership Development for evaluation depending on if it was an individual or a student organization. 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. 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 for Students

If an incident of disruption occurs, the University will proceed under Chapter UWS 17 procedures (found on the Dean of Students website; please also refer to Chapter UWS 17 for the full description of the procedures). UWWPD may impose additional criminal justice system procedures as necessary or warranted and mitigate the situation.

Misconduct Campus Employees Process

If an incident of disruption occurs, UWWPD may impose criminal justice system procedures as necessary or warranted, mitigate the situation, or the employee may be referred to the Office of Human Resources.

Misconduct of Community Members Process

If an incident of disruption occurs, UWWPD may impose criminal justice system procedures as necessary or warranted, mitigate the situation, or restrict a community members access to campus.

PREPARATION FOR PROTEST OR DEMONSTRATIONS

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.

To request a training for students or student organizations, contact the Dean of Students Office call 262-472-4711 or University Police at 262-472-4660.

Campus Event Reservations

The Connor University Center Reservation Office assists student organizations, academic departments, and others in planning and coordinating events and campus activities in the Connor University Center, and other campus buildings. It offers event planning; room reservations; food selection, technology and room set-up; and campus facilities and outdoor spaces reservations. Reservations is the primary office to facilitate space use/reservations for all events. For general information and reservation requests, go to:

<https://www.uww.edu/uc/reservations>

Campus Grounds Reservations

Groups wishing to reserve green space in the academic area must contact UWWPD at 262-472-4660. The request will be forwarded to the appropriate staff member who will contact the group leader with further information.

Event Notification and Security Review

Reservations' Office and those persons responsible for reserving spaces 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 by the UW- Whitewater Police Department to assess site feasibility and safe facilitation of the event.

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

- Any non-instructional use request for a space with an anticipated audience of 70 or more
- An educational presentation, lecture, or other visit by a dignitary, celebrity or other person of renown anywhere on the UW- Whitewater campus- according to the UW- Whitewater Special Event Policy.
- Event requests involving the use of green space (runs, walks around campus, rallies on Wyman Mall, parades, festivals, etc.)

Whenever a request involves any of the following elements, the Reservations Office will notify the UW-Whitewater Police Department 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
- Any non-instructional use request for specific spaces where logistics may pose a concern regarding the safe execution of the event.

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 or provide alternative time (s), and or place (s) to facilitate.

Venue/Facility Security Review

The Security Review Team consists of the following additional offices:

- Division of Student Affairs
- Risk Management

- University Marketing and Communications
- UWWPD

The security review may 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 and or times may be required or the request deemed unsuitable and the event denied.

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. When possible, Dean of Students staff and UWWPD 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 may communicate with 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 InformaCast (or other methods).

Decision-Making Mechanisms

For planning and review of an event, Campus administration, Dean of Students Office, and UWWPD will have responsibility for the campus' response to a protest or demonstration, subject to the supervision of the Vice Chancellor for Administrative Affairs and/or Vice Chancellor for Student Affairs.

Coordination with Outside Agencies

To facilitate coordination and ensure a consistent police response, the UWWPD 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. UWWPD will conduct any and all event briefings and distribute, as appropriate, the IAP. In its communications with all involved agencies, the UWWPD will emphasize the importance of respecting the freedom of expression of all those involved in protests or demonstrations.

ACTIVE PROTEST RESPONSE

In active situations UWWPD has the responsibility of command and control.

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

The Protest Decision-Making Team (PDT) 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:

- Vice Chancellor for Administrative Affairs or Designee
- Vice Chancellor for Student Affairs or Designee
- University Marketing and Communications or Designee
- Chief of Police or Designee (UWWPD)

Notification of Potential Protest

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

- Develop a response plan.
- Assign staffing resources to event.
- Coordinate with outside agencies as needed.

University Marketing and 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 person(s) is considered to be disrupting an event, the event organizer should ask the person to cease. Issuing a warning before action is taken, which can be a useful, but not a required step to prevent escalation.
- If the disruption continues, contact UW-Whitewater Police Department at 272-472-4660. The police department will field the call to the appropriate office to assist (e.g. Dean of Student, Center for Students with Disabilities, Career and Leadership Development, University Housing, University Center, School/College department).
 - UWWPD may also be asked to intervene as a last resort if the disruption will not cease.
 - Document disruptive behaviors and submit it to Dean of Students for evaluation.

Demonstrator Roles

- Demonstrate in such a way so as not to disrupt the academic or administrative functions of the University, nor disrupt the free expression of others. This includes working with UWWPD and/or Dean of Students Office to determine demonstration parameters.

UWWPD 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 UWWPD Incident Commander and Dean of Students or designee.
- Pursue tactics designed to diffuse tensions
- Engage with protesters.
- Monitor and observe protest.

- Assess potential for violence and harm.
- Identify and communicate information, problems and concerns to Chief of UWWPD.
- 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

- In active situations UWWPD has the responsibility of command and control.
- Identify a liaison to a student group/org/leader/requester to for lead communications.
- Provide policy guidance or other direction to UWWPD 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.
- If an employee is investigated for possible disruption, UWWPD may impose criminal justice system procedures as necessary or warranted, mitigate the situation, or the employee may be referred to the Office of Human Resources.
- If a community member is found responsible for the disruption, UWWPD may impose criminal justice system procedures as necessary or warranted, mitigate the situation, or restrict the community members' access to the campus.

Student Affairs

- Debrief with students or student groups if there is an identified need.

UWWPD Roles

- Determine any injuries or ongoing safety issues.

- Communicate with the Chief of UWWPD or designee.
- Prepare an after action report.
- Share information about possible student code of conduct violations with the appropriate university liaison Dean of Students or Career and Leadership Development if against a student organization.

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.

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

² https://docs.legis.wisconsin.gov/code/admin_code/uws/18/11

³ https://docs.legis.wisconsin.gov/code/admin_code/uws/17

FREQUENTLY ASKED QUESTIONS

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 Order⁷). https://docs.legis.wisconsin.gov/code/admin_code/uws/18/11*

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 Recognized Student Organization responsible through Career and Leadership Devolvement.*

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. This does not apply to masks worn as part of COVID-19 or other health crisis.*

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.*