

Guidelines Regarding Protest and Dissent

(Approved by the University Senate May 2, 1991.)

A. Commitment and Responsibilities of the University.

New York University is committed to maintaining an environment where open, vigorous debate and speech can occur. This commitment entails encouraging and assisting University organizations that want to sponsor speakers as well as informing members of the University community who seek guidance concerning forms of protest against speakers. It may also involve paying for extraordinary security measures in connection with a controversial speaker. Consistent with these obligations, the University promulgates these Guidelines, which are intended to be applied without regard to the content of any proposed speaker's speech.

B. Application of Guidelines. These Guidelines apply to all meetings held at the University which are not part of academic courses of instruction or regular University or school or department administration to which speakers are invited.

C. Meetings to Be Designated as Open or Closed

1. The sponsoring organization may designate a meeting to which a speaker is invited as "open" or "closed." In either case, incidental University facilities such as room and utilities may be used.
2. If a University organization or group uses University funds for other than incidentals, the meeting must be designated and treated as open. Use of room and utilities is considered "incidental" and therefore available for a closed meeting; all expenses of substance (e.g., a speaker's travel expenses or provisions of more than de minimus refreshments) are not considered "incidental," and may only be paid from University funds if the meeting is open. This requirement does not apply to meetings for which University funds have been authorized to finance a training event carried on by an organization designated by the Dean or appropriate administrator as a University training organization (e.g., University clinical organization or University journal).
3. Closed Meetings
 - a. A meeting at which the sponsoring organization limits the attendance to membership in the organization or to invited or designated individuals or groups (including members of the press), and from which members of the University community not related to the sponsoring organization or to the meeting are excluded, shall be deemed closed. The meeting may not be closed on the basis of any category that is, or is a pretext for, discrimination in violation of the University's published antidiscrimination policies.
 - b. To the extent that a closed meeting is advertised to those who are not invited to attend, there must be clear disclosure that the meeting is closed.
4. Open Meetings
 - a. A meeting is considered open even though the sponsoring organization limits the audience to members of the University community or to portions thereof (e.g., first-year graduate students) other than as provided in paragraph 3a.

- b. At an open meeting, the sponsoring organization must provide that at least a majority of the seats be available to the University community or portion thereof, as the case may be.
- c. The sponsoring organization must provide adequate and timely notice for an open meeting.

D. Identification

- 1. The sponsoring organization or University administration may require attendees to produce identification, so long as
 - a. Advance notice is given as to what specific types of ID will be required.
 - b. Identification procedures are enforced consistently and uniformly.
- 2. When required in an open meeting, identification and, when appropriate, press credentials should be checked by an official perceived to be neutral (e.g., an administrator or designated general student monitor), not by a member of the sponsoring organization or by any person perceived as partisan.

E. Dissent/Protest

1. General Principles

The right to dissent is the complement of the right to speak, but these rights need not occupy the same forum at the same time. The speaker is entitled to communicate her or his message to the audience during her or his allotted time, and the audience is entitled to hear the message and see the speaker during that time. The dissenter must not substantially interfere with the speaker's ability to communicate or the audience's ability to hear and see the speaker. When a meeting is closed, dissent by nonattendees is limited to activity outside the meeting that does not impede access to the meeting or substantially interfere with the communication inside. When a meeting is open, the acceptable form of dissent will depend on whether the dissenter is inside or outside the meeting, and on whether the dissenter is acting before or after the meeting or during the meeting.

2. Some Examples of Dissent

The following guidelines, which are neither comprehensive nor absolute, suggest the limits of acceptable dissent:

- a. Picketing; literature. Picketing in an orderly way or distributing literature outside the meeting is acceptable so long as it does not impede access to the meeting. Distributing literature inside an open meeting is acceptable before the meeting is called to order and after the meeting is adjourned.
- b. Silent or symbolic protest. Protesting noiselessly, such as by displaying a sign, wearing clothing, gesturing, or standing, is acceptable so long as the protest does not interfere with the audience's view, or prevent the audience from paying attention to the speaker. Any use of signs, prolonged standing, or other activity likely to block the view of anyone in the audience should be confined to the back of the room.
- c. Noise. Responding vocally to the speaker, spontaneously and temporarily, is generally acceptable, especially if reaction against the speaker is similar in kind and degree to reaction in his or her favor. Chanting or making other sustained or repeated noise in a manner which substantially interferes with the speaker's communication is not permitted, whether inside or outside the meeting.

d. Force or violence. Using or threatening force or violence, such as defacing a sign or assaulting a speaker or a member of the audience, is never permitted. Any interference with freedom of movement, or with freedom from personal force and violence, is a serious violation of personal rights.

3. The Audience's Responsibility

The audience, like the host and the speaker, must respect the right to dissent. A member of the audience or the host organization who substantially interferes with acceptable dissent is violating these guidelines in the same way as a dissenter who violates the rights of the speaker or audience.

4. Question and Answer Period in Open Meetings

In any open meeting the sponsoring organization is strongly encouraged to arrange with the speaker to assure a reasonable opportunity for a question and answer period.

F. Security

1. Senior University officials shall determine, either on their own initiative or after hearing from campus organizations or groups, whether the protection of free speech at an open meeting requires measures to provide security.

2. Upon making this determination that security measures are required, these University officials, acting in consultation with the University Department of Public Safety, will have and will exercise the responsibility to determine the nature and extent of security measures required and ensure their implementation in a way which will not unfairly discriminate against nor intimidate any participant. The University will fund these measures. They may include but are not limited to the following:

a. Bags and other containers may be subject to search by University Public Safety officers, and may be required to be put in a checkroom before entrance to the event.

b. Coats or outerwear may be required to be put in a checkroom before entrance.

c. Videotaping, audiotaping, and/or photographing of the event may be done, with prior notice to the audience.

3. When a meeting is closed, the sponsoring organization will ordinarily be responsible for planning, obtaining, and funding its own security. Any provision for the use of force as a security measure will be planned with participation of the University Department of Public Safety. Only the Department of Public Safety or police officers may use force as a security measure.

G. Use of Moderator/Facilitator

1. Determination of Need

Senior officials may determine that the protection of free speech at an open meeting requires the use of a moderator/facilitator. If so, the meeting shall be held with a moderator/ facilitator.

2. Selection

The moderator/facilitator will be selected by the sponsoring organization, subject to approval by the University administration. The person selected shall be perceived to be neutral and nonpartisan.

3. Role

The moderator/facilitator should make clear at the meeting that her/his role reflects no position for or against the views of the speaker or sponsoring organization. In any open meeting at which a moderator/facilitator has been assigned, he or she shall be empowered to preside over any question and answer period.

At the event, final decisions regarding balancing the rights of the speaker with the rights of those who disagree will be made by the moderator/facilitator. These decisions include, but are not limited to

- a. Whether to eject a disrupter from the room.
- b. Whether to suspend a speech temporarily if disruption occurs.
- c. Whether to move an event because of disruption or security.
- d. Whether to cancel an event because of security concerns.

The moderator/facilitator should take any of the above actions only as a necessary resort and, if possible, only after a good faith attempt to consult with the sponsoring organization.

H. Sanctions

Violation of the free speech rights of any person, as protected in these guidelines, will be treated seriously. Violators will be subject to the following sanctions:

1. Expulsion from the meeting or event.
2. Arrest or other legal action.
3. As to members of the University community, disciplinary procedures before the appropriate tribunal, which may impose any of the following sanctions:
 - a. Warning
 - b. Written reprimand
 - c. Suspension
 - d. Expulsion

Pursuant to existing procedures, these sanctions may be noted on a student's transcript or employee's personnel file and later reported to appropriate external officials.

I. Advisory Committee on Free Speech

The Committee on Organization and Governance of the University Senate shall maintain its oversight of this subject and should as appropriate

1. Advise the University administration concerning the further development and the enforcement of these guidelines through content-neutral policies related to time, place, and manner.
2. Review the effectiveness of these guidelines and proposals for change.
3. Development, recruitment, and training, if needed, of moderator/facilitators.

Inquiries concerning the application of these Guidelines or the use of a moderator/facilitator should be addressed to the Office of the Assistant Vice President for Student Life, Kimmel Center, 60 Washington Square South, Suite 601, 212-998-4411.