

Freedom of Expression/Assembly and Demonstrations on Campus Grounds and University Events Policy

Policy Statement

Samuel Merritt University (SMU) is committed to protecting the freedom of expression, including peaceful assembly, consistent with our mission, values, and campus policies. Understanding current policies and their application to expressive activities on our campus and at off-campus events is essential for members of our community, and the general public.

This specific Policy supplements and aligns with other University policies and outlines the respective rights and limitations associated with expressive activities and assembly (including demonstrations by the University constituencies) on the University's campus and during University events.

No set of policies or clarifications can address every scenario. The University urges any member of our community who plans on participating in a demonstration, protest, or assembly of any kind on our campus or in our programs and activities to contact University administrators in advance to resolve any policy questions and to discuss safety or security concerns. Students, faculty, and staff are encouraged to reach out to the offices of the Dean of Students, Provost, Risk Management and Safety, or the Office of People and Culture as appropriate. Due to SMU is a private university, members of the general public are not permitted to mount a demonstration, protest, or assembly on SMU properties.

Entities Covered

All units of the University.

Contacts

Questions about this policy may be addressed to:

Issue: Policy Interpretation

Contact: Dean of Students

Telephone: 800-607-6377

Definitions

SMU Campus Grounds: outdoor areas of the SMU campuses located in Oakland, Sacramento, San Mateo and Fresno that are generally accessible to members of the SMU Community.

SMU Community: currently enrolled or employed students, faculty, or staff at Samuel Merritt University.

Member of the Public: any individual who is not a current member of the SMU Community.

“Demonstration”: activities such as rallies, assemblies, protests, and other gatherings of people joined together to express views on a particular issue. It is not necessary for every individual participating to hold the same beliefs as those the group may be expressing. Participating with the group’s activities is sufficient to qualify as participation in a demonstration.

SMU Event: a University sponsored activity or gathering that takes place either on the SMU Campus Grounds, or outside the boundaries of the SMU Campus Grounds, sponsored or hosted by the University.

Scope of Protection

Members of the Samuel Merritt University Community

The rights and privileges related to the freedoms of expression and assembly on SMU Campus Grounds and SMU Events are expressly provided for the benefit of current members of the SMU Community. However, SMU reserves the right to request a non-SMU community member to leave the campus or event when an official from SMU has determined that the person is violating University policies. If a person refuses to leave after being warned, that person is subject to a trespass citation, possible arrest, and a possible ban from SMU’s Campus Grounds and SMU Events.

Members of the Public

Members of the public are not permitted to engage in any expressive activity (including Demonstrations) on SMU Campus Grounds or an SMU Event. At any time the University needs to protect the freedoms and safety of its own community, the University will limit access to the campus or portions of campus or an event to SMU community members only. The University may also request a member of the public to leave the campus or the event at any time and for any reason. If a person refuses to leave after being warned, that person is subject to a trespass citation and possible arrest.

Behavioral Requirements

Failure to comply any of the following paragraphs in this policy may result in removal from SMU Campus Grounds or the SMU Event, disciplinary action, issuance of a persona non grata or no-trespass order, or any other action necessary to preserve the safety of SMU’s Community.

Requests for Identification

Any person must identify themselves by photographic identification when asked to do so by a representative of the University or Security Personnel while on SMU’s Campus Grounds or attending an SMU Event. Failure to do so can result in disciplinary action.

In addition to being required under this Policy, students are also obligated by the Student Code of Conduct to identify themselves when asked to do so by an official from SMU.

Time, Place, and Manner Rules

Generally, expressive activities, including Demonstrations, may occur anywhere on SMU's Campus Grounds. For SMU Events held off-campus, SMU is obliged to, in addition to internal campus policies and procedures, comply with any rules, regulations and policies outlined by the venue.

To protect the rights of all campus community members, as well as to preserve the integrity of the University's property and activities, the below time, place, and manner rules must be adhered to:

Material Disruption

To preserve the educational, work, and neighboring residential environments, a Demonstration may not be conducted in a way that prevents, forecloses, or interferes with teaching, research, administration, construction, or other authorized activities on or off campus (including expressive activities or Demonstrations of others being conducted in accordance with this Policy). This also means that no one may block the flow of pedestrian and vehicular traffic on the campus and during events, or access into or out of campus buildings, event venues, or parking lots.

Participants in Demonstrations must leave at least 20 feet of unimpeded access to the entrances and exits of buildings, facilities, and parking lots. To provide for the safety of others, Security Personnel or University representatives may require those participating in a Demonstration to provide a larger area of unimpeded access. Failure to do so upon request is a violation of this Policy and may result in removal from the SMU Campus Grounds or the SMU Event.

Unreasonable Noise & Amplified Sound

To preserve the educational, work, and neighboring residential environments, all individuals on SMU's Campus Grounds, and during SMU Events, must maintain appropriate noise levels such that the noise does not materially interfere with the rights of others, including their own ability to exercise their rights of expression and participate in a Demonstration (including the right to listen to a Demonstration). All participants must adhere to directions from Campus Safety Officials that relate to compliance with any local noise ordinances.

Coercing Attention

To respect the rights of others to avoid expressive activity or a Demonstration, no one may attempt to coerce or intimidate any other person into viewing, listening to or accepting a copy of any communication. No person may persist in requesting or demanding the attention of any other person after that other person has attempted to move away or has clearly refused to engage with that person. Violations of this paragraph may result in disciplinary action.

Breaching of Security or Crowd-Control Measures; Bypassing of University Representatives or Security Personnel

To respect the University's rights to establish safety mechanisms to protect its property and activities, no one may, without authorization, bypass fencing or cross other designated areas, lines, or barriers (or attempt to) that are physical or marked by the presence of University representatives or Security Personnel to protect areas that have been designated as private or closed to the public. Demonstrations must remain on SMU Campus Grounds and may not enter into SMU's buildings.

Weapons and Replica Weapons

To ensure safety and avoid accidents, the University does not permit weapons on any part of the campus.

Additionally, if an SMU or Campus Security official determines that an object not otherwise prohibited on campus is being used in a way that violates University policy (e.g. by creating a hostile environment or used in a threatening manner), the person using the item will be required to comply with whatever orders are given for the disposition of the item. Failure to dispose of the item in the manner requested is a violation of this Policy and may lead to disciplinary action.

Damage to Property

To respect SMU's property rights, no expressive activities or Demonstrations may be conducted in a manner that damages, defaces, marks, discolors or alters in any way the University's property, SMU Event venue, or any person's property, including any signs, tables, or exhibits.

Camping, Structures, and Repelling

To maintain clean and safe environments, no one may camp on the University's campus, or climb upon or repel down any tree, building, or property.

No Authorization to Use Force

To ensure everyone's safety, an individual's potential violation of one or more provisions of this Policy does not provide authority for another individual to use force to enforce their rights.

Individuals are instead encouraged to report potential Policy violations to the nearest University representative or Security Personnel.

Individuals who use, or attempt to use, force against another person may be found in violation of conduct expectations set forth in this Policy or other University Policies.

No Unlawful Activity

The University's campus shall be used only in accordance with federal, state, and local laws and shall not be used for the purpose of organizing or carrying out unlawful activity.

Other Applicable University Policies

In addition to the above, all individuals on the University's campus and SMU Events are expected to be aware of and comply with all University policies, including, but not limited to the:

- Student Code of Conduct
- Civil Rights Policy
- Staff Handbook and Faculty Handbook
- Posting and Advertising Policy

Reservation of Rights

As a private institution, and consistent with its duties under the law, the University reserves the right to:

- Establish event-specific time, place and manner or other conduct expectations;
- Establish security checkpoints, including the search of bags or personal belongings;
- Photograph or videotape any individual participating in a Demonstration or other expressive activities on SMU's Campus Grounds and SMU Events;
- Pursue civil or criminal remedies, as appropriate, with respect to any potential violations of civil or criminal law by any individual;
- Close the campus to Members of the SMU Community, including prohibiting Members of the Public from coming onto SMU's campus or events for any reason.

University's Response to Policy Violations

Violation may result in any one or more of the following responses:

- Immediate removal from the campus or event;
- Arrest of any individual;
- Disciplinary action for members of the SMU community (enrolled students, faculty, or staff of SMU);
- Other actions necessary to preserve the safety of SMU's campus community and usability of SMU's campus

Additionally, as a private institution, dispersal orders are not required, nor practical in all circumstances, in order for the University to respond by any of the methods identified above.