

SPECIAL REPORT
of the
AD HOC COMMITTEE ON PICKETING AND RECRUITMENT
concerning
RULES FOR PICKETING AND DEMONSTRATIONS

Presented at the
417th Regular Meeting of the Faculty Senate
November 19, 1987
(Tabled from the
413th Regular Meeting of the Faculty Senate
May 21, 1987)

COMMITTEE MEMBERSHIP

Margery Coombs
*Chester Davis
Richard Giglio
Ronald Pipkin
David Schimmel, Chair
Thomas Zajicek
Donna Carey
*William Bennett
*Paul Wingle
Jonathan Frank
Fern Johnson
William Field

* - unable to attend

Final Report

AD HOC COMMITTEE ON PICKETING AND RECRUITMENT

The attached Rules on Picketing and Demonstrations constitute the final report of our Committee. These Rules are an integration and revision of two documents: the current campus Picketing Code approved by the Trustees on August 6, 1986 and the proposed Picketing Code on June 3, 1986 by a Student Affairs Ad Hoc Committee.

We submit this draft to the Faculty Senate for consideration and discussion on May 21, 1987 and for a vote early in the Fall 1987 semester. In the interim, we invite you to submit comments and any suggested revisions to our Committee through the Faculty Senate Office by September 1, 1987.

**MOVED: That the Faculty Senate approve the recommendations of the ad hoc Committee on
52-87 Picketing and Recruitment as set forth in Sen. Doc. No. 87-056.**

DRAFT

UNIVERSITY OF MASSACHUSETTS AT AMHERST

RULES FOR PICKETING AND DEMONSTRATIONS

May 21, 1987

Preface

- A. All persons present or participating in a demonstration on property owned, controlled, or leased by the University of Massachusetts at Amherst (UMA) are covered by these Rules.**
- B. Responsibility for the implementation of these Rules will be defined by the Chancellor of UMA and exercised by his/her designee who will be referred to as the duly constituted authority.**

Rules

- 1. a. Individuals of the UMA community have a right to demonstrate outside University buildings, and inside principal public corridors and lobbies associated with major building access ways, except for those directly adjacent to classrooms and faculty offices or where there is a work station established for the conduct of the ongoing business of the University. Individuals do not have the right to demonstrate within a campus building after normal operating hours.**
 - b. Demonstrations may not interfere with the free movement of others. Interfering with free movement is defined as any denial of a person's ability to freely reach or freely leave a given geographical objective as well as the harassment of such a person or presenting obstacles to such movement. Obstacles are defined as physical devices, bodies, signs or sounds which prevent normal, spoken communication, as well as physical interference. Demonstrations which maintain a defined, open passage which allows for the carrying on of the usual business of the University shall be in compliance with these Rules.**
 - c. Demonstrations in buildings or corridors are limited to the number of people that is indicated in either State or University standards for occupancy for each space. This number will be determined by the appropriate campus health and safety officials.**
- 2. a. There shall be no interference with demonstrations on the grounds of content of speech, however, any speech or demonstration which incites immediate, violent action and represents a clear and present danger to the campus community, which shall be a violation of these Rules.**
 - b. No individual shall intentionally and substantially interfere with the freedom of expression of another person on University premises or at campus-sponsored activities.**

Note: The traditions of the University and the First Amendment to the Constitution protect an individual's right to hear just as they protect a person's right to speak. However, this does not prohibit applause, hissing or booing. This rule is intended only to prohibit sustained noise that substantially interferes with the right of individuals to hear a speaker.

3. Any individual who incites actions that violate these Rules, and these actions immediately occur, is subject to relevant disciplinary action. These Rules do not apply to labor disputes regulated by existing law.
4. In order to ensure the safety of all participants, vehicles and materials used during demonstrations must be in accord with standards available from the Department of Public Safety. (See Final Recommendation.)
5. For students, violation of any of the above Rules will result in the initiation of disciplinary action which may subject a student to expulsion or such lesser penalty as may be deemed appropriate, with the expulsion or such lesser penalty as may be deemed appropriate, with the determination of guilt and the penalty to be by due process. Faculty, staff, or employees who violate these Rules are also subject to relevant disciplinary action.

Steps to be Followed by the Duly Constituted Authority in the Event of the Infraction of these Rules

1. An attempt will be made to inform demonstrators of actions that are in violation of these Rules.
2. If the demonstrators fail to comply with these Rules, they shall be warned of the consequences of their actions, which may include either arrest or University disciplinary actions or both, and will be given a period of time to comply with the Rules.
3. If after notice the demonstrators fail to comply with the Rules, the identification of those in violation will be requested by the duly constituted authority. If those students or employees requested to give identification refuse to do so, such refusal will constitute a violation of these Rules and will require that they be treated as non-campus members without the protection afforded by these Rules.
4. If warning fails, the Department of Public Safety will be empowered by the duly constituted authority to end the infraction of the Rules. If the Department of Public Safety requires additional assistance to end the infraction of the Rules, then the duly constituted authority may request assistance from outside authorities.

Final Recommendation

Finding. The Department of Public Safety and the Student Activities Office have various guidelines for demonstrations, some of which are unpublished and many of which have not been reviewed or approved by the appropriate governance groups on campus. Therefore, we **Recommend** that

The Department of Public Safety in consultation with the Faculty Senate Committee on Student Affairs and University Life should publish their regulations for demonstrations on campus as soon as possible, but no later than September 1988.