

Report of the Campus Demonstration Policy Task Force University of Massachusetts Amherst

August 30, 2024

“The University of Massachusetts Amherst is committed by tradition and by its defining values to the freedom of speech, thought, inquiry, and artistic expression for all members of its community. The exercise of free speech, including demonstrations, marches, rallies, leafletting, and picketing and equivalent activities (“demonstrations”), has long been recognized as a legitimate form of self-expression in the university community. The University encourages the exercise of free speech, acknowledging that free speech and expression in a university community will sometimes result in exchanges that are heated, controversial, deeply passionate, and even uncomfortable for members of the University community.

The University of Massachusetts is a public institution. Under the U.S. Constitution, certain rights are guaranteed when faculty and staff interact with students. The Constitutional aspects of the university/student relationship are especially implicated in the context of First Amendment rights of free speech and freedom to associate.

All students undergraduate and graduate, have a First Amendment right to demonstrate on university premises. While university policies regarding demonstrations are content-neutral, the University necessarily reserves the right to limit, disallow or disband an event which incites immediate, violent action or represents a clear and present danger to the campus community or if for any reason of time, place, or manner of behavior, the demonstration materially disrupts classwork or other University business, involves a substantial disorder, or invades of the rights of others.”

- UMass Amherst Picketing Code, Policy #SACL-007

Executive Summary

[Formed by Chancellor Reyes on June 17, 2024](#), the Campus Demonstration Policy Taskforce was charged with:

- Reviewing demonstration-related policies/guidelines including, but not limited to, the land-use policy, picketing code, and demonstration guidelines and make recommendations to the appropriate university governing bodies.
- Making recommendations, based on best practices in higher education, regarding methods of demonstration-related intervention, including, but not limited to, the deployment of and composition of the Demonstration Response and Safety Team (DRST).
- Making recommendations, based on best practices in higher education, regarding how to increase awareness of university policies and First Amendment protections as they apply to on-campus demonstrations.

Between its formation on June 17, 2024, and the delivery of this report on August 30, 2024, the taskforce met six times. The subcommittees met ten times. Significant asynchronous discussion and document review was also completed via a shared Teams channel.

The Campus Demonstration Policy Taskforce (CDPT) was guided by and fully endorses the text and spirit of the UMass Amherst Picketing Code, excerpted above, which is itself informed and backed by the First Amendment of the United States Constitution.

The importance of clear policies – and the consistent application of them without regard to the subject matter of demonstrations (content neutrality) or the viewpoints expressed in them (viewpoint neutrality) - was a near-universal theme in a national workshop co-hosted by UMass Amherst during the CDPT's work. This underscored the criticality of the CDPT's charge.

Throughout its work, the CDPT set out to ensure that the university's policies reflect a commitment to the free and open exchange of ideas while equally protecting the rights of all to live, work, teach, and learn in a community of inquiry. The CDPT makes several recommendations in three areas:

- clarify policy where reasonable interpretations could lead to divergent understandings;
- strengthen the ability of the Demonstration Response and Safety Team (DRST) to serve the campus through its role providing demonstration-related safety, education, and de-escalation; and

- delineate the distinct roles of university administrators and UMPD in terms of handling violations of policy and illegal acts, respectively.

Specifically, we make the following substantive recommendations regarding the Land Use Policy:

- 1) adopt a definition of “Structure” informed by Massachusetts law; and
- 2) clarify the role of the University of Massachusetts Police Department (UMPD) in relation to policy enforcement and law enforcement

Regarding the DRST, the CPDT recommends the following:

- 1) create an advisory council to the DRST that includes representatives from outside the university administration;
- 2) actively seek out post-action reports from other universities for review by the DSRT and advisory board;
- 3) develop off-ramps oriented towards de-escalating the potential for conflict, including building up a mediation infrastructure;
- 4) specify procedures for the identification of demonstrators that are UMass community members; and
- 5) clarify the use of law enforcement in relation to illegal acts, including violent acts, threats of public safety, substantial disorder, trespass, and the invasion of the rights of others, as opposed to policy violations. This also applies to a recommended edit in the Land Use Policy.

The CDPT was also asked to provide guidance around “increasing awareness” of demonstration-related policies. To that end, the task force

- 1) created a Free Expression FAQ, attached to this report, that we recommend sharing with the university community;
- 2) updated DRST handouts that can be shared with demonstrators; and
- 3) recommends a central website that shares all demonstration-related policies and guidance.

Scope

The purpose of the CDPT, as defined by Chancellor Reyes in his charge, was to review university policies. The task force, throughout its work, returned to a central theme as it reviewed university policies and procedures: UMass policies must protect freedom of speech and assembly while simultaneously ensuring that the rights of others are not infringed upon.

While the CDPT was formed in the wake of several protests on the UMass campus in 2023 and 2024, it was not intended to provide a post-action review of the university's actions (including the implementation of policy) in these instances. That work – to analyze the sequence of events on and leading up to May 7-8 (which includes the attendant police response) – is being conducted by Attorney Ralph C. Martin II of the legal firm Prince Lobel Tye LLP. While Attorney Martin and his team did attend one meeting of the task force to solicit comments, these two work streams are independent of each other.

The CDPT reviewed numerous public comments which included persuasive arguments about how the events in Gaza should be addressed. While members of the task force expressed sympathy with those affected by global events, the task force was bound by viewpoint neutrality. As a public university, the University of Massachusetts Amherst is considered a governmental organization. The task force, therefore considered a governmental actor, focused on how to review university policies with the aim of ensuring that all community members' First Amendment protections are upheld.

Viewpoint Neutrality

As a governmental entity, by law, UMass Amherst must remain viewpoint neutral. University policies are not meant to be waived when the desired social change is, by any individual or majority view, perceived to be just. Policies can only provide guidelines for when activities cross from protected to unprotected and become subject to the disciplinary outcomes of the university and the legal outcomes of the justice system.

This perspective might appear to conflict with our university's revolutionary spirit. However, we hope readers of this report will recognize the necessity of having policies that are applied consistently and without regard to whether we, as a community or individuals, support or oppose the viewpoints expressed.

Civil Disobedience

The CDPT affirms, as reflected in every policy we have reviewed, that every student has the right to demonstrate and express their personally held beliefs so long as, in doing so, they do not:

- present a danger to the campus;
- disrupt campus operations;
- promote substantial disorder; or
- infringe upon the rights of others, which are protected by applicable policy and law.

To clarify, it is our understanding that **students have the legally protected right to demonstrate**. They do not have a right (by law or policy) to prevent others from accessing shared spaces that have been rightfully reserved, or, by the nature of their demonstration disrupt the work of the university or interfere in the free movement of any member of the university community¹.

The CDPT understands that violations of policy or law can be a form of civil disobedience, which has long been employed as a tactic to advocate for social change. We affirm that the First Amendment, and our policies, do not protect acts of civil disobedience from legal or university sanctions.²

¹ "Interfering with free movement" is defined in the Picketing Code as any physical denial or restriction of a person's ability to freely reach or leave a given geographical area, or harassment as defined in the Code of Student Conduct.

² For a discussion of civil disobedience and free speech in universities, see Nussbaum, Martha C, 2018, "Civil Disobedience and Free Speech in the Academy," pp. 170-85 in *Academic Freedom*, edited by Jennifer Lackey, Oxford University Press.

Membership

The Task Force was composed of 17 members, appointed either by the Chancellor through their administrative roles or by the governing bodies of the university as outlined in the [Trustee Policy on University Governance](#)

Co-Chair: **Shelly Perdomo Ahmed**, Vice Chancellor for Student Affairs and Campus Life
Co-Chair: **Anthony Paik**, Professor of Sociology and Secretary of the Faculty Senate

Staff Appointments

Brian Burke, Deputy General Counsel, University of Massachusetts Amherst
Farshid Hajir, Senior Vice Provost and Dean of Undergraduate Education and Professor of Mathematics
Jeff Hescocock, Executive Director of Environmental Health and Safety and Emergency Management
Samuel Masinter, Associate Vice Chancellor for Issues Management (committee support)

Four members, appointed by Student Government Association

Colin Humphries, SGA President
Ranya Merchant, SGA Secretary of the Registry
Kundayi Mazando, SGA Chair of Undergraduate Services Committee
Rena Marthaler, Undergraduate arrested student representative

Four members, appointed by Graduate Student Senate

Alexandra Camero Bejarano, Team Leader
Anotida Chikumbu, Team Secretary
Julie Hammond, GSS Secretary
John Arigbede, GSS President

Three members, appointed by the Faculty Senate Rules Committee

Sofiya Alhassan, Associate Dean of Inclusion & Engagement and Professor of Kinesiology
Allison Butler, Senior Lecturer of Communication and Co-Chair of the Student Affairs & University Life Council (SAUL)
Toussaint Losier, Associate Professor of Afro-American Studies and Director of the Social Thought & Political Economy Program (STPEC)

Process

In its first meeting, the CDPT created two working subcommittees: one focusing on policy review and one focusing on the Demonstration Response and Safety Team (DRST). Each subcommittee met on a regular basis and reported back to the taskforce as a whole.

The CDPT also sourced and reviewed several documents, including policies and practices from other universities, external guidance on protecting the freedom of speech and expression in higher education, and historical data on policy implantation at the university.

Policy Review Subcommittee

The Policy Review Subcommittee (PRS) reviewed relevant policies line by line, discussing the merits of potential modifications and making recommendations to the taskforce.

Policy Reviewed	Governance Level
Land Use Policy (UNIVERSITY OF MASSACHUSETTS AMHERST REGULATIONS FOR USE OF PROPERTY)	UM Board of Trustees
Picketing Code	UMA Campus
Guidelines for Student Demonstrations	UMA Campus

While several other policies were considered for review, the committee agreed that the trustee-level Land Use Policy was the most critical policy given that it informed all campus-level policies beneath it.

The PRS met six times (July 11, July 24, August 6, August 12 and August 22, and August 26).

Land Use Policy (LUP)

The committee's recommendations were largely aimed at addressing areas where ambiguity in wording could lead to significant misunderstandings of the policy's intent. Much of this was focused on an area of recent concern in the existing LUP:

G. Construction

No structure shall be erected on the campus without the specific approval of the Vice Chancellor for Administration and Finance.

Without any definition of "structure," the policy could reasonably be read (and was by the committee) as potentially applying to anything from a "picnic blanket" to new capital construction. The committee recognized early on that it would need to provide a definition in this space given recent questions about whether tents were considered structures. In response, the committee submits the following recommendation, which affirms that tents are structures.

Recommendation: Define "structure" based on the existing definition of the word in Massachusetts building code, as outlined in [MGL I.XX.143.1](#):

Structure: a combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, or the like. The word "structure" shall be construed, where the context allows, as though followed by the words "or part or parts thereof".

Several other small changes are recommended, including updating offices from legacy names to current names; clarifying what "university business" refers to when discussing disruptions; ensuring individual undergraduate and graduate students were afforded the same protection in the language of the policy; clarifying what "amplified sound" means regarding disruption; removing potentially arbitrary language around permitted sound radius; and more.

The taskforce also spent a significant amount of time discussing the dual enforcement roles of the Dean of Students Office (DOSO) and the University of Massachusetts Police Department (UMPD). DOSO is charged with enforcing policies through the Student Code of Conduct; UMPD's enforcement is limited to violations of law.

We recommend inserting the following language to clarify this distinction:

1. Interference with official University functions can be referred to appropriate University administrators for possible sanctions under the Student Code of Conduct or Principles of Employee Conduct.

2. Interference with official University functions that represent illegal acts, including threats to public safety, should be referred to the University of Massachusetts Police Department.

These changes are reflected in the red-lined PDF, attached to this report.

It is the Taskforce's understanding that, in following the procedures outlined in the LUP, these recommendations will be forwarded to the Student Affairs and University Life (SAUL) Council of the Faculty Senate for further consideration.

Picketing Code

Given [a recent trend](#) in demonstrators either refusing to identify themselves to officials or purposefully hiding their identity, the taskforce discussed how this dual enforcement role can work when an individual violating policies cannot be identified.

In researching how this was addressed in the past, the taskforce reviewed [Senate Policy 87-056, "University of Massachusetts at Amherst Rules for Picketing and Demonstrations,"](#) which largely follows the spirit and text of all documents reviewed by the taskforce, including permissible activity, de-escalation processes in the case of infractions, and more. This policy included the following step:

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

The taskforce recommends that the Student Affairs and University Life committee of the Faculty Senate take up this issue with the recommendation that the production of identification be codified into policy as appropriate.

Demonstration Response and Safety Team Subcommittee (DRSTS)

The DRSTS reviewed the guiding principles and operating procedures of the Demonstration response and Safety Team. The subcommittee sought out best practices from across the nation and went through multiple tabletop exercises to discuss and improve the functionality of the DRSTS. The DRSTS met four times (July 19, July 29, August 12, August 28).

National Workshops

To help inform the DRST's approach and ensure that UMass Amherst can learn from best practices, DRST leaders co-hosted three demonstration workshops with the University of Oregon. These workshops brought more than 100 institutions of higher education together to discuss approaches to demonstration safety and response.

The demonstration workshop participants shared how they managed and responded to demonstrations and protests; policies and procedures they have in place and the education and outreach on the topic; and more. The sessions were interactive with break-out groups that allowed institutions to share experiences, including what worked and what did not. The workshops ended with a brainstorm on resources to assist campuses in managing these types of events in the future.

The three workshops created a dynamic learning environment and served as a model for how UMass remains a leader in promoting the civil exchange of ideas and perspectives. UMass' model sparked creativity and encouraged interdisciplinary approaches to demonstrations.

The workshops also helped provide recommendations that were brought to DRSTS, including:

- Clear procedures and consistent policy enforcement are critical; institutions that did not manage the timing and manner of enforcing their policies are dealing with the fallout;
- The importance of mediation as an off-ramp, including the use of faculty or third parties
- No one-size-fits-all approach exists
- About half of the institutions have pre-existing demonstration response teams, with the other half developing them now.
- The most effective way to engage is with a tiered response and with clear expectations.
- Universities should offer de-escalation training to different members of the campus community
- It's critical to engage and work with student organizations and ensure they understand their rights and responsibilities regarding free speech and demonstrations.
- Tabletop exercises are important
- A centralized website focused on bringing all campus information into one place is useful

DRSTS Recommendations

The DRSTS provided recommended changes to the operating procedures of the DRST, which are attached.

The DRSTS drafted a new free speech handout and recommends that it be shared both in advance of and during demonstrations. The handout is attached.

The DRSTS drafted a document giving staff guidance on what to do during demonstrations prior to (or in lieu of) activating the DRST or calling UMPD. The document is attached.

Public Comments

The taskforce welcomed public comments via a publicized email address shared with the community by Chancellor Reyes in his letter announcing the taskforce's formation.

In total, the taskforce received slightly more than 100 emails, approximately 80 of which were identical letters resulting from a social media campaign. The remainder of the emails shared opinions regarding the university's response to the May 7, 2024 encampment. While the taskforce reviewed these emails, the subject matter was not within the scope of its charge.

Attachments

Policies with suggested edits

1. Land Use Policy
2. Picketing Code

Free Expression FAQ

DRST Free Speech Handout

DRST Standard Operating Guidelines [Note: We believe this may be considered an internal document]

DRST Staff Support Handout