

**UC Hastings Event Policy: Significant Opposition, Potential or Actual Disruption,
and Permissible Forms of Protest
August 2022**

I. Purpose and General Principles

The purpose of this policy is for UC Hastings Law, a public institution of higher learning, to demonstrate its commitment to important values—student support, academic freedom, inclusion, viewpoint diversity, and freedom of inquiry—by enacting and enforcing a protocol that protects and encourages all these values simultaneously. The following protocols provide guidance to students on how to create an inclusive environment and minimize the chance of disruption at UC Hastings-sponsored events through advance notice, engagement, and education regarding permissible forms of protest that align with the College’s core values as a center of higher learning.

A. Relevant Policies and Norms

Various UC Hastings Law policies and norms inform the terms of this Policy.

1. The UC Hastings Law [Mission Statement](#) states:

UC Hastings Law serves society as a center of higher learning committed to exceptional teaching, influential scholarship, and exemplary public service. We provide a rigorous, innovative, and inclusive legal education that prepares diverse students to excel as professionals, advance the rule of law, and further justice.

We are committed to ensuring that our values of diversity, equity, and inclusion are infused into every aspect of the College’s operations. And per our [Strategic Plan](#), we are committed to building a cohesive and inclusive community by maintaining a diverse student body, faculty, and staff; creating physical spaces on campus dedicated to diverse and inclusive programming; integrating departments and employees to advance our mission; and finding new ways to inspire and involve our alumni community.

2. The UC Hastings Law [Policy on Academic Freedom](#) states in relevant part:

UC Hastings is committed to the principle that the pursuit of knowledge and the free expression of ideas is at the heart of the academic mission, whether in the classroom, in the selection of clinical projects and clients, and in research, scholarship, public presentations, and contributions to public fora. This is especially true when the ideas or subjects are unpopular or controversial in society, as orthodox ideas need no protection. No person or organization outside the academic community should be permitted to determine which ideas or projects may be explored, expressed, supported or endorsed.

With the rights and privileges of academic freedom come corresponding responsibilities. All faculty and students should strive to make accurate statements and voice opinions that have been reflected upon after a sincere attempt to understand contrary views. This does not mean that any member of the academic community is responsible for representing all views on a controversial matter, only that community members should aspire to issue opinions after making a good-faith effort to appreciate why others believe differently.

3. The UC Hastings Law [Statement on Non-Discrimination](#) states:

The University of California Hastings College of the Law prohibits discrimination against any person on the basis of race, color, national origin, religion, age, sex, gender, sexual orientation, gender expression, gender identity, gender transition status, sex- or gender-stereotyping, pregnancy, physical or mental disability, medical condition (e.g., cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, citizenship, or service in the uniformed services, including protected veterans. This policy is intended to be consistent with applicable state and federal laws and the law school's policies.

Every person at UC Hastings has the right to pursue an academic or professional career in an atmosphere that is safe and free from prohibited acts of discrimination, harassment, or violence, including sexual abuse, rape, sexual assault, domestic violence, intimate-partner violence, stalking, sexual coercion, or other forms of sexual violence. Bigotry, harassment, or intimidation is particularly insidious when directed at a member or group of the Hastings community on the basis of actual or perceived race, color, national origin, religion, age, sex, gender, sexual orientation, gender expression, gender identity, gender transition status, sex- or gender-stereotyping, pregnancy, physical or mental disability, medical condition (e.g., cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, citizenship, or service in the uniformed services, including protected veterans, or any combination of these or related factors; and, to the degree it constitutes prohibited bias activity, such conduct will also not be tolerated. UC Hastings complies with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Americans with Disabilities Act, as amended, Section 504 of the Rehabilitation Act of 1973, and Title VII of the Civil Rights Act of 1964, as well as applicable state and local laws. This nondiscrimination policy covers admissions to, access to and treatment in Hastings-sponsored programs and activities.

B. Protest

UC Hastings is committed to free speech in all its forms, including the essential right to protest. Protests are an inevitable and constitutionally protected part of campus life. But the College imposes time, place, and manner restrictions on certain forms of speech, including protest, to ensure academic freedom and viewpoint diversity. Opposition to an event can be expressed in clear and meaningful ways without disrupting the event.

1. Permissible forms of protest include but are not limited to the following:
 - a. Engaging in activities that communicate protesters' views in time periods or spaces that are external to the event, including passing resolutions; issuing pre- or post-event statements, carrying signs, distributing flyers, holding events that explore protesters' views, and using social media to express counterviews.
 - b. Engaging in activities during the event that communicate protesters' views in ways that do not disrupt the event, such as distributing flyers; participating in interactive components of events in ways that are consistent with the event format (e.g., during question-and-answer periods); and holding signs that do not block audience members' views of the event.
2. Impermissible forms of protest include but are not limited to the following:

- a. Engaging in activities that materially and substantially disrupt an in-person event in a way that has the effect of silencing speakers, altering the planned format, or preventing a person from speaking or being heard via such means as heckling, making noise, standing in the area of a room reserved for the speaker, blocking the speaker or event organizers from accessing AV equipment, or blocking the views of attendees attempting to view the speaker.
- b. Engaging in activities that materially and substantially disrupt a virtual event in a way that has the effect of silencing speakers, altering the planned format, or preventing a person from speaking or being heard by using or implementing technology features, such as the mute button, the camera button, or the chat feature.

C. UC Hastings Code of Student Conduct and Discipline

1. This policy and the following protocols are also intended to provide express notice that engaging in impermissible forms of protest violates Section 107 of the [UC Hastings Code of Student Conduct and Discipline](#) (the “Code”) and may result in disciplinary action. Students are presumed to have read this policy and the Code; failure to do so is not a justification for disrupting an event or avoiding disciplinary sanction.
2. This policy applies whether or not the protocols below have not been executed in advance of an event.

II. Protocol Preceding an Event When There Has been Notice of Significant Opposition to or Potential Disruption of an Event

The Office of Student Services (“Student Services”) provides primary oversight over all student organizations and their activities, including event planning. Neither the College nor Student Services approves or disapproves events based on the content of the event or the views of the speaker(s). However, without vetting speakers or limiting students’ or student organizations’ ability to invite speakers of their choice, Student Services may offer advice and counsel to students and student organizations about the potential impacts of a particular speaker or event within the community.

Additionally, student organizations should identify to Student Services—during the event-planning period and up through the date of the event—whether it believes an event may be the subject of significant opposition or potential disruption. This critical information will allow Student Services to provide appropriate support to all students, including the event organizers and any students potentially affected by the event.

We encourage College employees and students receiving notice of significant opposition to or potential disruption of a planned event to notify the Chancellor and Dean, the Provost and Academic Dean, the Dean of Students, or a Student Services staff member (collectively, “College Staff”) about such opposition or potential disruption. Notice may be made directly through oral or written means or indirectly through social media or other communication channels. When College Staff become aware that there may be significant opposition to or potential disruption of a planned event, the following protocol applies.

A. Logistics Prior to the Event

1. College Staff may send a message, either campus wide or to a group of interested persons, with relevant information, including but not limited to event details, this policy, guidance about appropriate forms of protest, a reminder of Section 107 of the Code of Student Conduct and Discipline, information on support services, and notice about anticipated security (if relevant).
2. The Director of Safety and Emergency Preparedness may engage security for the event, including but not limited to Urban Alchemy and uniformed local law enforcement, to ensure the safety and protection of all community members, e.g., maintain room capacity limits, crowd control, etc. If a speaker has private security, the Director of Safety and Emergency Preparedness will coordinate with such private security.
3. Prior to the event and in consultation with the event organizers, College Staff may authorize that the event be modified to account for the evolving needs of the event, e.g., move the event to a different space, create Zoom or live-streaming opportunities to view the event because of room capacity limits. Additionally, event organizers may cancel the event if they choose to do so.

B. Student Support Prior to the Event

1. College Staff will engage with the student organization leaders hosting the event to provide notice of the significant opposition to or potential for disruption, counseling and guidance, and relevant support to the event organizers and invited speakers.
2. Where feasible, College Staff will reach out to individual students and leaders of student organizations whose members may be in opposition to the event and/or any identifiable potential protesters to understand their concerns and objectives; explain the ground rules for the event; discuss alternatives to event disruption and explore ways to address their concerns, including the creation of alternative fora in which to share their views in ways that do not disrupt events; and provide notice about how the College will respond if actual disruption occurs.
3. All community members are expected to know that disruption is impermissible based on this policy and the Code. However, students who need further guidance, have questions, or would like advice about permissible forms of protest that do not violate the Code are encouraged to affirmatively contact College Staff.

C. Announcement Made During the Event

1. At the outset of the event, College Staff may provide an express, oral announcement that includes the following information:
 - a. UC Hastings respects freedom of speech and academic freedom, including the lawful freedom to protest.
 - b. Permissible forms of protest are welcome, but such protest may not disrupt the event or silence any speakers from communicating with the audience.
 - c. Notice about the process that will be used if actual disruption occurs, which includes
 - i. a warning that the behavior is inappropriate and to discontinue such behavior;
 - ii. a notice that the protester(s) will be requested to leave the event and may be escorted out of the event if necessary; and

- iii. a notice of consequences, which include being subject to arrest and being held to relevant laws and the UC Hastings Code of Student Conduct and Discipline.

2. Sample Announcement Text:

My name is [YOUR NAME, TITLE]. Thank you for attending this event. Freedom of speech, which allows for the open exchange of ideas, is a core value at UC Hastings. As a learning environment, we never shy away from disagreement. Each member of the Hastings community has the right to present speakers and programs, as well as the right to protest speech. Today's speaker is brought to us by [STUDENT ORG], which is hosting this event and invited [SPEAKER NAME] to UC Hastings. We understand that this talk may prompt sharp disagreement, and we recognize and value the rights of individuals to express their views. But the College will not permit a response or a protest that disrupts this event so as to effectively silence the invited speaker and prevent them from communicating with the audience. Campus officials are present and prepared to approach any individual or group that engages in disruptive behavior. They will be warned and, if the disruption continues, they will be required to leave and are subject to arrest by the local police. Those individuals may be held accountable under the UC Hastings Code of Student Conduct and Discipline, as well as any applicable criminal laws. Our goal today is to have a peaceful and respectful event. Please be mindful of other audience members and thank you for your attention.

3. Even in the absence of such an announcement, community members are expected to be aware of prohibited conduct and are accountable under UC Hastings policies.

III. Protocol During an Event Where there is Actual Disruption Due to Impermissible Forms of Protest

- A. If the actual disruption is caused by one or more identifiable persons, the following protocol will be used:
 1. The persons will be asked to discontinue their disruptive behavior.
 2. If the persons continue to engage in disruptive behavior, they will be directed to leave the event and will not be allowed to re-enter the event.
 3. If the persons do not leave the event and continue to engage in disruptive behavior, they will be escorted out of the event and will not be allowed to re-enter the event.
 4. If the persons continue to engage in disruptive behavior, in consultation with the event organizers, College Staff may authorize that the event be moved to a different location, whether physically or virtually, to allow for the event to proceed as planned. If the event is moved, the event organizers may exclude those identifiable persons who have actually caused disruption from attending the event. If necessary, the event may be closed to audience members.
 5. Persons engaging in disruptive behavior may be subject to discipline under College policies and arrest under relevant laws.

- B. At any time during an event, the College may cancel the event when a speaker engages in unprotected speech, which includes incitement to imminent lawless action, fighting words, true threats, defamation, obscenity, fraud, or child pornography.
1. Incitement of Imminent Lawless Behavior: Speech may advocate the use of force or lawbreaking except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.
 2. Fighting Words: Speech that tends to incite an immediate and violent response from an average person. But speech will not be restricted just because it is upsetting or arouses contempt. Speaking generally about a controversial or offensive topic typically will remain protected. The fighting words exception normally does not apply to speakers addressing a crowd on campus but may apply to speakers addressing specific individuals in the immediate area, no matter the size of the crowd.
 3. True Threats: Speech meant to communicate a serious expression of an intent to commit an act of unlawful violence to an individual.
 4. Defamation: False statements of fact about a person. In cases concerning a public official or figure, the speaker must have acted with intent or reckless disregard for the truth in making the false statement. In certain cases, the party alleging defamation must show actual damages.
 5. Obscenity: The speech must appeal to the prurient interest in sex, as judged by contemporary community standards; depict or describe sexual conduct in a patently offensive way; and lack serious literary, artistic, political, or scientific value.
 6. Fraud: Speech may be regulated to prevent public or consumer deception.
 7. Child Pornography: Such speech is distinct from obscenity because of the criminal nature of the speech. Speech is considered child pornography when it visually depicts sexual conduct by children below a specific age.