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C.4. Demonstration and Protest Regulations

In keeping with Middlebury's Open Expression Policy, these Regulations provide the process for ensuring demonstrations can occur safely and establish Middlebury's time, place and manner requirements. These time, place and manner requirements are intended to ensure safety and protect Middlebury's ability to fulfill its essential operations, especially its educational functions. Essential operations are operations that are necessary for the daily or regular operation of Middlebury to support and carry out our educational mission and typically cannot be easily moved to another location. For example, teaching and attending classes, maintaining heat and power to the campus, supporting campus events and activities, providing meals to students in residence, clearing snow and ice, are examples of some of Middlebury's essential operations.

Middlebury's mission is to promote intellectual inquiry and exchange in accordance with our three pillars of academic freedom, integrity, and respect. The safety of all participants is of utmost importance to Middlebury, and Event Sponsors as well as individual protestors or demonstrators are obligated to comply with Middlebury requirements designed to protect the safety of our community and to allow Middlebury to maintain its essential operations.

1. Anyone who wishes to hold a demonstration or protest on Middlebury property, whether or not it is in response to another event, must submit an Event Scheduling Request. This is required in order for Middlebury staff and relevant offices to review the event to determine whether there are safety or other operational considerations that should be addressed. See also [Policy on Scheduling Middlebury Space for Events](#), which applies to all Middlebury locations. For additional information regarding campus-specific procedures, see [Event Management](#) (Middlebury's Vermont-based campuses), and [Plan Your Event](#) (Middlebury Institute of International Studies campus).

2. After submitting an Event Scheduling Request, Events Management staff will facilitate a meeting with the Event Sponsor(s), Public Safety (Vermont-based campuses) or Campus Security (Middlebury Institute

campus), and other offices, as appropriate, to review Middlebury policies, these Regulations, and safety and operational issues in general.

3. The following time, place and manner requirements are ordinarily determined by Events Management (or Vice President's Office at MIIS) in response to an Event Request, in consultation with Public Safety/Campus Security and the office of the VPSA, or other offices, as appropriate to the circumstances:

a. Location

(1) The location of a demonstration will be determined by Events Management (or Vice President's Office at MIIS) in consultation with Public Safety/Campus Security and other offices as appropriate to the circumstances. Demonstrations and protests will ordinarily be permitted in outdoor areas of a Middlebury campus that are generally open to the public.

(2) If the demonstration is in response to another Middlebury event, the location of the requested demonstration will be determined with consideration for:

a. The safety of all participants

b. Proximity to the other Middlebury event

c. Nature, time and security considerations of the other event, as well as required Middlebury resources.

d. Input from local law enforcement agencies as necessary and appropriate.

(3) Depending on security and/or operational needs, Middlebury may require event participants to avoid a certain area or limit the areas in which demonstrations or protests may occur. Event participants must abide by any written or verbal instructions given in this regard.

(4) The use of public streets for parades or demonstrations in the [Town of Middlebury](#) is subject to the town's laws and requires a Public Assemblage Permit. An application and instructions for the town's permit may be found [here](#). Information for Monterey, CA is available [here](#).

(5) Individuals participating in demonstrations and protests must do so at locations approved by Events Management (or Vice President's Office at MIIS). Demonstrations and protests may not occur in areas of the campus that are not generally open and available to members of the public. Examples of places where demonstrators and protestors may not trespass include but are not limited to: residence rooms and private offices; academic and administrative buildings when closed; buildings and spaces not designed for residence; specifically restricted spaces such as mechanical rooms, labs, technology spaces, etc. Ordinarily, Middlebury officials will warn individuals holding or participating in demonstrations or protests in unauthorized areas of campus that they are in violation of event

authorization and/or this Policy. After such a warning, which may include existing posted signs, a verbal or written warning by a Middlebury official, and/or a no trespass notice, trespassing individuals are subject to Middlebury discipline, as applicable, and/or arrest by local law enforcement.

(6) Time and Duration: Demonstrations and protests may not interfere with the academic, educational, or operational functions of Middlebury. The time, duration, and location of the demonstration or protest will be determined by Events Management (or Vice President's Office at MIIS) in consultation with Public Safety/Campus Security, and other offices, as appropriate to the circumstances, with consideration of the following factors:

- a. Nature of the event and/or the demonstration
- b. Security needs of the event and/or the demonstration
- c. Time of the event and/or the demonstration
- d. Other relevant issues or considerations

(7) Manner:

- a. Demonstrations and protests must occur in the approved location.
- b. Demonstrations and protests may not block access to the venue in which another event is being held.
- c. Demonstrations and protests may not be unreasonably noisy, such that the noise level disrupts Middlebury's academic instruction or attendance, campus activities or other essential operations. Amplified sound will not be permitted without prior authorization.
- d. Middlebury may restrict objects that are permitted to be brought into the Event location, such as bullhorns, hard or wooden signs, backpacks, large objects, things that would block others' view, etc.
- e. Demonstrations and protests may not include weapons, open flames or other hazardous materials.
- f. Participants in a demonstration or protest may be asked for identification at any time to ensure they are members of the Middlebury community or are otherwise permitted to be in open areas of Middlebury's campus. (See also Middlebury's [ID Card Policy](#) and [Respect for the Authority of Middlebury Officials](#)). Failure to produce identification upon request may result in disciplinary action, the issuance of a Notice of Trespass, arrest, or other action as deemed appropriate by Middlebury officials.

(8) Event Sponsors are required to participate in meetings and discussions needed to plan for the safety and security of an event, as well as to respond in a timely way to email and other communications from Events Management, Public Safety/Campus Security, the office of the VPSA and others. Failure to communicate appropriately and participate in necessary planning may result in Middlebury declining to provide the resources to support the Event Sponsor's requested event.

(9) If necessary, Public Safety/Campus Security will develop a security plan. Event Sponsors are required to comply with the security plan, which may include utilization of local law enforcement, including but not limited to the Middlebury Police Department, the Vermont State Police, or California authorities. Event Sponsors must be present for the entire duration of the event. See [Event Host Policy](#).

(10) Event Sponsors are encouraged to suggest safety and/or crowd control measures appropriate to their proposed Event, but are nonetheless always required to support and comply with the security plan developed by Public Safety/Campus Security, and as applicable, local law enforcement. Specifically, Event Sponsors may request particular conditions for entry to an event or other aspects of how the Event will be organized, such as the time doors open, restricted items, whether tickets or a Middlebury ID is required. However, the final conditions for the Event will be determined by Middlebury.

(11) Once the conditions and requirements for the event are determined, and a final security plan from Public Safety/Campus Security is issued, Event Sponsor(s) will publicly announce these requirements to the Middlebury community and will post the requirements at the event entrance. The Event Sponsor(s) may be required to assist in monitoring the entry to ensure that the requirements are being followed and/or to address any related issues or questions.

(12) If substantially disruptive conduct occurs at the Event, the Event Sponsor(s) are responsible for upholding Middlebury's Open Expression Policy by asking that the substantially disruptive behavior stop, by warning that substantially disruptive behavior may result in the individual being removed from the event and subject to discipline in accordance with Middlebury's policies (which could include sanctions for the organization sponsoring the event as well as the individuals involved) , and by notifying Public Safety/Campus Security or other appropriate Middlebury officials.

(13) The Event Sponsor(s) are responsible for contacting Public Safety/Campus Security at any time that safety and security are at risk of being compromised.

(14) Important logistic requirements

a. Connection to and of Middlebury's utilities (power, etc.), or erection of any structure must be approved in advance (during the weekday) by Facilities Services.

b. Demonstrators and protesters may not mark or use trees or Middlebury structures to support or display signs, messages, materials, or equipment without prior approval of Facilities Services.

c. Objects normally permitted on campus may be prohibited when used in a manner that violates other policies (e.g., when a permitted object is used in a threatening manner). If a Middlebury official determines that an object is being used in violation of policy, demonstrators will be required to comply with whatever orders are given for the disposition of the item.

d. Organizers must remove all items and materials at the end of the demonstration as defined by the event confirmation provided by the office of Events Management.

(15) Distribution of materials such as leaflets must allow people to decline to receive the materials and may not prevent people from receiving other material or engaging with another person.

(16) Middlebury may choose to record demonstrations, protests, rallies, etc., as it does a number of events, by photos and/or videos. Such recording may occur through security cameras, whether stationary or not, with personal cameras, by Middlebury staff or local law enforcement, as well as other practical means. Documenting a demonstration provides protection both for those participating as evidence of peaceful activity and for Middlebury as evidence of any violation of policy, and is helpful for holding both participants and Middlebury accountable for compliance with all policies.

(17) Public Safety/Campus Security staff are, in collaboration with law enforcement, responsible for keeping the peace, in accordance with their departmental policies, as well as for coordinating with and supporting local law enforcement in order to keep the peace. Public Safety/Campus Security has the authority to respond to acts of violence, threats of violence, substantial disruption, or overcrowding (e.g., the number of people exceeds maximum occupancy limits) as appropriate to protect the safety of Middlebury community members. Public Safety/Campus Security ordinarily responds to substantially disruptive behavior by asking the person or persons to identify themselves and to stop the behavior, prior to documenting the person's conduct as a violation of policy or taking further action, such as engaging law enforcement, as appropriate to the circumstances. Other Middlebury officials may also issue warnings to individuals or groups to facilitate enforcement of Middlebury's Policy on Open Expression.

(18) Individuals who engage in substantially disruptive behavior, as determined by Middlebury officials at the event or location, will generally be warned once, which may be done individually or to a group of participants. Any Middlebury official in attendance will ordinarily request identification, document substantially disruptive behavior, and record it to facilitate enforcement of Middlebury's Policy on Open Expression. If disciplinary action is warranted, the matter will be referred to the appropriate office, or in the case of employees, to the appropriate supervisor for performance management, or disciplinary action, in accordance with Middlebury's conduct policies.

(19) Guidelines for Sanctions - Students

a. The following guidelines are provided to ensure consistent and transparent sanctions for students who violate the Policy on Open Expression and these Demonstration and Protest Regulations. The recommended sanctions are typical examples and should not be read to prevent lesser sanctions for less serious behavior, or greater penalties for more serious behavior. The range of sanctions below is not an exhaustive list as other sanctions including loss or restriction of Middlebury privileges or future Middlebury opportunities, educational/reparative assignments and/or fines or restitution may be issued

as appropriate to the circumstances (see also [Sanctions](#)). Prior conduct and judicial history may also be taken into account in determining sanctions.

i. Warned about substantial disruption, asked to leave, leaves voluntarily without further disruption: *Range is ordinarily no sanction; a reprimand may be appropriate for disruption clearly intended to prevent someone else's expression.*

ii. Warned about substantial disruption, asked to leave, leaves voluntarily though disruptively: *Range is ordinarily a reprimand to probationary status.*

iii. Warned, asked to leave, refuses and/or must be escorted or arrested by law enforcement officers: *Range is ordinarily from probationary status to letter of official college discipline, depending on the severity of the disruption.*

iv. Warned, asked to leave, refuses and/or must be escorted or arrested by law enforcement and effectively prevents open expression: *Depending on the severity of disruption, range is ordinarily from a letter of official college discipline to suspension.*

v. Removed, including by arrest, due to physical violence against another person or property damage: *Range is ordinarily from suspension to expulsion.*

For more information on the interpretation and enforcement of the [Open Expression Policy](#) and these Regulations, please see the related [Frequently Asked Questions](#) and [Resources](#).

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