Proposal A.

Remove references to "reasonable time, place, and manner restrictions" from the Code (in Title I, Article III.B.1 (c), and Title IV, Article 2.A.9) and replace them with a clear statement that limits free expression only when it threatens the safety of persons or property, or prevents others from exercising their rights (including their right to free expression).

Title I, Article III.B.1 would be changed as follows:

**B. Protests and Demonstrations on Campus**

1. Protected Expressive Conduct in General

The University will treat as within the basic protection of a right to free expression such lawful conduct as satisfies the following tests, where lawful means not in violation of state or federal law. The conduct should (a) be intended for expressive purposes, (b) be reasonably understood as such by the University community, ~~and (c) comply with such reasonable time, place, and manner restrictions as are consistent with the other provisions of this Article and as may be authorized from time to time by the President.~~ **and c) does not threaten the safety of persons or property, or prevent others from exercising their rights (including their right to free expression).**

~~Even in regard to conduct that is intentionally expressive and perceived as such, the University may impose reasonable time, place, and manner restrictions on such conduct to preserve other important values and interests of the University community. An accused charged with such conduct may assert as a defense that he or she has complied with such time, place, and manner restrictions.~~

All protection and regulation of expressive conduct should be content-neutral. A group's persuasion or point of view should have no bearing on ~~the grant of permission or~~the conditions regulating that group's expressive conduct.

Title IV, Article 2.A.9 would be eliminated:

~~9. To fail to comply with any time, place, and manner regulation authorized by Article III of Title One.~~

*Rationale: Rights are more important than convenience. The phrase "reasonable time, place, and manner restriction" (in the Current Code) is too vague, and gives too much latitude to administrators to restrict expression for the sake of convenience or orderliness. This proposal does not intend to abolish all permit requirements (the University might still ask for permits for events involving alcohol, or which produce a great deal of noise). It insists, however, that restrictions on free expression are only acceptable where they are needed to protect the safety of persons or property, or the rights of others. These changes put the focus where it ought to be, on the prohibition of bad behavior, rather than on whether or not someone has a permit.*

**Proposal B**: Amend Title One, Article III. B. 3 to clarify that permits are not required for outdoor picketing, marches, rallies, and other demonstrations. Remove references to "reasonable time, place, and manner restrictions" from the Code (in Title I, Article III.B.1 (c), Title IV, Article 2.A.9) and replace them with a clear statement that limits free expression only when it threatens the safety of persons or property.

Title One, Article III.B.1 would be changed as follows:

**B. Protests and Demonstrations on Campus**

1. Protected Expressive Conduct in General

The University will treat as within the basic protection of a right to free expression such lawful conduct as satisfies the following tests, where lawful means not in violation of state or federal law. The conduct should (a) be intended for expressive purposes, (b) be reasonably understood as such by the University community, and ~~(c) comply with such reasonable time, place, and manner restrictions as are consistent with the other provisions of this Article and as may be authorized from time to time by the President.~~ **c) not threaten the safety of persons or property.**

~~Even in regard to conduct that is intentionally expressive and perceived as such, the University may impose reasonable time, place, and manner restrictions on such conduct to preserve other important values and interests of the University community. An accused charged with such conduct may assert as a defense that he or she has complied with such time, place, and manner restrictions.~~

All protection and regulation of expressive conduct should be content-neutral. A group's persuasion or point of view should have no bearing on ~~the grant of permission or~~ the conditions regulating that group's expressive conduct.

Title Four, Article 2.A.9 would be eliminated:

~~9. To fail to comply with any time, place, and manner regulation authorized by Article III of Title One.~~

The second paragraph of Title One. Article III. B. 3 would be amended, as follows:

Because outdoor picketing, marches, rallies, and other demonstrations generally pose no threat of long-lasting exclusive use of University grounds or property, there ~~appears to be~~ **is** no need for a mandatory permit procedure for such outdoor activities.

*Rationale:*

*The Campus Code currently recognizes that permits are generally not required for outdoor picketing, marches, rallies, and other demonstrations. To be consistent with the Code, University policies and practices should implement the Code by eliminating any permit requirement for such expressive activities. A permit requirement creates overly broad restrictions on freedom of speech, expression, assembly and academic freedom [hereinafter referred to as “speech”]. It constitutes a “prior restraint” on speech; that is, requiring a permit regulates speech prior to its occurrence. The requirement to obtain a permit creates a “chilling effect” on speech by requiring individuals or groups to disclose to authorities their plans to engage in speech and to identify the purpose or content of their speech/assembly event. Requiring a permit gives administrators (or other issuing authorities) significant discretion and therefore poses the potential for regulating speech based on content of the speech or viewpoint of the speaker. Further, a permit requirement eliminates the possibility of spontaneous protests/demonstrations or counter demonstrations.*

 *This proposal retains for the university administration the ability to restrict the use of outdoor university property where conditions create an actual danger to safety of persons or property.*