

POLICY FOR REVIEW & ENDORSEMENT

NORTHEASTERN ILLINOIS UNIVERSITY

POLICY & PROCEDURES CONCERNING DEMONSTRATIONS ON CAMPUS, DISTRIBUTION AND DISPLAY OF VISUAL COMMUNICATIONS AND SOLICITATION OF SIGNATURES ON CAMPUS (DDS)

A. Introduction

Northeastern Illinois University is committed to a set of shared values. [1] Implicit in these values is the freedom to express a diverse array of ideas and differences in thoughts, experiences, and opinions in a diverse educational community designed to engage in forward thinking. As a public institution of higher education, the University is charged with balancing individuals' constitutionally guaranteed liberties with the principal duty to educate and empower the University community with the skills and knowledge to become effective leaders and citizens. Peaceful dissent and the opportunity to present differing points of view are important aspects of the University's mission and values.

The policy and procedures set forth below are intended to provide guidance to those who wish to express themselves in a public manner within the University's community. They are comprehensive procedures for the fair and efficient facilitation of requests by individuals and groups for use of University property.[2] The University's expectation is that all community participants will abide by the policy and procedures and conduct themselves in a civil and respectful manner while visiting the University or participating in University classes, events and functions.[3]

B. Definitions Applicable to this Policy

The following definitions apply to this policy. Terms not specifically defined shall be given their ordinary dictionary definition.

Demonstration: One or more persons engaged in a public manifestation of a particular point of view such as welcome, approval, protest, or disapproval (purely social gatherings, athletic exhibitions, and social or athletic events excluded). By way of example, the term demonstration includes, but is not limited to, rallies, marches, sit-ins, vigils, outdoor assemblies and/or meetings to display group feelings, speakers in outdoor public areas of the campus, mass protests, parades, and picketing.

Protest: A formal statement or action, written or oral, expressing dissent or disapproval.

Distribution and Display of Visual Communications: Posting and/or handing out, signs, posters, flyers, newsletters, newspapers, photographs, and similar items.

Solicitation of Signatures: Recruitment of members or support for an organization or cause by actively asking individuals to sign a document developed for this purpose.

Dean of Students: The Dean of Students refers to the Dean or his/her designee.

University Community/University Affiliates: Persons who are registered as students, all persons employed by the University, Trustees of the University, and members of boards or other bodies established to advise the University.

University Non-Affiliate: Individual or group who is not a University Affiliate.

C. Procedures

The University permits its students, faculty, and staff to participate in the lawful and peaceful assembly for demonstrations, distribution and/or display of visual communications, and solicitation of signatures on the University's campuses, subject to the time, place, and manner restrictions set forth below in this document. Regardless of their status as University Affiliates or University Non-Affiliates, individuals, groups, or organizations may initiate and/or participate in these activities on the University's campuses so long as they are in accordance with the procedures set forth by the University in this document.

1. Students, faculty, and staff wishing to express themselves through demonstrations or events involving distribution/display of visual communications and/or solicitation of signatures on the University's campuses must first complete a reservations request form and submit it in advance to the Student Union Administrative Office (SU 207). The form is available from the Student Union Administrative Office or online at www.neiu.edu/~sudept/resforms/. When submitting a reservations request form, the organization/club or individual must submit a copy of all visual communications to be utilized while on campus. See also [4] for a description of University and Sponsor responsibilities.
2. A reservations request form is used to initiate the request process and submission of that form does not guarantee a facility reservation. The Student Activities Office will re-view the request and determine whether or not a space is available and if the request can be met. Such determinations shall not be made on the basis of viewpoint and shall be reasonable in light of the purposes served by the University.
3. University Affiliates must submit a reservation request form at least one business week (Monday through Friday) but no more than twelve (12) months in advance of the desired demonstration or distribution/display/solicitation date.
4. University Non-Affiliates must submit a reservation request form at least two (2) weeks but no more than six (6) months in advance of the desired demonstration or distribution/display/solicitation date.
5. In cases where a University Affiliate and University Non-Affiliate submit reservations request forms on the same day, the University Affiliate shall be given a preference for the use of available space.

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6. University Affiliates wishing to invite a University Non-Affiliate to campus as a co-sponsor or guest must indicate the co-sponsorship and name of the University Non-Affiliate on their reservations request form. All procedures specific to University Affiliates apply to the co-sponsored demonstration or distribution/display/solicitation activities. Further, the University Affiliate organization/individual is responsible for the activities and all consequences as a result of those activities of the guest organization/individual invited to the event.

7. For *Demonstrations*, if the reservation request form has been submitted and processed and the demonstration space identified, the representative from the sponsoring organization must contact the Office of the Dean of Students to discuss applicable policies and procedures for the demonstration as provided for below. The Dean of Students will serve as a liaison with the representative(s) from the group until the demonstration has been held. The liaison will:

- a) Review all applicable provisions of the *Use of Facilities Policy and Procedures* manual as appropriate for each campus. Provisions that will be reviewed include, but not limited to, applicable costs for space, public safety coverage, use of alcohol, use of loudspeakers, etc.;
- b) Inform the Vice Presidents and the Chief of University Police of the proposed demonstration/protest.
- c) Be present at the time of the demonstration for the health and safety of all participants;
- d) Contact the demonstration leader in the event that problems arise.

8. For *Events involving distribution or display of visual communications and/or solicitation of signatures*, all visual communications, regardless of the manner in which they are distributed, displayed, and/or used to solicit signatures must include the name of the sponsoring organization or person in a prominent location to aid in identifying the originator of the communication. [5]

9. University Non-Affiliates may submit a reservations request form to reserve a table a maximum of two (2) times per semester, during the Fall, Spring and Summer semesters, for the purpose of distributing/displaying visual communications and/or soliciting signatures.

10. Open Table/Same Day Request (available for University Affiliates). Indoor table spaces that are not in use may be signed out by University Affiliates at the Student Union Information Center.

- The sponsor or person responsible for the table must complete the sign-out log and present a University ID card.
- By completing the sign-out log, the sponsor agrees to vacate the table at the end of the designated reservation time determined by the University administration.

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- The Information Center staff will inform the sponsor about the allowable time frame for the reservation.
- The staff will provide equipment, based on availability, for last minute re-quests.

D. Time, Manner and Place Restrictions

1. Demonstrations and distribution/display/solicitation events that take place at designated places inside University buildings are limited to 8:30 a.m. to 4:30 p.m. Monday through Friday. Demonstrations outdoors on University property are limited to the day-light hours of 8:30 a.m. to one hour before sunset (cf. Chicago Tribune) Monday through Friday.

2. The use of voice amplification systems, including but not limited to, sound systems, bull horns, megaphones, and other such devices is permitted only during Student Activity Hour.

3. *Demonstrations* on University property may take place *only* at the following locations:

- Village Square (Main Campus)
- Outside buildings on campus property
- Northernmost section of the parking lot at the Jacob H. Carruthers Center for Inner City Studies
- Outside the El Centro building [6]

4. *Distribution/ display/solicitation events* for both University Affiliates and Non-Affiliates may take place *only* in the following locations:

- Outdoors on sidewalks within the University's campuses
- Village Square
- CCICS Lobby
- El Centro Lobby
- Classroom Building Lobby
- Science Building Lobbies
- Physical Education Complex Lobby

5. *Prohibited Locations.* A demonstration or event involving the distribution or display of visual communications, and/or the solicitation of signatures *shall not* take place on or in the following University campus locations:

- Classrooms (including the Recital Hall, Auditorium, the Jacob H. Carruthers Center for Inner City Studies, and El Centro)
- Stairways, doorways, ramps, and elevators (may not block ingress or egress from any campus locations).

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- Offices
- Dining Areas
- Meeting/Conference Rooms (including Golden Eagles, Alumni Hall, and the gymnasium during employment fairs and other non-athletic events)
- Ronald Williams Library

6. *Consideration for Exception.* University Affiliates and University Non-Affiliates who wish to hold a demonstration or distribution/display/solicitation event at a location or time other than those listed in D.1, 2, 3 or 4 above must submit a formal request to the Student Activities Office outlining reasons why an alternate location or time is necessary. Each request will be reviewed on a case-by-case basis by the Student Activities Office and a response will be provided to the University Affiliate or University Non-Affiliate as soon as the review is complete. In all cases the Student Activities Office shall endeavor to perform its review promptly given the facts and circumstances extant at the time of the formal request. In no case shall the review by the Student Activities Office be based on a review of the content of the speech.

7. Unless approved under D.6, demonstrations or distribution or display of visual communications or solicitation of signatures in other locations or at other times on University property are strictly prohibited.

8. Any spontaneous demonstration that occurs on the University's campuses or demonstration that occurs on the University's campuses outside of the proscribed time parameters set forth in Section D 1, is subject to the same time, manner, and place restrictions described above as well as the following provisions:

- a) Upon learning of a spontaneous demonstration, the Dean of Students or his/her staff will report to the scene of the demonstration and confer with the apparent leader of the demonstration or a representative group from the event.
- b) The Chief of University Police and the Vice President's will be notified of the demonstration by the Dean of Students.
- c) If the demonstration is not in one of the designated locations (see locations listed in Section D 3 and 4 above), the group participating in the demonstration may be asked by the Dean of Students to move to one of these locations.
- d) If the preferred demonstration location is occupied, the Dean of Students will assign another location based on availability.
- e) If the demonstration is not during the designated time (see times listed in Section D 1 above), the group participating in the demonstration may be asked by the Dean of Students to cease and desist.

E. Violations of Policy and Procedures

Violation of this policy and these procedures may result in withdrawal of permission to demonstrate or distribute, display and solicit on campus. Individual(s) may be prohibited from entering any area of the campus and may be required to leave the premises immediately.

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ately. Assistance from the Chief of University Police may be requested to ensure compliance with these policies and procedures.

The following practices shall be followed:

1. Alleged violations of this policy by students must be reported to the Dean of Students.
2. Alleged violations in cases where faculty and/or other employees are involved must be reported to the appropriate Vice President.
3. Alleged violations by University Non-Affiliates will be addressed in accordance with the Regulations of the Board of Trustees of Northeastern Illinois University and/or *Illinois Compiled Statutes* (720 ILCS §§ 5/21-4, 5/21-5, and 5/21.2-2) and reported to the appropriate Vice President, the Chief of University Police, and University Counsel.
4. Should an event be in violation or become disorderly, disruptive, or destructive, the Dean of Students will orally inform the person(s) responsible for the activity associated with the demonstration or distribution/display/solicitation:
 - a) That the disorderly behavior must cease, and/or the nature of the violation(s);
 - b) That University Police will be called to the scene if the disorderly behavior continues;
 - c) That those responsible for the disorderly conduct may be subject to arrest by the University Police and/or face charges under the *University Student Conduct Code*.
 - d) That orders to disperse, issued by authorized University personnel must be obeyed immediately.
 - e) That the individual in violation or leader/representative of the sponsoring group has the right to 1) respond to charges prior to initial administrative review, and 2) request a review of any administrative decisions on violations according to the procedures set forth in section E.3.
 - f) That failure to comply with a cease and desist directive may lead to arrest and prosecution and/or result in enforcement of sanctions for students through the *University Student Conduct Code*. In the case of employees, other disciplinary actions as provided in employee rules or bargaining unit agreements will be enacted. University Non-Affiliates and guests will be disciplined in accordance with the provisions of the *Illinois Compiled Statutes* (720 ILCS Sections 5/21-4, 5/21-5, and 5/21.2-2).
5. The Dean of Students will also be responsible for following up the oral information with a formal written notification to all held responsible.

F. Illinois Law and Board Policy

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The principles expressed in this policy are intended to be consistent with the Illinois law (specifically 720 ILCS 5/21-4, 5/21-5 and 5/21.2-2), and the *Regulations of the Board of Trustees of Northeastern Illinois University* (see § VI.E.). Accordingly, activities that interfere with the conduct of scheduled campus events, regular instructional activities, delivery of services to members of the University community and/or those that threaten the rights, person, or property of others as provided for under Illinois law will not be permitted. Further, no group or individual may engage in any of the behaviors (as listed below) that disrupt the normal educational process, deprive individuals of the right to pursue their education, and/or result in injury to person(s) and/or damage to property within the meaning of the foregoing Illinois laws. Such behavior will be considered in violation of this policy and the procedures described in this policy.

1. *With respect to Demonstrations*, the following specific activities are prohibited to the extent that they meet the standards found in the statutes cited above:

- a) Interfering with orderly conduct of classes or other University activities, including programs and speakers;
- b) Interfering with activities of visitors;
- c) Interfering with the employment duties and responsibilities of University administrators, faculty, staff, or contractors;
- d) Any type of disturbances to classes or any other scheduled University event or activity;
- e) Damaging University property;
- f) Littering University premises;
- g) Obstructing automobile and pedestrian traffic;
- h) Blocking entrances to buildings and driveways;
- i) Blocking passageways and/or stairways; and
- j) Causing disruption on campus, including generating excessive noise or using amplification systems outside of University designated times.

2. *With respect to Distribution and Display of Visual Communications and Solicitation of Signatures*, the following specific activities are prohibited to the extent they violate applicable Illinois law:

- a) Attempting by repeated demands, threats, or otherwise, to coerce passers-by into accepting, signing, or paying for materials;
- b) Interfering with, impeding, or causing blockage of the normal flow of traffic;
- c) Committing any act likely to create an imminent safety or health hazard;
- d) Accompanying a communication with loud or raucous sounds likely to disturb others and/or by reason of the sound amplification;
- e) Interfering with or disrupting any other activity by anyone else lawfully in the same general location at the same time;
- f) Distributing/displaying/soliciting signatures on materials that are libelous, slanderous or obscene under Illinois law; or

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- g) Distributing/displaying materials that are likely to incite or produce imminent lawless action.

G. Conflict with Existing Policy and Procedures

To the extent that other existing policies, procedures or Administrative Memoranda issued by the University are inconsistent with this document, they are hereby abrogated.

H. Endnotes

[1] The NEIU Statement of Values has been affirmed by the University's Administrative and Professional Council, Civil Service Council, Faculty Senate, and Student Government Association. These values were approved by the President's Council in May 23, 2007 and reported to the Board of Trustees on June 7, 2007, and are intended promote a thriving educational community and serve as the touchstone for achieving the University's educational mission.

[2] While students, faculty, staff, and visitors do not shed their constitutional rights to freedom of speech or expression upon entrance onto the University campuses, University facilities must be limited to activities that further the interests of the University's mission and values. This is so because the University as an arm and agency of the State, no less than a private owner of property, has the power to preserve the property under its control for the use to which it is lawfully dedicated.

[3] This policy and these procedures differentiate between University Affiliates and University Non-Affiliates. This is done to assist the University in managing access to limited space. The University is a land-locked, urban campus with severe space constraints. In managing the limited space available the University is relying on its understanding that it may draw permissible status based distinctions among different classes of speakers in order to preserve the purpose of the forum, even when the proposed uses by those inside the permitted class of speakers (Affiliates) and those outside the permitted class of speakers (Non-Affiliates) are quite similar. At all times, the overarching aim is to protect the rights, person, and property of all University Affiliates and their invited guests, and University Non-Affiliates.

[4] Responsibilities of the University and the Sponsor.

The *University* is responsible for:

1. Allocating space and facilities for events within established University guidelines, policies, and procedures;
2. Informing sponsors of all applicable University guidelines, policies, and procedures and local, state, and federal laws and statutes;
3. Providing clean facilities and functional furniture and equipment (when equipment is available);

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4. Providing staff to setup tables before the event and facilities-related support during the event;
5. Posting a weekly updated schedule on a designated Student Union marquee of all confirmed reservations for demonstrations and distribution/display/solicitation events on campus.

The *Sponsor* of a demonstration or distribution, display or solicitation event is responsible for:

1. Managing the activity;
2. Adhering to all University guidelines, policies, and procedures and local, state, and federal laws and statutes;
3. Informing guests of all of the items listed in F.1 and 2 above;
4. Ensuring that guests follow all policies and procedures;
5. Informing the proper University officials when infractions occur;
6. Returning the reserved space to its original condition;
7. Assuming all charges associated with the event, including staff labor charges for table delivery and setup, and any damages to University property caused by the sponsor or guests attending the event.

[5] The sale of general interest publications (e.g., newspapers, periodicals, magazines and other similar items) for commercial purposes is restricted to the general merchandise sales locations (space leased by food services, the bookstore, University vending and other auxiliary enterprise areas) and contingent on approval by the Director of Auxiliary Services.

[6] Please be advised that the area outside of El Centro is owned and operated by the City of Chicago and conduct is subject to the laws and regulations promulgated by the City of Chicago.

I. REFERENCES

- *Illinois Compiled Statutes* (720 ILCS 5/21-4, 5/21-5, and 5/21.2-2)
 - Regulations of the Board of Trustees of Northeastern Illinois University (Sec. VI.E.)
 - Use of Facilities Policies and Procedures Manual, “*Visual Communications and Solicitation of Signatures*” (pg. 13-16)
-
- The University Student Code of Conduct (<http://www.neiu.edu/~DeanSt/sur>)

**FACULTY SENATE
DRAFT RESPONSE
TO DDS DOCUMENT**

1) Tim Libretti: statement

Dear President Hahs,

The Faculty Senate has considered your request for its endorsement of the DDS Policy document; and, as you know, while we agree such a document is necessary to ensure all constituencies enjoy free speech on campus, we have grave reservations about the efficacy of this particular document to enable, rather than restrict, free speech.

We are also aware that your generosity has extended so far as to agree to give consideration to suggestions for minor emendations to the document, and we sincerely appreciate your willingness to change course and respond with flexibility to the concerns of the faculty constituency. After substantial consideration and discussion, however, the Senate feels obliged to you, the faculty, students, and the university community as a whole to be absolutely frank in expressing its judgment that this document would institute policy decidedly counter to fostering a university environment committed to vibrant and robust intellectual exchange, expression of dissent, protest, and free assembly. In its current form, we believe that minor editing will not be sufficient to create a document that upholds rights of free speech, with all limitations acknowledged, and honors students, faculty, and staff in fostering a culture of free speech on campus.

We certainly understand it is within your authority to legislate university policy without faculty endorsement. Nonetheless, we hope, given you share our sense of the importance of this document, that you will not hastily institute a policy of such magnitude and consequence without careful consideration of our concerns and that you might agree that this document especially needs to be one in which all constituencies at the university share and feel a common stake.

We respect and appreciate the hard work of the committee, including our good colleague Danielle Truty, which composed the document. And, we would be remiss in our duty to represent faculty if we did not vigorously voice our concerns.

It is our understanding that the intent of the document was to ensure that the rights of free speech of all be respected by managing the space limitations on campus. In light of this intent, we find many elements of the document overly burdensome and restrictive and absolutely inconsistent with the university culture we would like to see. True or not, the document seems born out of fear and a sense of threat as opposed to a positive embrace of and desire to cultivate a culture of vigorous, if difficult, exchange.

Some significant concerns include the following:

*The range of behaviors covered, say, under the definition of “demonstration” is incredibly broad and subjects reasonable, ethical, and law-abiding behavior to sanction or even legal action. If, for example, one person stands in Village Square handing out information on homelessness without prior permission, this person would be in violation of policy. That faculty, students, and others could be sanctioned or have legal action taken against them for such behavior, or for even just expressing an opinion in written form according to the document, seems extreme and repressive rather than conducive to free expression. Surely, the university could manage such a situation without all the restraints and conditions it has placed on such activities.

*The time frames under this policy to which people need to adhere to gain permission to demonstrate, distribute, or solicit are excessively burdensome and grossly hobble free speech by subjecting it to undue delays. That those wanting to demonstrate a contemporary event or situation might have to wait one or two weeks severely disarms the force and meaning of that expression and strikes us as an overly extreme form of repression and caution.

*The relationship between academic freedom for students and faculty and free speech on campus is disturbingly murky. The document could really use clarity in terms of the relationship between, say, classrooms, offices, and other university spaces. What exactly constitutes free expression in the classroom and offices as opposed to the wider university environment. This issue takes on a much weightier freight given recent statements by the university that faculty, as state employees, do not enjoy the same rights of free speech as other citizens when on campus or speaking about the university.

*The time restrictions placed on demonstration, display, and solicitation (8:30-4:30), again, represents an extreme limitation, far in excess of law, on free speech for our students, as many of our students come to campus after 4:30 and many events take place in the evening hours.

*The restrictions on place also seem unduly restrictive. Protest, in our view, ought to involve proximity to the object of protest. Moreover, the university seems to be handle such situations. In the oft-cited protests at the Durbin event on campus, students who were initially disruptive were reigned in by campus forces and still managed to hold a peaceful protest in the front of the stage from which Durbin spoke. Moreover, faculty in 2004 marched throughout the campus protesting working conditions in a peaceful and non-disruptive manner.

The call for restraints on these kinds of activities strikes us as more repressive than the limitations on free speech one experiences in the wider society. We believe the university ought not to model behavior that restricts free expression but that it has a responsibility to model the most open culture possible.

Senators, please elaborate and add bullet points for the features of this document that most disturb you.

2) Rodney Higginbotham, in agreement with Tim Libretti, – asks for the following clarifications:

- Page 1, Section B—Distribution of Visual Communications---needs an exemption statement for buttons, shirts or the like that carry messages, but in no way coerce people to interact with the wearer.
- Page 2, C2—the reservation form currently exists and a sample copy can be had from <http://www.neiu.edu/~sudept/resforms.html>
- Page 3, item 7b—identify which vice presidents; specify that the word *inform* implies *in writing*.
- Page 4, item D1—the time limitation is not reasonable because it excludes the evening student population.
- Page 4 item D4—Number of locations too limited.
- P. 5 item 8--Does the word spontaneous always imply unauthorized?
- Page 6 item 4e—Who conducts the review? Who has input?
- Page 8 top of page item 2g “likely to incite or produce imminent lawless action”—the intent of this item is reasonable but it is wide open to unreasonable interpretation.
- Tim, I have no doubt you will author a sound and articulate preamble to the response. I offer only this suggestion: Make our position clear, well supported and emotionless. Let cool heads prevail.

3) Dario Villa

After re-reading the DDS doc and thinking about the issues involved, I find this document repressive in its entire intent, including the clever use of Laws that were passed in 1961 to control student and faculty protests on university campuses during the 60's. I am of the opinion that if this document were made available to the entire faculty there would be very little if any support. In good conscience I can not and will not vote to endorse this document in any format or no matter what subtle changes are made. It seems to me that the only choice for the Senate is to provide the administration with a strong and resounding vote of disapproval to this document! Daniel Patrick Moynihan once said that “America would move closer to the Soviet model of oppression”...might be that he was right.

4) Frank Perino

The more I have read and thought about it, I agree. This is too oppressive of a document for all involved. I would agree with Tim, Dario, Jim and the others.

5) James Olson

The DDS is oppressive and inappropriate for a college or university campus. I believe the revised DDS reflects the response we had at our last meeting.

DRAFT

To: President Sharon Hahs
From: Faculty Senate
Date: January 4, 2009
Re: Faculty Senate's response to the DDS Policy

Dear President Hahs,

The Faculty Senate has considered your request for its endorsement of the DDS Policy document; and, as you know, while we agree that such a document is necessary to ensure all constituencies enjoy free speech on campus, we have grave reservations about the efficacy of this particular document to enable, rather than restrict, free speech.

We sincerely appreciate your willingness to consider suggestions for minor emendations to the document and to respond to the concerns of the faculty constituency. However, after substantial consideration and discussion, the Senate feels obliged to you, the faculty, students, and to the university community as a whole to be absolutely frank in expressing its judgment that this document would institute policy decidedly counter to fostering a university environment committed to vibrant and robust intellectual exchange, expression of dissent, protest, and free assembly. In its current form, we believe that minor editing will not be sufficient to create a document that upholds rights of free speech and honors students, faculty, and staff in fostering a culture of free speech on campus.

We certainly understand that it is within your authority to legislate university policy without faculty endorsement. Nonetheless we hope, given that you share our sense of the importance of this document, that you will not hastily institute a policy of such magnitude and consequence without careful consideration of our concerns. We hope that you agree that this document especially needs to be one in which all constituencies at the university share and feel a common stake.

We respect and appreciate the hard work of the committee, including our good colleague Daniela Truty, which composed the document. Yet we would be remiss in our duty to represent our constituents if we did not vigorously voice our concerns.

It is our understanding that the intent of the document was to clarify policy, define terminology, and to ensure that the rights of free speech of all be respected by managing the space limitations on campus. In light of these intents, we find many elements of the document to be suggestive or unclear, overly burdensome and restrictive, and absolutely inconsistent with the university culture we would like to see. True or not, the document seems born out of fear and a sense of threat as opposed to a positive embrace of and desire to cultivate a culture of vigorous, if difficult, exchange.

Some significant concerns include the following:

*The relationship between academic freedom for students and faculty and free speech on campus is disturbingly murky. The document could really use clarity in terms of the relationship between, say, classrooms, offices, and other university spaces. What exactly constitutes free expression in the classroom and offices as opposed to the wider university environment. This issue takes on a much weightier freight given recent statements by the university that faculty, as state employees, do not enjoy the same rights of free speech as other citizens when on campus or speaking about the university.

*The range of behaviors covered, say, under the definition of “demonstration” (section B) is incredibly broad and subjects reasonable, ethical, and law-abiding behavior to sanction or even legal action. If, for example, one person stands in Village Square handing out information on homelessness without prior permission, this person would be in violation of policy. That faculty, students, and others could be sanctioned or have legal action taken against them for such behavior, or for even just expressing an opinion in written form according to the document, seems extreme and repressive rather than conducive to free expression. Surely, the university could manage such a situation without all the restraints and conditions it has placed on such activities.

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*The time restrictions placed on demonstration, display, and solicitation (8:30-4:30, M-F), again, represents an extreme limitation, far in excess of law, on free speech for our students, as many of our students come to campus after 4:30 and many events take place in the evening hours (section D.1).

*The restrictions on place also seem unduly restrictive (section D.3). Protest, in our view, ought to involve proximity to the object of protest. Moreover, the university seems able to handle such situations. In the oft-cited protests at the Durbin event on campus, students who were initially disruptive were reigned in by campus forces and still managed to hold a peaceful protest in the front of the stage from which Durbin spoke. Moreover, faculty in 2004 marched throughout the campus protesting working conditions in a peaceful and non-disruptive manner.

* “Spontaneous demonstration” needs clearer definition, especially if what is meant is “unauthorized demonstration”; the effort to prohibit spontaneous demonstration at NEIU is perplexing to us (section D.8).

*The Laws cited (sections F and I) appear to date from the early 1960s; there must be more recent legislation regarding free-speech on university campuses that could be brought to bear on the way NEIU enacts such important policy. We feel that the overly

restrictive nature of the current document may be due in part to adherence to laws enacted in a very different time than our own.

The call for restraints on these kinds of activities strikes us as more repressive than the limitations on free speech one experiences in the wider society. We believe the university ought not to model behavior that restricts free expression, but rather that it has a responsibility to model the most open culture possible.

The Faculty Senate is willing to work diligently to assist the Office of the President on revising this important document during the spring 2009 term. We feel that essential elements are in the current document, such as the paragraph that contextualizes free speech rights within certain behavioral guidelines (section F). But we also feel strongly that the restrictions of the current document do not adequately reflect the mission and values of the NEIU community that are committed to fostering an open, non-confrontational environment of intellectual exchange.

To: President Sharon Hahs
From: Faculty Senate
Date: February 20, 2009
Re: Faculty Senate's response to the DDS Policy

Dear President Hahs,

The Faculty Senate has considered your request for its endorsement of the DDS Policy document; and, as you know, while we agree that such a document is necessary to ensure all constituencies enjoy free speech on campus, we have grave reservations about the efficacy of this particular document to enable, rather than restrict, free speech.

We sincerely appreciate your willingness to consider suggestions for minor emendations to the document and to respond to the concerns of the faculty constituency. However, after substantial consideration and discussion, the Senate feels obliged to you, the faculty, students, and to the university community as a whole to be absolutely frank in expressing its judgment that this document would institute a policy decidedly counter to fostering a university environment committed to vibrant and robust intellectual exchange, expression of dissent, protest, and free assembly. We believe that minor editing of the DDS Policy document in its current form will not be sufficient to create a document that upholds rights of free speech and honors students, faculty, and staff in fostering a culture of free speech on campus.

We certainly understand that it is within your authority to legislate university policy without faculty endorsement. Nonetheless, in the spirit of shared governance, and given that you share our sense of the importance of this document, we hope that you will not hastily institute a policy of such magnitude and consequence without careful consideration of our concerns. We hope that you agree that this document especially needs to be one in which all constituencies at the university share and feel a common stake.

We respect and appreciate the hard work of the committee, including our good colleague Daniela Truty, which composed the document. Yet we would be remiss in our duty to represent our constituents if we did not vigorously voice our concerns.

It is our understanding that the intent of the document was to clarify policy, define terminology, and to ensure that the rights of free speech of all be respected by managing the space limitations on campus. In light of these intents, we find many elements of the document to be suggestive or unclear, overly burdensome and restrictive, and absolutely inconsistent with the university culture we would like to see. True or not, the document seems born out of fear and a sense of threat as opposed to a positive embrace of and desire to cultivate a culture of vigorous, if difficult, exchange.

Some significant concerns include the following:

*The relationship between academic freedom for students and faculty and free speech on campus is disturbingly murky. The document could really use clarity in terms of the relationship between, say, classrooms, offices, and other university spaces. What exactly constitutes free expression in the classroom and offices as opposed to the wider university environment. This issue takes on a much weightier freight given recent statements by the university that faculty, as state employees, do not enjoy the same rights of free speech as other citizens when on campus or speaking about the university.

*The range of behaviors covered, say, under the definition of “demonstration” (section B) is incredibly broad and subjects reasonable, ethical, and law-abiding behavior to sanction or even legal action. If, for example, one person stands in Village Square handing out information on homelessness without prior permission, this person would be in violation of the DDS Policy. That faculty, students, and others could be sanctioned or have legal action taken against them for such behavior, or for even just expressing an opinion in written form according to the document, seems extreme and repressive rather than conducive to free expression. Surely, the university could manage such a situation without all the restraints and conditions it has placed on such activities.

*The time frames under this policy to which people need to adhere to gain permission to demonstrate, distribute, or solicit are excessively burdensome and grossly hobble free speech by subjecting it to undue delays (section C). That those wanting to demonstrate at, or protest against, a contemporary event or situation might have to wait one or two weeks severely disarms the force and meaning of that expression and strikes us as an overly extreme form of repression and caution.

*The time restrictions placed on demonstration, display, and solicitation (8:30-4:30, M-F), again, represents an extreme limitation, far in excess of law, on free speech for our students, as many of our students come to campus after 4:30 and many events take place in the evening hours (section D.1).

*The restrictions on place also seem unduly restrictive (section D.3). Protest, in our view, ought to involve proximity to the object of protest. Moreover, the university seems able to handle such situations. In the oft-cited protests at the Durbin event on campus, students who were initially disruptive were reigned in by campus forces and still managed to hold a peaceful protest in the front of the stage from which Durbin spoke. In another case, faculty in 2004 marched throughout the campus protesting working conditions in a peaceful and non-disruptive manner.

* “Spontaneous demonstration” needs clearer definition, especially if what is meant is “unauthorized demonstration”; the effort to prohibit spontaneous demonstration at NEIU is perplexing to us (section D.8).

*The Laws cited (sections F and I) appear to date from the early 1960s; there must be more recent legislation regarding free-speech on university campuses that could be brought to bear on the way NEIU enacts such an important policy. We feel that the overly

restrictive nature of the current document may be due, in part, to adherence to laws enacted in a very different time from our own.

The call for restraints on these kinds of activities strikes us as more repressive than the limitations on free speech one experiences in the wider society. We believe the university ought not to model a behavior that restricts free expression. Furthermore, we believe the university has a responsibility to model the most open culture possible.

The Faculty Senate is willing to work diligently to assist the Office of the President on revising this important document during the spring 2009 term. We feel that essential elements are in the current document, such as the paragraph that contextualizes free speech rights within certain behavioral guidelines (section F). But we also feel strongly that the restrictions of the current document do not adequately reflect the mission and values of the NEIU community, which are committed to the spirit of shared governance and to fostering an open, non-confrontational environment of intellectual exchange.