

Goals of Revised Policy and Explanation of Changes

(a) Introduce Affirmative Commitments to “Speech”

- Though free speech has always been a key value at Oxy, prior versions of the dissent & demonstration policy didn’t adequately foreground speech as an affirmative commitment.
 - (1) Broad speech rights have not been clearly affirmed in any College policy (note, the Faculty Handbook addresses only academic content). Nor have the College’s policies articulated the main legal exceptions to speech-related freedoms, such as threats, defamation, violence, disruption, and harassment.
 - (2) We believe it’s more consistent with our values to elevate both the freedoms and responsibilities associated with speech, instead of addressing speech only in the context of non-compliant protests or discrimination. In distinguishing more between speech and conduct, the revised policy articulates a more positive role of free expression in our community.
 - (3) The revised policy includes examples of *protected expression*, rather than just examples of unprotected expression.
- **Examples**
 - (1) Adding “**Speech**” to the title, creating a more affirmative framework.
 - (2) Replacing references to “demonstrations” with references to “expressive activity,” acknowledging that protests are only one of several forms of expression that are protected.
 - (3) Noting that expressive actions are “**welcome**” rather than just “permitted.”
 - (4) Explicitly stating the College’s commitment to upholding California’s **Leonard Law**, which prohibits disciplining a student based on the content of their speech.
 - (5) Adding that “the College’s role is not to shield community members from unpleasant or offensive ideas, but to allow such ideas to be tested through discussion and debate.”
 - (6) Clarifying that time, place, and manner restrictions must be “**reasonable and content-neutral**.”
 - (7) Confirming protection of speech that does not cause “**substantial**” disruption, consistent with analogous legal standards (even where Oxy is not technically bound by such standards as a private institution). The

word “substantial” did not expressly qualify “disruption” in Oxy’s prior policy, leading to the potential misunderstanding that even minor noise disruption would lead to discipline.

(8) Noting several (non-exclusive) examples of permissible forms of expression.

(9) Affirmatively encouraging campus groups “to invite speakers with a wide **range of perspectives.**”

(10) Emphasizing the College’s corresponding commitment to **academic freedom**, through multiple references to the Faculty Handbook.

(b) Add Headings and Clarity

- The absence of headings made the policy less organized and accessible. We have added headings such as “Speakers on Campus,” “Planning for Demonstrations,” and “Collaborative Resolution,” and organized content within these sub-topics.
- Questions have arisen regarding expectations for planned versus spontaneous protests. The new section titled “Planning for Demonstrations” explains the distinction. It affirms that spontaneous protests are permitted, and that registration and other requirements for organized events do not preclude spontaneous activity. The time, place, and manner rules act as a floor, when those involved in a spontaneous protest are not able to go through normal event planning protocols. Like all other events, organized demonstrations may sometimes involve use of materials and structures; but use of these items can only be authorized through advance planning and approval in collaboration with the College.
- Questions have also arisen regarding the phrase “permanent or semi-permanent structures.” The college has added language to clarify the meaning of that phrase; protests may not include such “permanent or semi-permanent structures, barriers, or other large items such as walls, barricades, booths, boards, building materials, planks, platforms, tents, fences, and furniture; nor may any items be used to cordon off an area of campus or prevent regular movement through it.” As stated later in the policy, use of such items may be permissible with advance approval through the College’s normal event planning processes.
- The prior policy discussed expectations for “all members of the Occidental College community” but opened with a header that emphasized students, leading to questions about applicability. The revisions confirm that all community members are subject to the same expectations related to upholding free expression and sharing campus spaces.
- Questions have arisen about how the terms “substantial disruption,” “hostile environment,” and “endanger or injure” should be interpreted. This version provides clarifying hyperlinks, examples, and/or modifiers for each of those terms.

- (1) “Substantial disruption” means restricting others’ free movement, substantially interfering with, or impeding access to or from, regular activities or facilities of the College (such as classes, lectures, residential life, work, athletics, construction, ceremonies, and events). The policy also now explains that “although the level of disruption is dependent on all relevant circumstances, actions are more likely to become substantially disruptive when they continue for longer periods of time, impact a significant institutional function or event, or require excessive time or expense to address.”
- (2) “Hostile environment” has the meaning assigned to that phrase in the College’s [non-discrimination policies](#).
- (3) The prohibition on activities that “endanger or injure” refers to physical endangerment or injury.

(c) Prohibit concealment of identity under specified circumstances

- The College is confirming that demonstrators may not conceal their identities for the purpose of evading accountability while violating any College policy or applicable law.
- The policy confirms that it “will not be used for any purpose connected with immigration status or enforcement.” For example, College officials will not ask demonstrators to remove face coverings for the purpose of facilitating immigration enforcement or confirming someone’s citizenship.
- The policy does not prevent individuals from wearing face coverings for religious or medical reasons during a demonstration, nor while engaged in protest generally; but requires that they verify their identities if engaged in a protest that violates College policy.

(d) Remove unnecessarily heavy-handed language and add more collaborative language

- The policy removes redundant language regarding the President’s/designee’s ability to suspend students for violations of the policy, lack of amnesty for ignorance, and other duplicative warnings.
- The policy adds that “wherever possible, College officials will make best efforts to alert demonstrators to violations of College policies or laws, before issuing an order of dispersal or taking disciplinary actions, so that demonstrators may adjust their behavior and continue their expressive activities.”
- It also expressly encourages students and employees to make requests and ask questions of the College’s Policy Committee.
- The policy adds a commitment to conduct at least annual outreach to student and faculty groups to assess the policy’s impact and effectiveness.

(e) Add section on parallel restorative practices

- The closing section of the policy explains the benefits of restorative practices, when they may be appropriate, and when they may be offered.
- The College makes a commitment to offer such opportunities for RP, when appropriate, surrounding protest activities and/or related disciplinary proceedings.