

University demonstration response plan

This plan outlines the management and coordination of the University's response to campus demonstrations, protests, or rallies. It addresses the safety and security of all participants, including demonstrators, counterdemonstrators, and bystanders, while upholding the rights to free speech and peaceful assembly. The plan includes executive review and demonstration response team membership, as well as guidelines used by the staff.

Executive Review Team

The Executive Review Team is comprised of senior University administration with the ability to quickly assemble and plan for demonstrations to evaluate and make decisions regarding planned or active demonstrations, and to provide guidance to university staff facilitating specific campus events. The team will consist of the following standing members (or their designees):

- **Provost**
- **Executive Vice President, Chief Operating Officer & Chief Financial Officer**
- **Vice President for Student Affairs**
- **Senior Vice President for Marketing and Communications**
- **University Counsel**
- **Government Relations**

Demonstration response team

The Demonstration Response Team is critical in ensuring the safety, order, and respectful exercise of free speech during campus events or demonstrations. Their primary responsibilities include:

1. **Safety & Well-being:** Ensuring the physical safety and well-being of the campus community and all participants in demonstrations.
2. **First Amendment Protections:** Making sure that demonstrations do not infringe upon the rights of others to exercise their free speech.
3. **Constructive Engagement:** Engaging with demonstrators to understand their issues of concern constructively and respectfully.
4. **Minimizing Disruptions:** Reducing the impact on university operations and preventing damage to university property.
5. **Facilitating Events:** Working with event organizers and demonstrators to ensure the safe facilitation of events and freedom of speech.
6. **Legal Compliance:** Ensuring adherence to local, state, and federal laws, as well as university policies.
7. **Post-Demonstration Actions:** Conduct debriefs after events, offer support services to those impacted, and review policies to improve future responses.

Team Composition:

- **Dean of Students**
- **Director of University Communications/Marketing and Communications** (or designee)
- **Chief of Police** (or designee)
- **Executive Director of Conference & Event Services**
- **Legal Counsel Representative**
- **Executive Director of Safety, Business Continuity, and Risk Management**
- **Additional Members:** Depending on the nature of the event and its potential impact, other members may be included based on specific circumstances

Time, place, and manner guidelines

The University will utilize time, place, and manner restrictions to manage and monitor free speech demonstrations. Time, place, and manner restrictions are regulations imposed by governments or institutions (like universities) that limit when, where, and how speech can occur while respecting the fundamental right to free speech as protected by the First Amendment. These restrictions are designed to prevent speech from interfering with public order, safety, and the rights of others without discriminating based on the content of the speech. As part of the institutional event management process, time, place, and manner restrictions will include, but are not limited to, the following guidelines listed below. Events cannot:

University activities and services disruption

1. Disrupt teaching, study, research, or administration of the University.
2. Disrupt the authorized use of university property, including meetings of university students, faculty, staff, administrators, or guests.
3. Infringing on the rights and privileges of other university community members; substantially interfering with another university community member's prior reservation; or substantially disrupting a scheduled university event.
4. Create a volume of noise that impairs or interferes with University sponsored or authorized activities or University property in a manner that is likely to or does deprive others of the benefit or enjoyment of the activity or University property. Amplified sound can only be used after 1230 on Fridays.
5. Take place at a location reserved by another department or student organization.
6. Move, alter, or otherwise disturb physical barricades.
7. Block the vision of others in a way that substantially interferes with the event (examples: a poster, a prop, a person's body).
8. Turn off the lights in a room.
9. Interfere with the duties and responsibilities of a university official.

Public Safety

10. Use threatening use of force against any university community member that substantially and directly bears upon the university community member's functions.
11. Promote reckless disregard for the physical health or physical safety of any person,
12. Obstruct entrances or exits to buildings. Expressive activities must not obstruct vehicular or pedestrian traffic or restrict the free movement of persons on university property.
13. Include the use of open flame devices, bonfires, or the lighting of any material on fire except hand-held candles, which may be used by regulations set forth in International Fire Code, International Building Code as outlined by the International Code Council and the National Fire Protections Association (NFPA) Standards.
14. Contain inappropriate and unwelcome physical contact with another person, including but not limited to pushing, slapping, or spitting.
15. Use expressive activities that result in or are substantially likely to result in damage or destruction of university property or property belonging to other University community members or visitors is prohibited. Persons or organizations causing such damage may be held financially responsible, in addition to possible consequences under other applicable policies and laws.
16. Includes individuals wearing costumes, masks, or other items that would interfere with personal identification but excludes those wearing for personal safety or religious reasons.
17. Direct a laser pointer at a person.
18. Fails to provide identification when requested by a university official.

University Process for Confronting Disruptive Behavior

Should the team confront disruptive behavior, it will use the following guidelines to address the situation.

1. All responses to disruptive behaviors shall be done in a content and viewpoint neutral manner.
2. If disruptive behavior occurs at an event, the organizer should ask the person to cease. Issuing a warning before action is taken can be useful to prevent escalation, but it is not a required step.
3. If the designated official, as determined by the demonstration response team, determines that a person is exhibiting disruptive behavior at an event, the official should ask the person to cease the behavior, move to another location that will not be disruptive, or leave. To prevent escalation, informing the person of any applicable university policy or rule and issuing a warning before action is taken can be useful but is not a required step.

4. If a designated official is not available to assist, the event organizers may contact UMPD. At a minimum, event organizers should document the disruptive behavior with pictures, videos, and witnesses. Documentation of disruptive behaviors should be submitted to the Office of Student Accountability, University of Memphis Human Resources, and UMPD for evaluation.
5. While anyone (including event and demonstration organizers, the designated Official, or a member of the public) can contact UMPD to respond to disruptive behavior, UMPD determines its response based on appropriate available options.
6. The designee, as determined by the team, will inform the demonstrators that they must discontinue their disruptive behavior, explain which behaviors violate university policy, and advise them on how to continue their demonstration in a manner that is not disruptive.
7. Any physical threat to persons or property may require immediate police action. Arrest by law enforcement is a last resort when the disruption will not cease.
8. Cases involving escalating disruption or violence may result in immediate intervention by law enforcement personnel.

Individuals Violating Policy & Law

- Students who participate in disruptive behaviors may be subject to disciplinary action. They will be afforded all the rights outlined in the Student Code of Rights and Responsibilities.
- Faculty and staff who engage in disruptive behaviors may be subject to disciplinary action by university policy, state and federal law.
- All individuals who participate in disruptive behaviors may be subject to criminal action and letters of no trespass on campus.

Policies, state law, local ordinances, and national standards

University policies, state law, local ordinances, or national standards can apply to demonstrations, including but not limited to:

University Policies

- **GE 2035 - Affirming Principles of Free Speech for University Students and Faculty**
This policy affirms the institutional commitment to protecting free speech for students and faculty in alignment with the First Amendment and Tennessee Constitution. It encourages the open exchange of ideas, even those that may be offensive or controversial, while allowing reasonable time, place, and manner restrictions to maintain campus order.
- **GE2008 - Crisis Management Planning**
This policy outlines the university's approach to handling crises that may affect the campus or off-campus centers. It establishes a coordinated plan for managing

emergencies, focusing on protecting life, minimizing damage, and ensuring continuity of essential service.

- **GE2047 - Environmental Health and Safety**

This policy outlines the responsibilities of the university community in complying with environmental, health, and safety regulations, while also providing guidelines for the development and maintenance of safety programs.

- **BF 4022 – Access to and use of Campus Property and Facilities**

This policy regulates the use of university property by both affiliated and nonaffiliated groups. The policy ensures that campus facilities are used in alignment with the university's educational mission and outlines the procedures for applying for facility use, prioritizing university-related functions.

- **SA 8002 – Registered Student Organization**

This policy outlines the requirements for the registration, operation, and financial management of student organizations. Registered organizations must follow guidelines for membership, reporting, and event planning, while also maintaining sound financial practices.

State Statues

- **Tennessee Code Annotated 38-9-101** <https://law.justia.com/codes/tennessee/title-38/chapter-9/>

This statute grants the authority to local officials to declare a civil emergency during times of crisis, such as natural disasters or public disturbances.

- **Tennessee Code Annotated 39-17-301** <https://law.justia.com/codes/tennessee/title-39/chapter-17/part-3/section-39-17301/>

This statute provides definitions of terms related to disorderly conduct.

- **Tennessee Code Annotated 39-17-314** [https://law.justia.com/codes/tennessee/title-39/chapter-17/part-3/section-39-17314/#:~:text=\(b\)%20A%20person%20commits%20an,practice%20in%20the%20commission%20of](https://law.justia.com/codes/tennessee/title-39/chapter-17/part-3/section-39-17314/#:~:text=(b)%20A%20person%20commits%20an,practice%20in%20the%20commission%20of)

This statute provides a state definition of civil disorder.

- **Tennessee Code Annotated 49-7-1907** <https://codes.findlaw.com/tn/title-49-education/tn-code-sect-49-7-1907/> This statute provides direction to public institutions of higher education to uphold freedom of expression and inquiry while fostering intellectual diversity. The statute prohibits institutions from compelling students or

employees to adopt divisive concepts and ensures fair treatment of student groups, particularly regarding property use and event fees.

- **Tennessee Code Annotated 49-7-2402 (Title 49 Education, Chapter 7 – Postsecondary and Higher Education Generally, Part 24 – Campus Free Speech Protection Act**
<https://law.justia.com/codes/tennessee/title-49/chapter-7/part-24/>
This statute ensures that public institutions of higher education protect free speech. It prohibits restrictions on free expression based on content and viewpoint, ensures disciplinary action for disruptions to free speech, and provides a framework for reporting violations

City Ordinances

- **Code of Ordinances City of Memphis Title 9 – Health & Safety/Chapter 9-24. Civil Emergencies**
[Code of Ordinances | Memphis, TN | Municode Library](#)
Memphis' Code of Ordinances on civil emergencies outlines procedures and authority for managing emergencies, such as curfews or restrictions during civil unrest, to protect public safety.
- **National Fire Protection Association (NFPA), Life Safety Code, 2012 Edition**
<https://up.codes/viewer/tennessee/nfpa-101-2012>
This code establishes safety standards to protect building occupants from fire and related hazards. It addresses construction, protection, and occupancy features that minimize the risks of fire, smoke, and panic in new and existing buildings.
- **2021 International Fire Code (IFC) Chapter 3**
<https://codes.iccsafe.org/content/IFC2021P1/chapter-3-general-requirements> This code outlines general fire safety requirements for all building types. It covers key areas such as waste management, open burning, hazardous materials storage, and maintenance of fire safety equipment.

Questions/additional information

Any questions regarding this plan can be directed to the Dean of Students office at, deanofstudents@memphis.edu or Mark Heath, Executive Director of Business Continuity & Risk Management Staff, at rmheath@memphis.edu.