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# Policy on Demonstrations and Overnight Activity on Campus

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**Responsible University Office:** *Administration*

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## Reason for Policy

Gonzaga University recognizes on-campus activity, including protests and demonstrations, as part of its educational mission. In so doing, any policy relating to such on-campus activity must be able to address the diversity of the community's needs, including providing space for every community member, at their own pace, to learn, grow and discern outside the classroom while maintaining the safety and security of the campus wide living and learning environment.

This policy has been established to (1) promote Student and Employee well-being; (2) ensure the safety and security of all community members and maintain overall campus safety; (3) avoid disruptions of University operations and the on-campus residential living experience; (4) ensure that University Students, faculty, staff, and others are aware of both their rights and responsibilities relating to on-Campus Demonstration Activity.

## Scope

This policy is applicable to all recognized Gonzaga University groups and all individual faculty, staff, and Students and sets forth the parameters associated with on-Campus Demonstration Activity. This policy is also applicable to other persons in that it prohibits them from engaging in Demonstration Activity on Campus absent prior approval.

## Definitions

The following definitions apply to the use of the following defined and capitalized terms in this policy:

1. Campus. The term “Campus” as used in this policy refers to Gonzaga University owned, leased or rented property and includes all portions of former City of Spokane streets and sidewalks that have been vacated and are presently owned exclusively by Gonzaga University. The Plant & Construction Services Office can provide interested Students and Employees with information regarding the locations of former City of Spokane streets and sidewalks that are now exclusively owned by Gonzaga University and, therefore, no longer public property. Plant and Construction Services can also provide maps detailing the current boundaries of Campus.
2. Employees. The term “Employee(s)” as used in this policy means Gonzaga University faculty as described in the Faculty Handbook and staff Employees as described in the PPM.
3. Demonstration Activity. The term “Demonstration Activity” as used in this policy includes demonstrations, counter-demonstrations, protests, counter-protest, encampments, marches, walk-outs, sit-ins, and similar assembly and expressive activity on Campus.
4. Speech. The term “Speech” as used in this policy includes both oral and written speech as well as other forms of communication and expressive activity, including recordings, posters, signs, banners, and gestures.
5. Students. The term “Student(s)” as used in this policy means currently enrolled Gonzaga University students.
6. Tents. The term “Tent(s)” as used in this policy includes tents, shade canopies, tarps, and/or any temporary shelter.
7. Third Parties. The term “Third Parties” as used in this policy means any person or persons who are not Students or Employees.

## Guiding Principles

1. **University’s Commitment to Mission and Free Expression.** Gonzaga University is an independent, faith-based, and mission-centered institution of higher education and endeavors to consistently provide its Students with a learning environment reflective of these characteristics. A fundamental principle sitting at the heart of Gonzaga’s educational mission is the commitment to freedom of expression. We understand this commitment in the context of and with respect for our Catholic, Jesuit, and humanistic mission. It is a critical component of the academic project which seeks to educate our Students to be critical, enlightened, and well- informed individuals. The search for truth is articulated in our [Statement of Affirmation](#) as fundamental to our mission. Fostering a community characterized by diversity of thought is integral to our identity. The commitment and obligation to support the right of Students to exercise their intellectual freedom both in and outside of the classroom is reflected in the [Academic Freedom of Students Policy](#). Academic freedom is enshrined within the [Faculty Handbook](#) and is reflected in the faculty’s effort to support opportunities for exposure to a broad range of ideas, in service to the search for truth and the advancement of knowledge.
2. **University’s Commitment to Civil Discourse and Mutual Respect.** Gonzaga University is committed to hosting events and providing opportunities to help teach and foster civil discourse. Our Ignatian values – such as mutual respect, genuine listening, and honest reflection – guide our approach to healthy dialogue as we seek a greater understanding across controversial topics. What separates civil discourse from other forms of conversation is intent. People participate in civil discourse with a sincere desire to

learn from one another. Built on mutual respect, civil discourse allows us to exchange ideas and opinions, achieve greater understanding, find common ground, and ultimately establish a path forward.

3. **Rights and Responsibilities of Campus Community Members.** As an expression of the educational mission, this policy must be responsive to the diverse needs of our community to grow, learn, and discern both inside and outside of the classroom at their own pace while maintaining the safety and security of the campus-wide living and learning environment. While fostering the free and civil exchange of ideas and rigorous debate, the University must retain the ability to uphold all components of its core mission – to teach, engage in scholarship and research, promote the arts and athletics, convene the community, and perform its everyday operations within a safe and healthy Campus environment. These institutional commitments obligate all members of the Campus community to abide by the individual commitments detailed in our guiding documents.
  - a. Gonzaga University's [Student Code of Conduct](#) requires Students and Student groups to act with respect, honesty, and integrity at all times. See Student Code of Conduct, Section I. [Principles & Values](#). Gonzaga University's [Policies and Procedures Manual \(PPM\)](#) provides that treating others with courtesy at all times is an essential requirement of every employee's job.
  - b. Gonzaga University's [Faculty Handbook](#) requires that faculty members treat others, including Students, faculty and staff colleagues, with respect, civility, and in conformance with professional conduct standards set forth in the [Policies and Procedures Manual](#).
  - c. As described in the [Events Policy Institutional Context Statement](#), the University is committed to supporting the right of Students to exercise their intellectual freedom within and outside of the classroom.
4. **Applicable Law and policy.** This policy and the related procedures for implementation are sourced from and informed by existing University policies, departmental processes, institutional governing documents, a review of policies and practices at other institutions of higher education, and Department of Education guidance.
  - a. As a private institution of higher education and private property owner, Gonzaga University is not subject to the same free speech and free assembly law and jurisprudence as public universities or public landowners. With respect to free expression and free assembly, Gonzaga University is subject to applicable federal, state, and local law, including [Exec. Order No. 13864 §§ 2\(a\), 3\(a\); 34 C.F.R. §§ 75.500\(c\)\(1\)](#) that encourages institutions to foster environments that promote open, intellectual engagement, and diverse debate while mandating compliance with all applicable Federal laws, regulations, and policies, and its commitment to academic freedom as set forth in the Faculty Handbook and Students Right to Academic Freedom as described above.
  - b. When engaging in on-Campus Demonstration Activity under this policy, staff and student employees must adhere to any applicable leave and/or off-duty status requirements related to operational requirements, supervisor approval for time off during non-break periods, Employee timekeeping requirements, and [Policies and Procedures Manual](#).
  - c. In sum, Gonzaga supports on-Campus nonviolent free assembly and expression by Students and Employees conducted in compliance with federal, state, and local law, and in accordance with this policy which does not damage property, interfere with University operations, and/or violate the rights of other persons.
  - d. If any provision of this policy conflicts with state or federal law, the conflicting provision will be deemed null and void, and the remaining terms of the policy will remain in effect to the extent permitted by applicable law.
5. **Events policy.** This policy is separate from, but consistent with, the [Events Policy](#) which articulates the basis upon which subjective, but responsible, judgments about the appropriateness of a given speaker or event are to be made and sets forth the process for hosting events on campus as well as inviting Third Parties to Campus for speaking engagements and/or to host events on Campus.
6. **How to Safely and Responsibly Participate in Demonstration Activity.** The University desires that all Students and Employees engaging in Demonstration Activities under this policy to do so safely and responsibly. Students and Employees engaging in Demonstration Activity must:

- a. maintain a campus environment where everyone feels safe by refraining from conduct or speech that incites others to commit acts of violence or other unlawful activity, or results in bias or prejudice against an individual or group of people because of their real or perceived characteristics;
- b. ensure that all members of the campus community retain the right of free movement and access to all educational resources by refraining from activity that infringes on the rights of others;
- c. ensure participant and community safety and security by following the instructions of any University employee in the performance of their assigned official duties;
- d. ensure participant and community safety by following any lawful directive given by a law enforcement officer and not attempt to breach law enforcement or University barricades;
- e. disperse from an area where others are engaging in illegal activities or acts of violence, as a person's presence at such locations may be interpreted as participating in a riot or illegal group action;

## Policy Statement

1. **Demonstration Activity involving only Students and/or Employees.** Demonstrations involving only Student and/or Employee participants may occur on Campus subject to the conditions set forth in this policy and other applicable University policies. The following reasonable limitations apply to all on-Campus Demonstration Activity and may only be modified pursuant to the written approval of the University President or Provost.
  - a. Demonstrations inside Gonzaga Offices and Buildings. Demonstrations are prohibited inside any Gonzaga University owned or controlled buildings or offices.
  - b. Hours. Consistent with the University's Quiet Hours Policy, demonstrations may begin each day of the week no earlier than 9:00 a.m. and must end each day no later than 11:00 p.m. Demonstrations are not permitted on reading days and during final exam periods. To ensure the safety of the University community and to protect the health and property of individuals, unauthorized camping and other outdoor overnight activity outside of these designated hours are not permitted on University property.
  - c. Noise. Consistent with the University's Outdoor Special Events and Amplified Sound Policy, demonstrations may not generate noise levels that (i) interfere with the use of nearby University buildings by persons not involved in the Demonstration; (ii) interfere with subjectively reasonable residence hall room use expectations; (iii) interfere with subjectively reasonable use of any teaching environment; and/or (iv) violate any City of Spokane noise ordinance.
  - d. Interference with the Speech of Others. Students and/or Employees may not suppress the Speech of another Gonzaga community member or an approved Third Party. Students and/or Employees participating in Demonstration Activity concerning the Speech of someone with whom they disagree may not do so in a way that prevents the speaker from expressing their views or prevents other members of the Gonzaga University community from hearing or seeing the speaker.
  - e. Blocking or interfering with routes of movement. Students and Employees engaged in Demonstration Activity on Campus shall not block, alter, interfere with, or harass persons using routes of movement on Campus including roads, paths, sidewalks, parking areas, building entrances, and exits.
  - f. Posters, Signs, Banners, & Marking. The following are modifications to the [Posting Policy](#) as related to Demonstration Activity:
    - i. Posters, signs, and banners used during a Demonstration shall be removed from a Demonstration site by those using said items immediately upon the Demonstration's completion. The University retains the right to remove any remaining posters, signs, and banners following the conclusion of a Demonstration.
    - ii. Non-water soluble, semi-permanent, and permanent substances, including spray-chalk, are not permitted on any University surface, lamp posts, informational and directional

signs, and public art. The Bulldog Board (the painted half wall in Bulldog Alley) may not be marked or painted without the prior written authorization of the Center for Student Involvement (CSI).

- iii. Light projections may not be displayed on, and banners may not be hung from, any University building or structure without seeking and obtaining prior express written authorization from the Provost, Vice Provost for Student Affairs, or a Dean for a building under their responsibility or control.
  - g. Producing Student and/or Employee ID Card. Consistent with current University policy, upon reasonable request of a University official in the performance of their assigned duties, Students and Employees engaging in Demonstration Activity are required to identify themselves and show their Student or Employee ID card.
  - h. Face Coverings. Students and Employees engaging in Demonstration Activity under this policy are encouraged to engage in responsible behavior related to the prevention of transmission of infectious diseases, including, but not limited to COVID-19 and influenza by wearing surgical or N-95-type masks when appropriate. Any person wearing a mask or other facial covering shall temporarily show their face to confirm their identity when requested to do so from University Employees in performance of their assigned official duties.
  - i. Temporary Structures and Tents. Individuals and groups engaged in Demonstration Activities may not erect Tents, structures, walls, barriers, sculptures, or other objects on Campus without prior written authorization as detailed in section 3 below. Any Tents or other structure erected without permission are subject to immediate removal.
2. **Demonstration Activity involving or including Third Parties.** Gonzaga University is a private institution of higher education and its Campus is private property. Pursuant to Gonzaga University's authority as a private property owner, Third Parties are prohibited from engaging in Demonstration Activity on Campus without prior approval pursuant to the Events Policy. Demonstrations involving or including Third Party participants may occur on Campus subject to the conditions set forth in this policy and other applicable University policies. In response to Third Parties engaging or attempting to engage in Demonstration Activity on Campus in violation of this policy, Gonzaga University will ask any such Third Parties to promptly depart Campus. Non-complying Third Parties will be issued a no-trespass directive by Gonzaga University.
3. **Camping and Other Outside Overnight Activity on Campus.** Consistent with current University practice, only Students and/or Employees may participate in camping or other outside overnight activity on Campus provided that a written request to engage in camping or other outside overnight activity on Campus was submitted via Zagactivities and approved by CSI. Requirements for such requests and standards for camping or other outside overnight activity on Campus will be published and maintained by CSI. These requests may only be submitted by (a) an academic department for a student academic requirement published in a current course syllabus, (b) a registered student organization (RSO), or (c) other University unit or department. All approved Outside Overnight Activities shall comply with all established University Overnight Activity Expectations and Requirements. Any unauthorized overnight activities will be considered a violation of University policy and will be addressed by the University.
4. **Rights of Students and Employees to a harassment-free educational or employment setting.** Students and Employees violate University policy if they threaten or advocate violence, engage in violence, harass or intimidate individuals or groups on the basis of race, religion, national origin or ancestry, identity, sexual orientation, disability, or any other protected class. Students and Employees are expected to be respectful to Gonzaga University Employees involved in ensuring the safety of the community and compliance with these guidelines. Any Student or Employee who believes they have witnessed or were subjected to unlawful harassment and discrimination should promptly report the incident to the Office of Inclusive Excellence.
5. **Compliance with University-Issued Directive to Disperse.** In the event the University determines that a Campus gathering is in violation of this policy or presents an unsafe environment, whenever practical the University will seek to interact with the demonstrators to resolve any health and safety issues and/or

conflicts with policy or counter-protestors/demonstrators. If these attempts are unsuccessful the University may take the following actions:

- a. Students. If a Student is directed by a University official to disperse and/or cease activities in violation of this policy, there will be no Student Conduct consequence for failing to disperse if the Student complies immediately with said directive. In the event that the student disperses, that student may still be held responsible for activities taken during the course of the demonstration in violation of policy. If, however, a Student fails to comply with said directive to disperse, the Student may be referred to the Resolution Center for Student Conduct and Conflict for failing to disperse when directed to do so by a University official.
- b. Employees. If an Employee is directed by a University official to disperse and/or cease activities in violation of this policy, there will be no adverse employment consequence for failing to disperse if the Employee complies immediately with said directive. If, however, an employee fails to comply with said directive to disperse, the employee will be referred in accordance with the processes set forth in the [Faculty Handbook](#) or [Policies and Procedures Manual](#) as applicable.
- c. No-trespassing Order. When necessary to preserve safety, protect property, or maintain University operations, the University will address Student or Employee noncompliance with repeated University-issued directives to disperse or other Campus safety and security related directives by notifying the non-compliant Students and/or Employees that their right to campus access is being restricted and they will immediately be considered trespassers on private property and issued a no-trespassing order. Persons other than Students or Employees engaged in activity in violation of this Policy will be asked by the University to promptly depart Campus. Non-complying Third Parties will be issued a no-trespass directive by Gonzaga University. The issuance of a no-trespass order will allow for Spokane Police Department assistance in the event of continued noncompliance.

## Exceptions

Religious worship services and their related processions led by a (a) University employee in the performance of their assigned duties or (b) religious leader from a Gonzaga University affiliated entity who has been authorized in writing by the Office of Mission Integration to conduct religious worship services on Campus are not subject to this policy.

## Accountability

1. **Students.** In the event of an alleged violation of this policy, a Student will be referred to the Resolution Center for Student Conduct and Conflict for review. Upon receipt of any referral the Resolution Center will follow the process articulated in the Student Conduct Resolution Process. Individuals found to have violated any section of the Student Code of Conduct may be subject to disciplinary action and sanctions as outlined in the Code.
2. **Employees.** Employees who are believed to have violated this policy will be referred in accordance with the processes set forth in the [Faculty Handbook](#) or [Policies and Procedures Manual](#) as applicable.

## Related Policies

- a. [Events Policy](#); Administration
- b. [Policy on Use of University Facilities for Events](#); Administration
- c. [Public Expression of Personal Views Policy](#); Human Resources
- d. [Harassment and Non-Discrimination Policy](#); Office of Inclusive Excellence
- e. [BIAS Incident Report Form](#); Bias Team
- f. [Policy on Political Campaign Activities](#); Administration
- g. [Posting Policy](#); GUEST
- h. [Information Technology Use Policy](#); Information Technology Services