

The University of Vermont abides by the First and Fourteenth Amendments to the Constitution of the United States, including the rights to freedom of speech, peaceful assembly, and petition. However, since the University is an institution of higher learning, it must maintain a proper balance between those rights and the right to learn. To do so, it has enacted a Policy on Campus Demonstrations. (This policy was enacted in May 2007 to supersede the former Policy on Freedom of Expression and Dissent.)

The new policy begins with a quote—from May 1969—that describes what the University is and what it is not. The quote describes the University as a worldly place to learn and to teach, one that does not exist in a vacuum, and one whose goal is to create leaders of society. The policy then goes on to address how the University must continue to uphold this over-38-year-old standard through the support of organized protest.

The policy grants students, faculty, and other individuals the right to have organized demonstrations, so long as such demonstrations do not create a “disruption” that interferes with the learning process, or that creates a dangerous situation. It prohibits protesters from becoming violent, endangering the welfare of people or property, greatly hindering normal operations of the University, disrupting free flow of traffic, and denying entry or usage of classrooms or similar facilities.

The policy also describes how University faculty are to deal with disturbances that violate these prohibitions. It emphasizes that problems with demonstrators should first be attempted to be resolved through the use of dialogue. Only when that fails should physical force be used, and such force must be prefaced with a verbal warning. If the disruption creates an immediately dangerous situation, however, then the verbal warning and physical force are allowed to occur simultaneously. The policy also reserves law enforcement and public safety officials the right to act in accordance with the law, whether or not it agrees with the policy. Punishments for violation of the policy range from minor disciplinary action

(such as a warning) from the University to criminal charges from law enforcement.

While the spirit of the policy indicates the desire to remain in accordance with the United States Constitution, it must also strike a balance with the primary goal of the University, which is to maintain an environment conducive to learning. In order to do so, it must limit somewhat the rights of the individual to demonstrate their opinions, grievances, and dissent. Rather than completely eliminate the right to protest, the policy merely places restrictions on the locations and methods of protest. These restrictions are necessary to maintain order in a university environment. Without them, vocal university students would be causing chaos and wreaking havoc in order to gain attention for their causes.

However, sometimes peaceful and organized protest is not enough. Oftentimes, protesters who do not interfere with everyday operations or block the flow of traffic do not attract attention. They are simply ignored by passersby and fail to gain additional support for their cause. Ignorance of the protesters leads to ignorance of the problems being protested, resulting in a maintenance of the status quo. As such, the protesters may feel it necessary—and, indeed, it may be so—to violate the policy with regard to interference with normal University operations, traffic flow, and the learning process. Doing so may have both positive and negative effects.

On the one hand, forcing people to pay attention by getting in their way is an effective method of protest. It helps to make people aware of issues about which they might not otherwise know. On the other hand, violating the policy so blatantly will likely result in disciplinary action by the University or law enforcement officials. If the disruption or violation is serious enough, it may have a detrimental effect on the organization supporting or holding the protest. For example, heavy fines may be imposed that the organization cannot pay, or the organization may be forced to disband or lose privileges within the University setting. In the long run, it may turn out that such punishments are detrimental to the cause that was being protested.

It is up to the protesting organization to decide, whether formally or via “mob mentality”,

whether violating the policy would work towards furthering the goal of the protest, or whether it would have a negative effect on the campaign. The protesters would have to properly weigh the risks and benefits of such a violation. Is getting loud, rowdy, and distracting for a brief period of time more effective than an extended period of calm protest? Is it worth risking the future of the cause for one single protest?

It seems that the current University policy on demonstrations is fair and valid and is effective in maintaining the balance between freedom of speech, expression, and assembly, and the right to learn in an environment conducive to such an activity. It seems that the Board of Trustees has weighed the two sides of the issue and has created a policy that reaches a happy medium between them. The individual's freedoms guaranteed by the United States Constitution are upheld in a sufficient manner, but are still limited so that these freedoms do not interfere with the proper operations of the University.

The expression of one's opinion and its difference from that of the University's should not interfere with the current teachings of the University. It may take a while for the University to correct out-of-date procedures or curricula, but that does not—and should not—give anyone the right to interfere with their current teachings or followings while they are in the process of being changed. If such a process has not yet begun, the everyday actions of the students and faculty should not be interrupted by protest. Instead, the protest should be taken to those who are in charge of setting that process in motion.

Students and faculty members should not be burdened with the weight of invoking change if they do not have the power to do so. Stopping for a moment to sign a petition in support of those protesting would likely be more effective than stopping for many moments to join the protest. As such, it is unlikely that there would be any reason to violate the policy put in place by the University, as it would not accomplish much more than gaining negative attention from those whose positive attention is necessary to invoke the change that is supported by the protest.

Experience shows that unless an issue falls under the heading of “any publicity is good

publicity”, it is best to maintain a peaceful and orderly protest. The protest should usually focus on gaining emotional and mental support from a great number of people, but not a physical presence. It is the collection of voices, not the collection of bodies, that is likely to influence any decisions made by University or other officials. Only if the issue is not directly related to University proceedings might it be beneficial to push (and possibly cross) the boundaries of the University’s demonstration policy, as such rambunctious demonstrations are likely to attract the attention of the common folk.

At face value, the policy does not seem to be especially unreasonable. It addresses the possible needs of both sides of the equation as evenly as is likely possible, striking a balance between the freedoms granted by the United States Constitution and the primary purpose of the existence of the University. As such, it would require much more detailed and meticulous analysis to find fault in the policy. There may be very specific instances where the policy does, in fact, tilt the balance towards one side of the equation.

Of course, it is important to ensure that the policy is itself legal in the first place. If the policy is, in fact, illegal, then it is invalid and the entirety of this discussion is moot. Only if the policy is viable under local, state, and federal law can a full and complete analysis be conducted. If it is not viable, then enforcing it would likely be a severe ethical violation, in addition to the legal ramifications.

It is possible that a leftist or rightist ethicist may come up with arguments of how the policy favors one side of the equation over the other, but it is likely that a centrist would agree that the policy is fair for both sides. However, if the centrist does see something that pushes the balance in favor of one side over the other, the policy has a built-in fail-safe: “its terms and manner of implementation shall be reviewed annually [...], and the policy may be revised through normal channels as necessary or desirable, in light of experience gained.”

It is difficult to see immediately what issues need to be considered further in order to pass proper and informed judgement on the University of Vermont’s Policy on Campus Demonstrations. However, it would be helpful, as always, to gain the opinions of those more

familiar with and close to the policy. These opinions would help to uncover hidden flaws in the policy that wouldn't otherwise be apparent to the casual reader. As of now, though, it seems like a rather reasonable policy to have been enacted.