

Submitted to Provost David Kotz and Executive Vice President Jomysha Stephen
October 31, 2024
Amended November 8, 2024
Amended January 9, 2025

Report of the 2024 General Faculty Committee on Freedom of Expression and Dissent

1. Summary

This report recommends that Dartmouth revise its current Freedom of Expression and Dissent (FED) policy statement (Appendix 1) to broaden, strengthen, and clarify Dartmouth's principles concerning freedom of expression for Dartmouth students. A proposed updated FED statement is attached (Appendix 2), with the main provisions discussed below. Its summary is:

Dartmouth prizes, defends, and upholds freedom of expression and dissent as fundamental to its academic mission, which relies vitally on open discourse and the free exchange of ideas. The right to this freedom is not unfettered. Its exercise must reciprocally allow for others at Dartmouth to exercise the same freedom, must not deliberately obstruct the principal functions and activities of the institution, and must not constitute unlawful activity or prohibited conduct such as harassment, discrimination, retaliation, coercion, or threat. Within those general bounds, freedom of expression and dissent is broadly protected and any limitation imposed by Dartmouth on expressive activity must be content and viewpoint neutral and narrowly tailored to serve a substantial institutional interest. Dartmouth expects its campus to be a space for lively discussion and that limitations of expressive activities will be the exception not the norm. Students are both encouraged to exercise the right of freedom of expression and dissent and responsible for respecting its boundaries.

2. 2024 GF Committee on FED: background and formation

In 2023 the Provost's Office began an effort to inventory and review all of Dartmouth's policies related to Freedom of Expression and Dissent. That review effort produced a series of proposed revisions and clarifications but was not formally completed. At the request of the Steering Committee of the General Faculty at its meeting of May 10, 2024, the Provost formed the Committee on Freedom of Expression and Dissent ('2024 GF Committee on FED', or 'the Committee') to undertake further review and feedback prior to implementing any updates. The Committee was established on July 13, 2024, with the charge to

Review the recommended updates to Dartmouth's policies related to Freedom of Expression and Dissent (FED). In doing so, meet with various campus offices and stakeholder groups to understand current practices, further clarify policies where needed, and ensure broad input.

Questions of response to noncompliance with Dartmouth policy — including enforcement, adjudication, or disciplinary action — are not within the scope of the charge.

The Committee includes faculty, staff, graduate and undergraduate students from the various schools and related administrative offices at Dartmouth, as follows.

Executive sponsors: Provost David Kotz and Executive Vice President Jomysha Stephen

Members:

- Chair: **Samuel Levey**, Associate Dean for Arts & Humanities (A&S / Philosophy)
- Faculty:
 - **Colleen Boggs** (A&S / English and Creative Writing)
 - **Giovanni Gavetti** (Tuck)
 - **Tillman Gerngross** (Thayer)
 - **Rob McClung** (A&S / Guarini / Biological Sciences)
 - **Adrienne Moraff** (Geisel / Neurosurgery)
 - **Bethany Moreton** (A&S / History)
- Students:
 - **Erin Kelly** (Geisel MED)
 - **Malcolm Mahoney '26** (President, Dartmouth Political Union)
 - **Chukwuka Odigbo '25** (President, Undergraduate Student Government)
- Staff:
 - **James Alberghini** (Office of Conferences and Events)
 - **Edward McKenna** (Student Affairs)

Advisors:

- **Amy Piccola** (Office of the General Counsel)

Staff support:

- **Olivia Minder** (Office of the Executive Vice President)

The Committee met weekly through most of August, September, and October of 2024, and had final meetings and consultation in November 2024 and January 2025. We reviewed documents in many categories, including (*inter alia*): Dartmouth's current FED statement; Arts and Sciences Faculty meeting records of the 1967 discussion of proposed guidelines on dissent; the recommended updates from the 2023 review; questions gathered from the Dartmouth Student Government; various policy documents on campus use and scheduling processes; faculty and student handbooks and standard of conduct or similar policies from each of Dartmouth's schools and from Dartmouth's Athletics Department and the Hopkins Center; other related Dartmouth

policies, including on the sponsorship of outside speakers; freedom of expression policies at other academic institutions; and scholarly publications on the topic. Proposed updates to the FED policy were discussed with multiple stakeholder groups, including the following.

- Student Liaison Group (elected undergraduate and graduate student representatives from Tuck, Thayer, Geisel, Guarini, and Arts and Sciences)
- President, Provost, and EVP for Strategy and Special Counsel to the President
- President's Senior Leadership Team
- Arts and Sciences Dean of Faculty and Associate Deans and Senior Advisor
- Student town halls
- A&S unit chairs in Arts and Humanities, Interdisciplinary Studies, and Social Sciences
- Meeting of the General Faculty of Dartmouth
- A&S Committee on Organization and Policy
- Athletics Director, Chief of Staff, and Faculty Athletics Representative

The principal findings of this review and recommended updates are discussed below.

3. Dartmouth's Freedom of Expression and Dissent policy: origin and current status

An institution's statement of principles concerning freedom of expression defines boundaries within which it pledges to protect and allow the speech or other expressive activities of individuals or groups within its jurisdiction. Dartmouth's FED statement has its origins in the Vietnam War. It began as Dartmouth's response to the October 26, 1967, order by General Lewis B. Hershey, Director of the US Selective Service, authorizing local draft boards to revoke draft deferments of college students involved in anti-war protests and reclassify them as eligible for immediate induction into the military. On December 1, 1967, Dartmouth's "Student-Faculty Committee on Dissent" proposed the following "statement of guidelines" on interviewing and recruiting at Dartmouth:

Dartmouth College prizes and defends the right of free speech, and the freedom of the individual to make his own decisions, while at the same time recognizing that such freedom exists in the context of law responsibility for one's actions. The exercise of these rights must not deny the same rights to any other individual. The College therefore both fosters and protects the rights of individuals to express their dissent against representatives of controversial ideas or policies. Protest or demonstration shall not be discouraged, so long as neither force nor the threat of force is used to restrain an interviewer or any person desiring access to him, and so long as the orderly processes of the College are not deliberately obstructed.

Acceptance of the above guidelines must be mutual, on the part of the College community and the part of any interviewer or recruiter. Interviewers should be informed

of these guidelines well in advance of their proposed appearance at Dartmouth, and should be prepared to state in writing their unqualified acceptance of them.

In summary, dissent is not only permitted but prized at Dartmouth College, provided that it is carried out by means consistent with the basic purposes of a community committed to free and rational processes.

This proposed shield against Hershey's directive was eventually adapted to become Dartmouth's FED policy statement, the current version of which follows most of the same lines as its 1967 ancestor. It "prizes and defends" *freedom of speech*, notes commitments to *lawfulness, individual responsibility, and reciprocity of expression rights*, and promises *non-discouragement of protest and demonstration* so long as they observe *non-violence* and do *not deliberately obstruct the orderly processes of the institution*.¹ The FED policy statement as it stands today:

Freedom of expression and dissent is protected by Dartmouth regulations. Dartmouth prizes and defends the right of free speech and the freedom of the individual to make their own disclosures, while at the same time recognizing that such freedom exists in the context of the law and in responsibility for one's own actions. The exercise of these rights must not deny the same rights to any other individual. The institution therefore both fosters and protects the rights of individuals to express dissent.

Protest or demonstration shall not be discouraged so long as neither force nor the threat of force is used, and so long as the orderly processes of the institution are not deliberately obstructed. Dartmouth reserves the right to address behaviors that are inconsistent with this expectation. Membership in the Dartmouth community carries with it, as a necessary condition, the agreement to honor and abide by this policy.

In addition, the current FED statement provides guidelines to recognized student organizations for planning protests, demonstrations, and vigils. The FED statement and its key principles have served Dartmouth well over the years and the institution can be grateful to the faculty and students of 1967 for their foresight.

The FED review begun in 2023 proposed various updates, including explicitly adopting "viewpoint neutrality" for review of scheduling requests and for restrictions placed on events, clarifying that the scope of FED includes all students at Dartmouth — undergraduate, graduate, and professional — and bringing the guidelines for protests and so forth up to date. Minimal changes were proposed for the heart of the policy itself.

The 2024 GF Committee on FED agrees with the spirit of the 2023 review recommendations. Still, the current FED document carries many vestiges from its origin as a statement of

¹ As understood here and below, for an individual to *deliberately* obstruct a process, or deliberately act in breach of a rule, it suffices that they persist in doing so once informed of the rule.

guidelines for protest and dissent more than a statement of principles concerning freedom of expression as such. Even the term ‘Dissent’ in the title is such a vestige.

In the present report, we propose further refinements to broaden, strengthen, and clarify Dartmouth’s principles on freedom of expression. Notably, we recommend that Dartmouth revise the FED principles to adopt a framework similar to United States constitutional and statutory protections for free expression. Though only a small number of changes to the basic principles are needed to accomplish this, some corollaries call for explanation. The result is a top-to-bottom rewrite of the FED policy text, even as the DNA of the original 1967 “statement of guidelines” is carried forward in the proposed updates.

4. Freedom of expression and its protection

Freedom of expression matters for many reasons. Paramount among them for Dartmouth is the necessity of such freedom to the academic mission of teaching, research, and creative work, which rely vitally on open discourse and the free exchange of ideas. It is also to be noted that in democratic societies, universities serve as training grounds for students to participate and take leadership roles in democratic governance; and in that context, freedom of expression plays a key role in safeguarding the liberty and autonomy of individuals and in the formation of public opinion to which democratic governments are accountable.

The US constitution and related federal statutes protect the right of the people to freedom of speech and other forms of expression from government interference or censorship (“Congress shall make no law... abridging the freedom of speech” etc.). This right is broad and powerful but not absolute. Under US law, specifically constitutional law, the government may place reasonable restrictions on the time, place, or manner of protected expression provided that such restrictions are (1) content neutral and (2) narrowly tailored to serve a substantial governmental interest, and (3) leave open ample alternative channels for communication of the information (*Ward v. Rock Against Racism*, 491 U.S. 781, (1989)).

Public universities are government entities and therefore subject to the same rules for protecting and regulating individuals’ expression under the law. Private institutions such as Dartmouth are not so bound and must establish their own rules if they wish to provide students with specific rights to freedom of expression at their institution. Dartmouth’s FED policy plays this role, though it has not been designed to mirror the framework of US legal protections. We propose that FED policy be modified to incorporate a few key principles to bring it closer to the US constitutional framework articulated in *Ward*. This is both because the principles themselves are sound and sensible in the protections they provide and because the framework is time-tested and well understood.

Specifically, we recommend that FED policy incorporate the principles that any time, place, or manner restrictions Dartmouth imposes on expressive activity must be (1) content and viewpoint neutral and (2) narrowly tailored to serve a substantial institutional interest. (“Narrowly tailored” is here understood as it is in *Ward*, i.e., as not substantially broader than necessary to achieve

the relevant interest.) We also expect that Dartmouth will in good faith seek (3) to leave open ample alternative channels when it imposes time, place, or matters restrictions on expressive activity, as has been its actual practice. We stop short of recommending that condition (3) be written as a requirement in FED principles, however, because Dartmouth may not always be able to promise such an alternative channel, given the limited set of venues available on campus and the already high demand for them in scheduling.

Content and viewpoint neutrality and the concept of substantial institutional interests call for further specific attention in the FED statement and are discussed below. We propose the following as the main provision on the principles of freedom of expression and dissent (Section I of the statement of principles):

Freedom of expression and dissent and its general bounds

Dartmouth prizes and defends freedom of expression and dissent as fundamental to its academic mission of learning, teaching, research, discovery, scholarship, and creative work, which relies vitally on open discourse and the free exchange of ideas. Dartmouth therefore upholds and protects the right of its students to exercise that freedom.

At the same time Dartmouth recognizes that this freedom exists in the context of its residential community and mission as an academic institution, in the context of federal and state law and local ordinances, and in responsibility for one's own actions. The right to free expression and dissent is not unfettered. Its exercise must reciprocally allow for others at Dartmouth to exercise the same freedom, must not deliberately obstruct the principal functions and activities of the institution, and must not constitute unlawful activity or [prohibited conduct](#)² such as harassment, discrimination, retaliation, coercion, or threat.

Within those general bounds, freedom of expression and dissent is broadly protected and any limitation imposed by Dartmouth on expressive activity must be content and viewpoint neutral and narrowly tailored to serve a substantial institutional interest. Expressive activity, and the right to refrain from it, will not be restricted because of subject matter, message, or point of view. This is equally true whether the expression is, for example, popular or unpopular, accepted or contested, considered sympathetic or offensive, or whether it is made in celebration or protest, joy or sorrow, affirmation or dissent. Dartmouth expects its campus to be a space for lively discussion and that limitations of expressive activities will be the exception not the norm.

5. Content and viewpoint neutrality

² See Dartmouth's [Nondiscrimination and Anti-Harassment Policy](#) and the standards of conduct adopted by Dartmouth's schools.

Content and viewpoint neutrality are fundamental to freedom of expression and dissent. For Dartmouth to fulfill its academic mission, it must sponsor an environment of open discourse and the free exchange of ideas. This environment will be eroded if its institutional sponsor is, or appears to be, standing guard ready to restrict a student's expression based on the topic, idea, message, or point of view they might put forward, or if it precludes the expression of certain ideas or perspectives in advance. Dartmouth can regulate and sometimes must restrict certain forms of conduct, including expressive conduct, but the content or viewpoint of expressive conduct, standing alone, cannot justify restrictions on expression.

Content and viewpoint neutrality set a high bar of tolerance. The variety of perspectives and opinions at a university make it inevitable that protected forms of expression will sometimes roil others on or off campus. Expression can be offensive, misguided, even abhorrent without necessarily crossing into unlawful or prohibited conduct. Dartmouth has many options available to cultivate a community that can engage in and expect civil and mutually agreeable discourse most of the time. Prohibition of expression on grounds of content or viewpoint should not be among them.

Caveats are in order. Content and viewpoint neutrality do not mean that expressive activity is automatically immune from being regulated *partly* on the basis of content or viewpoint. Some forms of expressive activity can constitute unlawful or prohibited conduct in part because of the content they express. Whether a given action constitutes, for example, harassment, discrimination, retaliation, coercion or threat can depend precisely, in part, on what is communicated in that action. Dartmouth can prohibit, restrict, or sanction such conduct even when the content of an expressive act partly explains why the relevant conduct qualifies for restriction.

In the context of formal academic instruction, athletics programs and arts programs, the educational mission of Dartmouth can depend on limited constraints on expression, including on the basis of content or viewpoint — constraints that are ordinary and familiar. In formal academic instruction, assignments and classroom conduct, for example, involve expression that may reasonably be required, limited, or evaluated, in accordance with standards of competence in the relevant discipline of instruction. Principles of academic honor must be followed. Similarly, formal athletics programs depend on principles of sportsmanship and ethical conduct that can limit the expressive activity of student athletes and spectators to adhere to rules of respect, fairness, civility, and responsibility. (The NCAA requires its member institutions to “establish policies for sportsmanship and ethical conduct in intercollegiate athletics consistent with the educational mission and goals of the institution.”³) Arts programs such as exhibitions, screenings, or performances at the Hopkins Center, for example, may require visitors, including students, to act with civility and respect toward others at the venue.⁴ The protections for student expression and dissent provided by adopting content and viewpoint neutrality do not change the

³ [NCAA bylaw 2.4 of the 16 Principles for Conduct of Intercollegiate Athletics](#). See Dartmouth's [Spectator Policy](#), [Dartmouth College Athletics Department Code of Conduct](#), and [Student-Athlete Handbook](#).

⁴ See the [Hopkins Center Visitor Code of Conduct](#).

usual rules and expectations in such matters. The proposed update to the FED statement articulates this in two related sections. Section II addresses formal academic instruction:

Expression in the context of formal academic instruction

Formal academic instruction depends in part on the imposition of constraints on expression and expressive conduct. The constraints are ordinary and familiar. Academic assignments such as projects, exams, presentations, or papers are all forms of expression that, for the purpose of instruction, may reasonably be required, limited, or evaluated, including with respect to content and viewpoint. Not all ideas, claims, arguments, or creative works are equal in the context of academic study, for here they are answerable to standards of evidence, truth, reason, inquiry, and technique within their disciplines. A key purpose of education is to learn to ascertain the differences. Likewise, class instruction and discussion – even comparatively free-wheeling class conversation – involve ordinary and reasonable regulation of expressive conduct: orderly discussion, quiet as needed, answering questions, staying on topic, making relevant criticisms, receiving feedback, affording mutual respect, and so on. The same holds true whether the relevant class forum is in person or in another medium or format.

Such local constraints on expression in formal academic instruction are grounded in standards of competency in the subject matter and methods of the relevant disciplines and determined by the faculty in accordance with the principles of academic freedom. They are local because they extend only as far as the borders of the course: they do not constrain extra-curricular expression. But within those borders, they establish valid limits. By choosing to enroll in a given course of formal academic instruction, students consent to local constraints of this sort on their expressive activities, and they consent to constraints arising from principles of academic honor (rules on citation, prohibitions against plagiarism or cheating, etc.).

The purpose here is to clarify the long-standing, customary relations between freedom of expression and the requirements of formal academic instruction. Section II does not grant new powers to faculty to restrict student expression or new powers to the administration to decide the content or methods of course instruction. Discretion over such curricular matters continues to reside with the faculty in accordance with the standards of their respective scholarly disciplines, as assessed by disciplinary peers, under the principles of academic freedom.

Section III addresses similar matters for formal athletics programs and arts programs.

Expression in the context of formal athletics programs and arts programs

Formal athletics programs — including varsity, club, and intramural athletics — also depend in part on local constraints on expression and expressive conduct, based on principles of sportsmanship and ethical conduct integral to role of athletics in the educational mission at Dartmouth. Rules of respect, fairness, civility, and responsibility at practices or contests, for example, may reasonably require or limit expressive activity by student athletes or spectators⁵ (e.g., prohibiting abusive or derogatory language at events), while also taking care to respect Dartmouth’s general commitment to freedom of expression and dissent (e.g., permitting non-disruptive acts of protest or demonstration). Such rules are grounded in standards and methods of the relevant athletics disciplines and are determined by Dartmouth athletics officials and coaches in accordance with the principles of collegiate athletics. Similarly, formal arts programs — for example, exhibitions, screenings, or performances — rely on principles of civility and respect in order to serve their roles in the educational mission and may establish related codes of conduct, as determined by Dartmouth’s arts program directors and curators, in accordance with principles of the wider academic arts field.⁶ Local constraints and codes of conduct of this sort are valid with respect to activity within the scope of the relevant athletics or arts program, in whatever forum, medium or format in which that program’s related activities take place; they do not constrain expression outside of it. By choosing to participate in or attend formal athletics or arts programs or events, students consent to local constraints of this sort on their expressive activities.

Section III grants no new powers to athletics officials, coaches, arts directors, curators, etc., or to the administration, with respect to student expression or principles and methods in athletics or arts programs.

In all such cases — formal academic instruction, athletics programs, arts programs — local constraints on expression, or expressive conduct, that touch on content or viewpoint are justified only to the extent that they are integral to upholding the educational mission in those contexts, and any such constraints, and their link to the educational mission, are to be determined by subject-area experts on the basis of the principles and expertise of the relevant disciplines. Here as elsewhere, Dartmouth’s broad commitment to freedom of expression and dissent is to be respected and upheld.

6. Principal functions and activities of the institution and balancing institutional interests

⁵ See Dartmouth’s [Spectator Policy](#), [Dartmouth College Athletics Department Code of Conduct](#), and [Student-Athlete Handbook](#).

⁶ See the [Hopkins Center Visitor Code of Conduct](#).

Dartmouth, like any academic institution, has to balance its commitments to many activities and operations on campus, including its commitment to freedom of expression and dissent. Current FED policy addresses this, in effect, when it holds that one condition for “protest and demonstration” not to be “discouraged” is that they “not deliberately obstruct the orderly processes of the institution.” To many readers, the phrase “orderly processes of the institution” appears obscure and potentially too broad in its scope. It may suggest that, under FED principles, free expression and dissent are relegated to interstitial spaces that remain in between other processes at Dartmouth rather than hold a prized place among them.

No phrasing is perfect, and different institutions adopt different formulas. We recommend articulating the relevant protection for Dartmouth’s institutional processes and commitments in two stages. First, as now stated in Section I, the exercise of the right of freedom of expression and dissent must not deliberately obstruct the “principal functions and activities of the institution.” (Not all orderly processes are automatically equal.) Secondly, in Section IV, the principal functions and activities of the institution are tied to a partially enumerated range of “substantial institutional interests” that, as a practical matter, Dartmouth has to balance, a range that includes the right to freedom of expression and dissent. Those are the interests in service to which Dartmouth can reasonably impose narrowly tailored, content- and viewpoint-neutral time, place, and manner restrictions on expressive activity, forming the counterpart to the US constitutional framework. Accordingly, we recommend as Section IV of the proposed FED update:

Balancing institutional interests

To support its principal functions and activities, Dartmouth has to balance many interests of the institution and its residential community, among them the freedom of expression and dissent. Dartmouth puts parameters on events and activities, including expressive activities, to serve such substantial interests as the following guiding examples.

- To safeguard the academic mission of education, research, and creative work
- To ensure the physical safety of individuals at Dartmouth and compliance with federal and state laws and local ordinances
- To protect the right of Dartmouth’s students and invited guests (e.g., speakers, artists, performers, honorees) to exercise freedom of expression and dissent
- To protect the operations and necessities of Dartmouth’s residential community and uphold the standards of conduct of Dartmouth’s schools
- To preserve campus facilities and grounds
- To ensure free movement for individuals on campus and access to campus facilities and grounds

- To accommodate Dartmouth’s annual events (Homecoming Bonfire, Winter Carnival, Pow Wow, Commencement, etc.), athletics programs, and scheduled events
- To maintain administrative functions that support Dartmouth’s community and academic mission

Parameters on events and activities include, but are not limited to, restrictions on time, place, and manner, and rules related to safety, permitting, reservations, and posting. (Some examples are given in the “Guidelines and Considerations for Students and Student Organizations in Planning Expressive Activities” below.) All such rules and restrictions, and their application, are to be content and viewpoint neutral, and their use to limit expressive activity should be employed only when necessary and always in accord with Dartmouth’s general commitment to fostering a culture of open expression.

Dartmouth students, faculty, administrative staff, and senior leaders should be able look to the guiding examples to form reasonable common expectations when planning or scheduling expressive activities and, if needed, when deciding what limits may be required and appropriate in order to balance Dartmouth’s many commitments. The list of examples is not exhaustive, but neither is it a mere sample; it offers guiding paradigms. Dartmouth may hear many voices from inside and outside the institution — students, faculty, staff, trustees, families, alums, donors, politicians, media outlets, and so on — concerning the expressive activities of students or other Dartmouth members. In articulating the paradigmatic institutional interests relevant to the questions of when, how, and why to limit expressive activities at Dartmouth, the Committee’s emphasis on intramural matters is intentional.

In administering rules for scheduling and approval and in imposing time, place, and manner restrictions, consistency and clarity are key to maintaining the confidence of the Dartmouth community in the institution’s commitment to freedom of expression and dissent. Dartmouth should take care not to act, or appear to act, pretextually in steps it takes to approve or limit expressive activity and should explain its actions as transparently as it can when it imposes limits.

7. Guidelines for students for planning and scheduling expressive activities

Scheduling is the linchpin in Dartmouth’s ability to balance its many commitments and activities, including matters of freedom of expression and dissent. Much of the existing FED document consists in guidelines for students and student organizations for planning protests, demonstrations, vigils or outside speaker events. The Committee recommends updates to those guidelines in two broad layers. First, the updated guidelines are now framed in terms of scheduling approvals for events and activities generally, including expressive activities, rather than focused narrowly on protests, demonstrations, and vigils. For neither expressive activity as

a category nor protests, demonstrations, or vigils in particular are subject to special requirements for scheduling and approval compared to other events and activities; the rules are the same. Secondly, the guidelines are clarified in many smaller changes woven into the text that this report will not describe in detail.

The guidelines remain a synthesis of policy and process rules residing in other documents, some of which are currently undergoing review and revision in light of proposed FED policy updates. The guidelines in the FED text, and the recommended changes to them, do not create or add to the rules of existing Dartmouth policy.

We also propose two short new discussions clarifying implications of the FED principles. One concerns the distinction between lawful peaceful protest and civil disobedience, flagging for readers that civil disobedience is not protected under FED policy — a consequence of the fact that unlawful conduct generally is not so protected. The second addresses counterprotest, objection, and heckling, reminding readers that obstruction of others' expressive activities is not protected under FED — a consequence of the reciprocal character of the right to freedom of expression and dissent at Dartmouth. The Committee was agreed about the benefit of communicating those points to readers of the FED statement but not in full agreement whether they are best included in the guidelines text or might better be placed in accompanying documents or FAQs, as in the recently launched [Free Expression at Dartmouth](#) site.

8. Further recommendations

Related policy updates. The commitment to content and viewpoint neutrality needs to be extended to any relevant parts of the standards of conduct adopted by Dartmouth's schools. Similarly, references to "the orderly processes of the institution" in a few locations should be updated. Two notable instances of the latter occur in the Student Affairs [Standards of Conduct](#) policy:

Standard II

Students and student organizations must not engage in behavior that threatens the safety, security or functioning of the College, the safety and security of its members, or the safety and security of others.

Examples of such behavior include, but are not limited to:

- Disorderly conduct. The College requires orderly conduct of all students while in Hanover and its environs, as well as at any College-related function or activity, whether in Hanover or elsewhere (including, for example, students on off-campus programs or players and spectators at "away" athletic contests). Any disruption of the orderly processes of the College.

Recommend to change the underlined text to:

Any disruption of the principal functions or activities of the institution.

Standard VIII

Students and student organizations must not intentionally disrupt, interfere with, or obstruct teaching, research, or College administration.

Actions among those considered to constitute intentional disruption of the orderly processes of the College include, but are not limited to, the following...

Recommend to change the underlined text to:

Actions among those considered to constitute such intentional disruption, interference or obstruction include but are not limited to the following ...

Consultation on amendments to conduct policies. The Committee recommends that future amendments to standards of conduct or other conduct policies involving expressive activity consult the FED policy to ensure alignment with the principles of freedom of expression and dissent it codifies. Amendment provisions stipulating this can be added to those policies. Protections afforded by the FED principles do not extend to unlawful or prohibited conduct. To the extent to which Dartmouth adopts discretionary conduct policies not required by law, the restrictions those policies impose should be made to accord with FED principles, and not the other way around.

Paid speech and disclosure. The Committee recommends that co-sponsored speaker events should have both internal and external sponsors fully disclosed in advertising and introductions, including the mission of any external sponsor, so that Dartmouth audiences know what paid interests are involved in a speaker's appearance. We recommend that suitable provisions be added to the policy on [Sponsorship of Events by Departments and Recognized Organizations](#) in the sections on "Co-sponsorship of Events" and "College Co-sponsorship or Other Affiliation With Outside Organizations."

Academic Freedom policy. Dartmouth policies and statements refer in several places to a commitment to academic freedom but do not specify what that means at Dartmouth. In the absence of a stated policy, Dartmouth may find itself having the 1940 AAUP principles of academic freedom imputed to it by default. It would be better for Dartmouth to adopt principles of academic freedom deliberately, and we suggest that the Steering Committee of the General Faculty form a committee to develop a policy recommendation.

Employee-expression policy. Dartmouth currently has no general policy on employee expression rights. FED principles apply to students, in their roles and status as students, and

provides no employment-specific rights or responsibilities. Employees at Dartmouth have the rights afforded them under federal and state law. Dartmouth is also bound to its collective bargaining agreements and its unspecified commitment to academic freedom. (We note that the policy on [Non-discrimination and Harassment](#), Section IV, which applies to “all groups,” asserts an unspecified commitment to “free expression principles.” The scope of those principles is left unclear.) Given the employment status of many students, the FED statement does not give guidance to students about their expressive activities in the context of employment. A policy on academic freedom will clarify this only for a subset of employees. Dartmouth would benefit from greater clarity in its own rules and expectations for employees as such. It might consider adopting policies or internal guidelines on employee expression analogous to key elements in US employee-speech jurisprudence (e.g., US Supreme Court decisions in *Pickering* (1968) and *Connick* (1983)). We suggest that Dartmouth form a committee (that includes staff employees outside of administrative leadership) to study the issue and develop a recommendation.

Further issues related to expression and its limits remain. On-line expression and doxxing, for example, are pressing issues that may call for policy development, beyond the existing guidelines for protecting oneself (on [Digital Hygiene](#) and [Responding to Doxxing](#)), to clarify the permitted bounds of conduct under Dartmouth rules. The use of Dartmouth property for light projections — or other potential modes of use of Dartmouth property as a canvas for public expression that do not expose its facilities or grounds to physical damage — also calls for policy guidance. Those efforts are beyond the compass of the present review.

Respectfully submitted,

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Appendix 1: Current Freedom of Expression and Dissent policy

Link: [Freedom of Expression and Dissent | Policies](#)

Freedom of Expression and Dissent

Policy ID: 038-0011

Effective Date: July 1, 2015

Division: Office of the Provost

Office of Primary Responsibility: [Office of the Provost](#)

Last Reviewed Date: May 19, 2023

Next Review Date: 2030

Summary of Policy

Freedom of expression and dissent is protected by Dartmouth regulations.

Affected Parties

All Students

Policy Statement

Freedom of expression and dissent is protected by Dartmouth regulations. Dartmouth prizes and defends the right of free speech and the freedom of the individual to make their own disclosures, while at the same time recognizing that such freedom exists in the context of the law and in responsibility for one's own actions. The exercise of these rights must not deny the same rights to any other individual. The institution therefore both fosters and protects the rights of individuals to express dissent.

Protest or demonstration shall not be discouraged so long as neither force nor the threat of force is used, and so long as the orderly processes of the institution are not deliberately obstructed. Membership in the Dartmouth community carries with it, as a necessary condition, the agreement to honor and abide by this policy.

Guidelines and Considerations for Recognized Undergraduate Student Organizations when Planning a Protest, Demonstration, Vigil, or Appearance by an Outside Speaker

- Dartmouth seeks to create a respectful environment in which members of its community feel encouraged to engage in intellectual and creative pursuits and expects all community members to follow the [Principle of Community](#) in their interactions.
- Peaceful protests and demonstrations—including marches, rallies, picketing, etc.—and vigils are permitted as long as the orderly processes of the institution are not obstructed (e.g., by causing undue interference with the rights of other members of the Dartmouth community to engage in academic and administrative work). Dartmouth reserves the right to restrict and/or address behaviors that are inconsistent with this expectation.
- Outdoor gatherings of people, with or without amplified sound, requires a [permit](#) (per Hanover Town Ordinance No. 34), which must be requested from the Hanover Town Manager no less than **five (5) days** prior to the date on which the outdoor activity is to be conducted. Amplified sound is not permitted during business hours. ([Outdoor Event Reservation Policy](#))
- If planning a protest, demonstration, vigil, or appearance by an outside speaker, one of the following offices must be notified via email: Office of Student Life, Department of Safety and Security, or Conferences and Events. This will allow these relevant offices to coordinate appropriate logistical support to effectively facilitate the event, and plan for minimal disruption to the operations of the institution. At times, College staff may reach out to the planners of an event to discuss safety protocols and logistics. All members of the community are expected to respond and cooperate if contacted. Please note: certain logistical requests require more lead time to procure or execute than others. Please be mindful of your timeliness in event planning and office notification.
- Dartmouth may place limitations on the time, place, and manner of any speaker event, protest, or demonstration. Some examples include:
 - **Place:** The College may designate specific areas for activities on campus to occur;
 - **Time:** The College may restrict the length of time of an event if its continuation after a certain time would interfere with core educational or administrative functions of the College; and/or
 - **Manner:** The College may restrict the placement or size of signage.
- Gatherings on campus may require the presence of Safety & Security officers and local law enforcement. A determination of reasonable security staffing will be made in a timely manner by the Director of Safety & Security or designee. Safety and security costs are the responsibility of the group or organization hosting the

event/speaker. A best estimate of said costs can be provided to the host(s) with proper notice to, and coordination with, the relevant offices. However, costs are subject to change.

- Student participants and attendees are expected to not only follow the principles of community but must adhere to all Standards of Conduct outlined [here](#).
- All College policies must be adhered to, including, but not limited to: [Use of the College Green](#), the [Unmanned Aircraft \(Drones\) Operation Policy](#), [Campus Access Policy for News Media](#), and the [Right to Privacy Policy](#).

Appendix 2: Proposed Freedom of Expression and Dissent Statement

Freedom of Expression and Dissent

Policy ID: 038-0011

Effective Date: July 1, 2015

Division: Office of the Provost

Office of Primary Responsibility: [Office of the Provost](#)

Last Reviewed Date: ____, 2024

Next Review Date: 2025

Summary of Principles

Dartmouth prizes, defends, and upholds freedom of expression and dissent as fundamental to its academic mission, which relies vitally on open discourse and the free exchange of ideas. The right to this freedom is not unfettered. Its exercise must reciprocally allow for others at Dartmouth to exercise the same freedom, must not deliberately obstruct the principal functions and activities of the institution, and must not constitute unlawful activity or prohibited conduct such as harassment, discrimination, retaliation, coercion, or threat. Within those general bounds, freedom of expression and dissent is broadly protected and any limitation imposed by Dartmouth on expressive activity must be content and viewpoint neutral and narrowly tailored to serve a substantial institutional interest. Dartmouth expects its campus to be a space for lively discussion and that limitations of expressive activities will be the exception not the norm. Students are both encouraged to exercise the right of freedom of expression and dissent and responsible for respecting its boundaries.

Affected Parties

All Graduate, Professional, and Undergraduate Students

Statement of Principles

I. Freedom of expression and dissent and its general bounds

Dartmouth prizes and defends freedom of expression and dissent as fundamental to its academic mission of learning, teaching, research, discovery, scholarship, and

creative work, which relies vitally on open discourse and the free exchange of ideas. Dartmouth therefore upholds and protects the right of its students to exercise that freedom.

At the same time Dartmouth recognizes that this freedom exists in the context of its residential community and mission as an academic institution, in the context of federal and state law and local ordinances, and in responsibility for one's own actions. The right to free expression and dissent is not unfettered. Its exercise must reciprocally allow for others at Dartmouth to exercise the same freedom, must not deliberately obstruct the principal functions and activities of the institution, and must not constitute unlawful activity or [prohibited conduct](#)⁷ such as harassment, discrimination, retaliation, coercion, or threat.

Within those general bounds, freedom of expression and dissent is broadly protected and any limitation imposed by Dartmouth on expressive activity must be content and viewpoint neutral and narrowly tailored to serve a substantial institutional interest. Expressive activity, and the right to refrain from it, will not be restricted because of subject matter, message, or point of view. This is equally true whether the expression is, for example, popular or unpopular, accepted or contested, considered sympathetic or offensive, or whether it is made in celebration or protest, joy or sorrow, affirmation or dissent. Dartmouth expects its campus to be a space for lively discussion and that limitations of expressive activities will be the exception not the norm.

II. Expression in the context of formal academic instruction

Formal academic instruction depends in part on the imposition of constraints on expression and expressive conduct. The constraints are ordinary and familiar. Academic assignments such as projects, exams, presentations, or papers are all forms of expression that, for the purpose of instruction, may reasonably be required, limited, or evaluated, including with respect to content and viewpoint. Not all ideas, claims, arguments, or creative works are equal in the context of academic study, for here they are answerable to standards of evidence, truth, reason, inquiry, and technique within their disciplines. A key purpose of education is to learn to ascertain the differences. Likewise, class instruction and discussion — even comparatively

⁷ See Dartmouth's [Nondiscrimination and Anti-Harassment Policy](#) and the standards of conduct adopted by Dartmouth's schools.

free-wheeling class conversation — involve ordinary and reasonable regulation of expressive conduct: orderly discussion, quiet as needed, answering questions, staying on topic, making relevant criticisms, receiving feedback, affording mutual respect, and so on. The same holds true whether the relevant class forum is in person or in another medium or format.

Such local constraints on expression in formal academic instruction are grounded in standards of competency in the subject matter and methods of the relevant disciplines and determined by the faculty in accordance with the principles of academic freedom. They are local because they extend only as far as the borders of the course: they do not constrain extra-curricular expression. But within those borders, they establish valid limits. By choosing to enroll in a given course of formal academic instruction, students consent to local constraints of this sort on their expressive activities, and they consent to constraints arising from principles of academic honor (rules on citation, prohibitions against plagiarism or cheating, etc.).

III. Expression in the context of formal athletics programs and arts programs

Formal athletics programs — including varsity, club, and intramural athletics — also depend in part on local constraints on expression and expressive conduct, based on principles of sportsmanship and ethical conduct integral to role of athletics in the educational mission at Dartmouth. Rules of respect, fairness, civility, and responsibility at practices or contests, for example, may reasonably require or limit expressive activity by student athletes or spectators⁸ (e.g., prohibiting abusive or derogatory language at events), while also taking care to respect Dartmouth's general commitment to freedom of expression and dissent (e.g., permitting non-disruptive acts of protest or demonstration). Such rules are grounded in standards and methods of the relevant athletics disciplines and are determined by Dartmouth athletics officials and coaches in accordance with the principles of collegiate athletics. Similarly, formal arts programs — for example, exhibitions, screenings, or performances — rely on principles of civility and respect in order to serve their roles in the educational mission and may establish related codes of conduct, as determined by Dartmouth's arts program directors and curators, in accordance with principles of the wider academic arts field.⁹ Local constraints and

⁸ See Dartmouth's [Spectator Policy](#), [Dartmouth College Athletics Department Code of Conduct](#), and [Student-Athlete Handbook](#).

⁹ See the [Hopkins Center Visitor Code of Conduct](#).

codes of conduct of this sort are valid with respect to activity within the scope of the relevant athletics or arts program, in whatever forum, medium or format in which that program's related activities take place; they do not constrain expression outside of it. By choosing to participate in or attend formal athletics or arts programs or events, students consent to local constraints of this sort on their expressive activities.

IV. Balancing institutional interests

To support its principal functions and activities, Dartmouth has to balance many interests of the institution and its residential community, among them the freedom of expression and dissent. Dartmouth puts parameters on events and activities, including expressive activities, to serve such substantial interests as the following guiding examples.

- To safeguard the academic mission of education, research, and creative work
- To ensure the physical safety of individuals at Dartmouth and compliance with federal and state laws and local ordinances
- To protect the right of Dartmouth's students and invited guests (e.g., speakers, artists, performers, honorees) to exercise freedom of expression and dissent
- To protect the operations and necessities of Dartmouth's residential community and uphold the standards of conduct of Dartmouth's schools
- To preserve campus facilities and grounds
- To ensure free movement for individuals on campus and access to campus facilities and grounds
- To accommodate Dartmouth's annual events (Homecoming Bonfire, Winter Carnival, Pow Wow, Commencement, etc.), athletics programs, and scheduled events
- To maintain administrative functions that support Dartmouth's community and academic mission

Parameters on events and activities include, but are not limited to, restrictions on time, place, and manner, and rules related to safety, permitting, reservations, and posting. (Some examples are given below in the "Guidelines and Considerations for Students and Student Organizations in Planning Expressive Activities.") All such rules and restrictions, and their application, are to be content and viewpoint neutral, and their use to limit expressive activity should be employed only when necessary

and always in accord with Dartmouth's general commitment to fostering a culture of open expression.

Guidelines and Considerations for Students and Student Organizations in Planning Expressive Activities

The guidelines below are derived from existing Dartmouth policies; they clarify and illustrate certain policy points and do not add new policy. Readers are encouraged to consult the policies noted at the end of these guidelines.

Approval to use Dartmouth spaces

Use of indoor or outdoor Dartmouth spaces (apart from informal use) for events and activities requires scheduling approval from Dartmouth. This includes expressive activities undertaken in assembly such as arts performances, rallies, protests, demonstrations, and vigils. The Town of Hanover requires permits for any group conducting an outdoor activity that might result in the interruption of traffic flow or generate significant noise ([Hanover Ordinance No. 34](#)) and requests seven calendar days to review applications. Dartmouth facilitates applications by students for Town of Hanover permits related to the use of outdoor Dartmouth campus spaces.

Requests to reserve outdoor Dartmouth spaces and applications for Town of Hanover Outdoor Activity permits must be submitted to Dartmouth **at least eight calendar days** prior to the requested event date to ensure that processing can be completed in time. Late requests are subject to being denied on that basis.

To schedule and use a campus space, Dartmouth employees, students, and organizations are expected to abide by all Dartmouth policies and procedures, including but not limited to those identified below.

- Only Dartmouth students, employees, and recognized organizations may reserve an indoor or outdoor Dartmouth space.
- Requests to reserve an outdoor Dartmouth space must be submitted through Virtual EMS, Dartmouth's office of Conferences and Events, or other designated means (e.g., Dartmouth Groups). Follow the [Outdoor Event Reservation Policy](#) for all outdoor events or activities planned to occur on campus in Hanover, as

well as Dartmouth policies concerning the use of the Campus Green, Baker Library Lawn, Campus Grounds, or any other applicable policies.

- Applications for a Town of Hanover Outdoor Activity permit must be submitted to Dartmouth's office of Conferences and Events for processing.
- To schedule a Dartmouth space, students should email the relevant contact at their school, listed below, along with both [Conferences and Events](mailto:Conferences.and.events@dartmouth.edu) (Conferences.and.events@dartmouth.edu) and the [Department of Safety and Security](mailto:Safety.and.Security@dartmouth.edu) (Safety.and.Security@dartmouth.edu) to coordinate appropriate logistical support and safety protocols at least eight calendar days in advance of the event. Certain logistical requests may require more lead time to coordinate, so organizers are encouraged to contact those offices even earlier when possible. If a request to the relevant contact is submitted on time with all appropriate documentation, the contact will make best efforts to assist the planners.
- School Contacts
 - Undergraduate [Office of Student Life](mailto:Student.Life@dartmouth.edu) (Student.Life@dartmouth.edu)
 - [Geisel Office of Student Affairs](mailto:Geisel.Student.Affairs@dartmouth.edu) (Geisel.Student.Affairs@dartmouth.edu)
 - [Guarini Student Affairs](mailto:Guarini.Graduate.School@dartmouth.edu) (Guarini.Graduate.School@dartmouth.edu)
 - [Thayer Academic and Student Affairs](mailto:assistantdean@thayer.dartmouth.edu) (assistantdean@thayer.dartmouth.edu)
 - [Tuck MBA Program Office](mailto:Tuck.Facilities@tuck.dartmouth.edu) (Tuck.Facilities@tuck.dartmouth.edu)
- Even if it is too late to meet the eight-day lead-time requirement, students or student organizations hoping to use a Dartmouth space should contact [Conferences and Events](mailto:Conferences.and.Events@dartmouth.edu) to discuss planning and support needs and see if scheduling approval is still possible. Under these circumstances, there is no assurance that requests can be processed in time for approval.
- Requests for scheduling approval and reservations will be reviewed on a content- and viewpoint-neutral basis.

Planning an appearance by an external speaker

When planning an appearance by an external speaker, recognized student organizations are expected to abide by all Dartmouth policies and procedures, including but not limited to those identified below. Only recognized student organizations can be approved to host external speakers.

Student organizations must follow the policy on [Sponsorship of Events by Departments and Organizations](#).

Dartmouth sponsors and supports an [Open Expression Facilitator Program](#) where faculty and staff serve as neutral observers at designated events, while also providing guidance on the Freedom of Expression and Dissent policy. Dartmouth organizations may [request the presence of an Open Expression Facilitator](#) for an event.

Protest and Civil Disobedience

Civil disobedience is the act of nonviolently, deliberately disobeying a law, ordinance, or policy, undertaken with the aim of bringing about a change in a law, ordinance, or policy of a government or institution and with the acceptance that, in undertaking that act, one faces the prospect of sanction.¹⁰ Civil disobedience, like any conduct that violates a law, ordinance or Dartmouth policy, is not protected under Dartmouth’s policy on freedom of expression and dissent. Those who participate in civil disobedience at Dartmouth should be prepared to face the associated penalties of law or Dartmouth [disciplinary procedures](#) and sanctions for violating the relevant regulation.

In order to be protected under Dartmouth’s policy, protest or other forms of dissent must be not only peaceful but also lawful, and, like all expressive activities, they are subject to the same rules on prohibited conduct and the same content and viewpoint-neutral rules and restrictions.

Counterprotest, Objection, and Heckling

The principle of reciprocity in the right to freedom of expression and dissent requires that its exercise allow for others at Dartmouth to exercise the same right. Protest, counterprotest and objection to others’ expressive activities are permitted so long as they do not interfere with those activities or with the ability of audiences to see, hear, or otherwise engage with them. Conduct that amounts to a “heckler’s veto” — obstructing or suppressing another’s right to freedom of expression by threatening or causing disruption — violates reciprocity and is inconsistent with Dartmouth’s principles.

¹⁰ See: [Stanford Encyclopedia of Philosophy](#); [Oxford Dictionary of Philosophy](#); John Rawls, *A Theory of Justice* (Oxford UP, 1999), 319-322..

Further guidelines and policies applicable to all events and activities at Dartmouth, including expressive activities:

Events and activities at Dartmouth, including expressive activities, take place within required parameters. Those include time, place, and manner restrictions, which apply to all events and are content and viewpoint neutral. Examples of such restrictions include but are not limited to:

- **Time:** Most Dartmouth buildings are open only during business hours (which vary by building), limiting expressive activities to those hours. Dartmouth limits night-time use of outdoor spaces. Dartmouth may restrict the length of time of an event if its continuation after a certain time would interfere with core educational or administrative functions. For example, per [Hanover Ordinance No. 34](#) – Outdoor amplification must end at 10:00 pm (Sun-Thur) or 11:00 pm (Friday/Saturday). Outdoor amplification is not permitted on weekdays before 5:00 pm. Exceptions may be requested from the Office of Conferences & Events in conjunction with the facility managers of surrounding buildings. Please refer to the [Use of Dartmouth Facilities](#) policy for more information.
- **Place:** Dartmouth may designate specific areas on campus for events or activities to occur. A number of factors are considered when deciding an appropriate location for an event – including size, time of event, and technical needs. The [Conferences and Events](#) website provides instructions for reserving spaces. Please reach out to Conferences and Events for more information and suggestions on appropriate locations.
- **Manner:** Dartmouth may restrict the placement or size of signage at or during events. Event participants must not intentionally disrupt, interfere with, or obstruct teaching, research, athletics, or Dartmouth administrative activities. Please work with Conferences and Events to ensure venue-specific policies are followed. For undergraduate students, more information can be found in [Standard VIII of the Standards of Conduct](#); graduate and professional students should refer to their respective schools' handbooks.

Events or activities on campus, including expressive activities such as assemblies, rallies, protests, demonstrations, vigils, and outside speaker events may require the presence of the [Department of Safety and Security](#) and/or local law enforcement officers. Dartmouth expects sponsoring organizations to engage in good faith planning, including budgeting for use of institutional resources such as safety and security services. Correspondingly, a determination of reasonable security staffing can be made in a timely manner by the Director of Safety and Security or their designee. In cases where security costs escalate due to unanticipated changes in security needs, recognized student organizations can request financial assistance.

Dartmouth seeks to create a respectful environment in which members of its community feel encouraged to engage in intellectual and creative pursuits and expects all community members to follow the [Principles of Community](#) in their interactions. While the Principles of Community itself is not adjudicable, it should be understood in the context of the Principle of Freedom of Expression and Dissent stated above.

Students are expected to follow the standards of conduct for their school at all times:

- Undergraduate Student Affairs: [Standards of Conduct](#)
- Geisel School: [Medical Student Handbook](#)
- Guarini School: [Academic and Conduct Regulations](#)
- Thayer School: [Student Handbook](#)
- Tuck School: [Student Handbook](#) (Sharepoint login required)

Event organizers must also follow other relevant Dartmouth policies, including, but not limited to:

- [Use of the College Green and Campus Grounds](#)
- [Unmanned Aircraft \(Drones\) Operation Policy](#)
- [Filming and Photography on the Dartmouth Campus](#)
- [Right to Privacy](#)
- [Buildings and Facilities](#)
- [Group Accountability Statement](#)
- [Noise Policy](#)
- [Sponsorship Policies](#)
- [Use of Facilities](#)

Violation of Dartmouth policies may subject individuals or recognized organizations to disciplinary processes.

Amendment

Amendments to this policy shall be made as follows:

- a) Amendments to update or correct information regarding resources, contacts, or other factual items may be made on an ongoing basis by the Provost's Office and shall become effective upon publication on the Provost's policy portal.
- b) Amendments to ensure legal compliance may be made by the Office of General Counsel and shall become effective upon publication on the Provost's policy portal.

c) All other amendments to this policy will be made under the ordinary consultative policy review practices administered by the Provost's Office.