

June 2, 2017

Revised Final Report of the Committee on University Discipline for Disruptive Conduct

On June 2, 2016, the Provost of the University appointed the above committee to, among other tasks, “review and make recommendations about procedures for student disciplinary matters involving disruptive conduct including interference with freedom of inquiry or debate.”¹ On February 20, 2017, the committee issued a preliminary report on these issues. After discussion and comment on campus and after a vote on May 23, 2017 by the Council of the University Senate approving Appendix V to this report, the committee issued this revised and final version of its report.

The University has considered the issues discussed here in two recent reports, the 2014 *Report of the Ad Hoc Committee on Protest and Dissent* and the 2015 *Report of the Committee on Freedom of Expression*.² The University’s statutes establish the rules and procedures for addressing disruptive conduct at the University. “Disruptive conduct” is defined in Statute 21 of the University Statutes, and the Council of the University Senate is assigned in Statute 12.5.3.5 certain authority to establish rules implementing that statute.³ The *Protest and Dissent Report* recommended changes to Statute 21, that later were adopted by the Council, and urged the University to re-evaluate the existing All-University Disciplinary System adopted in 1970, but not invoked since 1974. We undertook that re-evaluation as part of producing this Report.

The *Freedom of Expression Report* states that “the University’s fundamental commitment is to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive,

¹ The full charge to the committee is set forth as Appendix I to this report,

² The *Report of the Ad Hoc Committee on Protest and Dissent* and the 2015 *Report of the Committee on Freedom of Expression* and the *Freedom of Expression Report* are set forth as Appendix II to this report.

³ The current version of each of those statutes is set forth in Appendix III to this report.

unwise, immoral, or wrong-headed,” while the *Protest and Dissent Report* emphasizes that “[d]issent and protest should be affirmatively welcomed, not merely tolerated, by the University.” Our recommendations in this Report are informed by those two core University values.

Framing Principles

After reviewing the prior reports and having an extensive series of meetings with faculty, students, staff, members of the Hyde Park community and others,⁴ the Committee identified a set of key constructive principles for framing our recommendations:

1. The speech that takes place at the University is first and foremost determined by the faculty, other scholars and students present at the University.
2. Norms of respect, civility, openness and inclusion are essential to enable speech from everyone at the University. A restrictive, hostile, unwelcoming climate will shrink expression, while a rich, friendly, inclusive climate will enable speech to thrive.
3. At the University, we share a free-speech commons, by which we mean the communal forum, shared by everyone who participates in the life of the University, in which free expression takes place and that is subject to certain reasonable rules if the commons is to continue to thrive.
4. The fundamental operating principle of the University free-speech commons is one of decentralization and local creation of expression supported by central authority to ensure that the University’s free-speech values are upheld fully.
5. The University operates in this fashion because doing otherwise would be antithetical to the core idea that knowledge is best created by individual faculty members, other academic appointees, postdoctoral researchers and students.
6. Protesters are fully within their free-speech rights to counter and object to speech, as long as they are doing so without blocking or disrupting the free-speech rights of others.
7. Disruptive conduct may itself be a form of speech, but that does not mean that it is a protected form of speech. Like other forms of civil disobedience, disruptive conduct may lead to disciplinary consequences for those engaged in such conduct.

⁴ Appendix IV sets forth the individuals and groups that the Committee met with and whose views helped shape the recommendations contained in this report.

8. The benefits and burdens of a robust free-speech commons will not be distributed evenly, and the University itself can and does speak to address that fact when warranted.

Recommendations from the Committee

1. *The current All-University Disciplinary System should be replaced with a revised centralized disciplinary system.*

Disruptive conduct is currently addressed in individual units outside of the All-University Disciplinary System. We recommend instead a centralized disciplinary process for disruptive conduct with the hope that doing so will provide greater consistency across cases. Consistent with that idea, we recommend lodging some administrative aspects of the proposed new structure with the Associate Dean of Students in the University for Disciplinary Affairs. We also recommend that resolution of disruptive conduct matters be handled by a voting committee of five individuals (three statutory faculty members, one student and one staff member) who will be drawn from a larger pool appointed by the Provost. We think it imprudent to propose a particular menu or algorithm of offenses and corresponding disciplinary responses. Given the statutory role played by the Council of the University Senate in Section 12.5.3.5 of the University Statutes, we propose a set of procedures in Appendix V.⁵ Appendix V as attached hereto was approved by the Council of the University Senate on May 23, 2017.

2. *As it supports protest and dissent, the University should revise its procedures for event management to reduce the chances that those engaged in disruptive conduct can prevent others from speaking or being heard.*

The University's existing approach to event management suffers from two defects: deans-on-call have not been given clear guidance on how to respond to disruptive conduct and they lack the authority to act decisively to protect free speech. We recommend that the University create free-speech deans-on-call with special training to deal with disruptive conduct, and we further recommend an advance-authorization structure to enable, if necessary, removal of disruptive individual(s) from events. The current rules, which often force deans-on-call to try to contact other administrators at the University in the middle of a free-speech disruption, are simply unworkable.

The committee recommends that the University provide greater clarity on the roles and responsibilities of hosts, speakers, audience

⁵ We also recommend that the University retain the latitude to make non-substantive revisions to the procedures, from time to time and subject to approval by the Provost, when such are warranted.

members, event staff and the University Police at events to improve understanding of the University's commitment to free expression and clarify the consequences of disrupting the free-speech commons. This can be achieved by complementing the existing event-review process with more explicit audience guidelines, increased dean-on-call staffing at events, and more robust training for event staff. To ensure transparency for students and the broader University community, the audience guidelines for events, the role of the deans-on-call and UCPD, protocols for responding to disruptive conduct, and potential legal and disciplinary consequences of disruptive conduct should be readily available and accessible in the *Student Manual of University Policies and Regulations* and on a dedicated University website.⁶

3. *The University should modify its existing approach to disruptive conduct by individuals who are not currently affiliated with the University.*

Consistent with the University's broad mission in research and education, the University generally welcomes individuals who are not currently affiliated with the University to participate in many of its activities. Individuals who come to the University have the same duty to preserve the free-speech commons and refrain from engaging in disruptive conduct. The Committee believes that the University should make every reasonable effort to treat unaffiliated individuals the same way it treats affiliated people in connection with disruptive conduct. The Committee recognizes, however that the University's ability to address disruptive conduct by unaffiliated people is more limited than the options available when addressing disruptive conduct by faculty and other scholars, students and staff.

When appropriate, unaffiliated individuals who engage in disruptive conduct can be barred from all or part of the University permanently or for discrete periods under standards and processes set forth in the University's No-Trespass (Ban) Policy. The Committee recognizes that, by design, the individuals charged with administering the No-Trespass (Ban) Policy are required to use reasoned judgment when deciding whether to bar an individual. The Committee recommends that

⁶ We recommend that the *Student Manual* include examples of protests that are likely to be regarded as non-disruptive as well as those that are likely to be disruptive. Non-disruptive protests include: marches that do not drown out speakers; silent vigils; protest signs at an event that do not block the vision of the audience; and boycotts of speakers or events. Disruptive protests include: blocking access to an event or to a University facility and shouting or otherwise interrupting an event or other University activity with noise in a way that prevents the event or activity from continuing in its normal course.

those administering the policy strive to achieve consistency in treating like cases in a substantially similar fashion and tailor no-trespass directives to fit the circumstances, especially as related to the duration of the prohibition, as the Committee expects that a permanent bar will be a rarely used outcome.

4. *The University needs a more robust program of educational programming to ensure that students understand the rights and responsibilities of participating in the free-speech commons at the University.*

The Committee recommends new, targeted measures for students and student organizations building on existing student-centered programs and resources. Because of its role in shaping the co-curricular experience at the University, the Committee suggests that the Office of Campus and Student Life (CSL) serve a coordinating function in the development and implementation of educational and training efforts in collaboration with the area deans of students. To every extent possible, faculty should be invited to provide advice and participate in the development and execution of these various efforts. The Committee has had extensive discussions regarding possible education programs to implement this recommendation and has conveyed those to CSL. A copy of CSL's original post on that is attached.

5. *The University should appoint a new committee to reconsider Statute 21.*

The current version of Statute 21 was adopted by the Council of the University Senate in May 2014 in response to the *Protest and Dissent Report* set out in Appendix II, which called for a revision to Statute 21 and a revisiting of the 1970 all-University disciplinary procedures for disruptive conduct. Based on the thoughtful feedback of the faculty and students who questioned why disruptive conduct alone among infractions appears in the Statutes, the Committee recommends that a new faculty committee be constituted in the autumn to consider revising Statute 21 and to consider the appropriate scope of the definition of "disruptive conduct." Such a change, which would require the support of the Board of Trustees, could place defining, adjudicating, and disciplining disruptive student conduct fully in the hands of the faculty. In light of this recommendation, the Committee withdraws its proposed revisions to Statute 21 set forth in the preliminary draft of this report.⁷

⁷ The preliminary draft proposed to amend Statute 21 as follows (additions bolded, deletions in strikethrough):

Disruptive conduct is conduct by **an individual or by a group of individuals** ~~member of the University community~~ that substantially obstructs, impairs, or interferes with: (i) teaching, study, research, or administration of the University, including UCMC's

This is the third University report in the last four years addressing the topic of freedom of expression at the University. That fact reflects both the importance of these issues and the genuine difficulties associated with creating and maintaining a space open to speech, including speech in protest of other speech. The Committee agreed to this undertaking precisely because of its importance to the University, and we firmly hope and believe that the recommendations set forth in this report will help to accomplish that end.

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clinical mission; (ii) the authorized and other permissible use of University facilities, including meetings of University students, faculty, staff, administrators and/or guests; or (iii) the rights and privileges of other members of the University community. **Substantiality may be judged based on a single incident or on an aggregation across incidents.** ~~Anyone member of the University community~~ who engages in disruptive conduct, **whether individually or as part of a group**, will be subject to disciplinary action. Disruptive conduct includes but is not limited to: (1) obstruction, impairment, or interference with University-sponsored or -authorized activities or facilities in a manner that is likely to or does deprive others of the benefit or enjoyment of the activity or facility and (2) use or threatened use of force against any member of the University community or his or her family that substantially and directly bears upon the member's functions within the University.

Appendix I

May 16, 2016

The Committee on University Discipline for Disruptive Conduct

Committee Charge

The Committee on University Discipline for Disruptive Conduct is asked to review and make recommendations about procedures for student disciplinary matters involving disruptive conduct including, interference with freedom of inquiry or debate. This Committee is established following a sequence of faculty reports and actions: the reports delivered by the Committee on Dissent and Protest (chaired by David Strauss, 2014), the Committee on Freedom of Expression (chaired by Geoffrey Stone, 2015), and the update to Statute 21 of the University Statutes (2013), which was approved by the Council of the University Senate and the University's Board of Trustees.

Recent incidents at University events, where audience members foreclosed discourse by shouting down speakers and otherwise interfered with the opportunity of attendees to hear those speakers and appropriately contest their ideas if they so desired, threaten the core University values of legitimate dissent and protest and free expression that the Strauss and Stone Reports reaffirm. The Committee on Dissent and Protest Report states that "dissent and protest are integral to the life of the University" and maintaining a community with dissent and protest "imposes obligations of mutual respect on everyone involved." The Committee on Freedom of Expression Report reaffirms the "freedom to debate and discuss" and the guarantee to all members of the University community of the right to "speak, write, listen, challenge and learn."

Statute 21 defines disruptive conduct to include, among other things, "obstruction, impairment or interference with University sponsored or authorized activities or facilities in a manner that is likely to or does deprive others of the benefit or activity of the activity of facility" and provides that any member of the University community who engages in disruptive conduct will be subject to disciplinary action. Further, Section 12.5.3.5 of the Statutes charges the Council of the University Senate with the authority to formulate rules and procedures, including hearings, to address matters of student conduct that violate Statute 21.

In 1970, the Council of the University Senate instituted the All-University Disciplinary System to address such conduct. This System was amended in 1976. It saw little use due in part to cumbersome procedures, prompting the Committee on Protest and Dissent to recommend its reevaluation. Given the increase in disruptive conduct at the

University as defined by Statute 21, it is important that an improved system be developed and approved.

With respect to disruptive conduct at the University as defined by Statute 21, the Committee is asked to:

- Review and make recommendations to revise or replace the disciplinary procedures and standards set forth in the All-University Disciplinary System;
- Specifically address the range of disciplinary sanctions that may be imposed under the All-University Disciplinary System;
- Make recommendations for responses in the midst of an event where disruptive individuals prevent others from speaking or being heard;
- Review and make recommendations as to how to handle individuals who engage in disruptive conduct and who are not members of the University community; and
- Complement the above recommendations with advice on educational programming to discuss with students the rights and responsibilities conferred by the freedom of expression on our campus so that they recognize that their right to free expression is the same right that they and we must accord to others, including those whose speech may be offensive and even loathsome.

As disciplinary action for disruptive conduct as defined under Statute 21 is required, it is important that an improved system be developed and approved as expeditiously as possible. I therefore ask that you submit your recommendations by **December 15, 2016**.

Appendix II

13 January 2014

Report of the Ad Hoc Committee on Protest and Dissent

I. Background

The Provost established this committee in Winter Quarter, 2013. His charge to the Committee is reproduced in Appendix I. The committee was established in the aftermath of demonstrations at the Center for Care and Discovery that led to arrests and disciplinary actions against demonstrators and allegations of misconduct against the University of Chicago Police Department. The events surrounding those demonstrations were addressed by a separate investigation and report, and those specific events are not the subject of this Committee's work. The Provost directed us instead to make recommendations about the principles that should govern protests and demonstrations on campus in the future.

In addition to charging the Committee to make general recommendations about policies and practices related to dissent, the Provost identified three specific issues. First, he asked us to consider whether protests and demonstrations at especially sensitive University facilities, such as health care and research facilities, should be treated differently from demonstrations at other University buildings. Second, he asked how rules and guidelines about protests and demonstrations should apply when the group engaged in the demonstration includes both people affiliated with the University and people, perhaps from nearby communities, who do not have a University affiliation. Third, he asked what expectations there should be about communications among protesters, University police, and other University officials and staff members, and what responsibilities those groups should have toward each other.

The Committee met with University administrators, students, and representatives of the Hyde Park community. Members of the Committee invited comments from colleagues, and the Committee held an open meeting for the entire University community on 13 May 2013. A list of these various meetings is Appendix II. In addition, the Committee established an email address to which any interested person could send comments.

This report reflects the unanimous view of the members of the Committee. We will first offer some general thoughts about the relationship of protest, dissent, and demonstrations to the University's mission. Then we will make some observations on the University's existing policies governing protest and dissent and some specific recommendations.

II. General Principles

In our view, dissent and protest are integral to the life of the University. Dissent and protest should be affirmatively welcomed, not merely tolerated, by the University. Especially in a university community, the absence of dissent and protest – not its presence – is a cause for concern. The passionate expression of non-conforming ideas is

both a cause and an effect of the intellectual climate that defines this University in particular. In addition, dissent and protest – and public demonstrations by groups and individuals – play a role in the University’s educational mission: being a member of an educational community that values dissent and protest is, in part, how people develop as citizens of a democracy.

But maintaining this kind of university community imposes obligations of mutual respect on everyone involved. University administrators have a responsibility to act with restraint and flexibility and not to insist on the enforcement of rules for its own sake. Beyond that, University administrators have an obligation to listen and to engage: to recognize the concerns of dissenters and to address those concerns to the extent they can.

People engaged in protests and demonstrations have reciprocal obligations of respect and constructive engagement. They have a responsibility not to jeopardize the University’s ability to meet its commitments and obligations. A university like ours is a complex institution that is engaged in a wide range of activities, including some highly sensitive activities the disruption of which would have very harmful consequences for members of the University community. Protesters have a responsibility to recognize that and to act accordingly.

III. Current Policies

The University’s existing policies on dissent and protest (attached as Appendix III) are, for the most part, less specific than those of many comparable universities. This University does not, for example, have a detailed code of conduct that regulates demonstrations and other activities related to protest. Instead, the University’s policies rely on more general standards.

We believe this is a virtue, and we do not recommend a substantial revision of the University’s existing written policies. The existing policies allow for flexibility and for the exercise of discretion, and that is how it should be. We will suggest some relatively minor revisions in the next part of this report.

The existing policies contemplate that demonstrations will be planned in advance, with cooperation between University administrators and protesters; that is one of the reasons that our policies can be flexible rather than rule-bound. There is a record of successful cooperation in the past: protesters have been able to engage in the kinds of demonstrations they wanted, without excessive disruption of University activities. This kind of antecedent cooperation between protesters and University administrators is very important, and we believe the organizers of protests have a responsibility to engage in this process. It enables the University not just to permit but to welcome and facilitate and, if necessary, to protect the people demonstrating. That is the attitude

University administrators should take toward protest, and it is the attitude they have expressed in their meetings with us.

At the same time, spontaneous demonstrations that have not been previously coordinated with the University cannot, and should not, be ruled out. The University should, to the maximum extent it can, adopt the same approach of restraint when spontaneous demonstrations happen; if possible, the University should facilitate those protests as well. But people engaged in a spontaneous demonstration have an absolute obligation to respect the University's legitimate interests in protecting its facilities and its operations. The University has not just the right but the responsibility to protect those interests if they are jeopardized.

IV. Specific Recommendations

1. Whenever possible, problems that arise in connection with protest activity should be handled with a minimum of police involvement. If this requires that additional resources be devoted to the Dean-on-Call program, then we recommend that those resources be provided.

In addition, a decision that the University Police be called in should be made, if at all possible, by high-ranking University officials. University Police should be trained in techniques adapted to providing the necessary security during demonstrations in order to protect protesters and bystanders as well as the University's vital interests. Our understanding is that policies along these lines have been implemented, or are being implemented, already.

2. The University is entitled to impose strict limits on protest activity that threatens especially sensitive facilities and to enforce those limits if they are breached. We do not think it is possible to specify, acontextually, what these limits might be. That may depend on the specific uses being made of a facility, on the nature of the protest activity that is contemplated, and on other factors. The University should, however, give clear notice of the limits it is imposing. It should accommodate protest activity to the extent possible, and it should, as always, act with restraint to the extent compatible with the protection of its vital interests.

3. The University should expect that members of the community outside the University will engage in protest near or on University property, often in concert with members of the University community. The University should minimize differences in treatment between University affiliates and non-affiliates, in order to avoid seeming to adopt an unwelcoming attitude toward members of the outside community.

Having said that, however, the University has special responsibilities toward members of the University community. The University can also insist on certain standards of behavior (and impose discipline accordingly) in its relationship with members of the

University community. For those reasons, in some circumstances it will be entirely appropriate for the University to treat members of its community differently from people who are not members of the University community.

4. In dealing with matters that might give rise to protests, the University should be alert to the benefits of collaborating with representatives of the neighboring communities and other stakeholders. Particularly when these matters affect people who are not affiliated with the University, representatives of other communities can help the University communicate the reasons for its decisions in a more effective way. Our neighboring communities, by identifying and articulating their interests, can also help protect against the exploitation of members of the University community by groups that have an agenda that is not compatible with the University's values or with the interests of either the University or its neighbors.

5. Because an atmosphere that welcomes protest and dissent is, as we have said, a component of the University's educational mission, the University should consider introducing students more explicitly to the specific policies governing protest and dissent and, perhaps more importantly, to the University's general principles about protest and dissent. This could take place during orientation; it should also be a subject addressed with the leadership of student groups on an ongoing basis, as appropriate.

6. The University's policies should, to the extent possible, make clear what discipline will be imposed for violations of University rules. In that connection, two aspects of the University's policies may warrant revision. The University's written policies currently provide for an all-University disciplinary system that, we understand, has not been used for decades and that should be re-evaluated.

More directly relevant to protest and dissent, we note that the University's statutes appear to provide that discipline can be imposed for "[c]onduct . . . disruptive of the operations of the University." Statute 21, Statutes of the University of Chicago (2013). This prohibition, taken literally, is too broad. Vocal protest, and demonstrations in particular, are by their nature disruptive to some degree.

There is a more specific definition of disruption in legislation enacted by the Council of the University Senate (Legislation enacted May 12, 1970; amended June 8, 1976). That definition (reproduced, along with Statute 21, in Appendix IV) is more appropriately limited, especially if it is applied – as it should be – with a proper understanding of the role of protest activity in the University community and with a recognition that protest activity will often cause incidental disruption. Such incidental disruption should not be regarded as a violation of University policy.

David A. Strauss, Gerald Ratner Distinguished Service Professor of Law and committee chair

Emilio Kourí, Professor, Departments of History and Romance Languages and Literatures and the College

Stacy Lindau, Associate Professor, Department of Obstetrics and Gynecology

Emil J. Martinec, Professor, Department of Physics, the Enrico Fermi Institute, and the College

Everett E. Vokes, John E. Ulmann Professor, Department of Medicine

Christopher Woods, Associate Professor, Oriental Institute, Department of Near Eastern Languages and Civilizations, and the College

Ingrid Gould, Associate Provost for Faculty and Student Affairs, staff to committee

Appendix I

Committee Charge

The Ad Hoc Faculty Committee on Dissent and Protest was asked to review and make recommendations about practices and policies regarding dissent and protest on campus. The recent protests at the Center for Care and Discovery raise issues for which we do not have set policies. Among these are the question of whether protests in healthcare and research facilities with patients and technical equipment should be treated differently than those in instructional or administrative buildings, the need to devise guidelines for protests that include both University affiliates and community members, and the expectations for communication between and the responsibilities of protesters, University staff and police. The committee is expected to solicit broad input from the University community.

Appendix II

In addition to holding several meetings for Committee members to discuss ideas, policies, and feedback from others among themselves, the Committee met with:

1. Administrators (3) from Campus and Student Life
2. Representatives (2) from the University of Chicago Police Department
3. Patricia Brown Holmes, Partner, Schiff Hardin LLP, the investigator hired by the University to examine events that occurred at the 27 January and 23 February 2013 the Medical Center protests in order to determine if University policies had been violated
4. Individuals (23) who attended an Open Meeting
5. Representatives (2) from the University of Chicago Medical Center

6. Students (20) who attended a Think Tank meeting hosted by Campus and Student Life
7. Executive Vice President for Finance and Administration
8. Board members (7) of the South East Chicago Commission

Appendix III

University of Chicago Documents

Statement of Freedom of Expression:

http://www.uchicago.edu/about/statement_on_principles_of_free_expression/

Protest & Demonstration Policy: <http://studentmanual.uchicago.edu/protest>

Outdoor Events on Campus Policy: <http://studentmanual.uchicago.edu/outdoor>

Safety & Appropriate Use of

Facilities: <https://studentmanual.sites.uchicago.edu/safety>

University of Chicago Student Disciplinary Systems

Student Disciplinary Systems (for individual students and groups of students):

<http://studentmanual.uchicago.edu/disciplinary>

All-University Disciplinary System (for students who disrupt the work of the University): http://studentmanual.uchicago.edu/university_dicip_system

Appendix IV

Statute 21:

Disruptive Conduct. Conduct of members of the University disruptive of the operations of the University, including interference with instruction, research, administrative operations, freedom of association, and meetings as protected by University regulations, is prohibited and is subject to disciplinary action.

<https://trustees.uchicago.edu/sites/trustees.uchicago.edu/files/uploads/UniversityOfChicagoGoverningDocuments.pdf>)

All-University Disciplinary System:

Section 3. Definition of disruptive acts

It is misconduct, constituting a disruptive act, for any member of the University community to engage in conduct which substantially obstructs, impairs, or interferes with teaching, study, research, or administration of the University; the authorized use of University facilities; or the rights and privileges of other members of the University community, for example:

- a. By obstructing, impairing, or interfering with University sponsored or authorized activities or facilities in a manner likely to deprive others of the benefit or enjoyment of the activity or facility;
- b. By using force against any member of the University community or his or her family which substantially and directly bears upon the member's functions within the University, or threatening the use of force against him or her or his or her family in circumstances which create a reasonable fear that actual force is likely to follow[.]

http://studentmanual.uchicago.edu/university_dicip_system

Report of the Committee on Freedom of Expression

The Committee on Freedom of Expression at the University of Chicago was appointed in July 2014 by President Robert J. Zimmer and Provost Eric D. Isaacs “in light of recent events nationwide that have tested institutional commitments to free and open discourse.” The Committee’s charge was to draft a statement “articulating the University’s overarching commitment to free, robust, and uninhibited debate and deliberation among all members of the University’s community.”

The Committee has carefully reviewed the University’s history, examined events at other institutions, and consulted a broad range of individuals both inside and outside the University. This statement reflects the long-standing and distinctive values of the University of Chicago and affirms the importance of maintaining and, indeed, celebrating those values for the future.

From its very founding, the University of Chicago has dedicated itself to the preservation and celebration of the freedom of expression as an essential element of the University’s culture. In 1902, in his address marking the University’s decennial, President William Rainey Harper declared that “the principle of complete freedom of speech on all subjects has from the beginning been regarded as fundamental in the University of Chicago” and that “this principle can neither now nor at any future time be called in question.”

Thirty years later, a student organization invited William Z. Foster, the Communist Party’s candidate for President, to lecture on campus. This triggered a storm of protest from critics both on and off campus. To those who condemned the University for allowing the event, President Robert M. Hutchins responded that “our students . . . should have freedom to discuss any problem that presents itself.” He insisted that the “cure” for ideas we oppose “lies through open discussion rather than through inhibition.” On a later occasion, Hutchins added that “free inquiry is indispensable to the good life, that universities exist for the sake of such inquiry, [and] that without it they cease to be universities.”

In 1968, at another time of great turmoil in universities, President Edward H. Levi, in his inaugural address, celebrated “those virtues which from the beginning and until now have characterized our institution.” Central to the values of the University of Chicago, Levi explained, is a profound commitment to “freedom of inquiry.” This freedom, he proclaimed, “is our inheritance.”

More recently, President Hanna Holborn Gray observed that “education should not be intended to make people comfortable, it is meant to make them think. Universities should be expected to provide the conditions within which hard thought, and therefore strong disagreement, independent judgment, and the questioning of stubborn assumptions, can flourish in an environment of the greatest freedom.”

The words of Harper, Hutchins, Levi, and Gray capture both the spirit and the promise of the University of Chicago. Because the University is committed to free and open inquiry in all matters, it guarantees all members of the University community the broadest possible latitude to speak, write, listen, challenge, and learn. Except insofar as limitations on that freedom are necessary to the functioning of the University, the University of Chicago fully respects and supports the freedom of all members of the University community “to discuss any problem that presents itself.”

Of course, the ideas of different members of the University community will often and quite naturally conflict. But it is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although the University greatly values civility, and although all members of the University community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community.

The freedom to debate and discuss the merits of competing ideas does not, of course, mean that individuals may say whatever they wish, wherever they wish. The University may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the University. In addition, the University may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of the University. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with the University’s commitment to a completely free and open discussion of ideas.

In a word, the University’s fundamental commitment is to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, or wrong-headed. It is for the individual members of the University community, not for the University as an institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting the ideas that they oppose. Indeed, fostering the ability of members of the University community to engage in such debate and deliberation in an effective and responsible manner is an essential part of the University’s educational mission.

As a corollary to the University’s commitment to protect and promote free expression, members of the University community must also act in conformity with the principle of free expression. Although members of the University community are free to criticize and contest the views expressed on campus, and to criticize and contest

speakers who are invited to express their views on campus, they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe. To this end, the University has a solemn responsibility not only to promote a lively and fearless freedom of debate and deliberation, but also to protect that freedom when others attempt to restrict it.

As Robert M. Hutchins observed, without a vibrant commitment to free and open inquiry, a university ceases to be a university. The University of Chicago's long-standing commitment to this principle lies at the very core of our University's greatness. That is our inheritance, and it is our promise to the future.

Geoffrey R. Stone, Edward H. Levi Distinguished Service Professor of Law,
Chair

Marianne Bertrand, Chris P. Dialynas Distinguished Service Professor of
Economics, Booth School of Business

Angela Olinto, Homer J. Livingston Professor, Department of Astronomy and
Astrophysics, Enrico Fermi Institute, and the College

Mark Siegler, Lindy Bergman Distinguished Service Professor of Medicine and
Surgery

David A. Strauss, Gerald Ratner Distinguished Service Professor of Law

Kenneth W. Warren, Fairfax M. Cone Distinguished Service Professor,
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Amanda Woodward, William S. Gray Professor, Department of Psychology
and the College

Appendix III

12.5.3.5. Consistent with the powers reserved to the Board of Trustees, the Office of the President, and other Ruling Bodies, the Council of the University Senate shall formulate those rules that relate to student conduct prohibited by §21. The Council of the University Senate shall formulate the procedures that will enforce those regulations and shall provide for hearings where there are charges of violations of those regulations. The Council of the University Senate may also establish mechanisms for the formulation and administration of additional rules and regulations for student conduct prohibited by §21.

STATUTE 21. Disruptive Conduct. Disruptive conduct is conduct by any member of the University community that substantially obstructs, impairs, or interferes with: (i) teaching, study, research, or administration of the University, including UCMC's clinical mission; (ii) the authorized and other permissible use of University facilities, including meetings of University students, faculty, staff, administrators and/or guests; or (iii) the rights and privileges of other members of the University community. Any member of the University who engages in disruptive conduct will be subject to disciplinary action. Disruptive conduct includes but is not limited to (1) obstruction, impairment, or interference with University sponsored or authorized activities or facilities in a manner that is likely to or does deprive others of the benefit or enjoyment of the activity or facility and (2) use or threatened use of force against any member of the University community or his or her family that substantially and directly bears upon the member's functions within the University.

Appendix IV

Individuals with whom the Committee on Disruptive Conduct metⁱ

1. Eric D. Isaacs, Provost
2. Daniel Diermeier, Provost
3. Melissa Gilliam, Vice Provost for Academic Leadership, Advancement, and Diversity
4. Katie Callow-Wright, Vice President and Chief of Staff, Office of the President
5. Joanne Nee, Deputy Chief for Field Services, University of Chicago Police Department
6. Arthur Gillespie, Captain, University of Chicago Police Department
7. Belinda Vazquez, Associate Dean of Students in the University for Student Affairs & Director of Student Emergency Response Systems
8. Lynda Daher, Assistant Director for Student Emergency Response Systems
9. John “Jay” Ellison, Dean of Students in the College
10. Stephen Scott, Assistant Dean of Students in the College
11. Patrick Hall, Dean of Students in the Social Sciences Division
12. Elizabeth Adetiba, Student in the College; *Maroon* op-ed writer
13. Matthew Foldi, Student in the College; College Republicans president
14. Eric Holmberg, Student in the College; Student Government president
15. Hayley Goldstein, Student in the College; activist
16. Miriam Gonzalez, Student in the Harris School; Grad Council vice president
17. Sara Zubi, Student in the College; Students for Justice in Palestine member
18. Student Town Hall Meeting held 10/13/17
19. Jeremy Inabinet, Associate Dean of Students in the University for Disciplinary Affairs
20. Saul Levmore, Professor, Law School; University-wide Student Disciplinary Committee chair
21. Callum Ross, Professor, Organismal Biology & Anatomy and the College; University-wide Student Disciplinary Committee member
22. Richard Neer, Professor and chair, Art History and the College
23. Na’ama Rokem, Associate Professor, Near Eastern Languages and Civilizations; Committee of the Council member
24. Yali Amit, Professor, Statistics and the College
25. William Mazzeella, Professor and chair, Anthropology and the College
26. Bruce Lincoln, Professor Emeritus, Divinity School
27. Adam Green, Associate Professor, History and the College; Diversity Advisory Council chair
28. Ramón Gutierrez, Professor, History and the College; Diversity Advisory Council member
29. Jamie Kalven, Community member
30. Connie Spreen, Community member

31. George Rumsey, Community member

ⁱ Title used refers to the person's title at the time the Committee met with the individual.

Appendix V

Disciplinary System for Disruptive Conduct

I. Introduction

As recognized in the [Report of Committee on Freedom of Expression](#), the University is fundamentally dedicated to the “preservation and celebration of freedom of expression as an essential element of the University’s culture.” As forms of free expression, “dissent and protest are integral to the life of the University,” and thus “should be affirmatively welcomed, not merely tolerated, by the University” (Report of the Ad Hoc Committee on Protest and Dissent). The principle of freedom of expression, however, is not unlimited. The Committee on Freedom of Expression itself recognized that certain forms of expressive conduct are not protected, including violations of the law, defamation of individuals, invasion of privacy or confidentiality, and disruption of ordinary University activities. Similarly, the [Report of the Ad Hoc Committee on Protest and Dissent](#) observed that while “[y]ocal protest, and demonstrations in particular, are by their very nature disruptive to some degree,”* protesters “have reciprocal obligations of respect and constructive engagement.” These obligations confer “a responsibility to not jeopardize the University’s ability to meet its commitments and obligations.” The Report further stated that the University is “entitled to impose strict limits on protest activities that threaten especially sensitive facilities and enforce those limits if they are breached.”

The purpose of this document is to set out a disciplinary system for “disruptive conduct” as currently defined in University Statute 21 as well as any substitutes, successors or other replacements for University Statute 21. The goal of the system is to establish a uniform set of processes and standards that ensure the fair and impartial investigation of allegations that a student has engaged in disruptive conduct, i.e., conduct that falls outside of the principles of free expression and meets the definition supplied by Statute 21. The expectation is that most matters arising under this system will be resolved informally and will include educational content designed to articulate the boundary between free expression and disruptive conduct.

II. Non-Students

Staff employees, academic appointees, visiting academics, postdoctoral researchers, employees of affiliates and volunteers who violate Statute 21 are not covered by this system and will be subject to discipline using the disciplinary processes applicable to each category. Employees of affiliates, volunteers, visitors or guests who violate Statute 21 will be subject to the University’s [Ban \(No-Trespass\) Policy](#), which governs the process by which the University denies access to some or all University property after reaching a reasoned determination that a person has engaged in, among other things, threatening, disruptive or violent conduct. Persons who are not guests and have no affiliation with the University are also subject to the [Ban \(No-Trespass\) Policy](#), which may result in permanent prohibition from University property. In addition, because some conduct that violates this policy may also constitute a crime, any person who engages in disruptive conduct that constitutes a criminal act may be arrested and prosecuted.

* Examples might include counter-demonstrations and counter-events; marches that do not drown out speakers; silent vigils; teach-ins; protest signs that do not block the vision of the audience; boycotts of speakers or events; pointedly challenging speakers during question and answer sessions, albeit in a way that does not monopolize that portion of the event or prevent the speaker from responding.

III. Initial Fact-Gathering and Notification

Anyone may make a complaint under this system. All complaints that a student has engaged in conduct that violates Statute 21 should be made in writing and brought promptly to the attention of the Associate Dean of Students in the University for Disciplinary Affairs, and in any event no later than 60 days after the alleged misconduct occurred. The complaint should identify the name(s) of the person(s) involved, and state with specificity the nature of the misconduct, and the circumstances under which it may have been committed. A complainant should make every effort to include all relevant facts known at that time and provide all available supporting materials. In response, the University will conduct a prompt and thorough investigation as detailed below and will do so notwithstanding any external process, such as a law enforcement investigation or criminal prosecution.

Generally, the complainant first will discuss the allegation with the Associate Dean of Students in the University for Disciplinary Affairs (or designee).[†] The Associate Dean of Students in the University for Disciplinary Affairs will conduct an expeditious inquiry into the facts, which may include but is not limited to interviews, information-gathering, and documentation of evidence. If warranted by the complaint and/or any other preliminary information gathered, the Associate Dean of Students in the University for Disciplinary Affairs will summon the respondent (the accused individual) to a meeting as soon as possible, review this policy and its processes (including the respondent's right to have a support person's assistance throughout the process), and provide a brief written summary of the allegation. If a respondent declines to participate in the initial information-gathering process, this decision may foreclose participation during later phases of the disciplinary process, including any proceeding before the Committee.

In the meeting, the Associate Dean of Students in the University for Disciplinary Affairs will inform the respondent of the alleged misconduct and will discuss the allegation and applicable investigatory and adjudicatory processes. Following the meeting, the Associate Dean of Students in the University for Disciplinary Affairs will provide the complainant and the respondent with an opportunity to provide evidence and to suggest witnesses. The Associate Dean of Students in the University for Disciplinary Affairs will not interview witnesses whose sole purpose is to provide character information about either party.

Based on the inquiry and in consultation with the Faculty Chair of the Standing Disciplinary Committee on Disruptive Conduct, the Associate Dean of Students in the University for Disciplinary Affairs has the discretion and authority to dismiss the complaint. Alternatively, as explained below, the Associate Dean has the authority to resolve the complaint informally, or to refer the complaint to the Faculty Chair, who in turn may formally convene a disciplinary committee to hear the incident.

The Associate Dean of Students in the University for Disciplinary Affairs will also ensure that the complainant and respondent be updated throughout the investigative process, including timely notice of meetings where they may be present. More specifically, the complainant and respondent will be given the following written notices: (i) notice that a complaint was dismissed, the matter was resolved informally, or that an investigation will proceed; (ii) notice of a charge filed and any information that will be used in the hearing process; (iii) notice of the date and time of any hearing and a list of hearing panel members; (iv) notice of the hearing panel's findings and, if applicable, sanctions, including an explanation of the review process; (v) notice of whether a request for review has been filed; (vi) notice of the outcome of the request for review, including whether the decision, or sanctions, have been modified; and (vii) notice when the decision and sanctions become final.

[†] If an anonymous complaint precludes a meaningful inquiry into the facts from taking place, the complaint will be dismissed.

IV. Informal Resolution

With the approval of the Faculty Chair, the Associate Dean of Students in the University for Disciplinary Affairs may resolve allegations of disruptive conduct informally. As outlined above, both complainant and respondent have the opportunity to present information and suggest witnesses related to an allegation of disruptive conduct. After considering all the information available, the Associate Dean of Students in the University for Disciplinary Affairs will use the preponderance of evidence standard to determine if the respondent violated Statute 21. In situations involving conflicts between student organizations, the Associate Dean of Students in the University for Disciplinary Affairs will make reasonable efforts to resolve the differences between the organizations.

If the Associate Dean of Students in the University for Disciplinary Affairs concludes that by a preponderance of the evidence, the information obtained supports a finding that the respondent violated Statute 21, then, in consultation with the Faculty Chair, the Associate Dean will determine an appropriate sanction. Sanctions may include but are not limited to, a warning, disciplinary probation, and/or the suspension of specific student rights and privileges for a designated period. The Faculty Chair cannot issue an informal disciplinary sanction of suspension, or expulsion. The respondent may choose in writing to accept or reject the finding and sanction in order to reach a resolution. If the respondent rejects the finding and sanction, then the Faculty Chair will convene the Committee. If the respondent accepts the finding and sanction, the resolution of the disciplinary process becomes final and unreviewable within the University, with one exception: if the Associate Dean of Students in the University for Disciplinary Affairs or the Faculty Chair later receives new information that materially changes the evaluation of the matter, then the informal resolution may be withdrawn, and the matter heard and adjudicated by the Committee. If the respondent accepts the finding and sanction, a record of such finding and sanction will be issued to the respondent.

At any time before the Associate Dean of Students in the University for Disciplinary Affairs makes a finding and, if appropriate, imposes a sanction, the Associate Dean may discontinue the informal resolution process and refer the matter for formal resolution.

V. Formal Resolution

If the Faculty Chair decides to convene the Committee, the Associate Dean of Students in the University for Disciplinary Affairs will ask the complainant to submit in writing the allegation as well as any available documentation supporting the allegation (to the extent such information has not already been gathered). The Associate Dean of Students in the University for Disciplinary Affairs will provide the respondent with written notice of the allegations, give the respondent a copy of these procedures, and ask the respondent to prepare a written response to the allegation. If there were witnesses to the alleged misconduct, the Associate Dean of Students in the University for Disciplinary Affairs may summon them for a meeting, ask them to submit a written statement, and summon them to appear before the Committee to answer questions. A complainant should make every effort to include in the complaint all relevant facts known at that time and provide all available supporting materials.

VI. The University-wide Standing Disciplinary Committee on Disruptive Conduct

The University-wide Standing Committee on Disruptive Conduct (the Standing Committee), which hears and adjudicates complaints against students, includes faculty and students drawn from all academic units, and staff representing the academic units and Campus and Student Life. In consultation with the Spokesperson of the Committee of the Council, the Provost will appoint members of the Standing Committee to three-year terms. The faculty members of the Standing Committee will be drawn from the pool of faculty serving on the Council of the University Senate and from a list of councilors who have served during the preceding five years. The Provost will appoint staff and student members of the Standing Committee after soliciting recommendations from each academic dean or their designee. At the recommendation of the Faculty Chair,

an Ad Hoc Disciplinary Committee (the Committee), drawn from the Standing Committee, will convene to conduct the disciplinary proceeding. The Committee members will be selected in a manner that ensures that one faculty member will have a primary academic appointment in the school or division in which the respondent is enrolled at the time of the alleged misconduct.

The Committee convened to hear and adjudicate a particular complaint normally consists of three faculty members, one student, one staff member, and the Associate Dean of Students in the University for Disciplinary Affairs (or designee). The Associate Dean of Students in the University for Disciplinary Affairs (or designee) attends the Committee proceeding in a non-voting, advisory capacity. Two faculty members, including the Faculty Chair of the Committee, and one additional member (staff or student) of the Standing Committee constitute a quorum.

All members of the Committee must be able to maintain independent judgment and discharge their obligations in a fair-minded fashion, free from material bias and conflicts of interest, or they must recuse themselves. As soon as practicable before the hearing, the Associate Dean of Students in the University for Disciplinary Affairs will notify the complainant and the respondent of names and academic affiliation of Committee members. Either party may request a replacement if the participation of any member of the Committee on the grounds that such member has a genuine and material conflict of interest. Such requests must be made to the Associate Dean of Students in the University for Disciplinary Affairs within 48 hours of receiving notice of the identities of the Committee members. Requests must identify with specificity the alleged nature of the conflict of interest. Using reasoned judgment, the Faculty Chair (or designee) will decide whether the alleged conflict is genuine and material and, if so, whether it compels the Committee member's replacement via the same process.

VII. Format and Order of Proceedings

A. Information Considered by the Committee and the Role of the Support Person

In connection with the proceeding, the complainant and the respondent will receive the same materials, subject to compliance with the Family Educational Rights and Privacy Act (FERPA, which may require redaction of certain identifying information), as received by the members of the Committee. With regard to persons summoned to appear before the Committee, if the Committee hears from other individuals, the respondent and the complainant both have the right to be present.

The complainant and the respondent may bring to the disciplinary proceeding a person of their choice whose role is entirely limited to providing support. The Associate Dean of Students in the University will develop a list of University academic appointees, staff employees and students who are willing to serve as support persons. Although the complainant and respondent are free to select any support person, they will be given a reasonable opportunity to select a support person from the list. The support person does not function as an advocate or participate directly in any way during the proceeding. If the support person is a lawyer, a representative of the University's Office of Legal Counsel also will attend the hearing. Regardless of whether a complainant, respondent or witness is represented by counsel, at all times they are expected to speak for themselves, directly communicate with the University personnel involved in the investigatory and adjudicative processes, and submit their own written statements.

B. General Process

In order to reach a fair and reasonable resolution of the complaint, Committee proceedings will generally follow the outline described below:

1. The Committee presumes the innocence of the respondent, assumes no facts or conclusions, ignores any previous history of disciplinary action with respect to the student charged, and reaches its decision as to

whether the respondent has engaged in the prohibited act solely on the basis of the evidence actually before it.

2. Committee proceedings are closed. The only individuals who may be present in the hearing room(s) during the proceeding are: Committee members, the Associate Dean of Students in the University for Disciplinary Affairs, the complainant and respondent (and their respective advisors), witnesses (when called), and necessary University personnel. The Associate Dean of Students in the University for Disciplinary Affairs will work with other University personnel so that any individual whose presence is required may participate in the hearing.

3. The Faculty Chair reminds all present that disciplinary proceedings are distinct from the traditional legal-judicial process, and that the collegiality and trust which binds all members of the University community entails an obligation of candor on the part of all involved in disciplinary proceedings.

4. The Faculty Chair notes that cell phones and any other recording devices may not be used during any part of the proceeding, and reminds those present that the Committee may set reasonable time limits for any part of the proceeding and will use reasoned judgment to determine the relevance of, place restrictions on, or exclude any witnesses or information.

5. The Faculty Chair restates the basic complaint at issue before the Committee to determine what happened, whether the respondent engaged in disruptive conduct within the meaning of Statute 21, and, if so, the nature of the sanction to be imposed.

6. The Committee normally asks the respondent and complainant each to make an opening statement to the Committee about the allegations. If the proceedings involve multiple respondents accused of disruptive conduct arising out of the same event or events, the respondents each will be heard separately and not in the presence of the other respondents. If the respondent refuses to appear before the Committee, the Committee shall proceed without the respondent.

7. Committee members may ask questions of the respondent and others coming before the Committee and may conduct further inquiry.

8. If the Committee hears other individuals, the respondent and complainant have the right to be present.

9. Only the Committee may ask questions of the respondent, complainant and others who appear before the Committee; the complainant and the respondent may not cross-examine or otherwise directly engage one another or others, but may, at the discretion and direction of the Faculty Chair, suggest questions to be posed by the Committee. The Committee may revise or decline to ask any or all submitted questions.

10. The Faculty Chair may decide to move forward in the proceeding at any point if, in his or her judgment, anyone's actions cause undue delay. The Faculty Chair can require to leave the proceeding anyone who fails to respect the limitations of their role, engages in active advocacy, or harasses, abuses, or intimidates any participant in the proceeding. The proceeding will continue in their absence. The Faculty Chair will always also be mindful of the necessity of hearing reasonable and relevant points from participants, especially the complainant and the respondent.

11. To ensure the integrity of the process, when students speak to the Committee during the hearing and in the presence of one another, until the Committee renders a decision the students must maintain confidentiality regarding what was said and must not communicate about the statements with anyone participating in it or with others outside the proceeding.

12. At the conclusion of the proceeding, the Committee normally gives the complainant and respondent the

opportunity to make concluding remarks of a reasonable duration.

13. At the completion of the proceeding, the Committee will deliberate confidentially to consider the information obtained in the course of the proceeding and decide whether the respondent violated Statute 21 and, if so, the appropriate sanction. In making a determination, the Committee will apply a preponderance of evidence standard. Namely, the Committee will decide whether, in consideration of all of the information before it, it is more likely than not that the respondent's conduct violated Statute 21. Although axiomatic, it bears noting that non-disruptive protest and dissent should never be punished.

14. Decisions are by majority vote of the members of the Committee.

15. The Committee will impose sanctions that are fair and reasonable given the facts and circumstances. In deciding sanctions, normally the Committee will consider the nature of disruptive conduct; mitigating circumstances, if any; and past precedent, if any, established by the Committee. If appropriate, the Associate Dean of Students in the University for Disciplinary Affairs will provide the Committee with the facts and circumstances of any similar, past cases and associated sanctions.

C. Sanctions

The sanctions listed below may be used singly or in combination by the Committee, which may also devise new sanctions that it deems appropriate. The same sanction options are available to the Review Board.

- **Warning:** A letter shall be issued to the student. A prior warning related to misconduct under Statute 21 may be considered in determining a sanction for a current offense.
- **Disciplinary Probation:** During this defined period, a student may continue to enjoy all the rights and privileges of a student except as the Committee stipulates. A prior disciplinary probation related to misconduct under Statute 21 may be considered in determining a sanction for a current offense.
- **Loss of University Privileges:** Specific student rights and privileges, such as access to certain University buildings, events, organizations, or employment, may be suspended for a defined period.
- **Discretionary Sanctions:** The Committee may require the completion of additional academic work, community service, or restitution/fines by a given deadline.
- **Disciplinary Suspension:** For a period of no more than nine consecutive quarters, a student is prohibited from exercising any rights or privileges of a student at the University.
- **Disciplinary Expulsion:** An expelled student forfeits the rights and privileges of a student at the University. Ordinarily, the University will not consider a re-application for eleven consecutive quarters following the date of the expulsion.

D. Notification of Outcome

Normally, once deliberations have concluded, the Associate Dean of Students in the University for Disciplinary Affairs will provide the complainant and respondent with verbal or electronic notification of the outcome of the proceeding. No later than seven days after deliberations have concluded, the Associate Dean of Students in the University for Disciplinary Affairs will provide the complainant and respondent with formal, written notification of the outcome, including information regarding a request for review. The notification will include an explanation of the basis for the finding and sanction.

Only decisions of disciplinary suspension or expulsion will be recorded on the respondent's transcript and usually will read "Not permitted to register from [Date] to [Date]. [Name and Title of the Dean of Students in the University], [Date]" In cases of expulsion, the notation includes a statement "Must Reapply." Other

offices (*e.g.*, Housing, University Registrar) are to be notified of the finding and sanction if the action taken by the Committee affects those offices. If required by law or authorized by the respondent, the Associate Dean of Students in the University for Disciplinary Affairs may disclose allegations of misconduct and the outcome of disciplinary proceedings to third parties, including to external organizations.

E. Requests for Review

The complainant and respondent may request a review of the resolution of the disciplinary proceeding within 15 days of being informed, in writing, of the decision. The only recognized grounds are: (i) the prescribed procedures were not followed; and (ii) the discovery of new and material information unavailable to the Committee at the time of the proceeding bears significantly in the student's favor. A Review Board consists of one faculty member (who also serves as chair), one administrator (designated by the Dean of Students in the University), and one student. Decisions are by majority vote of the members of the Committee. Members of the Review Board may not serve if they were part of the Ad Hoc Committee that decided the underlying matter.

All members of the Review Board must maintain independent judgment and an open mind about the decision under review, and none shall have a conflict of interest with either party. The Review Board's decision is final and non-reviewable. In making a decision, the Review Board does not conduct a new disciplinary proceeding and normally does not interview witnesses or seek additional information from the student seeking review or witnesses, although the Review Board has the authority to do so and may seek additional information regarding the proceeding from the Associate Dean of Students in the University for Disciplinary Affairs.

The Review Board, acting on the basis of the entire record, may sustain, reduce, modify or strike the sanctions imposed if it determines that: (i) prescribed procedures were not followed; and/or (ii) new and material information unavailable to the Committee at the time of the proceeding bears significantly in the student's favor has been discovered. Additionally, if the Board is satisfied in its reasoned judgment that the new and material information not available to the Committee more likely than not would have resulted in a different decision, it may require the Committee to reconvene and consider the new information in the proceedings.

The complainant and the respondent shall be notified in writing of the outcome of the request for review within 7 days after the conclusion of the review. The review constitutes the final process for disciplinary proceedings, and the outcome is final and not reviewable within the University.

F. Confidentiality

The University, including its agents (*e.g.*, those who serve on the Standing and Ad Hoc Committee), has a legal obligation under federal law to maintain the confidentiality of student education records, including records used in the disciplinary process that include identifiable student information, except as required by law, *e.g.*, as authorized by the student or compelled by a subpoena or court order. Although respondents, student witnesses and support persons are not bound by the federal law applicable to the University and its agents, they are encouraged to use good judgment when sharing information with third-parties, as some disclosures and related statements may give rise to legal claims against them by persons who believe that the disclosures or statements are false, invade privacy rights or cause reputational damage.

VIII. Student as Employee

Nothing in this disciplinary system shall limit any student-employee's rights under Section 7 of the National Labor Relations Act (NLRA). The system thus would not apply to student-employees' participation in a demonstration, including a rally or picketing, who are represented by a collective bargaining agent and the

demonstration arises in the course of or is incident to a labor dispute involving the University. However, the system applies to conduct not protected by the NLRA, including the prohibitions set forth in Statute 21, such as the destruction of property, threats of physical harm to others, the occupation of University facilities, and the disruption of University events.

IX. Other Information

Disciplinary proceedings under this system apply to anyone who has matriculated to the University, whether or not in residence, and for any graduate but only if the alleged misconduct occurred before the degree was awarded. If a complaint of disruptive conduct against a student who has applied for graduation has been brought to the attention of the Associate Dean of Students in the University for Disciplinary Affairs but by the date of graduation the matter has not yet been resolved informally or a Committee has not yet convened, the Faculty Chair has the discretion and authority to decide whether the respondent may receive the degree and/or participate in convocation. If the Committee has been convened by the date of graduation but the proceedings have not concluded, the respondent shall not participate in convocation, and the student's graduation shall be postponed until the disciplinary proceeding has concluded, and, as applicable, the completion of all sanctions.

X. Provision for Review of Disciplinary Procedures

The Council of the University Senate shall review, through an appropriate committee, this disciplinary system not later than the Spring Quarter, 2020.

Proposed Co-Curricular Educational Programming

Sustaining a free speech environment requires concerted effort to educate and inform students (and the University staff who support them) about the University's values, goals, policies and procedures around freedom of expression, protest and dissent. The following suggestions build on programs and resources already in place in addition to proposing new, targeted measures for students and recognized student organizations. Training and programming efforts should not be limited temporally to programs during new student orientation and should be sufficiently diverse in format and content to allow for customization by the academic units and continuing relevance to students at multiple points in time during their academic careers. To every extent possible, the faculty should be invited to provide advice and/or participate in the development and execution of these various efforts.

- 1) While each academic unit or department directs the orientation program of its new students, we propose that the University provide and regularly update resources, in digital, print and in-person formats, to be offered and adapted as appropriate for new undergraduate, graduate and professional student audiences. Examples:
 - Short videos that introduce the history and values associated with UChicago's commitment to free expression.
 - A curated collection of key reports, statements and readings distributed to new students and made available online.
 - Dedicated time during new student orientation programs for introducing and discussing free expression and the concept of the free speech commons at UChicago.

- 2) Because opportunities, challenges and debates related to free expression will be a constant feature of life at the University, it is essential that the information and values conveyed to students during their first week on campus are reinforced beyond orientation. Suggestions for a system of ongoing co-curricular education and training include:
 - Required training for recognized student organizations (RSOs); in addition to including free speech issues in the standard training required of all RSO leaders, these groups may be required to identify a free expression point-of-contact in their organization. This individual would undergo additional training, participate in event reviews for programs their RSO hosts where free speech issues might emerge and serve as a consultant both for their RSO and for the University staff members who help support their organization around programs and events.
 - A student-centered website to help students understand University values, policies, procedures and resources around free expression, protest, dissent and activism. This resource would complement the *Student Manual of University Policies and Regulations*, by presenting content in an accessible and interactive fashion and providing clarity on the intersection between protest and demonstration activities and preserving the free expression environment at the University.