

**N.B.P.R #02-2022**

**Introduced By: Kendall Stephens, *At-Large Representative*.**

**Co-Sponsored By: Antonio Mendoza, *At-Large Representative And Vice-Chair Of The Health & Wellness Subcommittee*; Lillian Sclafani, *Former Vice-Chair Of The Health & Wellness Subcommittee And The Fox Business School Representative*; Townley Sorge, *Speaker Of Parliament*.**

**Approved By: The Health & Wellness Subcommittee Of Parliament.**

**RESOLUTION NO. 4-2022: This Resolution Calls Upon Temple University For The Creation And Application Of Educational Literature And Awareness For Students Regarding Counterprotesting and Staying Emotionally and Mentally Safe During Protest Events,**

Recognitions.—

- (i) **CURRENTLY**, Temple University is a forward-thinking and progressive institution that claims to be committed to creating and maintaining an inclusive, diverse, just, and intersectional collegiate environment that is committed to promoting and enhancing health and wellness outcomes.
- (ii) **CURRENTLY**, Temple University is a public campus that encourages and recognizes a student’s First Amendment right to assemble peacefully; participate in protests; and attend and volunteer in elections, politics, and social events and gatherings—which are the basic tenets and fundamental values and rights of the core American democracy.
- (iii) **KNOWING**, the First Amendment fundamentally safeguards our ability and willingness to openly communicate and express ideas of all virtues and convictions insofar as such applications of the First Amendment’s freedom of speech by demonstrators not interfere with or endanger the health and wellbeing of Temple students, staff, administration, and faculty.
- (iv) **KNOWING**, no constitutional right is categorically an absolute right, as First

Amendment restrictions are implemented “[directing] to [incite] or [produce] imminent lawless action”—citing the *Brandenburg* Test from the United States Supreme Court case of *Brandenburg v. Ohio* (1969).

- (v) **UNDERSTANDING**, Temple University has been recently experiencing a hotbed of protests and counterprotests that have—due to the increased politically polarizing climate over the course of the previous decade—provoked an atmosphere of dysfunction and harm to students with rhetoric, presentations, gestures, and imagery that can be seen as directed banter meant to disrupt the student body—seemingly in the need of being brazen and intentionally attention-seeking.
- (vi) **UNDERSTANDING**, Temple University has been made aware of the alarming protests and its numerous disruptive consequences, and its institution encourages the TSG’s Executive Branch to intrinsically safeguard students’ senses of safety, security, and wellbeing on campus.
- (vii) **UNDERSTANDING**, it is the responsibility of Temple University to work with Temple Student Government to create literature and awareness that empowers students to preserve their emotional and mental capacity before, during, and after experience to protest activity, as well as information regarding safe and effective counterprotesting measures as a means of reclaiming and establishing personal empowerment and advocacy.

(b) Resolutions.—

- (i) **OPERATIVE-CLAUSE**, the following are the concerns and solutions we deem critical to have addressed and changed in a timely manner. This resolution asks for transparent communication and updates to be sent to the entire student body as these solutions are being addressed and implemented:
  - (1) Due to the recent anti-abortion and white nationalist protest on campus on September 28, 2021 on campus square (Bell Tower), others similar to it in the past, and likely future gatherings of this nature, all faculty, administration and students need to be alerted of these protests.

- (2) Internal email notifications from the university and other feasible communication outlets should be utilized in this matter to alert students, campus security, staff, administration, and professors of protests occurring on and around campus.
- (3) A Protest Response Team being formed and trained that includes assigned faculty members and/or staff to monitor protest gatherings and implement crowd control, deescalate potentially hostile situations, and direct students to designated de-stressing areas and counseling services.
- (4) Students should be given counterprotest and safety guidelines, issued by a pamphlet, through all possible channels of communication, including at protest events by assigned faculty members for measures of preparedness and overall protection. The pamphlet shall be written by the Wellness Resource Center.
- (5) All policies will be reviewed by the University Dean of Students, the Wellness Resource Center, President, Vice President, and Provost.

(c) Research.—

- (i) **American Civil Liberties Union. (2021). *Speech On Campus*. [Web]. <https://www.aclu.org/other/speech-campus>.** The American Civil Liberties Union (ACLU) is a nonprofit organization whose stated mission is “to defend and preserve the individual rights and liberties guaranteed to every person in this country.”
  - (1) The ACLU states: “First Amendment does not protect behavior on campus that crosses the line into targeted harassment or threats, or that creates a pervasively hostile environment for vulnerable students.”
  - (2) The ACLU’s stance on how universities and colleges should respond to instances of hate speech and raised campus tensions has wrought aligns with some of TSG’s suggestions in addressing matters of protest/demonstration events: “The ACLU believes that instead of symbolic gestures to silence ugly viewpoints, colleges and universities have to step up their efforts to

recruit diverse faculty, students, and administrators; increase resources for student counseling, and raise awareness about bigotry and its history.”

- (ii) **University of California—Berkeley – Division of Student Affairs. (2021). *How To Protest Safely* [Web]. <https://sa.berkeley.edu/protest-safely>.** The prestigious, highly-ranked University of California—Berkeley (UC Berkeley), like Temple University, is a public institution that has issued precautions for counterprotest measures. Additionally, the university has a well-known, extensive history of political protests and counterprotests. History includes the Free Speech March of 1964-1965 led by UC Berkeley graduate student Mario Savio, as well as the UC Berkeley Protests of 2017.

- (1) While the university does not explicitly acknowledge protocol involving outside demonstrators, their policies involved actions to take during protest events and personal conduct expectations surrounding protest events, such as “staying behind barricades,” and “dispersing from an area declared an unlawful assembly,” and “not resisting arrest” in the event of detainment by law enforcement. These are critical opportunities for Temple University to empower and inform students with protest safety guidelines to protect them from harmful logical exposure during and following a protest event.
- (2) UC Berkeley also created a nexus between a student leveraging personal safety with counterprotesting in a lawful manner. TUPD would be a vital resource in establishing and maintaining safer atmospheres for students during protests while informing students on proper conduct codes during interaction with law enforcement during these demonstrations. Concerning safety, UC Berkeley advises students to “avoid activity that infringes on the rights of others, such as blocking and preventing the movement or access of others.”
- (3) In consideration of establishing positive and appropriate law enforcement-student interaction, UC Berkeley advises students to “follow the lawful instructions of a police officer or public official, such as staying behind barricades, dispersing from an area declared an unlawful assembly.”

- (4) Additionally, UC Berkeley reminded students of the importance of upholding the rule of law at all times (both institutionally and legislatively), to protest events and demonstrations notwithstanding, stating: “it is against the law to disobey a lawful order by a police officer. . . . Leave the area where others are engaging in illegal activities and acts of violence. . . . Your presence may be interpreted as participating in a riot or illegal group action.”
- (5) Furthermore, UC Berkeley touched on speech that holds the incendiary capacity to incite violence, which would constitute hate speech, as they warn students to “refrain from speech that incites others to commit acts of violence . . . or other unlawful actions.”

(iii) **University of Pittsburgh – Student Affairs. (2020). *On-Campus Demonstration Guidelines*. [PDF]. [http://www.studentaffairs.pitt.edu/wp-content/uploads/2020/02/Demonstration and Protest Guidelines-2020.pdf](http://www.studentaffairs.pitt.edu/wp-content/uploads/2020/02/Demonstration%20and%20Protest%20Guidelines-2020.pdf).** The University of Pittsburgh, like Temple University, is a major public institution located in the State of Pennsylvania. Its Student Affairs department has issued 11 clauses that encourage “peaceful, orderly[,] and nondestructive demonstrations,” which defines a demonstration as: “any public display of support for, or in opposition to, any person, group, organization, cause, institution, idea or policy.”

(1) The 11 clauses are the following:

- a) “Only registered student organizations are eligible to reserve University property, including facilities, certain outdoor spaces, equipment and services. For reservation information, please use the contact list found at: Reserving Space in the Student Union.
- b) Please contact the City of Pittsburgh, Office of Parks and Recreation, to apply for any necessary special event permits for demonstrations on City property.
- c) No demonstration shall impede pedestrian and/or vehicular traffic.
- d) No demonstration shall block or otherwise interfere with any person’s ability to enter or exit any University property (buildings/patios/plaza/gathering spaces, etc.).

- e) No demonstration shall obstruct or disrupt activity related to the University's educational process, including, but not limited to, activity occurring in classrooms, offices, laboratories or other University facilities or grounds, except as may be permitted under the Event Scheduling Guidelines, which outlines appropriate means to demonstrate during a sponsored event.
- f) Use of Tiki lamps, oil lamps, torches, or similar open flame devices are prohibited during any demonstration. Use of candles and luminaries during religious or ceremonial events may be permitted as outlined in the University's Environmental Health & Safety 'Fire Safety and Fire Prevention Guidelines.' . . .
- g) Use of sound/voice amplifiers is prohibited inside University owned or operated facilities. Use of sound/voice amplifiers is also prohibited if it disrupts activity related to the University's educational process.
- h) Demonstrators shall not engage in any behavior or activity that causes or threatens to cause physical injury to another person.
- i) No demonstration shall cause damage to or the destruction of any property.
- j) Distributing or posting literature is acceptable in accordance with University policies on solicitation and/or the University's posting policy found at [the university website's guidelines of] Posting and Chalking Guidelines. For information related to literature distribution during registered speakers or events, please see [the university website's guidelines of] Event Scheduling Guidelines.
- k) Picketing through the use of signs attached to rigid supports or frames is prohibited in any University owned or operated building.”

- (2) Furthermore, The University, with its campus police force, has every authority to enforce “the right to regulate and monitor the time, place[,] and manner of any proposed on-campus demonstrations as may be necessary to help ensure the safety and well-being of community members and the orderly conduct of classes and other functions of the University.”