This document has been assembled by a task force convened in the summer of 2011 at the request of Emory University President Jim Wagner. The charge to the task force was to lay the foundations for, and to initiate, dialogue and education about the fundamental commitments of the Emory University community to dissent and protest: How can these activities be fostered, encouraged and respected? What boundaries may be needed order to affirm the core principles of the integrity and dignity of individuals, groups and of the community itself.

The document consists of four Parts. In Part I we review the institutional context in which we undertake this effort and the particular challenges facing us. In Part II, we propose a set of normative principles on which to assess and perhaps to develop university policies on dissent and protest. Part III offers a set of Praxis Examples. Some of these are drawn from prior events on campus; others are purely hypothetical. The purpose of these examples is to stimulate discussion and debate, to test the adequacy and sufficiency of the draft normative statement(s) in reasoning about the issues, and to begin to identify optimum ways of experiencing these issues in our community. The fourth and final Part of this document, Collateral Documents, is intended simply to be a compilation of reference documents that might bear on the issues presented. These include both existing documents of Emory University and potentially relevant documents from other universities.

Consistent with the charge to this task force, this document in intended to challenge and to clarify, to engage and to evaluate, to criticize and to construct. The components of this document are not presumed to be systematic or internally coherent. Rather, each is offered as a context for internal critique and reexamination. Finally, this document is not designed as a conclusion. It is an invitation for dialogue, education, and revision.
I. The Context

Towards a Vibrant University Community

As a university community, we strive to encourage and to incorporate diverse voices. We do so in part because such diversity is our reality; indeed, it is a growing reality as the world presents us with a range of new challenges. But our support and respect for a diversity of voices also reflects the best of our national traditions. It reflects our desire to nurture active, responsible citizenship. And it reflects our belief that the health of a university, including the pursuit of intellectual growth and constructive contributions to the world around us, requires a variety of voices.

Our record in accepting and promoting this variety is distinctly uneven. This is in part because many, different voices are not always harmonious. Rather than a melodious choir, diversity can sound discordant, even jarring, especially when these voices are expressed through dissent and protest. Yet, dissent, and its corollary of protest, are important, even necessary mechanisms through which members of a community often express differences and disagreements. At this point in time, however, we are not clear as a community on acceptable forms, sources, and extent of dissent and protest.

The Challenges of Dissent and Protest

Establishing community norms and standards for dissent and protest is not easy. First, such activities function as mirrors that hold our community accountable. Acknowledging our own failings is rarely easy: It involves questioning past practices, challenging existing interests, and recognizing gaps between our words and actions. Second, dissent and protest requires tough balancing: between the benefits of tranquility and those of turbulence; between the importance of respecting authority and the need to challenge it. Third, achieving community standards for dissent and protest presumes clarity on who is in our community. The university is, after all, not a homogeneous democracy in which all citizens ideally have an equal vote. We are faculty, staff and employees, directly employed or employed by affiliates and contractors, with different functions, interests, and influence. In these conditions, a precise definition of our community is itself a challenge. Fourth and finally, we confront new challenges. To be sure, universities have traditionally faced tough issues, such as civil rights, military recruitment, union representation, curricular content, and gender and racial/ethnic diversity. Today, we face ever-intensifying global competition; the widespread and increasing use of contract labor; steep tuition costs and probably the most uncertain employment prospects for students since WWII; a sustained national debt crisis; and a highly polarized national, political landscape. Such conditions will inevitably spawn new differences, dissent and forms of protest.

Next Steps

How then do we achieve the kind of vibrant community we aspire to? How do we transform these challenges into opportunities for dissent and protest that do not stifle discourse but rather promote deeper and broad engagement and thus deepen our sense of community? In
addition to identifying the challenges and acknowledging our uneven record, we suggest the following as points of departure for the development of more specific norms and standards:

    First, it is useful to take stock of past practice and rules. In what areas have we succeeded and where have we come up short with regard to reconciling the opportunity for dissent and the need for community cohesion and stability? What are existing standards and how, if at all, might they need revision?

    Second, we need to sharpen our understanding of new challenges.

    Third, we should attempt to be clear about the importance of being “responsible.” For those with a voice in the formulation of standards covering dissent and protest, it means that boundaries must be clear and consistent with our mission as a community. For those with the power to enforce boundaries, it means doing so with an awareness of that mission. For those who seek to improve our community through dissent and protest, it means being engaged in the process of establishing boundaries, acknowledging these boundaries, and accepting the consequences for exceeding them.

    Fourth, the process of formulating standards and establishing rules should involve input from throughout the community. This means providing incentives and resources – time and money – to support discussions in residence halls, fraternities and sororities, faculty meetings, and various work sites.

    Finally, it would be useful to examine ways in which other universities have addressed issues of dissent and protest under present conditions. What kinds of lessons are useful for us and why?
II. The Normative Foundation

Our community is grounded in a deep and courageous commitment to diversity and difference. The nature of our life together and our shared pursuit of intellectual growth and positive transformation presupposes the existence of dissent. Dissent is both necessary and essential to a thriving community.

Our community is also grounded in deep and abiding commitments to the integrity and dignity of individuals, of relationships, and of the community itself. Our community is far more than a collection of individuals or particular communities. It is life together with shared commitments to common endeavors.

Dissent, and its corollary of protest, are seeds that allow a community to blossom and the mirrors that hold a community accountable. The power of dissent lies less in the number of persons expressing dissent and far more in the substance of the message. Dissent can be that which is the voice of a minority but it can also be that which protects against tyranny of a minority.

We are a community striving to reconcile unity with diversity, to balance order with energetic exchange, to ensure respect even as we encourage dissent, to weigh the benefits of tranquility with those of protest. These tensions are inherent in our community. Resolving them is difficult, and we have not always succeeded in doing so constructively. Our challenge is to strength our capacities to affirm these tensions in a manner that deepens our commitment and contribution to our community as citizens. Respect and responsibility are central.

As our community affirms and embraces the vitality of dissent we must also embrace certain boundaries that respect and protect both integrity and dignity. Dissent, and boundaries to dissent, should rarely if ever be mutually exclusive. Our responsibility is to affirm simultaneously the opportunity for dissent and the on-going life of the community. Just as the life of a community is not static, the nature of dissent and the boundaries for the expression of dissent must be dynamic and fluid.

Balancing the value of dissent and protest with the other values of our community necessarily results in tension among our commitments. It means that boundaries must exist in a manner that maximizes the opportunities for conflict resolution through fair and useful exchange. The implications for our members’ responsibilities are significant. For those who seek to improve our community through dissent and protest, it means acknowledgment of boundaries and acceptance of consequences for exceeding them. For those with a voice in their formulation, it means that boundaries must be clear and consistent with our mission as a community. For those with the power to enforce boundaries, it means doing so with an awareness of that mission.

When dissent and protest are directed towards that which is largely external to our core community, our responsibility is to affirm the value of such expression and provide space for it. When dissent and protest are directed towards that which is internal to our core community, greater care must be taken so as not to confuse our community’s commitments and boundaries with arrogance.
Dissent

Our community affirms, fosters and encourages the opportunity for dissent as a natural dynamic within a thriving community. The modes and methods of dissent are rich and manifold. It may be silence and passive in nature; it may be expression and active in nature. The forms of dissent may be by symbols, by speech, by expression, by action. Dissent may be the expression of an individual but it can also be that of a collection of individuals, a distinct organization, or a special interest group.

The opportunity for dissent is honored as a value in itself. Honoring dissent neither implies nor compels agreement with the substance of the expression. The goal of dissent may simply be expression alone. When the expression of dissent is at the same time an invitation for dialogue and discussion, emphasis is placed on ensuring the possibility of process for the exchange of views, including third party facilitation when appropriate.

The underlying motivation for dissent bears little relationship to the substance and process of the community’s affirmation of dissenting voices. The prophetic voice is the dissenting voice precisely because it calls into question the status quo.

Because of our commitment to diversity and difference and the vitality of dissent, our community fosters a multiplicity of contexts for the exchange of views. Through a broad spectrum of print and electronic media, through a commitment to research and pedagogy, through informal and formal events as a living body, our community engages intentionally in affirming the exchange of differing views. At times this is best done through dedicated physical spaces, focused events, or targeted discussions.

Because of the abundance of modes and methods of expressing dissent, it should be rare that dissent encounters strictures or structures which limit it. Our community’s commitment to integrity and dignity in pursuit of intellectual growth and courageous inquiry means that the form and substance of dissent within our community must also respect these commitments. The responsibility of the community is to affirm dissent which is able to respect these commitments as well.

Protest

Protest is dissent with a goal of change. Protest challenges the status quo by arguing for transformation. As with dissent, protest may be directed towards a concept or a behavior, a rule or a structure.

Protest directed towards change in some aspect of the local, national or international contexts can and should be affirmed and accommodated by engaged planning between the community and the advocates of such protest.

Protest directed towards change within our community will be affirmed and accommodated with heightened sensitivity when the community is the focal point of the desired transformation. The community has a responsibility to listen and to engage in discussion and deliberation about the issues presented and to pursue inquiry and education about the issues. When possible and appropriate the community will involve others to assist in the discussion and deliberation.
The primary difference between dissent and protest lies not in the substance of the message but in the practical challenges that are considered, faced and tested while simultaneously affirming the value of protest and other aspects of the life of the community. Ongoing work is required by the community to accommodate protest and our commitment is to do precisely that. Whenever feasible our community will engage with those seeking to protest to create intellectual, spiritual and ethical places and spaces that maximize the expression of the protest and minimize adverse impact on the other aspects of community life.

Community

Both dissent and protest are embraced and affirmed as core to our community. They are embraced precisely because of who we are as a community. Because they occur in the context of our community they must be affirmed in balance with the entire community and the commitments of our community to integrity, dignity and mutual accountability. Our community is one which lives in the context of broader constitutional, civil and criminal laws which establish minimum criteria for our life together. Our community is knit together by additional normative commitments which are grounded in our past and which serve as guideposts for our future. Our community lacks jurisdiction over physical spaces beyond its geographical boundaries, such as public streets and sidewalks, but does have either concurrent or paramount jurisdiction over its physical spaces and the fabric of its life.

Our community has a broad, deep and inclusive sense of its membership. Acknowledging the complexity of describing membership, our community includes faculty, staff and employees including those at our various affiliates. We also include members that the outer margins, extending to our neighbors by geographical proximity as well as other partners at the local, state, national, and international levels, including the public at large. Our community is both dynamic and multilayered in its membership.

Our commitment to affirm dissent and protest as vital to our community is highest when it involves those members at the core of the community for they are all responsible to honor all commitments of the community. The inclusive affirmation of dissent and protest changes as community membership moves to the periphery for the mutual commitment itself becomes more tenuous.

Balancing the value of dissent and protest with other values upon which our community is grounded necessarily means that conflict in commitments is inevitable. It also means that boundaries can and must exist in a manner which maximizes the capacity of conflict to produce fair and useful exchange while preserving our values. The efficacy and justice of such boundaries depends upon our ability to ground the values which are in conflict with our shared commitments. The boundaries must be formulated and experienced with clarity, prospectivity, predictability and adaptability. All boundaries must be congruent with the values and the precise conflict presented.

The possibility of sanctions for violations of boundaries is essential for the protection of the values to which our community is committed. A sanction is never to be imposed to discourage dissent and protest, and only to be used to honor the boundaries that protect the
values and commitments of the community. Our community bears the responsibility of grounding boundaries and sanctions that define our life together.

Our affirmation of dissent and protest is based in part on our commitment to courageous inquiry. This commitment entails recognizing new challenges facing our community; it means accepting that new challenges will generate new tensions, new disagreements, and new demands. Courageous inquiry is the affirmation of creative tension in an ever changing community.
III. Praxis Examples

(The “I” in these examples is the contributor of the examples, and the example is as remembered by contributor.)

The following Praxis Examples are presented for purposes of discussion designed to test the validity and sufficiency of the foundational propositions in the Normative Statement. These examples are simply ones that have been received by the Task Force, and are accepted as submitted. The issue for purposes of this document is not so much the historical or factual accuracy of the description, but the possibility that the example can stimulate open dialogue on the whether we have identified the essential principles to guide the proper resolution of the issues in terms of dissent, protest and community.

1. **Louis Farrakhan speaking on campus**: Farrakhan was invited to campus by an Emory group, who also wanted to make his speaking (at Glenn) an open to the public event. We struggled with our intellectual and communal commitment to free speech and our value-driven resistance to hate speech (what was perceived as hate speech). Another campus group decided they would organize an “action” in front of Glenn Memorial Church. Several versions of that “action” were discussed, a silent protest with armbands, a silent arm-in-arm line that would block the door, a vocal protest including signs.

2. **PETA** (perhaps joined by other animal rights persons or groups): attempting to breach the fences and get into the Yerkes Primate Center near campus: In some way, campus officials knew this “action” was planned for a specific date. Preparatory discussions about strategies and decisions were held. Decisions were made and police staff (others?) were trained and assigned roles. PETA members and (I believe) others were arrested, physically removed, and charged.

3. **Defacement of Succah**: The first time the Jewish community built a Succah in celebration of their religious holiday, it was defaced overnight. No group claimed responsibility for the action (to my knowledge). Discussions involved the fact that it was located in a high traffic area, meaning some perceived it as blocking a highly trafficked campus path because of its proximity to the literal sidewalks (not on them). Processes were not clearly in place to even begin a discussion of this event- we had not faced such a public affront to religious life. Those had to be established and then discussions begun amidst heated and emotional upset.

4. **Gay, Lesbian, Bi-Sexual March and Demands**: The LGB (and eventually T) community decided to peacefully march in protest to the lack of services and rights available to them at Emory. Chanting and carrying signs, they marched into the Administration Building and “took over” the fourth floor hallway. Sitting there for approximately thirty minutes, a representative group, which they chose, met for 2 hours with President Laney. After that conversation, reaching mutual agreement on committee
membership, agenda, and time frame, a committee was established to begin discerning and calling for explicit changes in services and rights. The process took a number of months. [In a somewhat similar vein, after two campus rapes, a major outcry including Wheel Editorials and quad activities began regarding safety, services, and rights for women and racial and ethnic groups. A “town hall” meeting was held that lasted almost three hours with an open mike. President Laney received the comments, sometimes replying, along with a few other university officials). Mostly, this was a venting and listening public event in Glenn Memorial Church. A large university-wide committee with sub-committees was established, which set goals, processes, and time-lines. Within the year, The Multi-cultural Center was established and the Women’s Center among other programs and budgets.]

5. "The Anthropology – ‘N-Word’-Incident": Immediately after the incident, President Wagner held a town-hall meeting in Glenn Memorial Church. The meeting was energized and highly contentious. Pres. Wagner was challenged by students alleging institutional racism. Other meetings followed and this particular incident was placed in the context of other cases of racial insensitivity if not plain old racism. A number of faculty (over 20?) published a sign letter in THE WHEEL affirming their belief that the institution was racist. My own experience was in helping to organize meetings of faculty. These were difficult, especially because there was a real effort to include people who were skeptical as to the seriousness of the “institutional racism” allegation. These meetings, and others, helped contribute to the TCP. For me, the key thing was to hear all voices. Indeed, that has been, I think, one of the strengths of the TCP.

6. THE WHEEL and the Obama Election: In 2008, THE WHEEL editorial staff decided not to highlight Obama’s election in its Friday edition following the election. They did so based on the belief that the election had taken place on Tuesday and that the major media had already covered it extensively. Many African-American students protested strongly, arguing that it was indeed big news, and that failure to make it a big front-page headline was an affront to African-Americans (I think this was how it played out). There was eventually a general meeting of “both sides.” I didn’t attend the meeting, but my impression was that it didn’t resolve much. I had the opportunity to talk extensively with one of the editors who happened to be one of my students. She laid out the editors’ reasoning, talked about how extensively and painfully they discussed the issue and made the decision, but eventually recognized that there were no black students on the board and that there was in fact no black voice in the decision. The point wasn’t whether this was “new” or “old” news but rather whether the news was highly significant historically and to a significant sector of the community. I do not think there has been any growth in African-American presence on THE WHEEL.

7. David Horowitz: Speaker: Controversial speaker David Horowitz spoke at White Hall three years ago. Student protestors stood during his speech and lectured over him which kept the audience from hearing his comments. Due to the threatening nature of the protestors and the inability for Horowitz to be heard, the speech was halted. A planning meeting of protestors was scheduled the night before and some Campus Life staff
attended. Many of the leaders of the dissenters were non-Emory persons. The night of
the program the organizing group complained that freedom of speech was trumped by
someone else’s freedom of speech.

8. **Flyers for Occupy Atlanta:** A registered student stood on the Cox Hall Bridge handing
out flyers about the Occupy Atlanta group’s activities. He was encouraging passers-by to
become involved. It was reported that Emory Police spoke with the student and told him
that he would not be allowed to hand out his flyers. He was reportedly told that if he
wanted to hand out flyers about **Occupy Atlanta**, he would have to pay $50 to reserve a
table in the DUC from which he could disseminate information.

9. **Arrest of Sodexo Protesters in April, 2011.** Last Spring, after more than a year of
raising questions about Sodexo’s labor relations at Emory and elsewhere, students
affiliated with SWS (Students and Workers in Solidarity) determined to take further
steps. They held a protest gathering outside the Administration Building and then moved
to “occupy” the building’s fourth floor to pressure the Administration to meet their
demands. This sit-in was fairly brief and to my mind quite orderly. I made a number of
short visits to the group, urging that they think through how far they were prepared to
push this tactic; and they seemed to me generally more interested in enhanced dialogue
than in provoking a head-on confrontation. In any event, once threatened with arrest they
left the Administration Building and camped outside. This second “occupation” lasted
several days, during which I again made several visits to the group, again urging they
think through their tactics and goals. I particularly urged that they appreciate Graduation
was fast approaching and that the Administration was almost certainly not going to let
them remain **in situ** during that event. The SWS members I talked with appeared fully
aware of this latter factor and implied (so it seemed to me) they had fall-back positions in
mind. On the evening of the arrests, an SWS member called me, in some distress, saying
“they’re taking our tents down.” I rushed over from the gym to find several Facilities
Management people and a senior administrator disassembling the camp site. I spent a few
minutes mediating between the administrator and SWS over the issue of where the
students’ personal property was being taken. But then, believing that no one—at that
point—anticipated further dramatic developments, I went home. Only to learn later that
night about the arrests. A concluding thought. There are competing narratives about what
immediately preceded the arrests: the precise content and timing of warnings issued; the
understandings given and received about use of campus space; etc. And in particular
there’s been much discussion over whether the students knew, or should have known,
they faced police action for camping on the Quad. My conversations with SWS members
prior to the event, together with the arrestees’ statements after their incarceration, lead me
to believe those arrested had not self-consciously aimed to end up in jail. But even if this
had been their intention, it remains to ask whether the University acted wisely. Some 6-7
days elapsed between the arrests and chairs going up on the Quad for Graduation. One
cannot help but wonder whether this time might not have been used to allow faculty and
others to work toward another solution.
IV. Collateral Documents

(This is a preliminary list of policies that are potentially relevant to discussions.)

Documents of Emory University

2. Emory University, Residential Life & Housing Standards and Policies, (Undated)
5. Emory University Policy 5.1, Information Technology Conditions of Use, effective March 31, 2007, last revised March 15, 2011.
8.

Documents of Other Universities
Emory University Freedom of Expression Policy  
(as revised January, 2009)

Freedom of expression, dissension and others forms of protest

As members of a community, it is imperative that we recognize the right of all individuals to share their opinions, even if we disagree with those opinions. As a community, we must strike a balance between the right to share one’s opinion and the right to disagree with that opinion. We must also use our rights responsibly, for there are consequences for both the use of one’s words and one’s reaction to those words.

There is room for disagreement in any functional community. Forms of acceptable peaceful dissent or protest include: picketing, orderly demonstrations, distribution of leaflets, or peaceful assembly. Expressing one’s opinions or viewpoints must be viewed from the perspective of the Sponsor (the person, or group holding an event), as well as the perspective of the Dissenter or Protestor (the persons or group who hold an opposing viewpoint than might be expressed at an event organized by the Sponsor.)

The following will apply to all Emory University students, faculty and staff members. All forms of peaceful dissent will be subject to the approval of the appropriate University official. These forms of dissent will be permitted unless such an event interferes with the normal functioning or operation of the university, or significantly impede the rights of other individuals to participate in an event (such as a lecture, ceremony, interview or public event), or the acts of violence or harassment occur.

- **Encountering dissent in the process of program planning:**
  - Accept that individuals have a right to disagree with the position of your organization/department or sponsored guest. All forms of dissent must be nonviolent. Such events are not to be abhorred, but are to be viewed as opportunities for expression, discussion and understanding.
  - If you know, or are concerned, that your event may create controversy or a strong reaction on the part of other community members, please contact Lieutenant Finley of the Emory Police department (404-727-8005) to make sure that your security needs are met.
  - For student organizations, it is also important that the group work closely with a staff member from the Office of Student Leadership & Service and follow the appropriate event checklist.
  - If your event will involve a lecturer or guest, it is strongly advised that your organization/department reserve a large room and designate that room a “Free Speech Area.” With such an accommodation, individuals who oppose the viewpoints shared at your event will have a space, which is separate from your event, to express themselves and react to the event. Their expression will not interfere with any other individual’s ability to participate in your event.
Consider holding a moderated event with the individuals who oppose your position or viewpoint to further explore the issue. Such an event should not occur at the same time as the event in question. The goal of such an interaction would simply be to further understanding of multiple perspectives—not to convince another individual that your opinion is the only, or more, correct opinion.

**Protesting or dissenting to a program, speakers, or event:**

- From time to time, a member of the Emory community may have a position on a topic that creates a strong reaction. Such events are not to be abhorred, but are to be viewed as opportunities for expression, discussion and understanding. All forms of dissent must be nonviolent.

- If your dissent is strong that you do not wish to attend the event, consider working with the Sponsor to reserve a large room and designate that room a “Free Speech Area.” With such an accommodation, individuals who oppose the viewpoints shared at the sponsored event will have a space, which is separate from the event, to express themselves and react. This expression will not interfere with any other individual’s ability to participate in the sponsored event.

- Consider holding a moderated event with the individuals who oppose your position or viewpoint to further explore the issue. Such an event should not occur at the same time as the event in question. The goal of such an interaction would simply be to further understanding of multiple perspectives—not to convince another individual that your opinion is the only, or more, correct opinion.

- All forms of peaceful dissent will be subject to the approval of the appropriate University official. Forms of dissent will be permitted unless such an event interferes with the normal functioning or operation of the university, or significantly impede the rights of other individuals to participate in an event or the acts of violence or harassment occur.

- There are specific areas on the Atlanta campus of Emory University which can be used for peaceful freedom of expression. Such areas will be designated as “Free Speech Areas.”

- Emory University reserves the right to refuse permission to use a particular area for dissention activities. When this does occur, all relevant reasons and rationale will be shared with the organizers.

- Protest or demonstration activities must not:
  - Prevent the orderly presentation of a University function, activity or program such as a lecture, ceremony, meeting, public event, or program.
Interfere with the ability of a person to move about the campus for legitimate purposes. This includes inside and outside of any campus buildings.

If any of the requirements are not complied with, students or attendees will be subject to arrest and or disciplinary action.

Free Speech Areas
If you would like to plan an event involving the peaceful dissent or protest of an event, speaker, etc. at Emory, the following areas are the best suited for such activities.

- The terraces of the Dobbs University Center
- The Asbury Circle traffic circle
- The Quadrangle (in front of Candler Library)*
- Candler Library (the side facing Asbury Circle)*
- Patterson Green between the Schwartz Center and Goizueta School of Business*
- The lawn between Gambrell Hall and N. Decatur Rd*
- Rudolph Courtyard
- The lawn between Dowman Drive and Atwood Chemistry Center*
- The lawn between WHSCAB and the parking lot next to WHSCAB*
- Grace Crumb Rollins Garden (along Clifton Road)

Many of these spaces may be reserved through different administrative offices. The first point of recommended contact to reserve a space appropriate for your activity would be the Dobbs University Center, Meeting Services Office at 404-727-6157. Student organizations may refer to the Eagle Source: A Guide for Student Organizations for additional information on space reservations. The Eagle Source is produced by the Student Government Association (404-727-6179).

Locations with an asterisk (*) denote the following:

Demonstrations of a more quiet nature would be more suited for these locations since there are academic classrooms nearby. Amplified sound is not permitted before 5:00 pm.
The Task Force on Dissent, Protest & Community

In June, 2011 the Task Force on Dissent, Protest & Community had as its original members, as well as the late Professor Rudolph Byrd:

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This working document does not necessarily reflect the views of any given person who has participated in the work of the task force and is not intended to be a final or complete document. It is very much a constant work in progress.