

## **Disruptive Activity Policy**

### **Purpose**

The University of Michigan-Ann Arbor (the University) respects, encourages, and defends free speech and free expressive activity as bedrock principles of our academic community. Those principles extend to engagement in the University community, including academic and social activities, gatherings, and celebrations. Being members of a community means respecting one another's right to engage in speech, expression, and activities that are important to each and every member of the community.

No one has the right to infringe on the exercise of others' speech and activities by disrupting the normal celebrations, activities, and operations of the University ("University Operations"). The purpose of this Policy is to address disruption to University Operations so that all members of the University Community and guests may exercise their rights, including their right to hear from speakers; attend classes, activities, and open meetings; and participate as guests at University ceremonies. See, e.g., UM SPG 601.01.

### **Scope**

This Policy applies to all students, employees, contractors, volunteers, and visitors ("Person") engaging in disruptive activity that either impairs the University's ability to engage in University Operations or prevents others from participating in them, as set forth by this Policy, on University property, or in University controlled spaces (University Facilities).

### **Policy**

1. No Person without legal authority may prevent or impede the free flow of persons about campus, whether indoors or outdoors, including any pedestrian, bicycle, or vehicular traffic.
2. No Person may disrupt the University Operations of UM Facilities, including but not limited to the communications or activities of speakers or performers on University Facilities, or of any class, laboratory, seminar, examination, performance, formal proceeding, activity in a reserved space, field trip, or other educational, research, artistic, athletic, medical, operational, or service activity occurring on UM Facilities by obstructing lines of sight, making loud or amplified noises, projecting light or images, or otherwise creating substantive distractions.
3. All Persons in violation of this policy, or those who knowingly aide or assist others in committing a violation of this policy, must comply with lawful requests to leave UM Facilities.

### **Violations and Enforcement**

To the extent practicable under the circumstances, a Person in violation of this policy either will be instructed to bring their activities into compliance with the requirements or will be asked to leave UM Facilities.

If the University has good cause to believe that a Person has violated this Policy, the University may take immediate action to prevent ongoing and further disruption and hold the Person

accountable to the full extent of its authority under existing laws, ordinances, and University rules—including requests for misdemeanor charges under Article XII of the Regents' Ordinance and state trespass law, MCL 750.552. In applying this policy, the following procedures will apply:

**A. Students**

1. A student accused of violating this Policy will receive written notice of their alleged violation and evidence relevant to the alleged violation. Within 10 (ten) business days of receiving notice, the student will have the opportunity to meet with a University official to discuss the alleged violation, ask questions, and respond. At this meeting, the student may agree to voluntarily accept responsibility for the alleged violation and an assigned sanction, which will be documented in a follow up written communication to the student.
2. If the student does not voluntarily accept responsibility for the alleged violation and assigned sanction, a hearing will be provided for the student to determine responsibility and, if applicable, sanctions. The University will appoint a hearing officer, who will consider all relevant evidence and make a finding of responsibility based on a preponderance of the evidence. The student may access all information that will be considered by the hearing officer before the hearing. The student may call witnesses and ask questions of any witness providing testimony in support of the alleged violation. The student may bring a silent advisor to attend the hearing.
3. If applicable, the hearing officer may assign any of the following sanctions: formal reprimand, disciplinary probation, restitution, restriction from employment at the University, class/workshop attendance, educational project, service, removal from specific courses or activities, no contact with certain persons, suspension, or expulsion.
4. The hearing officer will issue their decision in writing to the student within 10 (ten) business days of the hearing.
5. A student has the right to appeal the hearing officer's decision only if one or more of the following grounds are met:
  1. the demonstration of a clear error in the hearing process or procedures;
  2. the availability of new evidence that was not reasonably available at the time of the hearing;
  3. the hearing officer's finding was clearly erroneous; or
  4. the assigned sanctions are excessive relative to the violation.
6. To initiate an appeal, the student must provide written notice to the hearing officer within ten (10) business days of receiving notice of the hearing decision. \_\_\_\_\_ will determine whether there are grounds for an appeal. If granted, an appeal officer will review the case and may sustain or reverse the finding of responsibility and/or modify the assigned sanctions. The student will be informed in writing of the appeal officer's decision, which is final.

**B. Staff**

If it is determined that a University staff member has violated this policy, such violation shall constitute “misconduct” under UM SPG 201.12 and the University may institute discipline, up to and including termination. In such cases, the staff member will be afforded all rights under University policy and any applicable collective bargaining agreement, including but not limited to UM SPG 201.12 (Discipline) and SPG 201.08 (Grievances and Dispute Resolution).

**C. Faculty**

If it is determined that a University faculty member has engaged in conduct in violation of this policy, such conduct will be assessed under the University rules and regulations applying to faculty, including but not limited to UM SPG 201.96, and other rules and regulations of the University.

**D. Contractors, Volunteers, and Visitors**

If it is determined that a contractor, volunteer, or visitor has violated this policy, the University may terminate the contractual relationship in accordance with the provisions of any contract, terminate the volunteer opportunity, require the visitor to leave campus, or bar them from campus in accordance with state trespass law, MCL 750.552.

**Other University Policies**

In the event of a conflict with another University policy, this Policy shall apply.