

EXCERPTS FROM STUDENT HANDBOOK AND STUDENT CODE OF CONDUCT APRIL 2024

While Colby's "Framework on the Right to Protest" does not become official College policy until July 1, 2024, its guidance refers to existing policies and principles that are already a part of our campus environment. In fact, the portions of the Framework that describe examples of activities that exceed limits on the right to protest are derived from the policies in the Student Code of Conduct and the Student Handbook.

This document identifies a number of provisions that may be relevant in the context of a protest or demonstration, and provides further guidance that integrates the Framework with the existing Handbook and Code. For example, encampments erected on College property as part of a protest are a form of display and must be authorized under current college policy. Below are a number of provisions that address both displays and use of College property. This list is not exhaustive; see the Handbook and Code for further details.

Existing Handbook and Code Provisions

Posting, Display, and Distribution of Materials Policy: Posting, display, and/or distribution of flyers, posters, notices, religious symbols and other materials is permitted within and on the doors of individual offices and student rooms, provided that they are agreed to by all of the occupants of the particular space and do not violate other College policies.

All other spaces on the campus are considered public, and posting, display or distribution of materials in such areas must be done in an authorized area (including bulletin boards and special display areas designated from time to time by the College) or have specific authorization from the appropriate administrative supervisor. Content of materials must not violate any College policies. Whenever posters or displays are permitted in public areas, their placement should allow room for the proportionate display of other symbols or materials promoting other traditions or points of view. Materials may not be affixed to painted walls, doors or windows.

Display of materials in the central quadrangle shall be permitted only in exceptional cases. Posters or other materials produced using College funds or resources must identify the sponsor.

It is expected that individuals, clubs and organizations will remove posted materials after the event. Clubs and organizations misusing posting space will lose the designated space.

The College will remove all posters from all authorized and designated posting areas, except those in academic buildings, before the start of each semester.

The College reserves the authority to remove any materials that violate this or other College policies.

Chalking Policy: On occasion, student organizations or individual(s) may seek to promote public awareness on issues and concerns by “chalking” various areas of the campus grounds. Chalking may be done on walkways or roads (not steps or buildings) provided the following guidelines are followed.

- The sponsoring group or individual must reserve the space to be chalked with the Office of Campus Life at least 24 hours in advance and by 4 p.m. Monday through Friday.
- No permanent markers, spray paint or other non-washable materials may be used.
- Organizations or individual(s) responsible for chalking must clean the area by the following Sunday. There will be a fine for groups or individuals who do not remove chalking(s).
- Groups or individuals who chalk without reservations will be fined \$250 and the chalking will be removed.
- Messages that constitute harassment in violation of College policy, or that violate the law, or any other College policy are not permitted.

The Dean of Students Office reserves the right to rescind the chalking policy at any time if abuses occur.

Free Expression: The right of free expression—which does not include a right to harass, intimidate, injure, or silence others—is essential in an academic community and will be vigorously upheld. Infringing upon the expression of views, either by interfering with a speaker, or by defacing or removing properly posted or distributed notices or materials, will not be tolerated. Because unattributed (anonymous) postings preclude dialogue on content, materials such as posters, banners and advertisements should, but are not required to, include the identity of the sponsors. The College may impose sanctions if there is interference with the free, open, civil exchange of ideas and views, including harassment or intimidation. For further information, refer to the Statement of Principles on Freedom of Inquiry and Expression.

From the Student Code of Conduct

- **Causing Distress** - Includes, but is not limited to, threatening, intimidation; bullying behavior; causing severe mental discomfort (as determined by a reasonable person); causing fear of physical or mental harm; expressing the intent to commit an act of violence against another person or group of people to that person or group. The behavior may be through any means, including social media.
- **Creating a Hostile Environment** - Conduct through any means, including social media, that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the College’s educational or employment programs and/or activities. Conduct, which may include expression that rises to the level of harassment, must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective.

In evaluating whether a hostile environment exists, Colby will consider the totality of the circumstances, including but not necessarily limited to:

- The frequency, nature and severity of the conduct;
 - Whether the conduct was physically threatening;
 - The effect of the conduct on the targeted party's mental or emotional state;
 - Whether the conduct was directed at more than one person;
 - Whether the conduct arose in the context of other discriminatory conduct;
 - Whether the conduct unreasonably interfered with the targeted party's educational performance and/or participation in College programs or activities;
 - Whether the conduct unreasonably interfered with targeted party's educational opportunities (including study abroad), College-controlled living environment, or work opportunities;
 - Whether the conduct was humiliating; and
 - Whether the conduct implicates concerns related to academic freedom or protected free expression.
- **Damage/Misuse of Property**
 - Intentional or unintentional defacement, damage, destruction, of College or private property
 - Unauthorized use of College or private property
 - Inappropriate use of College property
 - **Disorderly Conduct** - Causing, inciting or participating in any behavior, either on-campus, off-campus, or in online/virtual environments, that unreasonably disturbs the educational, employment, community, or residential experience of other students, faculty, and/or staff, or which interrupts the orderly operation of the College or community. Examples include: creating excessive noise; creating an unnecessary burden on College or first responder resources; significant disruption of a classroom. *(Note: This policy is not applicable to protected protest action).*
 - **Failure to Comply –**
 - Not completing a sanction assigned through resolution of a College disciplinary process
 - Significant interference with College employee's enforcement of any College policy, including not identifying yourself to a College employee, not displaying or surrendering your ColbyCard when requested by a faculty member, administrator, security officer or Residence Life staff, including student employees
 - Not complying with, or interfering with, a directive from a College employee with authority to issue such a directive, including student employees

- **Free Expression Impingement** - Any infringement of the rights of others to freely express themselves, includes interfering with a speaker, or defacing or removing properly posted or distributed notices or materials. Please refer to the Free Expression policy in the General Policies section of the Handbook for further information.
- **Identity-Based Harassment** - Includes harassment based on a person's actual or perceived race, color, religious belief, political belief, sex, marital status, sexual orientation, gender identity or expression, national or ethnic origin, caste, disability, veteran status, or age. This may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, when the result is the creation of a hostile environment. (Refer to "Creating a Hostile Environment" violation above for further information).
- **Illegal Activity** – Including any activity deemed criminal or illegal under federal, state or local laws, statutes, ordinances, regulations and codes which are not covered by the Code.
- **Noncompliance** - Not complying with College Policies not covered in the Code, or the policies of other College offices, programs, etc., including Residence Life, Athletics, student activity/organization regulations, etc.
- **Responsibility for Guest** – Allowing or enabling any violation of College policy by student's guest(s) on-campus or at an event applicable under this Code.