

**Smith College**  
**Policy Governing Time, Place, and Manner**  
**of Expressive Activity**

**Approved:** *President's Team*

**Date Established:** *10/29/24*

**Responsible Office:** *Office of the President*

**Date Last Revised:** *N/A*

**Responsible Administrator:** *President*

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**I. Statement**

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Smith College (“Smith” or “the college”) endorses freedom of thought and expression for students and faculty as outlined in the Statement of Academic Freedom and Freedom of Expression in the Student Handbook and in the Code of Faculty Governance. Individuals and groups have both rights and responsibilities when expressing themselves in the Smith community. At the same time, the college also has its own obligations to ensure the safety of its community, unimpeded access to its educational offerings, protection of property, and compliance with regulations. At Smith, as in society as a whole, freedom of speech and expression is not absolute. Speech is not protected when it is libelous, slanderous, threatens violence, incites riot, intends to cause personal injury, infringes upon the rights of others, or is otherwise unlawful. In addition, at the private institution of Smith College, speech and expression is not protected when it inhibits the college from performing its educational mission or creates what can be characterized as a harassing or hostile environment, particularly for students who have chosen to make Smith their intellectual home.

Ethical and effective activism on Smith’s campus requires that our community members take responsibility for their words and actions while remaining open to meaningful dialogue with those community members they seek to influence. In a residential educational community founded on the free and open exchange of ideas, where students live alongside one another and where violence and unlawful retaliation are expressly prohibited, open discourse and accountability are our ideals. For these reasons, concealing one’s identity in expressive activities on Smith’s campus is incompatible with its mission and educational goals.

At the same time, we appreciate that there may be limited occasions in which community members participating in expressive activities might conceal their identities (as opposed to masking for health reasons). However, when individuals choose not to follow our policies, anonymity cannot be a shield from accountability. This policy is intended to protect fellow community members and must be followed, even when an individual engages in anonymous protest. For this reason, the college reserves the right to ask anyone to share their identity with

college officials in order to enforce this policy.

As we navigate the benefits and risks of both in-person and digital platforms for communication and activism, anonymity in expressive activity used to harm others through social media, such as harassment, doxing, or the sharing of private information, is also incompatible with Smith's mission and is expressly prohibited. The college retains the right to identify those who have violated college policies.

For community members eager to elevate their activism to effect change on issues about which they care deeply, Smith's resources and centers, like the Jandon Center for Community Engagement, offer meaningful ways to connect interests with community-based solutions and hands-on civic engagement. Students in particular may also consider taking courses and pursuing Praxis experiences or internships focused on their areas of interest, as well as working with the Lazarus Center for Career Development to prepare for careers in fields where they hope to create change. In addition, community members who wish to raise questions or concerns to college leadership are encouraged to begin by engaging with their peer-elected leaders—the Student Government Association, Faculty Council, and Staff Council—which are direct liaisons to college leadership and will ensure that their constituents' voices are heard.

This policy reaffirms our shared commitment to the principles of free speech and expression, recognizing that while we may not agree on every issue, we are united in our desire to exercise these rights responsibly. It is also a commitment to ensuring that our expressions do not infringe upon the rights of others to fully engage in and benefit from the college's programs, services, and activities.

This policy supersedes all other policies and procedures related to the time, place, and manner of demonstrations, protests, and other expressive activity.

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## II. Scope

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- A. This policy applies to all members of the Smith community, comprising faculty, staff, students, and registered student organizations, as well as visitors to Smith, with respect to the logistics (time, place, and manner) by which they engage in expressive activity<sup>1</sup> using college facilities, property, or resources. While academic freedom continues to apply to

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<sup>1</sup> Expressive activity is a term used to cover many forms of expression, including but not limited to protests, demonstrations, and sit-ins. It can be verbal or nonverbal and includes but is not limited to: speaking; singing; chanting; making noise; playing music; occupying spaces; performing; holding signs; organizing assemblies; or publishing, displaying, or distributing images, materials or messages physically, electronically, or through digital platforms and social media.

faculty in their classrooms and academic settings, this policy ensures that such spaces remain free from disruption by unprotected expressive activities.

- B. Nothing in this policy alters the president’s authority to take immediate action in the college’s interest to protect persons or property in emergency situations.
- C. Nothing in this policy should be interpreted as diminishing or interfering with faculty and student rights to academic freedom and freedom of expression in the Statement of Academic Freedom and Freedom of Expression located in the Student Handbook and in the Code of Faculty Governance.
- D. Nothing in this policy should be interpreted as diminishing or interfering with Smith employees’ rights to engage in protected, concerted activity under Section 7 of the National Labor Relations Act.
- E. Anyone participating in expressive activity is subject to this policy and any instructions from college officials in enforcing this policy. Smith generally limits the right to expressive activity on Smith property to current members of the Smith community, unless otherwise authorized in advance by the college, which reserves the right to check Smith ID cards.
- F. Smith reserves the right to ask those not currently affiliated with the college, including visitors, to leave the campus or face removal, for any reason and at any time, with or without prior notification.
- G. The president has authority for this policy and may delegate the enforcement of this policy to other Smith administrators (“college officials”), as appropriate. If the president or designated college official observes individuals violating this policy, they may take appropriate action to stop the policy violation and hold individuals or groups accountable as described in Section IV on Violations and Sanctions.
- H. Individuals and groups must comply with this policy and any directives given in furtherance of this policy. Failure to comply promptly and fully may result in disciplinary and/or law enforcement actions, as described herein.

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### **III. Time, Place, and Manner Requirements**

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Expressive activity must comply with the following time, place, and manner requirements on Smith College property and at Smith College events, regardless of where those events are taking place:

#### **Time**

- A. Amplified sound or other disruptive noise occurring outdoors may occur only between 7:00 a.m. and 10:00 p.m. This serves two purposes: to allow community members for whom the Smith campus is home the ability to sleep, and to conform to the City of

Northampton's ordinances regarding zones of quiet (See Northampton Code of Ordinances Chapter 312, Article IV).

- B. Indoor expressive activities may occur only within the hours a building is open by the college. When the college closes a building, expressive activities inside the building must cease and the participants must leave the building immediately.
- C. Indoor expressive activities within undergraduate houses must comply with house quiet hours.

## Place

- D. The goals of expressive activity are many, and in accordance with Smith's values, they are never to restrict the movement on campus of those not participating in the activity. Expressive activity must not result in harm or prevent individuals from seeking medical attention. Therefore, expressive activity must not violate applicable fire, health, and safety codes. This includes:
  - 1. Keeping entrances, exits, walkways, doors, hallways, elevators, and stairs fully accessible.
  - 2. Keeping a distance of 15 feet from a building's entrance (in recognition of the need for community members to be able to freely enter and exit the buildings in which they learn and work).
  - 3. Allowing the free movement of any person, vehicle, or traffic.
- E. While the college will be able to operate most effectively—and others who may have booked space will feel most respected—when space is reserved in advance for protest activities, we recognize that there will be limited circumstances when this is not possible. If spontaneous protests do occur, it is the expectation of the college that they will be held in outside spaces and that organizers of such spontaneous gatherings do their utmost to use the space reservation system [here](#). Spontaneous protests will be expected to comply with all other provisions of this policy.
- F. Student organizations must also follow policies in the Student Handbook and the Smith College Student Organization Guidebook, and faculty and staff organizations must follow policies outlined in the Employee Handbook.
- G. Participants engaging in expressive activity are prohibited from entering or occupying areas where individuals reasonably expect privacy or freedom from interruption. These areas include, but are not limited to: private residences on college property, personal workspaces, private meetings and events, restrooms, locker rooms, health services, research facilities, quiet study spaces, the museum of art, Lyman Conservatory and other special collection spaces where classes and research occur, closed buildings or spaces, or any location deemed by the college to pose a safety risk.

## **Manner**

- H. Expressive activity must be conducted in a lawful, peaceful, and orderly manner. It must not be libelous, slanderous, threaten violence, incite riots, intend to cause personal injury, infringe on the rights of others, create a hostile environment, or be otherwise unlawful.
- I. Counter demonstrators must also comply with this policy and may not interfere with the expressive activity of others.
- J. Expressive activity must not impede the normal functioning of the college, which includes but is not limited to: classes, meetings, assemblies, academic pursuits, the provision of student services and programs, and other college business and operations.
- K. If noise is disruptive, participants will be asked to lower the volume or stop their activity entirely.
- L. Expressive activity may never involve the possession of firearms, knives, torches, clubs, poles, rocks, or other items that may reasonably be used as weapons or that could likely cause physical harm, items that can be readily modified for use as weapons, or any other item prohibited on campus by other policies.
- M. The destruction, defacing, or damage of college property is strictly prohibited.

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## **IV. Violations and Sanctions**

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Any failure to abide by any terms of this policy is a violation of this policy and will be addressed in the following manner:

- A. The college will ask participants to cease and desist from conduct in violation of this policy and give the participants a reasonable period of time to comply.<sup>2</sup>
- B. If the violation of this policy continues, the college will give the participants a second warning either orally or in writing.
- C. If participants still do not comply with the warnings, the college will attempt to identify all individuals in violation of this policy using any lawful means available, including but not limited to asking for IDs and taking photos or videos for further review. If individuals do not share their identity when requested, they may face additional disciplinary action.<sup>3</sup>
- D. All individuals identified as violating the policy will be referred to the relevant conduct process.

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<sup>2</sup> What is considered reasonable is dependent on the circumstances and will take into account things such as: the severity of the policy violation, when and where the violation is occurring, and the level of disruption of the protest.

<sup>3</sup> College officials are also expected to clearly identify their names and roles at the college when interacting with individuals involved in expressive activities.

- E. The Campus Safety Department will remain in close communication with college leadership at all times to minimize the department's involvement when expressive activity is peaceful and lawful. However, Massachusetts law requires the Campus Safety Department and other law enforcement officers to intervene, without first seeking permission from campus officials, when there is a credible threat to safety, when property is being damaged, when state or federal laws are being violated, or when there is disruption to critical operations, for example, blocking access to emergency services. See Massachusetts General Laws Ch. 41 § 98; M.G.L. Ch. 266; M.G.L. Ch. 269.
- F. Violations of this policy by students, faculty, and staff are adjudicated according to the applicable procedures outlined in the following policies:
  - 1. The Student Handbook and the Code of Student Conduct for students;
  - 2. The Code of Faculty Governance and the Policy of Appointment, Reappointment, Promotion, and Tenure for faculty; and
  - 3. The Employee Handbook for staff.
- G. Depending on the nature of the conduct involved in a violation of this policy, other college policies and procedures may be applicable, including but not limited to policies related to non-discrimination and harassment, equal opportunity, Title VI, and Title IX.
- H. Conduct that violates local, state, federal, or other applicable laws, statutes, regulations, codes, or ordinances may be punishable under those laws, separate and apart from any discipline imposed by the college.
- I. The college may seek relief through courts of law and refer individuals to law enforcement authorities.

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## **Related Information**

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[Code of Student Conduct](#)

[Code of Faculty Governance](#)

[Policy of Appointment, Reappointment, Promotion, and Tenure](#)

[Employee Handbook](#)

[Statement of Academic Freedom and Freedom of Expression](#)

[Events Management](#)

[Notice of Non-Discrimination](#)

[Equal Educational Opportunity Policy](#)

[Posting of Information](#)

[Policy on Chalking](#)

[Zones of Quiet: Northampton Code of Ordinances Chapter 312, Article IV](#)

[Solomon Amendment](#)