



A DCI Deliberation Guide

Campus Protests:

How should universities and colleges handle protests and promote a healthy exchange of ideas on their campuses?

Format for Deliberation

Before the Deliberation

- I. Read this Deliberation Guide (required)
- II. Check out this [Wikipedia entry](#) on pro-Palestinian campus protests this year (optional)

During the Deliberation

- I. Setting Expectations (5 min.)
- II. Getting to Know Each Other (15 min.)
- III. Understanding the Purpose and Complexities of Protest (20 min.)
- IV. Discussing the Role of Higher Education Institutions in the US (20 min.)
- V. *Break (5 mins)*
- VI. Evaluating College and University Responses to Israel-Hamas War Protests (20 min.)
- VII. Identifying, Evaluating, and Prioritizing Policies (25 min.)
- VIII. Reflections (10 min.)

Background

Introduction

In 494 BCE, ancient Roman commoners, known as plebians, left the city and camped on the Sacred Mount outside Rome. They did so to **protest** against the patricians (ruling class) and demand increased civil and political liberties. Realizing that the city was defenseless without plebians, the patricians reached a negotiated settlement, granting them increased political representation. Since these events, protest has remained woven into the fabric of civil society. This form of **organized demonstration** allows individuals to come together, amplify their voices, and appeal to both the broader citizen base as well as those in power. Protests can vary dramatically in goal, method, location, and popularity. Some remain peaceful while others can lead to violence (often called “riots”) and even war. Broadly, “protest” is defined by the Merriam-Webster Dictionary as “a usually organized public demonstration of disapproval.”

Before continuing, it may be helpful to familiarize ourselves with the different types of protests most commonly employed by citizens:

- **Marches:** Groups of people walk together through the streets, often holding signs and/or chanting/singing. Example: Selma to Montgomery marches (1965).
- **Rallies:** Individuals gather at a location, often to hear speakers or musicians. Similarly to marches, individuals frequently have signs and might chant or sing. Example: March on Washington – rally known for Martin Luther King Jr.’s “I Have a Dream” speech (1963).
- **Pickets:** Demonstrators surround, occupy, or block off an area. This is most often seen when protesting against an employer as part of a worker strike. Example: Nurse protests at UMass Memorial Medical Center (2005).
- **Sit-ins:** protesters occupy a specific area. Sometimes for a set amount of time and sometimes until satisfactory change has occurred. Example: Sioux Nation Dakota Access Pipeline Protests (2016-17).
- **Vigils:** Participants might hold signs, placards, or banners to inform passersby of the purpose of the protest. They might also distribute leaflets. Example: White House Peace Vigil (1981-Present).
- **Civil Disobedience:** Individuals protest what they deem to be unjust laws by breaking them (direct) or other laws (indirect) and suffering the consequences. Example: Salt March in Colonial India (1930).

Protests have played a profound role in shaping American society. The origin of the American independence movement traces back to one of the most famous political protests – The Boston Tea Party. American colonists, frustrated at “taxation without representation,” dumped hundreds of shipping crates filled with tea imported by the British East India Company into the water. This initial defiance of British rule through civil disobedience helped unite the 13 colonies in their successful battle for independence.¹

While the subsequent ratification of the Constitution and the Bill of Rights brought myriad freedoms and liberties to some Americans, it took multiple civil and political movements to expand the scope of these rights to increasingly larger numbers of Americans. Changes in legislation to increase civil rights have almost always happened following protests and public demonstrations. Examples of the most famous successful protest movements in American history include the Abolitionist Movement, the Women’s Suffrage Movement, and the Civil Rights Movement. The enduring images of these movements involve citizens marching, rallying, and participating in civil disobedience as methods to protest what they viewed as unjust laws.

The dynamics of a successful protest movement have made American colleges and universities fertile ground for such demonstrations. Protests thrive on a geographically concentrated group

¹ [“Boston Tea Party - Definition, Dates & Facts.”](#) History.com. 2009.

of similarly-minded individuals, helping movements solve their coordination problems, give them more visibility, and gain momentum. Additionally, protesting can often be time-consuming and physically strenuous, making it a domain well-suited for young adults. Furthermore, protests tend to be aligned with liberal ideologies (although they can and do occur in favor of causes across the political spectrum), and the left-leaning nature of many of America's higher education institutions and student bodies helps create the necessary social conditions for organized protest to occur and flourish.²

The dynamics of protest on college campuses have once again been thrust into the public spotlight by the current wave of public demonstrations in response to the war between Israel and Hamas, a US-designated terrorist organization that has controlled the Gaza Strip in recent years. This current era of protests has divided national opinion, led to the resignation of multiple university presidents, and spurred clashes between students, faculty, and law enforcement. This deliberation guide is designed to facilitate a conversation about campus protests, the importance of protest in civil society, and the duties of higher education institutions to both promote a healthy exchange of ideas and ensure that students are safely able to learn on their campuses.

Protest in Civil Society

In many nations around the world, the right to protest is constitutionally protected. The First Amendment of the United States (US) Constitution reads as follows:

*"Congress shall make no law...abridging the freedom of speech... or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."*³

This right to protest has been both reinforced and undermined by subsequent US Supreme Court rulings and congressional statutes. In 1917, for example, when the US decided to enter WWI, there was significant opposition from a range of different civil society organizations. President Woodrow Wilson, fearing that anti-war demonstrations would undermine the US's war efforts, signed the Espionage Act of 1917 and the Sedition Act of 1918. These laws made speech that was intended to "incite insubordination, disloyalty, mutiny, or refusal of duty" illegal – effectively criminalizing anti-war protests.⁴

In the second half of the 20th century, multiple cases came before the Supreme Court testing the scope and limits of the First Amendment regarding protest, free speech, and free assembly. In *Brandenburg v. Ohio (1969)*, Ku Klux Klan leader Clarence Brandenburg was cleared of a conviction stemming from comments he made at a Klan rally. In its unanimous ruling, the Court

² Samuel J. Abrams. ["Critical Differences in Protesting Between Liberals and Conservatives. Here's Why."](#) American Enterprise Institute. 2023.

³ ["US Constitution - First Amendment."](#) National Constitution Center.

⁴ Dave Roos. ["The Sedition and Espionage Acts Were Designed to Quash Dissent During WWI."](#) History.com. 2020.

argued that the government cannot punish speech unless it is deemed to incite immediate “lawless action.”⁵ In *Tinker v. Des Moines (1969)*, the issue of protest in public school settings was brought before the court in response to 13-year-old Mary Beth Tinker wearing a black armband to public school in protest of the Vietnam War. The judges ruled 7-2 in favor of Tinker and her right to peacefully protest.⁶ This ruling is frequently cited to this day, reaffirming that speech by students attending public schools and universities is protected under the First Amendment.⁷

Many other countries around the world, including Germany, India, South Africa, and Brazil, enshrine the right to protest in their constitutions.⁸ While the text reads differently in each case, the basic principles of free assembly and free expression are protected. However, many of these countries also have hate speech laws that the US does not. Proponents of these protections argue that the right to protest is integral to the functioning of these countries, providing transparency, accountability, and an important avenue for social progress.⁹ Other nations, often with more authoritarian regimes, place extensive restrictions on protest or lack any type of constitutional protection at all. Such restrictions, which can be found in countries such as China, Saudi Arabia, and Russia, are ostensibly motivated by a belief that civilian protest undermines the government and creates unnecessary instability.

For countries that permit varying degrees of protest, laws that protect this right must be balanced with the other laws that govern these societies. For example, while peaceful protest might be acceptable, no constitution protects the right to protest violently due to the risks posed to individuals’ rights, public order, and societal stability.¹⁰

Situated between peaceful protest and violent protest exists civil disobedience. Civil disobedience is a public, non-violent, conscientious breach of law aimed at bringing about legal or policy changes. It is defined by a different set of motives than ordinary criminal activity and can be understood as a type of symbolic speech.¹¹ Publicity and peacefulness are often seen as crucial elements of successful acts of civil disobedience, conveying a message about supposedly unjust laws to the broader citizen base and the government. Occasionally, a violent response from law enforcement contrasts with the civility of protesters to swing public opinion in favor of the protesters. Importantly, practitioners are expected to accept the legal consequences of their actions, demonstrating their respect for the legal system and the seriousness of their

⁵ [“Brandenburg v. Ohio.”](#) National Constitution Center.

⁶ [“Tinker v. Des Moines - Landmark Supreme Court Ruling on Behalf of Student Expression.”](#) American Civil Liberties Union. 2019.

⁷ Patrick Gaspard. [“Principles for Universities Responding to Campus Protests Over Gaza,”](#) Center for American Progress. 2024.

⁸ [“Right of Assembly Homepage.”](#) Peaceful Assembly Worldwide.

⁹ James R. Hollyer, B. Peter Rosendorff, and James Raymond Vreeland. [“Transparency, Protest and Democratic Stability.”](#) British Journal of Political Science. 2018.

¹⁰ Josh Moody. [“Colleges Eye Rule Changes in the Wake of Spring Protests.”](#) Inside Higher Ed. 2024.

¹¹ Candice Delmas and Kimberley Brownlee. [“Civil Disobedience.”](#) The Stanford Encyclopedia of Philosophy. 2021.

commitment to their cause. The response to civil disobedience has varied considerably across time and location, yet it remains a vital tool for protesters and has played a role in the current wave of campus protests in the US.

History of Campus Protests in the United States

The current generation of protests at US colleges and universities builds on a rich and contentious history. Some argue that recent protests are relatively restrained compared to historical standards.¹² Yet others view this new generation of protests as more relentless and aggressive than historical instances, crossing boundaries others in the past did not.¹³ Before discussing the current protests and the public and scholarly debates surrounding them, we will first examine the historical context within which they are occurring.

While the first recorded instances of student protest date back to the colonial era, with Harvard students protesting bad food in 1638,¹⁴ the first significant wave of student activism with political aims in the US occurred in the 1960s. The Free Speech Movement at the University of California, Berkeley began in 1964 as students fought for the right to engage in political activities on campus, which was barred at the time. This movement set the stage for future protests, emphasizing student rights and free speech (*Tinker v. Des Moines* would not be brought before the Supreme Court for another half decade). At Columbia University in 1968, student groups protested the university's ties to the Institute for Defense Analyses (IDA) and plans to construct a segregated gymnasium. These protests involved sit-ins and building occupations, eventually leading to violent police interventions. However, the protesters were largely successful as Columbia ditched plans for the gym and disaffiliated from the IDA.¹⁵

The Vietnam War spurred widespread student protests, including the tragic events at Kent State University in 1970, where National Guardsmen shot and killed four students during a protest against the invasion of Cambodia. This incident became a pivotal moment in the national unrest over US involvement in Southeast Asia.¹⁶ Shortly after, similar violence occurred at Jackson State College, where police opened fire on students protesting racial injustice, killing two and injuring several others.

In the 1980s, anti-apartheid protests were prominent, with students at universities like Columbia demanding divestment from South Africa. This era of campus protest influenced later movements including those advocating for divestment from fossil fuels, private prisons, and most recently companies profiting from Israel's continued military campaign in the Gaza Strip.¹⁷

¹² Josh Moody, [“Divest? Call the Cops? Presidents Grapple With How to Respond.”](#) Inside Higher Ed. 2024.

¹³ John McWhorter. [“I’m a Columbia Professor. The Protests on My Campus Are Not Justice.”](#) The New York Times.

¹⁴ Tyler Holmes. [“On-Campus Protests: Free Speech, Discrimination, History, and Power.”](#) American Bar Association. 2018.

¹⁵ Ibid.

¹⁶ Alizah Salario. [“A Visual History of Campus Protests in the US.”](#) Stacker. 2024.

¹⁷ Ibid.

The 21st century has seen continued activism on various fronts. Protests at the University of Missouri in 2015 highlighted systemic racism and led to significant administrative changes. The Black Lives Matter movement has also been prominent on campuses, notably at Washington University in St. Louis following the killing of Michael Brown by a police officer in nearby Ferguson. Students have also protested against gun violence, such as the "die-ins" organized by March for Our Lives activists at New York University in 2019, marking the 20-year anniversary of the Columbine High School shooting. Recent protests have also come from conservative factions, most notably the "Unite the Right" rally in August 2017 that included a march through the University of Virginia's campus in Charlottesville during which protesters carried torches and chanted racist and anti-Semitic slogans.

What is the Role of Higher Education Institutions in Society?

Before discussing the various arguments and perspectives on the Israel-Hamas war protests, it will be helpful to examine the role of colleges and universities as extensions of democratic civil society. Generally, this section outlines two prominent perspectives held on this topic, one focused on the importance of learning and the other emphasizing engagement in contemporary debates. While examining these viewpoints, deliberators can consider additional stances on this question, including the position that a university's primary goal should instead be to balance educational excellence with social responsibility or, alternatively, to foster community and personal growth. There may also be perspectives that combine and synthesize arguments from these different viewpoints.

Perspective 1 – A university's primary duty is to maintain an environment conducive to learning.

On this view, places of higher education should stay focused on their core mission. Students attend these schools to be educated and set up for future success, and schools are obligated to ensure that they create an environment with as few distractions and deviations from this primary objective as possible. While it might be tempting for universities to help solve political crises, it is not their place to do so. The best way for colleges to contribute to making the world a better place is by advancing knowledge and educating the next generation of leaders. While free speech is important, it should not disrupt academic activities. Universities have the right to curb protests that interfere with their core mission and certainly have no obligation to foster political demonstrations on their campuses.¹⁸

Even if schools wanted to be at the center of political debate and protest, there are not enough public spaces on campus to contain everyone who might wish to engage in free expression.¹⁹ If universities decide to permit some protests and prohibit others, they will face backlash and accusations of bias. The best way to avoid the pitfalls of modern political discourse and

¹⁸ Stanley Fish. ["A Note to University Administrators."](#) The Lamp Magazine. 2024.

¹⁹ ["Campus Protesters Are Violating Rights of Other Students, Argues David French."](#) PBS NewsHour. 2024.

polarization is to take a prohibitive stance on all genres of protest. After all, colleges are not responsible for policymaking on domestic or international issues.²⁰

Furthermore, protests are accompanied by myriad negative externalities in the form of noise and crowds that can easily distract students and pose risks to health and safety. While public universities are obligated to honor the First Amendment, their educational responsibilities and commitments to student safety take precedence. If students wish to protest in a manner that poses no risks to health and safety nor disrupts learning in any way, they are welcome to do so. Private institutions have no obligation to uphold First Amendment rights on their campuses and are free to make decisions that they feel best reflect their particular missions – which should be in service of teaching and learning.²¹ Proponents of this view assert that colleges are not and should not be the public squares of democracies; they are instead the centers of education for all members of society, regardless of their political viewpoints.

Perspective 2 – A university’s primary duty is to be a bastion of discourse and a participator in contemporary debates

From this perspective, the role of universities extends beyond merely providing education and ensuring a distraction-free environment for students. Universities are seen as essential platforms for engaging in debates on social and political issues. This broader view emphasizes the importance of academic institutions in fostering critical thinking, civic engagement, and active participation in democratic processes.²²

Universities are unique in their ability to serve as arenas for discourse, where diverse ideas and perspectives can be explored and debated. This role is rooted in the belief that higher education should not only impart knowledge but also prepare students to be informed and active citizens.²³ By encouraging open dialogue and debate, universities help students develop the skills needed to critically evaluate and address complex issues in society.

Critics of this perspective argue that such activities can disrupt the academic environment. However, proponents assert that the benefits of engaging in contemporary debates far outweigh the potential disruptions. They believe that universities should facilitate, not hinder, political expression, even if it occasionally conflicts with traditional academic schedules. Universities, they argue, should embrace their responsibility to contribute to societal progress by providing spaces for free speech and protest.²⁴

²⁰ Patrick Gaspard. [“Principles for Universities Responding to Campus Protests Over Gaza.”](#) Center for American Progress. 2024.

²¹ [“Responding to Campus Protests: A Practitioner Resource.”](#) Legal Links. 2014.

²² Serge Schmemmann. [“Student Protest Is an Essential Part of Education.”](#) The New York Times. 2024.

²³ Eddie R. Cole. [“What University Presidents Can Learn From Past Protests.”](#) Time. 2024.

²⁴ [“A Way Back From Campus Chaos.”](#) The New York Times Editorial Board. 2024.

By maintaining an environment that supports open discourse, universities uphold their commitment to academic freedom and the free exchange of ideas.²⁵ This approach not only enriches the educational experience but also empowers students to become proactive, socially conscious leaders who can influence the world beyond campus.

In this view, universities are bastions of discourse and participants in contemporary debates that play a crucial role in shaping informed, engaged citizens. This perspective champions the idea that higher education should be responsive to the challenges facing society, fostering an environment where students can learn, debate, and advocate for the change they want to see in the world.

The Israel-Hamas War Protests

On October 8th, 2023, one day after Hamas attacked Israel, Times Square in New York City was filled with pro-Palestinian demonstrators inspired by Hamas's fight for autonomy from what they viewed as an oppressive and illegitimate Israeli state. Counter-protesters swiftly organized in favor of Israel and against Hamas, who they viewed as an undemocratic and barbaric terrorist organization. The fervor of protest thus began to spread around the United States.

The propagation of campus protests

The first notable campus protests in response to the ongoing war between Israel and Hamas in the Gaza Strip occurred at Brown University in November of 2023, where students engaged in a sit-in at the main administration building on campus. The students demanded that Brown President Christina Paxson commit publicly to divest the school's endowment from companies profiting off the war. When they refused to leave after the building closed at 5 P.M., local police were called and 20 students were arrested on trespassing violations.²⁶

The first student expulsions as a result of these protests occurred at Vanderbilt University in March of 2024, after demonstrators broke into the president's office, shattering a window and hurting a security guard in the process. All 20 students were suspended for their involvement, and three were expelled.²⁷ The students were also demanding divestment.

Student protests reached a new zenith on April 17th when pro-Palestine students pitched upwards of 50 tents on Columbia University's lawn, setting up the Gaza Solidarity Encampment. The demonstrators demanded the school divest from Israel. Minouche Shafik, the university's president, responded quickly and authorized the New York Police Department (NYPD) to dismantle the encampment and conduct mass arrests. This marked the first time since the Vietnam War that the school allowed police to act against student protesters.²⁸ The following day, a new encampment was erected.

²⁵ ["Responding to Campus Protests: A Practitioner Resource."](#) Legal Links. 2014.

²⁶ Shaun Towne. ["20 Arrested during Protest at Brown University."](#) WPRI.com. 2023.

²⁷ Jeremy W. Peters. ["Colleges Warn Student Demonstrators: Enough."](#) The New York Times. 2024.

²⁸ Bill Chappell. ["In Columbia University's Protests of 1968 and 2024, What's Similar — and Different."](#) NPR. 2024.

This marked the beginning of sustained protest activities on multiple campuses. As the events at Columbia rippled across the nation, students at other colleges and universities, such as Yale, UC Berkeley, and Pomona College, created pro-Palestinian encampments. The clashes between protesters and law enforcement spread both on social media and in the news, spurring activist sentiment across the nation.²⁹ Internationally, protests erupted at universities such as the University of Amsterdam in the Netherlands, Leipzig University in Germany, and the University of Sydney in Australia. The main demand from protesters to their institutions was divestment from “weapons manufacturers and companies with an interest in the Israeli occupation.”³⁰

Students, schools, and politicians have condemned the increase in both antisemitic and Islamophobic incidents on college campuses since the swell in demonstrations.³¹ After attempted negotiations between protesters and Columbia’s administration failed on April 29, protesters forced their way into Hamilton Hall, which led additional action by the NYPD and more arrests. As a result of the protests, Columbia pivoted to a hybrid learning model for the remainder of the semester.³² Furthermore, the instability created on many campuses by the protests led to the cancellation of graduation ceremonies at several schools.³³

For a more comprehensive summary of the many student protests that have occurred on university campuses throughout the US and internationally, see [this Wikipedia entry](#). While this further background may be helpful, it is not required nor expected for participants to know everything about the current wave of campus protests to engage in this deliberation.

Administrative response to campus protests

The speed at which protests engulfed university campuses forced administrations to act quickly under considerable duress. Some schools opted to rely on law enforcement whenever possible, while others sought to engage protesters in dialogue about their wishes and demands. Universities faced substantial pressure from donors and other stakeholders to endorse certain viewpoints and permit some protests while prohibiting others. As such, the responses of school administrations to campus protests over the war have varied widely, reflecting different institutional philosophies, campus contexts, legal constraints, and external dynamics.

Engagement through dialogue

Many universities have attempted to engage protesters in dialogue, recognizing the importance of reasoned discussion and the educational value of protests. This approach aligns with many universities' core values of fostering a learning environment where free expression and open

²⁹ John McWhorter. [“I’m a Columbia Professor. The Protests on My Campus Are Not Justice.”](#) The New York Times. 2024.

³⁰ James Fitzgerald and Bernd Debusmann Jr. [“Mass Arrests Made as US Campus Protests over Gaza Spread.”](#) BBC News. 2024.

³¹ Ibid.

³² Chris Morris. [“Classes at Columbia University Will Be Hybrid for the Rest of the School Year.”](#) Fortune. 2024.

³³ Lexi Lonas. [“Campus Protests Collide with Graduation Season.”](#) The Hill. 2024.

debate are encouraged.³⁴ Some university leaders have sought to work with student organizers to bring about peaceful resolutions, understanding that protests, even when disruptive, can serve as vital educational moments and catalysts for social change. Institutions that have prioritized negotiated settlements and proactive communication have often managed to de-escalate tensions more effectively than those that resorted quickly to police intervention.³⁵ Critics of this approach argue that such engagement is not always possible due to the scale and ferocity of some protests and the intransigence of some protesters. Others insist that students go through the proper channels that “respect the interests of multiple parties and viewpoints;” they should not be allowed to “circumvent those processes or exert special leverage.” Prolonged negotiations can also cause undue harm to the rest of the student body by allowing protests to carry on for too long.³⁶

Police intervention

In some cases, schools have resorted to police intervention to manage protests, particularly when protests have crossed into violence or posed safety risks. The decision to involve the police often stems from a need to maintain order and protect the rights of all students. However, heavy-handed police responses have frequently exacerbated tensions, leading to more significant backlash and criticism.³⁷ Violent police interventions, such as those seen at Columbia University, often lead to media coverage that can further inflame the situation and inspire additional protests. This approach is often seen as a last resort and typically follows failed attempts at negotiation or dialogue. Many critics of this approach argue that schools have been too quick to resort to law enforcement without giving proper regard to other avenues of conflict resolution.³⁸

External pressures

External pressures from donors, politicians, and alumni have significantly influenced the responses of university administrations. Political pressures have often driven universities to adopt more aggressive stances against protests.³⁹ For example, legislative efforts have been made to ensure that federal laws, like Title VI of the Civil Rights Act (CRA), are enforced to protect Jewish students from discrimination, prompting some universities to crack down on protests perceived as antisemitic.⁴⁰ Additionally, the influence of significant donors has sometimes led to university leaders taking more decisive actions against protests to align with the expectations and interests of these influential stakeholders.

³⁴ Archon Fung. [“Campus Protests and Police Force: An Ethical Framework.”](#) Ash Center. 2024.

³⁵ Josh Moody, [“Divest? Call the Cops? Presidents Grapple With How to Respond.”](#) Inside Higher Ed. 2024.

³⁶ [“A Way Back From Campus Chaos.”](#) The New York Times Editorial Board. 2024.

³⁷ Eddie R. Cole. [“What University Presidents Can Learn From Past Protests.”](#) Time. 2024.

³⁸ Anthony D. Romero and David Cole. [“Open Letter to College and University Presidents on Student Protests.”](#) American Civil Liberties Union. 2024.

³⁹ Kate Hidalgo Bellows. [“College Presidents Are Getting in Trouble for Cutting Deals With Protesters.”](#) The Chronicle of Higher Education. 2024.

⁴⁰ Colin Meyn. [“How Campus Protests Flip-Flopped America’s Free Speech Debate.”](#) The Hill. 2024.

The Salient Debates

The events that have played out on college campuses over the past few months have animated the public discourse. Some of the key points of tension are explored below; as you read, consider the arguments that you find most and least persuasive.

Time, place, and manner restrictions on freedom of speech and expression

One of the most contentious debates in the context of recent campus protests is the balance between time, place, and manner restrictions and the broader principle of freedom of speech and expression. This debate hinges on whether universities should strictly enforce rules about when, where, and how protests can occur or whether such restrictions often undermine the fundamental right to free speech.

Proponents of time, place, and manner restrictions argue that these rules are necessary to ensure that the primary educational mission of universities is not disrupted. Universities have a legal obligation to defend the rights of all students, which includes preventing protests from interfering with the educational process. This viewpoint asserts that time, place, and manner restrictions are essential for allowing all parties to have equal access to campus facilities without disrupting the educational activities of the school.⁴¹ Additionally, these restrictions are seen as a practical necessity given the physical limitations of campus spaces, which cannot accommodate all potential expressions of free speech simultaneously. Without such regulations, proponents argue, campuses would become chaotic and unmanageable, with protests often violating the rights of other students and staff.⁴² The goal of these restrictions is to create a structured environment where free speech can occur without leading to disorder or violence. Furthermore, supporters claim that these rules help maintain safety on campus.⁴³ Universities have a responsibility to ensure that protests do not escalate into violence or threats against individuals, which can compromise the safety and security of the entire campus community.

On the other side of the debate, advocates for freedom of speech and expression argue that time, place, and manner restrictions can often serve as a form of censorship, limiting the effectiveness and spontaneity of protests.⁴⁴ They contend that these restrictions are frequently used to suppress dissenting voices and controversial opinions under the guise of maintaining order and safety. Critics of time, place, and manner restrictions highlight that these rules can disproportionately impact marginalized groups, whose voices are already less likely to be heard in traditional venues.⁴⁵ They argue that protests are inherently disruptive and that their power lies in their ability to draw attention to important issues that might otherwise be ignored.⁴⁶ By

⁴¹ [“Campus Protesters Are Violating Rights of Other Students, Argues David French.”](#) PBS NewsHour. 2024.

⁴² Erwin Chemerinsky and Sigal Ben-Porath. [“On Campus Free Speech.”](#) Democracy Journal. 2024.

⁴³ Josh Moody. [“Colleges Eye Rule Changes in the Wake of Spring Protests.”](#) Inside Higher Ed. 2024.

⁴⁴ Serge Schmemmann. [“Student Protest Is an Essential Part of Education.”](#) New York Times. 2024.

⁴⁵ Kevin Francis O’Neill. [“Time, Place and Manner Restrictions.”](#) The Free Speech Center. 2024.

⁴⁶ Serge Schmemmann. [“Student Protest Is an Essential Part of Education.”](#) New York Times. 2024.

enforcing strict restrictions, universities risk undermining the very purpose of protest, which is to challenge and provoke thought and discussion. There is also a concern that time, place, and manner restrictions can be applied selectively, reflecting the biases of university administrations or external pressures from influential stakeholders. This selective enforcement can lead to accusations of hypocrisy and double standards, where certain types of speech are curtailed while others are permitted, depending on their alignment with the administration's views or external political pressures.⁴⁷

Issues of morality and civil disobedience

Proponents of campus protests argue that students have a moral duty to stand up against injustice and that institutions of higher learning should support these efforts. Civil disobedience is often viewed as a legitimate and necessary form of protest, particularly when it aims to address significant moral and social injustices. As noted in the previous discussion of civil disobedience, this form of protest is seen as a way to engage in democratic conversation about justice, even when it involves breaking laws. The moral argument for protest is bolstered by the historical role of civil disobedience in advancing social justice.⁴⁸ However, some have noted that during recent protests, some students have been unwilling to suffer the consequences of their actions and have instead demanded amnesty for their actions. In this view, these demands suggest a lack of seriousness about their efforts and undermine their position from a moral standpoint.⁴⁹ Part of the moral force of civil disobedience comes from the willingness to accept the legal penalties of their actions, demonstrating the protesters' respect for the rule of law – as opposed to rule by fiat and faction – and revealing the depth of commitment to their cause.⁵⁰

On the other side, critics argue that universities have a moral responsibility to maintain an environment conducive to learning and free from undue disruption.⁵¹ They contend that while moral outrage can be a powerful motivator, it must be balanced against the rights and needs of the entire campus community. According to some university administrators, their primary moral duty is to ensure that academic activities proceed smoothly and that all students have the opportunity to pursue their education without interference. Furthermore, there is a moral imperative to protect all students from harm, including from the potential violence, intimidation, and doxing that can accompany large-scale protests.⁵² This perspective emphasizes the need for clear policies and boundaries to prevent protests from escalating into actions that could endanger individuals or infringe upon the rights of others. The principle of minimizing harm is central to this view, which sees the maintenance of order and safety as a fundamental moral obligation of university leaders.⁵³

⁴⁷ Colin Meyn. [“How Campus Protests Flip-Flopped America’s Free Speech Debate.”](#) The Hill. 2024.

⁴⁸ Archon Fung. [“Campus Protests and Police Force: An Ethical Framework.”](#) Ash Center. 2024.

⁴⁹ Alyssa Rosenberg. [“Amnesty Is the One Demand Campus Protesters Should Drop.”](#) Washington Post. 2024.

⁵⁰ Candice Delmas and Kimberley Brownlee. [“Civil Disobedience.”](#) The Stanford Encyclopedia of Philosophy. 2021.

⁵¹ Stanley Fish. [“A Note to University Administrators.”](#) The Lamp Magazine. 2024.

⁵² Patrick Gaspard. [“Principles for Universities Responding to Campus Protests Over Gaza.”](#) Center for American Progress. 2024.

⁵³ Josh Moody. [“Colleges Eye Rule Changes in the Wake of Spring Protests.”](#) Inside Higher Ed. 2024.

Disagreements on this dimension of campus protests may often revolve around the specific extent of time, place, and manner restrictions, all of which are generally agreed should be content-neutral. How much time should be allowed for protests? How much space? What precise manner of protests should be allowed? Silent vigils vs. loud megaphones? Overnight encampments vs. building occupations vs. marches through campus? Disruption of classes or speakers or administrative meetings? Rather than all-or-nothing prohibitions, the difference between improper censorship and appropriate regulations may dwell in the answers to these questions.

The role and presence of law enforcement

Supporters of police intervention argue that law enforcement is essential for maintaining order and ensuring the safety of all students and staff during protests.⁵⁴ They emphasize that universities have a legal and moral obligation to protect individuals from harm, which sometimes necessitates the presence of police to prevent violence or property damage. According to this perspective, police intervention is justified when protests cross the line into violence or pose direct threats to individuals. This view underscores the responsibility of universities to enforce the law and maintain a safe environment conducive to learning. Additionally, proponents argue that a visible police presence can serve as a deterrent to potential violence and unlawful activities. By establishing clear boundaries and demonstrating a readiness to intervene if necessary, law enforcement can help contain potentially volatile situations and ensure that protests remain peaceful. This approach is seen as a way to balance the right to free expression with the need to protect public safety and uphold the rule of law.

Critics of police intervention caution that involving law enforcement in campus protests can escalate tensions and lead to unnecessary violence.⁵⁵ They argue that a heavy police presence can intimidate protesters and provoke confrontations, undermining the principles of free speech and peaceful assembly. According to this perspective, universities should prioritize negotiated settlements and de-escalation strategies over police action. Massive police action is often viewed as the “end of reason and dialogue,”⁵⁶ which should be the foundation of university responses to protests. They argue that police force should be proportional to the level of resistance and only used as a last resort. Engaging law enforcement prematurely can damage the trust between students and university administrations, making it more difficult to resolve conflicts peacefully in the future.⁵⁷ This approach emphasizes the need for universities to develop clear policies for when police intervention is warranted and to prioritize conflict resolution through dialogue and cooperation.⁵⁸

⁵⁴ Edward R. Maguire. [“The Role of US Law Enforcement in Response to Protests.”](#) Niskanen Center. 2022.

⁵⁵ Zeynep Tufekci. [“I Was Once a Student Protester. The Old Hyperbole Is Now Reality.”](#) The New York Times. 2024.

⁵⁶ Archon Fung. [“Campus Protests and Police Force: An Ethical Framework.”](#) Ash Center. 2024.

⁵⁷ Ibid.

⁵⁸ Patrick Gaspard. [“Principles for Universities Responding to Campus Protests Over Gaza.”](#) Center for American Progress. 2024.

Universities can also explore alternative methods of maintaining order during protests, such as community policing and the use of free speech zones.⁵⁹ These strategies aim to integrate law enforcement into the campus community in a way that builds trust and ensures safety without resorting to heavy-handed tactics. By engaging with students and understanding their concerns, universities can foster an environment where free speech is protected, and conflicts are resolved through dialogue rather than force.

The role of politicians

Supporters of political involvement argue that politicians have a duty to ensure that universities uphold federal and state laws, particularly those related to civil rights and safety.⁶⁰ Politicians play a critical role in enforcing laws such as Title VI of the CRA and ensuring that universities do not become hostile environments for any group of students. Furthermore, political leaders can provide essential oversight and guidance to universities, helping them navigate complex issues related to free speech and campus safety.⁶¹ By advocating for policies that protect students' rights and promote a balanced approach to handling protests, politicians can support universities in fulfilling their educational missions while maintaining an environment of respect and safety for all students.

Critics argue that political involvement in campus protests can lead to undue interference and the politicization of university affairs.⁶² When politicians impose their agendas on universities, it can compromise academic freedom and the autonomy of educational institutions. This interference often reflects broader political battles rather than the specific needs and values of the campus community. As a result, universities may find themselves caught in the crossfire of partisan conflicts, which can undermine their primary educational missions. Moreover, political pressure can lead to reactionary policies that may not be in the best interest of students or faculty. For instance, some politicians may push for harsher crackdowns on protests to align with their political base, which can exacerbate tensions and lead to further unrest.⁶³ This approach can stifle free expression and discourage students from engaging in important social and political debates.

⁵⁹ [“Responding to Campus Protests: A Practitioner Resource.”](#) Legal Links. 2014.

⁶⁰ Juan Perez JR. [“Campus Free Speech Is Getting Murky for Republican Governors.”](#) Politico. 2024.

⁶¹ Patrick Gaspard. [“Principles for Universities Responding to Campus Protests Over Gaza.”](#) Center for American Progress. 2024.

⁶² Bianca Quilantan. [“House GOP to Grill College Leaders for Negotiating with Protesters.”](#) Politico. 2024.

⁶³ Anthony D. Romero and David Cole. [“Open Letter to College and University Presidents on Student Protests.”](#) American Civil Liberties Union. 2024.

Setting Expectations (5 min.)

In this section, we will review the “Expected Outcomes,” Deliberative Dispositions,” and “Conversation Agreements” below.

Expected Outcomes of the Conversation

The purpose of this deliberation is to deepen our understanding of the points of contention that currently surround campus protests and deliberate on the best practices for colleges and universities seeking to handle protests and promote a healthy exchange of ideas on their campuses. Over the course of the deliberation, we will have the opportunity to listen to the perspectives of our fellow deliberators as well as share our own thoughts about the topic. Finally, we will have reflected on our conversation, our areas of agreement and disagreement, and what we have learned from our time together.

Deliberative Dispositions

The DCI has identified several “deliberative dispositions” as critical to the success of deliberative enterprises. When participants adopt these dispositions, they are much more likely to feel their deliberations are meaningful, respectful, and productive. Several of the Conversation Agreements recommended below directly reflect and reinforce these dispositions, which include a commitment to egalitarianism, open mindedness, empathy, charity, attentiveness, and anticipation, among others. A full list and description of these dispositions is available at <https://deliberativecitizenship.org/deliberative-dispositions/>.

Conversation Agreements

In entering into this discussion, to the best of our ability, we each agree to:

1. Be authentic and respectful
2. Be an attentive and active listener
3. Be a purposeful and concise speaker
4. Approach fellow deliberators’ stories, experiences, and arguments with curiosity, not hostility
5. Assume the best - and not the worst - about the intentions and values of others, and avoid snap judgements
6. Demonstrate intellectual humility, recognizing that no one has all the answers, by asking questions and making space for others to do the same
7. Critique the idea we disagree with, not the person expressing it, and remember to practice empathy
8. Note areas of both agreement and disagreement
9. Respect the confidentiality of the discussion
10. Avoid speaking in absolutes (e.g., “All people think this,” or “No educated people hold that view”)

Participants may prefer different terminologies, explanations, and narratives as they engage in this conversation. Please respect their choices with open-mindedness and curiosity, as our goal here today is to understand and share rather than convince and persuade. This will allow people with varying viewpoints to express themselves in the discussion and learn from one another.

Getting to Know Each Other (15 min.)

In this section, we will take less than a minute to share our names and 2-3 aspects of our identities that are important to us. These could be our gender pronouns, our occupation, our family status (e.g., husband, mother, etc.), our hometown, our favorite hobby, etc. Please also explain briefly why these aspects of your identity are important to you.

If you are online, while there is no pressure to do so, everyone is welcome to type in any, all, or none of these aspects of your identity into your Zoom nameplate after your name (just right-click on your own image and click “Rename”).

Understanding the Purpose and Complexities of Protest (20 min.)

In this section, we will examine the role of protest in the US and other nations. We will each take 1-2 minutes to answer both questions below. After everyone has spoken once, the group is welcome to take a few minutes for clarifying or follow-up questions and responses. Continue exploring the topic as time allows. **(10 min.)**

- **What are the strongest arguments for permitting protest in societies? What role is protest meant to play in a healthy society?**
- **What are the most compelling arguments (including situations) to restrict protest in societies?**

We will now take the remaining time to discuss the tradeoffs associated with protest. We will each take 1-2 minutes to answer the question below. After everyone has spoken once, the group is welcome to take a few minutes for clarifying or follow-up questions and responses. Continue exploring the topic as time allows. **(10 min.)**

- **What other rights or considerations should be balanced with the right to protest? What are the tradeoffs associated with permitting protest in societies?**

Discussing the Goals of Higher Education Institutions in the US (25 min.)

We will now examine the goals of higher education institutions in the US and discuss how campus protests align or do not align with these goals. We will each take 1-2 minutes to answer the question below, without interruption or crosstalk. After everyone has spoken once, the group is welcome to take a few minutes for clarifying or follow-up questions and responses. Continue exploring this question as time allows. **(10 min.)**

- **What should be the primary goals of higher education institutions in the United States?**

Next, we will each take 1-2 minutes to answer both questions below. **(15 min.)**

- **Which goals are accomplished/achieved/realized through student protests on campuses? Why?**
- **Which goals are undermined by student protests on campuses? Why?**

After everyone has spoken once, the group is welcome to take a few minutes for clarifying or follow-up questions and responses. Continue exploring these two questions, or the previous one, as time allows.

Break (5 min.)

Evaluating College and University Responses to Israel-Hamas War Protests (20 min.)

In this section, we will discuss the myriad ways that higher education institutions have responded to the recent wave of protests on their campuses. We will each take 1-2 minutes to answer the following questions below, without interruption or crosstalk.

- **What is your evaluation of the use of dialogue and attempts to engage with students as an approach to responding to recent protests?**
- **What is your evaluation of the involvement of law enforcement in responding to recent campus protests?**
- **Do you think colleges and universities have been too strict with protesters, too lenient with protesters, or neither?**

Identifying, Evaluating, and Prioritizing Policies (20 min.)

Together we will now take stock of the arguments, points of agreement, and points of disagreement explored in previous sections. We will each take 1-2 minutes to answer the questions below, without interruption or crosstalk.

- **To what extent and under what conditions should we enable, encourage, regulate, and/or prohibit protests on campus?**
- **What must students be allowed to do?**
- **What must students be NOT allowed to do?**
- **What role should different stakeholder groups – such as students, faculty, staff, alumni, community members, local police, and policymakers – play in designing and enforcing protest policies on university campuses?**

After everyone has spoken once, the group is welcome to take a few minutes for clarifying or follow-up questions and responses. Continue exploring the topic as time allows.

Reflections (10 min.)

While today's conversation is an important step in the journey, effectively balancing student expression with the other responsibilities of universities is necessarily an ongoing effort. Please reflect on the insights from your discussion with your fellow participants today, and then answer one of the questions below without interruption or crosstalk. After everyone has answered, the group is welcome to continue exploring additional questions as time allows.

1. What was most meaningful or valuable to you during this deliberation?
2. Where are the areas of both agreement and disagreement in your group?
3. Have any new ways to think about this issue occurred to you as we have talked today? Any new ideas that might transcend our current way of conceiving of the problems and potential solutions?
4. Was there anything that was said or left out from the discussion that you think should be addressed with the group? Are there any perspectives missing from this conversation that you feel would be important to hear?
5. What did you hear that gives you hope for the future of conversations about campus protests?
6. Is there a next step you would like to take based upon the deliberation you just had?

About This Guide

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The Deliberative Citizenship Initiative

The Deliberative Citizenship Initiative (DCI) is dedicated to the creation of opportunities for Davidson students, faculty, staff, alumni, and members of the wider community to productively engage with one another on difficult and contentious issues facing our community and society. The DCI regularly hosts facilitated deliberations on a wide range of topics and organizes training workshops for deliberation facilitators. To learn more about these opportunities, visit www.deliberativecitizenship.org.

DCI Deliberation Guides

The DCI has launched this series of Deliberation Guides as a foundation for such conversations. They provide both important background information on the topics in question and a specific framework for engaging with these topics. The Guides are designed to be informative without being overwhelming and structured without being inflexible. They cover a range of topics and come in a variety of formats but share several common elements, including opportunities to commit to a shared set of Conversation Agreements, learn about diverse perspectives, and reflect together on the conversation and its yield. The DCI encourages conversations based on these guides to be moderated by a trained facilitator. After each conversation, the DCI also suggests that its associated Pathways Guide be distributed to the conversation's participants.

DCI Pathways Guides

For every Deliberation Guide, the DCI has also developed an associated Pathways Guide, which outlines opportunities for action that participants can consider that are related to the covered topic. These Pathways Guides reinforce the DCI's commitment to an action orientation, a key deliberative disposition. While dialogue and deliberation are themselves important contributors to a healthy democracy, they become even more valuable when they lead to individual or collective action on the key issues facing society. Such action can come in a range of forms and should be broadly understood. It might involve developing a better understanding of a topic, connecting with relevant local or national organizations, generating new approaches to an issue, or deciding to support a particular policy.

If you make use of this guide in a deliberation, please provide attribution to the Deliberative Citizenship Initiative and email dc@deliberativecitizenship.org to tell us about your event. To access more of our growing library of Deliberation Guides, Pathways Guides and other resources, visit www.deliberativecitizenship.org/readings-and-resources.