

To whom it may concern:

On behalf of myself and other similarly situated students and student organizations, I request that the Rensselaer Polytechnic Institute Joint Board be convened for a hearing concerning the denial of peaceful demonstration permission by Acting Dean of Students Cary Marc Dresher.

As you know, the Joint Board has civil jurisdiction over alleged violations of Institute rules, rights, or regulations by an academic unit, an administrative unit, or by Rensselaer itself when the complainant is a student or a student group. It is unusual for this Board to be convened, but all attempts at resolution (as outlined in the Handbook) have been exhausted and the the denial is sufficiently irrational and ill-intentioned on its face to merit review.

On March 22, 2016, a request for a peaceful demonstration was made to Acting Dean Dresher in keeping with Article V, Section B1 of the Student Handbook which provides that “students and student groups shall be free to examine and discuss all questions of interest to them and to express opinions publicly and privately. They shall be free to support causes by orderly means, including peaceful assembly, which do not disrupt the normal operation of the Institute.”

On March 24, 2016, a response was received stating that “your request for a peaceful demonstration on the proposed date, time, and location is not approved” and that “I am disapproving your request based on the fact that your proposed demonstration is scheduled for the same time and the same location as the 2016 Spring Town Hall Meeting. As discussed, your proposed demonstration would be in conflict with the Rensselaer Handbook of Student Rights and Responsibilities Article V...which specifies that peaceful student assemblies are allowed as long as they do not disrupt the normal operation of the Institute.” Further attempts to resolve the situation in good faith were unsuccessful, necessitating this filing.

This response contains two contentions concerning the denial; one as to a conflicting time/place and the other as to disruption to Institute operations. The first, aside from not being a grounds for denial in the Handbook, is fallacious on its face. The inside of a sprawling facility built into the campus hillside can hardly be construed as being in a conflicting location with a large field in its rear which comprises a large part of the campus greenspace. Certainly, previous peaceful demonstration arrangements have been made without regard to events occurring in adjacent buildings. In fact, a demonstration in 2009 was held in the CII plaza, abutting countless classrooms, offices, and other in-use facilities.

The Handbook reproduces the so-called “Henderson Rules” enshrined in New York State Education Law Sections 6430-6435, providing Rules for the Maintenance of Public Order. Those rules, among other things, provide that “no unauthorized person or persons shall take any sign or

other demonstration impediments into the building where the speech is to take place”. But even in the context of those restrictions, Acting Dean Dresher’s response makes little sense. If no reasonably-defined form of demonstration can happen within an event (as the law provides) and none can happen reasonably proximate to it (as Dresher contends), no meaningful demonstration against an event is possible. This flies in the face of any reasonable interpretation of the Handbook’s guarantees of peaceful demonstration.

The second criteria, regarding disruption of the normal operation of the Institute, is treated by Acting Dean Dresher as a sort of rhetorical catch-all for any demonstration that offend his politics or those of his superiors. But as these words have a perfectly straightforward meaning, that mode of interpretation must be rejected. Institute operations logically consist of each branch of the Institute moving about its business. Classes are in session, faculty meetings are being held, physical facilities is fixing things, food is being served, and events from dances to study sessions are ongoing. Thus, Acting Dean Dresher cannot simply take “disrupt the normal operations” to mean whatever he wishes. Instead, such a provision must be logically balanced against what normal operations of the Institute comprise. The language is not a license to turn down a peaceful demonstration on the grounds of how one wish the Institute would operate normally or merely because one’s preferences on a particular day would preclude a peaceful demonstration. In fact, it’s fair to say that protests would only be arranged when notable or greatly discussed events are happening on campus.

The only argument that Acting Dean Dresher might have made, but did not, is that Public Safety’s ability to safeguard campus would be impaired, but had the objection been raised, students would have informed him that such inquiries had been made with DPS in the spirit of comity, and no issues were brought up.

In Article VI, Section A, the handbook reminds us that “students shall enjoy the same freedom of speech, peaceful assembly, and right of petition that other citizens enjoy.” This provision, while not immediately applicable, is worth restating because it makes clear the values behind the handbook provisions under discussion. They are designed to facilitate the freedoms of students as citizens while they are on campus. They do not permit the arbitrary suspension of students’ rights when an Acting Dean deems the time unripe for students’ freedom.

Given Acting Dean Dresher’s terse response to the assembly application, it is impossible to know the true reasoning behind this rejection. There has been no argument presented that a peaceful assembly would prevent the Town Hall or any institute operations from going forward, or would exceed the Department of Public Safety’s ability to maintain order. One can only conjecture that the reason for denying the application is that protesters would be seen by attendees of the Town Hall meeting and receive a message contrary to what was being said

inside the meeting. But if such dissent cannot be tolerated on campus, then the words of the Student Handbook, of state law, and of many generations of Rensselaer Administrators have been nothing more than lip service to the freedom of student expression.

As a practical matter, as this case could not be submitted prior to the proposed date, I ask the Board to provide two remedies to this misfeasance of Institute policy by Acting Dean Dresher. First, I would like it made clear that the denial of March 24 was invalid with respect to the criteria cited. Second, I would like Acting Dean Dresher or other staff to be enjoined from engaging in rejections on this particular ground unless they show a breach of the “normal operations” criterion after a fair reading of the rule with reference to actual Institute operations, not imagined ones based on political preferences.

Respectfully submitted