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## Disciplinary Power and the Subversion of Student Protest on U.S. University Campuses

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**ABSTRACT:** The university campus has continually been a center for political performance and student activism; however, this article examines the ways in which universities subvert and undermine student activism. Analyzing ten public US universities' student code of conducts and policies, I determined four common approaches universities use: Defending and limiting free speech; naming "disruptive behavior"; regulating use of time and space; and use of police forces. These four approaches are analyzed through the lens of Michel Foucault's theory of disciplinary power to argue that these approaches are actually mechanisms for disciplinary control. I also draw upon liberal democracy theory's representation of the concomitance of public space and education to explain that student protest is a fundamental pillar upholding democratic principles. When these principles are confronted with mechanism of disciplinary control, democracy is threatened. Not only do these mechanisms reconstitute the docility of students (removing students from participating in an essential form of democracy like protest), they also undermine democracy by preventing the pursuit for the determinants upon which democracy is structured.

*Keywords:* University, student activism, code of conduct, disciplinary power, democracy

In 2015 at the University of Missouri, failure to address racial bias on campus led to a graduate student's hunger strike and prompted the football team to announce a walkout from practices and games. The threat of potential financial loss and growing student demand pressured the university president and chancellor to resign.<sup>1</sup> In 2017, Ithaca College President Tom Rochon stepped down in response to hundreds of student walkouts over his failure to address racial insensitivity occurring on campus.<sup>2</sup> In 2018, more than a million students walked out of university and high school classrooms to protest against gun violence, forcing a nationwide debate.<sup>3</sup> These examples are just a

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1 Beginning in 2015, after a racial slur was posted on Facebook about an African American student, students began organizing around other issues of racial discrimination on campus. A student organization called Concerned Student 1950 began hosting protests and demonstrations demanding that the university acknowledge and better handle racial bias incidents. After the administration failed to acknowledge these protests or demands, graduate student Jonathan Butler began a hunger strike demanding the resignation of the university president. This then prompted the football team to refuse to participate in practices or games until the president resigned, which would have led to a \$1 million fine for the university. Eventually, both President Tim Wolfe and Chancellor Bowen Loftin resigned in November 2015. See Lindsay Desutsch, "Mizzou President Resigns: How Did We Get Here?" *USA Today*, 9 Nov. 2015, <<https://www.usatoday.com/story/news/nation-now/2015/11/09/timeline-university-of-missouri-racism-protests-resignation/75467354/>>.

2 In 2016 a "solidarity walkout" organized during the college's family weekend demanded that president Tom Rochon step down. Protesters accused the president of "disregard for minority community members" and "disconnection from what is actually happening at [Ithaca College] and what needs to happen." On January 14, 2016, Rochon announced that he planned to step down from his position in July 2017. See Alia Wong and Adrienne Green, "Campus Politics: A Cheat Sheet," *The Atlantic*, 4 Apr. 2016, <<https://www.theatlantic.com/education/archive/2016/04/campus-protest-roundup/417570/>>.

3 In February 2018, thirty-four high school students were shot and seventeen killed in Parkland, Florida, prompting a series of marches and walkouts titled March For Our Lives to demand gun control. The movement has largely been led by Parkland high school students and is said to be the largest student-led movement since the 1960s. See Sarah Gray, "Everything You Need to Know about March For Our Lives," *Time*, 23 Mar. 2018, <<http://time.com/5167102/march-for-our-lives-parkland-school-shooting-protest/>>.



glimmer of the many student-driven demonstrations happening on U.S. college campuses in the last decade.<sup>4</sup> While many of these demonstrations were propelled by specific issues, evident in all of them is the undeniable power of student demonstrations to create change.

In the last decade, the number of student demonstrations has increased as the political climate on and off campuses has shifted.<sup>5</sup> The University of California at Los Angeles's annual Freshman Cooperative Institutional Research Program survey showed that in 2015, 8.5 percent of college students nationwide were "very likely" to engage in a protest during their university years, a significant increase from the 5.6 percent reported in 2014 and the highest number recorded since the survey began in 1967.<sup>6</sup> Similarly, the 2017 Diverse Learning Environments Survey showed a resurgence of organized student efforts calling for greater administrative leadership and accountability in response to campus climate, discrimination, bias, and harassment.<sup>7</sup> The report showed that only about half of students felt satisfied with their campuses' administrative response to discrimination and that 12.1 percent of students felt specifically dissatisfied.<sup>8</sup> The significance of students participating in demonstrations at a higher rate, coupled with demand for higher accountability, showcases both a heightened urgency for change and a resounding belief that through protest or collective action, change can occur.<sup>9</sup> Embedded within this belief is a dynamic story about power that student activism reveals: a story about students banding together through collective action to generate enough power to overcome the forces of their oppression.<sup>10</sup> In the case of university protests, students must overcome a variety of forces, most strikingly, the university itself.

The relationship between student activism and the university is not a new one; in fact, student activism in the United States is perhaps as old as higher education.<sup>11</sup> As early as 1766, Harvard University hosted what is considered the first American student protest, the Butter Rebellion, in which students demanded higher quality butter.<sup>12</sup> But more than changing food menus, student protests have the ability to hold a mirror to the policies, procedures, and curriculum of the university, and to society as a whole.<sup>13</sup> The Civil Rights Movement of the late 1950s and early 1960s mobilized college students,

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4 Alia Wong, "The Renaissance of Student Activism," *The Atlantic*, 21 May 2015, <<https://www.theatlantic.com/education/archive/2015/05/the-renaissance-of-student-activism/393749/>>.

5 Destiny McLennan and Sidronio Jacobo, "2017 Diverse Learning Environment" [Research brief], Higher Education Research Institute at UCLA, May 2018.

6 Higher Education Research Institute, "College Students' Commitment to Activism, Political and Civic Engagement Reach All-Time Highs," *UCLA Newsroom*, 16 Feb 2016.

7 McLennan and Jacobo.

8 McLennan and Jacobo.

9 Gary R. Weaver and James H. Weaver, eds. *The University and Revolution* (Englewood Cliffs, N.J.: Prentice-Hall, 1969).

10 Mark Edelman Boren, *Student Resistance: A History of the Unruly Subject* (New York: Routledge, 2001).

11 Philip G. Altbach and Patti Peterson, "Before Berkeley: Historical Perspectives on American Student Activism," *Annals of the American Academy of Political and Social Science* 395 (1971): 12

12 Jack Dickey, "The Revolution on America's Campuses," *Time*, 31 May 2016, <<http://time.com/4347099/college-campus-protests/>>.

13 Philip G. Altbach, "From Revolution to Apathy: American Student Activism in the 1970s," *Higher Education*, 8.6 (1979): 5.



both black and white, to a degree never before witnessed for antiwar, antiracism, and antipatriarchy demonstrations. Likewise, the feminist movement first gained strength on university campuses before changing attitudes regarding abortion, marriage, and drug use in the broader society.<sup>14</sup>

Yet, despite the longstanding impact of student protests that occur on university campuses, the relationship between student demonstrators and their schools has rarely been cordial. Indeed, much of the research into student protests and universities has shown strong levels of conflict and contestation between university officials and student protesters.<sup>15</sup> Historically, student activism collided with institutional restrictions and hesitations,<sup>16</sup> as many institutions appeared naturally conservative in comparison to the demands of student activists. This difference in viewpoints often provoked the use of force to remove students, as occurred during the infamous 1964 Free Speech Movement at UC Berkeley, which resulted in more than 800 student arrests.<sup>17</sup>

Accounts prior to the mid-twentieth century show that universities were largely ill-equipped to respond, typically lacking specific structures or policies.<sup>18</sup> After the unrest of the 1960s, many universities began to adopt free speech and protest policies.<sup>19</sup> For instance, The Woodward Report was an effort at Yale University to restore free speech on campus at a time when some felt that it had been undermined by the upheaval of the 1960s.<sup>20</sup> This report called for a “program of reeducation” that included free speech statements being incorporated into university documents and organized campus discussions of free speech. It also sought to define the “limits of protest” by establishing sanctions “as a deterrent to subsequent disruption.”<sup>21</sup> While these policies attempt to offer students avenues for dissent, they ultimately view student protest adversely.

Higher education’s ambivalence toward free speech continues today as universities scramble in the face of the new volume of student protests.<sup>22</sup> Worse, tensions between protesters and administrators have grown as colleges have become more bureaucratic and student bodies have become more heterogeneous.<sup>23</sup> Studies show that in response universities are likely to emphasize administrative power as a way to ease or minimize student unrest.<sup>24</sup> The Education Law Association and the National

14 Philip G. Altbach, “Perspective on Student Activism,” *Comparative Education*, 25.1 (1989): 97–110.

15 Joseph W. Scott and Mohamed El-Assal, “Multiversity, University Size, University Quality and Student Protest: An Empirical Study,” *American Sociological Review* 34.5 (1969): 702–709. doi: 10.2307/2092306.

16 Seymour Martin Lipset, *Rebellion in the University* (New Brunswick, NJ: Transaction, 1993).

17 Altbach, “Perspective.”

18 Altbach and Peterson.

19 American Association of University Professors, “Campus Free Speech Legislation: History, Progress, and Problems,” 2018, <<https://www.aaup.org/report/campus-free-speech-legislation-history-progress-and-problems>>.

20 C. Vann Woodward, *Report of the Committee on Freedom of Expression at Yale*, 23 Dec. 1974, <<https://yalecollege.yale.edu/deans-office/reports/report-committee-freedom-expression-yale>>.

21 American Association of University Professors.

22 Wong.

23 Peter D. Eckel and Jacqueline E. King, *An Overview of Higher Education in the United States: Diversity, Access, and the Role of the Marketplace* (Washington, DC: American Council on Education, 2014) 25.

24 Peter Schmidt, “Students Are Protesting at Your College. Here’s How to Keep the Campus Calm,” *Chronicle of Higher Education*, 12 Nov. 2014, <<https://www.chronicle.com/article/Students-Are-Protesting-at/149951>>.



Association of Student Personnel Administrators Research and Policy Institute published a guide to how colleges can maintain order on campus. Included in the guide are suggestions like consolidating policies in one location to create consistency across university bodies. According to the report, having documents scattered across different governing boards and police forces may cause confusion for students, or worse could cause legal trouble for the university. The report also suggests establishing command and control protocols that can be executed before a protest occurs, like deciding what would prompt the use of outside law enforcement and what types of activities are permitted on campus. Finally, the report offers ideas such as creating “free speech zones” as the solely designated areas for protest to occur. In practice, these “control protocols” can have increased consequences for prohibited protest behaviors like removal or suspension, and can lead to increased surveillance of student activity.<sup>25</sup> While the report tells universities to be cognizant of students’ right to protest when developing their policies, many of the recommendations are still fundamentally motivated by prioritizing university maintenance and order and weakening students’ power. The implicit narrative in the report is that student activism and protest is disorderly, dangerous, and disruptive to the university; therefore, protest on campus must be regulated and subverted.

In this paper, I investigate the means by which universities subvert student activism by analyzing the policies and student codes of conduct at ten U.S. public universities: the University of Missouri, the University of Michigan, the University of California Berkeley, the University of Illinois, The Ohio State University, the University of North Carolina–Chapel Hill, the University of Wyoming, the University of Massachusetts Amherst, Florida International University, and Texas A&M University College Station. I used a cluster sampling process to select these ten universities to ensure that my sample comprises a wide variety of schools irrespective of actual protest activity; these clusters included subgroups based on geographic location, size, rank, student demographics, and so forth.<sup>26</sup> Drawing upon liberal democratic theories about the concomitance of public space and education,<sup>27</sup> I argue that student protest is a fundamental aspect to upholding democratic principles like justice, freedom, equality, and liberty. I also apply Michel Foucault’s theory of disciplinary power to show how universities subvert student activism through mechanisms of disciplinary control.<sup>28</sup> These mechanisms not only deny students the ability to engage in an essential form of democratic performance necessary to maintaining democracy, but they also reinforce historical and current power relations. By maintaining such power relations and denying protest, our democracy deteriorates as the actualization of justice, freedom, equality, and liberty is subverted.

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25 See Appendix Tables 1 and 2 for lists of protest behaviors and sanctions.

26 I only considered public universities to keep in line with arguments about the use of public institutions and spaces. However, the same analysis could apply to private schools. Geographic location allows for variation in the makeup of the student body. Rank takes into account both the perceived reputation of a school by outsiders and the reputation that the university may or may not want to sustain, thus affecting how it responds to protest. State funding could indicate high levels of obligation to state wishes, or high value attributed to higher education. While, this sample certainly does not encompass all types of universities, it is a varied sample of public universities. See the Appendix for more information.

27 Robert Alan Dahl, *On Democracy* (New Haven, CT: Yale UP, 2000).

28 Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Vintage Books, 1977).



**“THIS IS WHAT DEMOCRACY LOOKS LIKE”:<sup>29</sup>**

**DEMOCRATIC THEORY ON EDUCATION AND PUBLIC SPACES**

It is commonly accepted that democracy and the public sphere are intrinsically connected. Democracy is largely premised on the idea that “those making the decisions are ‘the people’ or their duly authorized and accountable representatives.”<sup>30</sup> In other words, democracy requires public involvement and engagement. Most democracies further assume liberal principles, rooted in Aristotelian philosophy, enshrining within their governance tenets of equality, liberty, and freedom.<sup>31</sup> Certainly, these values of democracy come from a distinctively Anglo-European perspective and as such differ from other democratic models and theories that exist around the globe.<sup>32</sup> By and large, democracy in the United States at least has been understood as “ruling by the people” through emphasizing liberty, self-governance, and the active citizen.<sup>33</sup> Modern American democracy then does not just require the active participation of the people in politics and civic life, but also seeks to preserve certain inalienable rights, including the freedom of assembly and speech.<sup>34</sup> These rights are included as a conscious attempt to determine the will of the majority. Citizens in this version of democracy are assumed to be participants in a variety of processes through which their will can be heard. Thus, democracy relies both on public participation in civic duties to protect and serve those rights, and on public institutions and spaces to promote them when those rights have been denied.<sup>35</sup>

Critical to the actualization of democracy is public space. Public space is most commonly defined as freely accessible space, particularly space in which we encounter strangers.<sup>36</sup> In *Democracy and Public Space*, John Parkinson lists four aspects that render a space democratic and public: A public space is an area that “1. is openly accessible; and/or 2. uses common resources; and/or 3. has common effects; and/or 4. is used for the performance of public roles.”<sup>37</sup> Instead of simply defining public spaces as the antithesis to private spaces or where the individual mind operates, Parkinson’s definition abandons these unnecessary distinctions. In his definition, public spaces are not limited to ideas about ownership or single individuals; instead, he focuses more on *how* spaces are used and for what purpose, putting at the forefront the commonness and collectivity that often is associated with public space.

Parkinson’s fourth point about the performance of public roles underscores the argument that public spaces are areas where people can perform their roles as active citizens critical to the function of democracy. Thus, “democracy depends to a surprising extent on the availability of physical, public space ... [and if] the availability of space for democratic performance is under threat ... we run the risk of undermining some

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29 John Vidal, “The Real Battle for Seattle,” *The Guardian*, 5 Dec. 1999, <<https://www.theguardian.com/world/1999/dec/05/wto.globalisation>>.

30 Dahl 17.

31 David Held, *Models of Democracy* (Malden, MA: Polity, 2006) 16.

32 Held 12.

33 Held 29.

34 Held 30.

35 John R. Parkinson, *Democracy and Public Space: The Physical Sites of Democratic Performance* (New York: Oxford UP, 2012) 69.

36 Stephen Carr, Mark Francis, Leanne Rivlin, and Andrew Stone, *Public Space* (New York: Cambridge UP, 1992) 3.

37 Parkinson 16.



important conditions of democracy.”<sup>38</sup> Democratic engagement — through deliberate debate, protest, the exchange of ideas, and so forth — requires not just any space, but physical spaces. The ancient Athenian agora, the town theater or market, the modern-day square and streets, these public spaces all constitute the physical manifestation of democracy.<sup>39</sup> Without these spaces, democracy is in peril,<sup>40</sup> as the essential elements of collectivity and gathering face-to-face to engage are removed from practice.

The protest chant “This is what democracy looks like,” largely popularized during the global justice movement of 1999,<sup>41</sup> indicates that democracy occurs when there is a political gathering of people in a physical space to deliberate, debate, demand, and engage with one another and our institutions. One of the most fundamental sites for developing these types of democratic values has been the public university. Though most universities in the United States began with a Christian religious impetus and were largely reserved for the sons of the elite,<sup>42</sup> by the mid- to late-1800s, higher education in America had begun to expand.<sup>43</sup> The concept of the public state university spread and grew into an emblem of possibilities, particularly after passage of the Morrill Act of 1862, which established public lands for the building of state universities (as well as the onset of commercial and industrial expansion).<sup>44</sup> Also established during this time was the Association of American Universities, which reinvigorated an ongoing debate over the proper definition and role of the modern American university.<sup>45</sup> A core position for those in favor of expanding the American university was its potential for developing and promoting public participation in democracy and civic life.<sup>46</sup>

Much later in 1947, horrified by the rise of Nazi Germany and the atrocities of World War II, President Truman established the Commission on Higher Education. This commission identified education as a “necessity” critical to “the foundation of democratic liberties.”<sup>47</sup> The commission challenged higher educational institutions to cultivate an educated citizenry so that they might be better equipped to apply their “creative imagination and trained intelligence to the solution of social problems and to the administration of public affairs.”<sup>48</sup> Into the second half of the twentieth century, substantial movement toward the commission’s ideals continued: An expanded community college system, the GI Bill, and the Civil Rights

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38 Parkinson 2.

39 Carr et al. 3.

40 Parkinson 93.

41 The 1999 “Battle in Seattle” was the culmination of a global effort of people coming together to protest the actions of the World Trade Organization and its involvement in and practices toward developing countries. See Vidal.

42 John R. Thelin, Jason R. Edwards, Eric Moyon, Joseph B. Bergen, and Maria Vita Calkins, “Higher Education in the United States: Historical Development, System,” n.d., <<http://education.stateuniversity.com/pages/2044/Higher-Education-in-United-States.html>>.

43 Thelin et al.

44 Thelin et al.

45 Thelin et al.

46 Philo A. Hutcheson, “The Truman Commission’s Vision of the Future,” *Thought & Action* (2007, Fall).

47 Truman Commission on Higher Education, *Higher Education for Democracy: A Report of the President’s Commission on Higher Education*, Vol. 1, *Establishing the Goals* (New York: Harper Collins, 1947) 23.

48 Truman Commission 8.



laws of the 1960s all addressed this challenge by exponentially increasing access to higher education.<sup>49</sup> The expansion of equal opportunity into higher education was further described by the commission as “a major goal of American democracy. Only an informed, thoughtful, tolerant people can develop and maintain a free society.”<sup>50</sup> While, I do not suggest that the expansion of higher education was a direct solution to social inequality, the commission’s push began to reposition the university’s responsibility, from one concerned primarily with providing content knowledge and marketable skills to one concerned also with providing a “foundation of democratic liberties.”

For public universities, this means more than just providing a degree, they should aim to strengthen their capacity to create and catalyze public spaces in classrooms, on campuses, and beyond.<sup>51</sup> In practice, expanding the “public space” of a university involves infusing civic education into the curricula. Education experts concerned with teaching students more than subject content suggest that mobilizing others around a common cause and “the activities of campus protest — rallies, debates, boycotts — provide college youth with opportunities for community and contexts for their exploration of personal growth.”<sup>52</sup> It also equips students with an expectation to effectively deal with and commit to solving societal challenges such as poverty or other social inequalities.<sup>53</sup> Indeed, this is why Parkinson argues that the “performance of public roles”<sup>54</sup> occurs most efficaciously when institutions that control public space (i.e., the public university) are able to provide both physical areas and skills necessary for such performances. Henri Giroux, a lead theorist in critical pedagogy, builds upon this idea:

Struggling for democracy is both a political and an educational task. Fundamental to the existence of vibrant democratic culture is the recognition that education must be treated as a public good — as a crucial site where students gain a public voice and come to grips with their own power as individuals and social agents.<sup>55</sup>

Educational institutions have a responsibility to provide the formative culture necessary to educate young people to be critical and engaged social and political agents. However, in the midst of neoliberalism and public skepticism toward student protests,<sup>56</sup> many public universities in the U.S. do just the opposite. Instead, these sites of power and knowledge use a series of disciplinary mechanisms and policing methods to quell student demonstrations and resist their power as social agents.

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49 Thelin et al.

50 Hutcheson 109.

51 Harry Boyte, 2015, “Universities, Public Spaces and the Democratic Way of Life,” web blog post, *Huffington Post*, 30 Mar. 2015, <[https://www.huffingtonpost.com/harry-boyte/universities-public-space\\_b\\_6962686.html](https://www.huffingtonpost.com/harry-boyte/universities-public-space_b_6962686.html)>.

52 Christopher J. Broadhurst and Georgianna L. Martin, eds., “‘Radical Academia’? Understanding the Climates for Campus Activists: New Directions for Higher Education, Spec. issue of *New Directions for Higher Education* 167 (2014, Fall): 35.

53 Josh Pasek, Lauren Feldman, Daniel Romer, and Kathleen Hall Jamieson, “Schools as Incubators of Democratic Participation: Building Long-Term Political Efficacy with Civic Education,” *Applied Developmental Science* 12.1 (2008): 26–37, doi: 10.1080/10888690801910526.

54 Parkinson 146.

55 Henry Giroux, “Neoliberalism, Corporate Culture, and the Promise of Higher Education: The University as a Democratic Public Sphere,” *Harvard Educational Review* 72.4 (2002): 432.

56 Giroux.



**“HANDS UP, DON’T SHOOT”<sup>57</sup>:  
DISCIPLINARY POWER AND DISSENT**

One of the most distinct mass student protests in recent years occurred in 2014 in the aftermath of Michael Brown’s death at the hands of police.<sup>58</sup> “Hands up, don’t shoot” became a rallying cry for protesters in Ferguson, Missouri, and across the nation. Protesters highlighted the nature of policing bodies, in particular, the arresting and dehumanizing effects of police presence (interpellation) in contested spaces. Having to explicitly say “don’t shoot” when in confrontation with police showcases the excessive asymmetric and dominating relationship between police and those being policed.

Michel Foucault captures this nature of police presence in his theory of disciplinary power. Discipline is a mechanism of power used by the State to regulate the thoughts and behaviors of subjects — often through seemingly subtle means. Power is “exercised through its invisibility; at the same time, it imposes on those whom it subjects a principle of compulsory visibility.”<sup>59</sup> By invisibility, Foucault means that unlike historical forms of punishment that were overt and clear, such as a grotesque beheading, discipline instead works by remaining more “subtle.” It is invisible in that it is often obscured such that the average citizen is unaware of all the ways she is being punished and controlled. It is coercive as it shifts the emphasis away from *results* and onto the *processes* of regulating. Disciplinary power operates by organizing a space (e.g., the way a prison or classroom is built), time (e.g., the set times you are expected to be at work each day), and everyday activities or behaviors (e.g., how you talk, how you interact with others). In modern “disciplinary society,” the State accomplishes this deployment of power through a variety of institutions such as the military, hospitals, prisons, schools, and the justice system — simultaneously imposing upon subjects through constantly (in)visible force and enforcing its power through the continuous threat of surveillance.

Foucault further explicates this (in)visibility and surveillance through what he calls “panopticism,” which is a technique of coercion to maintain disciplinary power through hierarchical observation, normalizing judgment, and examination.<sup>60</sup> This theory is best represented through the example of the Panopticon. Designed by English philosopher and social theorist Jeremy Bentham, the Panopticon is a type of institutional building meant for control. The building is designed to allow all (pan-) inmates of an institution to be observed (-opticon) by a single watchman without the inmates being able to

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57 In 2015, after Michael Brown was shot by a police officer, protesters lay in the street in protest. The origin of the chant is not completely clear, though reports indicate that Michael Brown was shot while his hands were up. Other protesters began to say “don’t shoot, my hands are up” as more police forces entered the protest scenes. The chant quickly spread on social media and became a rallying cry against police brutality.

See Cheryl Corely, “Whether History or Hype, ‘Hands Up, Don’t Shoot’ Endures,” *NPR.org*, 8 Aug. 2015, <<https://www.npr.org/2015/08/08/430411141/whether-history-or-hype-hands-up-dont-shoot-endures>>.

58 Darren Wilson, “What Happened in Ferguson?” *New York Times*, 13 Aug. 2014, <<https://www.nytimes.com/interactive/2014/08/13/us/ferguson-missouri-town-under-siege-after-police-shooting.html?mtrref=www.google.com&gwh=C75549D32BEB6B1085B667E8385A9492&gwt=pay>>.

59 Michel Foucault, “Panopticism,” *Discipline and Punish: The Birth of the Prison* (New York: Vintage Books, 1977) 201.

60 Foucault, “Panopticism,” 201.



tell when or whether they are being watched.<sup>61</sup> Essential to this scheme is the possibility of being watched. The uncertainty of whether or not a guard is in the tower is enough to control the prisoners; consequently, a hierarchy of observation persists. Furthermore, the panopticon works to “induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power ... that the inmates should be caught up in a power situation of which they are themselves the bearers.”<sup>62</sup> The “state of conscious and permanent visibility” refers to normalizing judgment. It is a pervasive form of ranking and rating; it establishes within the inmate a constant threat of surveillance or examination that positions him or her in comparison to others. In the panopticon, the inmate is held captive, not just by the physical space, but also by the continual presence of panoptic surveillance. It paralyzes the inmate and induces him to conform to internalized ideas of suitable behavior.

Foucault’s disciplinary theory and panopticism assert that because these institutions create systems of regulation, society is able to manipulate how individual subjects act or think. Through rule of law or common practice, what one constitutes as accepted and prohibited behaviors becomes a normalized cultural reality. Clocking in and out of work to track our hours, slowing down when we drive past police, wearing workplace-appropriate clothing versus other wear, watching pornography on a hidden window; these are all examples of different ways people have internalized dominant or accepted behaviors and have regulated their own actions and behaviors in response. Such control of our bodies positions individual bodies as powerless. While the examples above feel insignificant and minor, the repercussions of such control result in what Foucault terms “docile bodies,”<sup>63</sup> whereby disciplinary mechanisms make possible “the meticulous control of the operations of the body, which assure the constant subjection of its forces.”<sup>64</sup> Our bodies become practiced and subjected; we are “docile” because we are removed from our power, submissive to disciplinary control. The invisibility of coercion, coupled with the visibility of consequence, makes the docile body complacent.

In relation to protest, docile bodies become complicit in maintaining dominant norms, as they neither participate in demonstrations nor agitate the spaces in which they exist. Docile bodies are conditioned to internalize and self-regulate their behaviors away from protest behaviors.<sup>65</sup> The docility of individuals, especially in the context of protest, is maintained through the fear or threat of legal consequences, such as imprisonment, social isolation, financial burden, or even physical violence. In protests, the police often come into violent physical-political contestation with protesters, resulting in harm or death.<sup>66</sup> In July 2018, for example, in response to yet another murder of an unarmed black man by Chicago Police, a five-hour march ended in “baton-wielding police

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61 Foucault, “Panopticism,” 201.

62 Foucault, “Panopticism,” 201.

63 Foucault, “Panopticism,” 135.

64 Foucault, “Panopticism,” 181.

65 See Appendix Table 1 for a list of common protest behaviors.

66 Jennifer Earl, Sarah A. Soule, and John D. McCarthy, “Protest Under Fire? Explaining the Policing of Protest,” *American Sociological Review* 68.4 (2003): 581–606.



officers chasing and striking protesters.”<sup>67</sup> In 2016, the murder of 37-year-old Alton Sterling by police resulted in widespread protest in the streets of Baton Rouge, where video showed “around 100 officers, some in riot gear, storming [a] lawn, throwing protesters to the ground and arresting them.”<sup>68</sup> Both of these examples reveal the threat that a dominant force (the police) poses: The power it yields is threatening to the average citizen, but even more so for protesters who come into conflict with it.

Even when the police do not physically harm protesters, panopticism is at work, causing protesters to internalize the gaze of the police and the criminal justice system. The “fact of being constantly seen ... maintains the disciplined individual in his subjection.”<sup>69</sup> In the modern disciplinary society, being “constantly seen” is not just limited to police patrolling the streets and watching every move a protester makes. It includes all society members, who help enforce or normalize behaviors and the rule of law. Potential protesters are kept disciplined through restrictive protest laws and a negative perception of protest. For example, in response to the Standing Rock protests that began in 2016,<sup>70</sup> North Dakota legislators introduced a cascade of bills that would allow drivers to run over protesters obstructing a highway as long as the drivers did so accidentally, would make it illegal to wear a mask in any public forum or in a group on private property, would sentence protesters at private facilities to up to thirty days in prison, and would punish protesters who cause \$1,000 in economic harm with five years in prison and a \$10,000 fine.<sup>71</sup> Similar bills characterize protest as something unwarranted, a nuisance, illegal, threatening, or without value, and deem those who partake in protest as childish, unruly, or indecent people, justifying such measures of punishment.<sup>72</sup> Through institutions of domination, like the State and the justice system, discipline is enacted and maintained through the presence of consequences and punishment. Individuals learn to self-discipline themselves away from protest activity and toward more accepted forms of behavior like remaining silent or “civil.” But such civility can really be understood as docility, whereby the individual has been removed from his or her power and remains

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67 Mark Guarino, “Hundreds of Protests in Chicago over Police Shooting,” *Washington Post*, 16 Jul. 2018, <[https://www.washingtonpost.com/national/hundreds-protest-in-chicago-over-police-shooting/2018/07/16/08276a88-8960-11e8-85ae-511bc1146b0b\\_story.html?noredirect=on&utm\\_term=.2c6772c6bc36](https://www.washingtonpost.com/national/hundreds-protest-in-chicago-over-police-shooting/2018/07/16/08276a88-8960-11e8-85ae-511bc1146b0b_story.html?noredirect=on&utm_term=.2c6772c6bc36)>.

68 Collier Meyers, “Protests against Police Violence Risk the Very Thing They’re Fighting For,” *The Nation*, 1 Dec. 2017, <<https://www.thenation.com/article/protesters-against-police-violence-risk-the-very-thing-theyre-fighting/>>.

69 Foucault, “Panopticism,” 187.

70 In opposition to the construction of the Dakota Access pipeline, protesters and water protectors camped out for more than a year near North Dakota’s Standing Rock reservation. The protests were effective, leading the U.S. Army Corps of Engineers to deny a permit for the pipeline and delay construction for weeks. See Zoe Carpenter and Tracie Williams, “Since Standing Rock, 56 Bills Have Been Introduced in 30 States to Restrict Protests,” *The Nation*, 16 Feb. 2018, <<https://www.thenation.com/article/photos-since-standing-rock-56-bills-have-been-introduced-in-30-states-to-restrict-protests/>>.

71 Rowald Lee and Vera Eidelman, “Where Protests Flourish Anti-Protest Bills Follow,” web log post, ACLU, 17 Feb. 2017, <<https://www.aclu.org/blog/free-speech/rights-protesters/where-protests-flourish-anti-protest-bills-follow>>.

72 In Minnesota, following the police shooting death of Philando Castile, protests caused part of a highway to shut down. Soon after, at the beginning of the state legislative session, Minnesota legislators drafted bills that would punish highway protesters with heavy fines and prison time and would make protesters liable for the policing costs of an entire protest if they individually were convicted of unlawful assembly or public nuisance. See Lee and Eidelman.



under the control of some other dominant force. Through monitoring and modifying his own behavior to the accepted norms, the individual “becomes the principle of his own subjection.”<sup>73</sup>

Disciplinary power is also exercised by regulating the space where protest occurs. Spaces often become “physically contested when protesters demonstrate or seek to demonstrate in them and police attempt to either restrict protesters’ access to certain spaces or to disperse protesters from a space they already occupy.”<sup>74</sup> When protesters enter a space, that space becomes compromised. It is no longer just a street that has neutral implications; instead, it is now a street where pre-identified agitators (protesters) warrant action by those deemed able to suppress the agitators (police). Like the Panopticon, where a physical construction confines and fixes the subject, regulation of spaces similarly confines and fixes protest activity. This can take the form of specifying the number of occupants that a space can hold or stipulating specific requirements before people can enter a space. Manipulating public spaces or removing protesting bodies from public spaces reveals that this use of public space is perceived as a threat to the accepted norms of order. Public space, within this view, should be used only for obedient activities. Public space becomes a site for docility and decorum; it accustoms people to this functioning of space and not to others. It structures attention to forms of acceptable behaviors, behaviors that do not challenge the status quo.<sup>75</sup> Any “incorrect” use of that space further renders those who participate impermissible and criminal, effectively conferring moral superiority on dominant forces to suppress the perceived disorder.<sup>76</sup> Thus, policing protests is less an exercise in directing traffic than in regulating resistance.

Disciplinary power is, therefore, enacted through a variety of institutions, including the public university. Through various mechanisms, this control is able to create an environment hostile to protest. University responses to violations of student conduct policies vary, but often involve a judicial process that may result in academic sanctions, behavior management programs, no contact orders that limit access to particular areas or persons, community service, loss of privileges or participation, penalties of record that appear on transcripts or disciplinary records, suspension, probation, or expulsion.<sup>77</sup> All of the schools I studied for this project state that failure to comply with their regulations and policies regarding demonstrations can result in punishment. At Florida International, for example, it can lead to the enlisting of “University Department of Public Safety and/or law enforcement personnel in restoring order and enforcing the law,” which can lead to arrest, criminal charges, or removal.<sup>78</sup> The

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73 Foucault, “Panopticism,” 201.

74 John A. Noakes, “Whose Streets? Police and Protester Struggles over Space in Washington, DC, 29–30 September 2001,” *Policing & Society* 15.3 (2005): 10.

75 Billie Murray, “Disciplining Disruption: Regulation and Surveillance of Public Spaces of Protest,” Diss. U North Carolina, Chapel Hill, 2010, 53.

76 P. A. J. Waddington, *Policing Citizens: Authority and Rights* (London: UCL Press, 1999) 76.

77 University of North Carolina at Chapel Hill, “Student Judicial Governance,” Student Conduct Adversely Affecting Members of the University Community or the University IIC, 2017, <<https://studentconduct.unc.edu/sites/studentconduct.unc.edu/files/documents/Instrument.pdf>>.

78 Florida International University, “Demonstration Guidelines,” Demonstrations FIU-110, 2016–2017, <[https://studentaffairs.fiu.edu/get-support/student-conduct-and-conflict-resolution/demonstration-guidelines/\\_assets/FIU-Demonstration%20Policy.pdf](https://studentaffairs.fiu.edu/get-support/student-conduct-and-conflict-resolution/demonstration-guidelines/_assets/FIU-Demonstration%20Policy.pdf)>.



criminality of protest and the associated consequences push people to disengage or conform away from protest activity. When protesters are not dissuaded, they are rendered criminal and thus are easily dismissed, abused, and silenced. The effects of such disciplinary power on student protest are significant. Not only does it remove agents of dissent, but it sets an expectation for public universities to create environments that ultimately end up exerting control over student bodies of dissent. It reinforces the existing status quo of power and removes any challenge to processes of oppression or domination.

### **“WHOSE STREETS, OUR STREETS?”:<sup>79</sup>**

#### **DISCIPLINARY MECHANISMS AT PUBLIC UNIVERSITIES**

Public universities, like other institutions in disciplinary societies, often seek to regulate and control behavior and thought, particularly in regard to student protests. In this section, I detail four main types of policies found in universities’ codes of conduct. These student codes are all manifestations of disciplinary power as they each have the capacity to remain (in)visible while simultaneously keeping the threat of consequence visible. Because this power is enacted through our institutions, such as the university or the police, spaces of dissent and actors of dissent are easily characterized as disobedient. I ask the following questions: What consequences does the reinforcement and reification of disciplinary power through these policing methods have for public institutions and on democracy? How does disciplinary power help maintain systems of domination in society? As my analysis demonstrates, the university has subverted its role in democracy by rendering the streets not as the political site of democratic performance, but rather as the site of disciplinary control.

#### **Defending and Limiting Free Speech**

Any debate about Western democracy will inevitably involve the concept of “free speech.” The First Amendment of the U.S. Constitution governs an adult citizen’s right to express an opinion or idea without fear of government retaliation or censorship. It states clearly that Congress shall not pass any law “prohibiting the free exercise of ... the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”<sup>80</sup> Naturally then, freedom of speech and assembly are accepted as invaluable and interlinked rights to our democracy, and any attempts to violate these rights are immediately called into question. In the context of student protests, however, the protections and limitations of free speech are obscured, as individuals and universities debate its use.

All ten of the universities I studied incorporate explicit language in their codes of conduct or policies regarding free speech, freedom of expression, and freedom of assembly. For example, the University of Massachusetts Amherst’s picketing code prohibits any student from “intentionally and substantially interfer[ing] with the freedom of expression of another person on university premises

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79 This protest chant was largely popularized during the 1980s LGBTQ movement but has recently resurfaced during Black Lives Matter protests as a way for demonstrators to claim their right to a space and to assert their presence in that space. See A.J. Willingham, “How the Iconic ‘Whose Streets? Our Streets!’ Chant Has Been Co-Opted,” CNN, 19 Sept. 2017, <<https://www.cnn.com/2017/09/19/us/whose-streets-our-streets-chant-trnd/index.html>>.

80 “The Constitution of the United States: A Transcription,” National Archives, 4 Nov. 2015.



or at university-sponsored activities.”<sup>81</sup> However, in response to increased protest activity on campus, recent efforts have been made to redefine “free speech” or “freedom of expression” and the policies associated with it by establishing accepted forms of speech and criminalizing others.

One of the larger forces behind this effort has been the Goldwater Institute, a conservative think tank founded in 1987. In 2017, Goldwater published *Campus Free Speech: A Legislative Proposal*. The report’s authors declared, “Freedom of speech is dying on our college campuses and is increasingly imperiled in society at large.”<sup>82</sup> Their analysis is based largely on examples of speaker bans, “shout-downs” that interrupt speakers or prevent them from speaking altogether, safe spaces, and “restrictive” speech policies. They frame these actions as “infringements of freedom of speech” and recommend that universities prevent administrators from disinviting speakers, set up a system of disciplinary sanctions, and remain neutral in the face of speech issues.<sup>83</sup> However, the authors’ analysis primarily relies on prescriptive and normalized ideas around behavior and decorum. It is rooted in a perspective that speech is neutral and nondiscursive, that all speech, including morally ill or controversial speech, is equal and should be equally protected.

In contrast to the Goldwater approach, I engage with the power dynamics of speech. Instead of getting into the semantics of what type of speech should or should not be protected, I ask how is it that speech as a system of expression can reinforce mechanisms of control. In other words, speech should be read as a form of disciplinary power; it is discursive and enduring, enacted and pervasive, often used to enforce control or maintain power within a dominant force. From this perspective, it becomes apparent that free speech policies at universities often are more concerned with preserving dominant power (university control) than uplifting those without it (student protesters).

Take for instance the student protests that occurred in reaction to particular speakers’ presence on campus. In 2017 Milo Yiannopoulos, a former Breitbart News editor, was scheduled to visit UC Berkeley and speak during the university’s Free Speech Week, but strong student protests broke out.<sup>84</sup> Students denounced Yiannopoulos for what they argued were white supremacist associations

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81 UMass Amherst, Dean of Students, “University of Massachusetts Amherst Picketing Code,” revised 2005, <[https://www.umass.edu/dean\\_students/campus-policies/picketing-code](https://www.umass.edu/dean_students/campus-policies/picketing-code)>.

82 Stanley Kurtz, James Manely, and Jonathan Butcher, *Campus Speech: A Legislative Proposal*, Goldwater Institute, Jan. 2017, <<https://goldwaterinstitute.org/article/campus-free-speech-a-legislative-proposal/>>.

83 As of March 2018, the following states have passed or introduced bills following the Goldwater Model: Arizona\*, California, Colorado, Missouri, North Carolina\*, Georgia\*, Illinois\*, Michigan\*, Minnesota, Nebraska\*, Tennessee, Texas, Utah, Virginia, Wisconsin, and Wyoming\*. Asterisks denote legislation inspired by the Goldwater Institute’s model bill. See American Association of University Professors.

84 The UC Berkeley Free Speech Week was an event planned for September 2017 to celebrate free speech. The event organizers invited Ben Shapiro and Milo Yiannopoulos, and was met with intense protest. The event was subsequently cancelled, though Yiannopoulos made a 20-minute appearance anyway. Yiannopoulos tried to speak on campus earlier in February 2017 and was met with about a thousand peaceful protesters until masked anti-fascist extremists began smashing windows and setting fires. See Susan Svrluga, “UC-Berkeley Says ‘Free Speech Week’ Is Canceled. Milo Yiannopoulos Says He’s Coming Anyway,” *Washington Post*, 23 Sept. 2017.



and perspectives.<sup>85</sup> Despite the large number of protesters and the media attention they garnered, the university argued that its commitment to free speech obligated it to allow speakers of any viewpoint onto campus. Chancellor Carol Christ addressed students in an email, stating, “The law is very clear: Public institutions like UC Berkeley must permit speakers invited in accordance with campus policies to speak, without discrimination in regard to point of view.”<sup>86</sup> Christ was correct in that the Constitution allows speech of any viewpoint and UC Berkeley policy clearly allows it. The chancellor continued in her email, “The right response is not the heckler’s veto, or what some call platform denial. Call toxic speech out for what it is, do not shout it down ... Respond to hate speech with more speech ... if you choose to protest, do so peacefully.”<sup>87</sup>

In this language, two things are apparent. First, the email implicitly claims that certain protest behaviors or activities are not permitted. She encourages more speech, but efforts like gathering in mass or chanting loudly or what she calls “shouting it down” or “heckling” are seen as disruptive. And if such demonstrations result in the removal of someone like Yiannopoulos from campus, she considers it “platform denial,” which is prohibited and against the university’s free speech policies. While she invokes free speech as the motivation for having Yiannopoulos come to campus, she also inadvertently implies that those who participate in the protests need to do so with caution. Popular protest tactics like blocking entrances or impeding foot or vehicular traffic, often considered “obstructions,” or using sound amplifications and occupying spaces are outlined as prohibited behavior on the UC Berkeley campus.<sup>88</sup> Rather than acknowledging these forms of protest as valid, the chancellor referred to them as “unpeaceful” tactics.

Many universities, while attempting to be committed to free speech, inadvertently impose expectations of behavior, especially in regard to protest. The point here is not to define “acceptable” behavior but rather to show that even in the subtleties of our language regarding free speech we inadvertently (or purposefully) reinforce a normalized idea of what is acceptable — in this case, only “peaceful,” nondisruptive or obstructing speech. Most commonly, these expectations of behavior are reinforced through mechanisms of panopticism; universities are able to maintain control of the functions and behaviors of their students by reinforcing notions of acceptable versus unacceptable behavior. The

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85 Milo Yiannopoulos is a British polemic and writer formerly with Breitbart News, an alt-right conservative news outlet. He has been credited with shouting to stop immigrants, feminists, political correctness, and non-Western culture. On several social media accounts, he has harassed people, including star Leslie Jones for being a black female in a lead role. He has previously also expressed flagrant sentiments toward the LGBTQ and disabled populations. See Joel Stein, “Milo Yiannopoulos Is the New Pretty Face of the Alt-Right,” *Bloomberg News*, 14 Sept. 2016.

86 Carol Christ, “Free Speech,” email to the campus community, 23 Aug. 2017, <<https://evcp.berkeley.edu/news/free-speech>>.

87 Christ.

88 University of California at Berkeley, “Time, Place, and Manner (Protest),” 2016–2017, <<https://ucpd.berkeley.edu/laws-and-policies/time-place-manner>>. Other prohibited activities include engaging in physical abuse; possessing firearms, firebombs, or other weapons; engaging in theft or vandalism; climbing on or rappelling from university buildings or trees; and camping or lodging on university property. For a full list of types of protest activity and university policies, see the Appendix.



repeated enforcement of what is normalized makes it extremely easy for the university to locate and criminalize those that are not.

Moreover, the self-described “hate speech” of Yiannopoulos is not considered impermissible even though his speech deliberately reinforces power and control of dominant groups over people of color and other minorities. The following are among his most notorious statements: “Gay rights have made us dumber,” transgender people are “mentally ill,” and rape culture is “a fantasy.” He has been banned by Twitter for allegedly encouraging trolls to attack black actress Leslie Jones with a tirade of racist and sexist abuse.<sup>89</sup> Each of these statements and actions exacerbates an imbalanced dynamic wherein the speech of dominant powers (Yiannopoulos) reinforces the dehumanization of others, in this case minority groups. This imbalance is important because it replicates a historical power dynamic that seeks to keep certain members of society in control (maintain power) and others in submission (docile). Not only are Yiannopoulos’s words and ideas being given a platform, the university is making a claim about speech as neutral and devoid of social, political, and historical context. Yet, his speech is obviously not neutral; to divorce it from its reality only reinforces those same legacies of power that disciplinary control seeks to maintain.

Ultimately, this situation demonstrates that free speech can be used to reinforce ideas about what is acceptable behavior and, in turn, to justify the criminalization of dissenting behavior. In Foucauldian terms, power is maintained through such disciplinary control. In the case of UC Berkeley and Yiannopoulos, protest speech was characterized as unruly and the improper way for students to address their concerns. Despite the events of Free Speech week eventually being cancelled, what remains true is that students were expected to modify and regulate their behavior. The university yielding to student protest is a signal of just how impactful student protests can be and may help explain why universities so actively seek to suppress student protests. In later sections, I detail the methods used to deter “disruptive” protest behavior, that is, shouting down or preventing a speaker from talking. And so power is maintained: The university is able to keep control and order over its student body, and the oppressive speech that reinforces subjugation is allowed to occur.

In extreme instances, protest behavior is even further disincentivized, considered a criminal act through the rule of law. For instance, a bill introduced in the Michigan legislature in 2017 and again in 2019 (but to date not passed) that would apply to the state’s fifteen public universities and twenty-eight community colleges would “issue a one-year suspension or expulsion for students who have twice been found responsible for ‘infringing’ upon the free-speech rights of others.”<sup>90</sup> The criminalization of protest behavior creates a panoptical effect wherein “the certainty of being punished and not the horrifying spectacle of public punishment discourage[s] crime.”<sup>91</sup> The fear of consequences from both the university and the state renders students docile, likely further neutralizing the voices that are already the most silenced on campus.

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89 Stein.

90 Brian McVicar, “Campus Free Speech Bill Would Penalize Students Who ‘Infringe’ on First Amendment Rights of Others,” *MLive.com*, 9 May 2017.

91 Foucault, *Discipline and Punish*, 219.



The concept of free speech can be deployed both to protect a right and to silence voices. Cultural geographer Don Mitchell explains that the “silencing of dissenting speech is more and more accomplished through a language, and an accompanying set of regulations, that purportedly serves to protect the very rights that are being suppressed.”<sup>92</sup> Policies regarding free speech are adopted under a language of equality and rights, while simultaneously imposing regulations that deliberately reinforce and maintain systems of domination and power. In the context of student protests, the speech of protesters is more easily repressed as the subjugation of protest behaviors is kept intact through rule of law and disciplinary power. Free speech, then is not really free, as sanctions from state governments (e.g., the Michigan legislature) or from policy institutes like Goldwater are imposed on the university to qualify and measure permissible speech, and simultaneously as the university imposes consequences on students whose speech fails to conform to permissible ideas of speech. The university then becomes both a function of disciplinary power and a product of it; the democratic aspects of liberty, justice, and equality are then further put into peril as the speech of those in service of those values are silenced.

### “Disruptive Activity”

Each of the ten universities considered in this study had some form of policy that prohibited disruptive activity. In general, these policies ruled that any activity that disrupts the “normal operations of the university” or “infringes on the rights of others” is prohibited. At first glance, it makes sense that such policies exist, but when the language used in these disruption policies is vague or easily criminalized, it becomes easy for certain powers to dictate what constitutes disruptive activity, privileging certain activities or groups of people. Again, disciplinary power persists by dictating and normalizing what is or is not considered disruption. Perhaps what is most confounding about these disruption policies is that they fundamentally undermine the purpose of protest — which, in essence, is to disrupt.

Texas A&M merely suggests that behaviors that disrupt or obstruct teaching, research, or “other university activities” are prohibited, including classroom behaviors that interfere with the “ability to conduct class.”<sup>93</sup> Based on this language, peaceful demonstrations with students lining up in front of a building or students gathered in a lobby chanting could both be interpreted as disrupting the operations of the university. The Texas A&M policy neither specifies activity that could be allowed nor separates protest activity from any other activity someone claims is disruptive. Such ambiguity in the policy makes it extremely easy for student protests to be characterized as disruptive and thus allows universities to justify the persecution of protestors as wrong or even criminal. Other universities similarly suggest that violations of safety codes, health codes, or environmental and hazardous codes are considered acts of disruption as is violence against other students. These additional details do not necessarily mitigate the arbitrary vagueness of the word “disruption,” and the university codes of conduct almost always stipulate that the policy applies to, but is not limited to, the specific examples given. Ultimately, disruptive activity of any kind is still viewed as inappropriate and nondecorous activity. Thus, attempts to remove or suppress those participating in that activity are easily executed, allowing the university to maintain control over the functions of the student body.

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92 Don Mitchell, “The End of Public Space, People’s Park, Definitions of the Public, and Democracy,” *Annals of the Association of American Geographers* 85.1 (1995): 2.

93 Texas A&M University, “Student Conduct Code,” Disorderly Conduct 24.4.17, 2017, <<http://student-rules.tamu.edu/rule24>>.



Even the universities that include policies detailing allowable protest behaviors do not remove the salience of control embedded within their intent. For example, the Ohio State University (OSU) leadership claims that “peaceful picketing, a call for a peaceful boycott, or other forms of peaceful dissent” are allowed and are not included in its riotous policy, which identifies and prohibits “riot” determined behaviors such as destruction of property or physical harm.<sup>94</sup> Even when allowable protest behaviors are specified, dominant powers still retain the authority to determine whether the activity under question is in fact within the bounds of the “allowed” behaviors or not. OSU’s use of the word “peaceful” juxtaposed against “riotous” elicits ideas about which behaviors are likely to be considered acceptable and which are deemed inappropriate. The concept of “accepted protest behavior,” or what is recognized as “allowed normalized behavior,” is the consequence of a disciplinary society that has created these normalized ideas. As Foucault reminds readers,

The judges of normality are present everywhere. We are in the society of the teacher-judge, the doctor-judge, the educator-judge, the social worker-judge; it is on them that the universal reign of the normative is based; and each individual, wherever he may find himself, subjects to it his body, his gestures, his behavior, his aptitudes, his achievements.<sup>95</sup>

In the case of a university student protest, the university-judge implies that disruption is considered wrong, but because normalized and accepted behaviors for protest exist, protesters are expected to only disrupt or disturb as much as the university allows, remain within their bounds, or be kept to a strict contractual agreement. Individuals are docile in that they are regulated into behaving in ways that have been rewarded within policing systems. Behavior that “unreasonably interferes with university activities or with the legitimate activities of any member of the university community” and protesters who fail to “comply with a directive to disperse by university officials, law enforcement, or emergency personnel” are considered punishable.<sup>96</sup> Both the specific content of the protest and the context of those involved in the activity are rendered disreputable. The salience of disciplinary power in this framework is unmistakable as individuals subject to it their “bodies, gestures, behaviors, aptitudes, and achievements.”

More troubling is that by rendering activity that disrupts as disreputable, the purpose of protest itself is removed. If protest activity is not disruptive or does not agitate in any form, then what purpose does it serve? Billie Murray, a professor specializing in theories of public space, explains that disruption can be characterized as any action that

disturbs the normal activity occurring in a particular place at a particular time. Disruptions interrupt the normal course or unity of some activity/event/space/etc. ... [The disruption] occurs in local spaces of protest and functions to stir people to anger, invite dispute, create contentious spaces and/or create dissatisfaction with the status quo.<sup>97</sup>

These disruptions are inherent to protest activity, as the goal of many protests is to create a productive tension in the face of complacency and to challenge the legitimacy of the status quo. Protest invites

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94 The Ohio State University, “Code of Student Conduct,” Prohibited Conduct 3335-23-04, 2018–2019, <<https://trustees.osu.edu/rules/code-of-student-conduct/3335-23-04.html>>.

95 Foucault, *Discipline and Punish*, 304.

96 The Ohio State University, “Code of Student Conduct.”

97 Murray 53.



dispute and creates contentious space, which induces the very type of democratic engagement the public university should foster.

Moreover, disruption has historically been used by protesters to provoke a response or to subvert the enforced expectation. Especially in disciplinary societies where the enforced expectation or societal norms are put in place to control certain bodies, disruption becomes even more imperative to challenge those forces of power. If the status quo is to not agitate or to not disturb the accepted functions of university spaces, then not only do the functions of the status quo remain intact, those who suffer from it remain suppressed. The mere existence of anti-disruption policies exposes the university as a disciplinary institution that in fact not only teaches us that participating in disruptive behaviors is a violation, but also justifies the punishment meted out for such violations. As such, policies that are created to discipline disruption can be seen as countertactics to subdue the creative and agitating forces of protest, removing both the student voice advocating democratic change and the platform from which those voices are heard.

### **Regulating Uses of Space and Time**

The ten universities I studied also commonly prohibited particular activities from occurring in specific spaces or during certain times. As a form of disciplinary control, these policies not only create a system to distinguish deviance from prescribed behaviors in certain spaces, but also determine and repurposes how those spaces are conceived and, as such, how we behave within them. It is helpful here to also discuss Foucault's concept of the heterotopia,<sup>98</sup> which suggests that some spaces have different functions or purposes, or hidden layers, meanings, and relationships to other spaces than first meets the eye. Heterotopias are "institutional and discursive spaces that are somehow 'other': disturbing, intense, incompatible, contradictory, or transforming. Heterotopias are worlds within worlds, mirroring and yet upsetting what is outside."<sup>99</sup> The university is a heterotopia because it is a reflection of the outside world's social order while simultaneously operating as its own separate world, where unique social functions occur. The university is contradictory in many ways. It is an institution of education, of freedom of knowledge, and theoretically of democratic civic engagement; but it is also an institution of control, of the reproduction of certain knowledge, and of maintaining power over students.

Among the schools studied, control is maintained by isolating or distinguishing spaces from others, and by stipulating within those spaces certain allowable activities or sets of regulations. For instance, Florida International specifies that "in no event shall campus buildings, indoor facilities, parking facilities/areas, athletic or recreational facilities, fields and/or stadiums be used for demonstrations."<sup>100</sup> The campus buildings and recreational facilities cannot be used for demonstrations because it has been predetermined that they serve another function. By distinguishing these spaces, their purpose or function is made clear, and it becomes easy to spot activity that deviates from that function. Some universities have even erected spaces specifically dedicated to student protest activity. These areas are

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98 Michel Foucault, "Of Other Spaces, Heterotopias," trans. Jay Miskowic, *Architecture, Mouvement, Continuité* 5 (1984): 46–49, <<https://foucault.info/documents/heterotopia/foucault.heteroTopia.en/>>.

99 Peter Johnson, "The Geographies of Heterotopias," *Geography Compass* 7.11 (2013): 790–803.

100 Florida International University, "Demonstration Guidelines."



often called “Free Assembly Areas” or “Free Speech Zones.” These designated areas act as isolated and separate spaces, typically accompanied by a separate set of rules and regulations. These areas may be attempts to give students space to protest and are seemingly encouraging; however, the result is that the activities in these spaces are not merely confined to a set physical boundary but are also put under an easily detectable lens. The use of free assembly zones, or policies that specifically restrict the use of spaces, essentially allows universities to regulate both the content and the form of protest by regulating not protest itself but the space in which that protest occurs. The knowledge of space, and command over it, is a primary and fundamental means of maintaining power.

Additionally, in these spaces of domination, disciplinary power “manifests its potency, essentially by arranging objects.”<sup>101</sup> For instance, at the University of North Carolina (UNC)–Chapel Hill, events inside buildings must have “no amplified sound” or any “signs, posters, boards, paper, or other forms of communication posted on any surface on the inside or outside of the building.”<sup>102</sup> Here, not only is the university restricting the use of indoor spaces but also the elements within it. Such detailed restrictions on the use of certain buildings, what objects or materials are allowed in them, or which behaviors are permitted in certain buildings are all examples of disciplinary control enforced through the regulation of spaces.

Time restrictions are another key way in which disciplinary power is enacted. For instance, the University of Illinois specifies that “amplified sound is permitted on the Anniversary Plaza Monday through Friday between noon and 1:00 p.m. and between 5:00 p.m. and 11:00 p.m. and is subject to approval on the weekends.”<sup>103</sup> Restricting other activities to particular hours of the day operates similarly, as it isolates and distinguishes certain blocks of time, making it easy to determine and control what occurs within that time frame. In the case of the University of Illinois, the individual is incentivized to behave a certain way, i.e., to not use amplified sounds, restricting the individual from, say, playing music loudly, or in the case of protest, of using a megaphone to project her message or using sounds to disrupt or call attention to a particular issue. Individuals are easily controlled when there is a system designed to dictate the types of behaviors deemed acceptable.

This distinction and isolation of space and time is often made possible through university systems designed to keep a record of what spaces are being used when. Typically, students are required to receive approval to use a certain space for a certain time period before they use it. Most universities streamline this service through an online portal through which organizations can reserve university spaces such as classrooms, conference rooms, or other campus spaces for a designated amount of time. Often these policies specify what food can be brought in, whether certain furniture items are allowed, and the various forms and approval systems needed for different types of events. These systems are effective at both keeping track of student activity and where it is occurring, and delegating specific rules and restrictions depending on the space or time it is being used.

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101 Foucault, *Discipline and Punish*, 271.

102 University of North Carolina at Chapel Hill, “Student Judicial Governance.”

103 University of Illinois at Urbana-Champaign, “Office of the Registrar,” Reservation and Facility Use Policies, 2016–2017, <<https://registrar.illinois.edu/reservation-and-facility-use-policies>>.



These processes are critical tools for university officials to maintain a record of and control the nature of protests. For example, at the University of Missouri, a coordinator is charged with assessing and authorizing the scheduling of both indoor and outdoor spaces for large events.<sup>104</sup> Similarly, at UNC–Chapel Hill, major events are subject to the Major Events Policy, “which defines procedures to be followed and approvals to be obtained before events will be approved for use of University space. A major event is one whose expected attendance is 500 or more, if the event is to be held outside, and 1,000 or more, if the event is to be held in an indoor facility.”<sup>105</sup>

By differentiating protest activity as a major event apart from other activities, the university is able to execute a distinct form of control designed specifically to maintain the unwanted behavior. It is similar in form to police attempting to minimize public disorder by increasing the predictability of an event by ceding partial control of public spaces to demonstrators.<sup>106</sup> The involvement of a contractual agreement between the police and the demonstrators — or the university and the student in this case — maximizes predictability. As such, controlling spaces of contention is more about deliberately closing access to the space in which the right to peacefully protest is exercised. Limiting the times or places protest can happen, or subscribing rules on what kind of behaviors are appropriate in certain spaces, only normalizes those behaviors and creates permissible justification for removing any deviations.

### Use of Police Force

The birth and development of the modern-day American policing system can be traced to a multitude of historical, legal, and political-economic conditions. Early policing in the United States was based on the English common law system, which relied heavily on citizen volunteers, watch groups, and a conscription system known as *posse comitatus*, which continued until the mid-nineteenth century.<sup>107</sup> Unsurprisingly, the institution of slavery and the control of minorities were two of the more formidable historic features of American society shaping early policing. Slave patrols and night watches, which later became modern police departments, were both designed to control the behavior of minorities.<sup>108</sup>

By the 1960s (during Lyndon B. Johnson’s presidency), massive police reforms were undertaken as issues of civil rights and police brutality and corruption garnered intense public attention.<sup>109</sup> Yet simultaneously, police forces were becoming more militarized, with supporters believing that military-grade weapons and strategies would quell the ills of the time.<sup>110</sup> This long and contentious

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104 University of Missouri System, “Chapter 200: Student Conduct,” Rules of Procedures in Student or Student Organization Conduct Matters 200.020, 2017, <[https://www.umsystem.edu/ums/rules/collected\\_rules/programs/ch200/200.020\\_rules\\_of\\_procedures\\_in\\_student\\_conduct\\_matters](https://www.umsystem.edu/ums/rules/collected_rules/programs/ch200/200.020_rules_of_procedures_in_student_conduct_matters)>.

105 University of North Carolina at Chapel Hill, “Use of Facilities, Access and Use of Buildings Policy,” 2016–2017, <<http://policies.unc.edu/policies/access-use/>>.

106 Noakes 12.

107 Carol A. Archbold, “The History of the Police,” *Policing* (Thousand Oaks, CA: Sage, 2013).

108 Katie Nodjimbadem, “The Long, Painful History of Police Brutality in the U.S.,” *Smithsonian*, 27 Jul. 2017, <<https://www.smithsonianmag.com/smithsonian-institution/long-painful-history-police-brutality-in-the-us-180964098/>>.

109 Nodjimbadem.

110 Anthony Gregory, “Rise of the Warrior Cop: The Militarization of America’s Police Forces,” *The Independent Review* 19.2 (2014): 271–275.



history of police in the United States explains why communities, at times, have volatile relationships with police.<sup>111</sup> Coupled with the courts and legal system, police forces are able to enforce what can often be very frightening, even deadly, consequences. As such, situations that invite police forces into the equation become escalated. In the case of student protests, police are able to exert control in a number of ways, through both subtle and overt means.

At universities, police appear in a few main forms:

*Campus Safety:* typically associated with medical care, escorts home, or other small campus-related incidents but hold no legal authority.

*Campus Police:* often are individual police departments that are located on campus in cooperation with local law enforcement, or as a part of the local police force (city or state). They retain similar authority to arrest or apply legal ramifications as local police forces would, but typically only operate on university premises.<sup>112</sup>

*City or State Police:* function as a typical police force and possess all the rights duly granted by that city or state. They work in cooperation with campus police and are sometimes called in by the university upon request.

These forms of police operate somewhat differently and are typically called upon for different reasons. Regardless of the type of police force, the relationship between an individual and any of these officers is asymmetric, especially for individuals historically disenfranchised by police. Because the police are deployed through the university, they are also used to reinforce and maintain an asymmetric relationship between the university and the student, with the university in a position of power compared to the student, especially the student activist.

The panoptical effect is most apt when analyzing the use of police during student protests. Specifically, while the threat of police may not always be visible, they are able to control the behavior of individuals by creating a system of constant surveillance. Many of the schools studied retained either in their general policies or in those specific to protests the authority to invite police in at any time; all ten schools also have agreements with a variety of police forces for their use. The presence of a body meant to surveil, detect, and enforce punishment for those who do not abide by prescribed behaviors creates an environment susceptible to docility and control.

At student events especially, measures are put in place that make surveillance even more salient. For example, the University of Missouri states that “the University has the right to require fire, police, or other security personnel for events in UM facilities,”<sup>113</sup> and the university retains the right to require certain security measures it deems necessary for the event. These security measures could include inspecting containers or bags, screening outerwear, or videotaping or photographing events.<sup>114</sup> Many of the schools studied have policies allowing the university to

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111 Nodjimbadem.

112 Some universities may not have campus police that are actual police forces but rather are hired security groups that are legally allowed to carry firearms as permitted by the state, but cannot perform legal police duties.

113 University of Missouri, “Policies Relevant to Free Expression.”

114 University of Missouri, “Policies Relevant to Free Expression.”



enlist police forces in situations where students fail to comply with university directives, such as not dispersing when told to, not providing identification when requested, or not following other instructions from officials. Students who do not adhere to these measures or who refuse to comply with officials at events may be arrested. The threat of arrest for failing to comply with officials manifests as a very real consequence that could occur, regardless of whether the police are actually there to enforce it. The real possibility of being arrested is enough to deter students from deviating from authority.

In other situations, the police presence is more overt. For instance, even though Milo Yiannopoulos's UC Berkeley speech during Free Speech Week was cancelled, an enormous number of law enforcement officers were called in. In fact, security in connection with Yiannopoulos's appearance cost the university an estimated \$800,000, and at least 14 law enforcement agencies assisted the campus police force.<sup>115</sup> In addition to the vast amount of money spent for security, the sheer number of law enforcement officers on campus during these protests created a police-state situation for protesters on both sides of the issue and for the university as a whole. The police in full riot gear shielded and lined up around a barricade with 700–800 people outside of them created a literal image of force surrounding the protesters. And further, it presented a potential threat of physical and legal ramifications. Unlike the policies discussed previously, the consequences here are more overt: There are people, armed, waiting, and watching your every move. Surveillance, in this case, is starkly unconcealed.

The use of police on campus in response to protest sends a message to the student: “Do not perform in this manner” or even “do not protest.” It also perpetuates the idea that police and the university are the ruling authority and thus subverting that authority is a form of illegality. This illegality allows for the dominant force — in this case, the police and the university — to define the criminal and the criminal activity. Thus, the police act as a conduit of the university, as an educating and moralizing power. The criminal becomes a model by which to distinguish delinquent abnormality in the larger population. The police threat operates on multiple fronts: organizing space, controlling actions and bodies, watching and analyzing the population. The university campus becomes a legal annex for authority and a compound of police intervention. As the police practice tactics of social and corporeal control, they create docile bodies, fostering an obedient society unwilling or unable to challenge the forces of oppression.

## CONCLUSION

This study has examined how universities subvert student activism through their policies regarding protest activity. I have used democratic liberal theories on education and public spaces to argue that universities have a responsibility to support student protest as a cornerstone of democratic performance and of the maintenance and development of a true democracy. It is through the promotion of civic engagement and facilitation of protest that students are able to exercise the values of freedom, liberty, equality, and justice, and that they also may seek to fight for them when

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115 Svrluga.



they are being infringed upon in other forms. Foucault's theory on disciplinary power provides a lens through which to analyze the main types of policies used by universities to police student protests. These policies include misappropriating free speech, prohibiting disruptive behavior, limiting space and time, and deploying police. Through each of these policing methods, disciplinary power is reconstituted by regulating and normalizing behavior.

Disciplinary power operates through covert and subtle means. It is maintained by organizing space, time, and daily activities. Such organization is enforced through surveillance and panopticism. Panopticism operates when surveillance and threat of consequence render individuals docile or unable to act because they have been stripped of control and power. It simultaneously perpetuates the power of those who create such regulations and those who enforce them (such as the university and the police). Individuals subjected to such control are regulated away from engaging in protest behaviors. Rhetoric around free speech, policies that prohibit disruptive activity, limitations on what spaces can be used for particular activities at particular times, and the university's ability to call on the police at any time all seek to criminalize protest behaviors. Students are subject to a number of regulations that stipulate what can be said or done, how it can be done, and where it can happen. Examples include not being allowed to obstruct entrances, not being allowed to put posters in certain buildings, having a judiciary process that punishes transgressions with academic probation, financial fees, or imprisonment. I therefore conclude that these regulations and policies are ultimately created and enforced to control, limit, or subdue protest, removing actors of dissent in order to maintain forces of dominant power.

Certainly, arguments can be made to justify why these policies are necessary for maintaining order or for providing "protection and safety." However, I look beyond such good intentions at the possible negative repercussions that these policies could (intentionally or unintentionally) have on students. I thus question the responsibility that our public universities have as public spaces and as educational institutions: What responsibility do public universities have to uphold democratic principles? Moreover, I question the mechanisms by which discipline is reinforced through our institutions and what lasting ramifications this can have on not only individuals' daily lives but also on society at large.

Universities' increasingly restrictive student protest policies have several repercussions. In the short term, students will not be able to fully engage in civic life at their university. Limiting students' ability to choose where, when, and how to express their opinions sends a message that their voices and their agency to express those voices are either unvalued, not important, or simply do not make a difference. It recreates a power dynamic in which students are subject to the authoritative regulation of the university and its administration. For marginalized students or employees on campus, this dynamic is amplified, as the resonance of being unheard or unvalued is already so salient in their daily lives.

An education is valuable in many ways. In an increasingly competitive society, getting a job or securing a better life is often at the top of that list. But one of the other essential elements of education as a public good is its ability to create and promote civically engaged citizens. Activism at the university level not only fosters a sense of responsibility and civic duty in students but also helps to create a campus where student voices are empowered and valued. Without policies that support



and provide the space for students to express and engage with forms of activism or ideas about civic engagement, a critical part of education is lost.

Higher education's mission to create civically engaged, critical, and empowered youth is undermined when our universities are turned into spaces of docility and punitive factories that simply reproduce normalized ideas of behavior and thinking. Consequently, the dominant forces and ideas in larger society go unchallenged and unchecked. In a society where power and control operate through a number of institutions and where discipline is enacted on bodies both implicitly and explicitly, we need people who are willing to challenge these forces of power. Institutional or systemic oppression, such as racism, classism, sexism, and ableism, goes unchallenged when citizens are unlikely to push against it or speak out. The disparate effects of these forces also almost certainly harm people of color and those who have been marginalized and silenced the most throughout history. The sanctity of education and the political struggle for students to find their voices and use them to create change becomes weaker and weaker when student activism is threatened. To deny protest is to also deny justice. The removal of student activism is the removal of our democratic rights upon which freedom, equality, and liberty are built. ■■



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## APPENDIX

### Methodology for Selecting Schools

Ten schools were included in my analysis: the University of Missouri (Mizzou Columbia Campus), the University of Michigan, the University of California Berkeley, the University of Illinois Urbana-Champaign, The Ohio State University, the University of North Carolina-Chapel Hill, the University of Wyoming, the University of Massachusetts Amherst, Florida International University, and Texas A&M University College Station.

Rather than focusing only on schools that have received national attention for student protests, I wanted to examine schools and their policies regardless of whether a prominent protest had occurred there. I chose this methodology to showcase the ways university policies affect student protest irrespective of a specifically designed response. This methodology also allowed me to observe the trickle-down effect that student protests can have on universities, where schools preemptively seek to subvert activism before it escalates as well as how universities respond to other scenarios on their campuses. This methodology also eliminated any concrete time restrictions. While this study is primarily focused on student protests that have occurred in the last five years, the policies that were written at these universities may have long preceded that time period. Rather, this study seeks to explore how these policies as they exist (new and old) exemplify or reconstitute disciplinary control in efforts to subvert student activism.

When selecting the schools to study, I also considered a variety of characteristics such as location, rank, size, and state funding. Although these considerations do not cover all types of universities, I chose a varied sample of universities that captures a diverse student demographic.

Private schools are not considered in this study, despite being appropriate subjects for my analysis. I limited my sample to public universities because arguments rooted in public institutions and public spaces are more applicable to spaces that are legally rendered public (i.e., in theory paid for and governed by the people). Analyzing whether this is entirely true is surely a worthwhile topic but one that lies outside the scope of this project. This study also excludes community colleges simply to narrow down the pool of potential schools and to restrict the sample size. While this is likely to exclude some socioeconomic classes, hopefully the diversity of the student bodies considered will help make up for this shortcoming.

Furthermore, the schools in my sample have student bodies that are largely middle class and white. While this is not representative of the U.S. population, it is representative of how the power constructions in society operate. In other words, the reason why having spaces of dissent are so critical is because for students who are underrepresented, protest is a key avenue for expressing concern and challenging their oppressors. At schools where these policies are exacerbated by an unbalanced student body, it becomes that much more pertinent.



**TABLE 1.**  
**COMMON FORMS OF PROTEST ACTIVITY**

The forms of protest shown in the table were compiled from studying protest activity that has occurred on U.S. campuses in America and across the country at-large. It also draws upon my personal knowledge and experiences involving protest and activism work. The table is by no means a comprehensive list, but it does show the range of behaviors and activities that students may engage in that are penalized by universities.

A demonstration of protest is an action by an individual, mass group, or collection of groups of people in favor of political or other causes of concern.							
	MARCHES/ RALLIES	OCCUPATION	STRIKES	BOYCOTTS	WRITTEN DEMONSTRATIONS	SYMBOLS	"VIOLENT" FORMS
<b>DEFINITION</b>	Walking in a mass march formation and either beginning at a designated point, or a rally, to hear speakers	To take and hold public and symbolic spaces, buildings, or critical infrastructure	Refusal or stoppage of work or expected behaviors	Voluntarily and intentionally abstaining from using, buying, or dealing with a product, person, organization, or government/ country; often targets economic loss	A written request to do something, most commonly addressed to a government official or public entity	Use of commonly understood symbols to signify a political position or opposition	Activity that results in physical damage to persons or things
<b>RELATED FORMS</b>	<ul style="list-style-type: none"> <li>• Political parades</li> <li>• Testimonials/ Speak-outs</li> <li>• Walk-outs</li> </ul>	<ul style="list-style-type: none"> <li>• Blockades</li> <li>• Sit-ins</li> <li>• Takeovers</li> </ul>	<ul style="list-style-type: none"> <li>• Hunger strikes</li> <li>• Picketing</li> </ul>	<ul style="list-style-type: none"> <li>• Consumer activism</li> <li>• Abstaining from participation</li> </ul>	<ul style="list-style-type: none"> <li>• Petitions</li> <li>• Letters</li> <li>• Propaganda</li> <li>• List of demands</li> </ul>	<ul style="list-style-type: none"> <li>• Clothing</li> <li>• Flags</li> <li>• Amplified sounds</li> <li>• Graffiti</li> <li>• Chalking</li> </ul>	<ul style="list-style-type: none"> <li>• Destruction of property</li> <li>• Self-harm</li> </ul>
<b>REAL-WORLD EXAMPLES</b>	<ul style="list-style-type: none"> <li>• Women's March</li> <li>• March For Our Lives (students walk out of class)</li> <li>• Speakers sharing testimonials at a speak-out</li> </ul>	<ul style="list-style-type: none"> <li>• Occupy Wall Street</li> <li>• Blocking entrance to classroom</li> <li>• Sit-in in president's office</li> </ul>	<ul style="list-style-type: none"> <li>• Teacher union strikes</li> <li>• Graduate student worker strikes</li> <li>• 2019 McDonald's worker strike</li> </ul>	<ul style="list-style-type: none"> <li>• Montgomery Bus Boycott</li> <li>• Colin Kaepernick kneeling</li> <li>• Mizzou football team refusing to play or go to practices</li> </ul>	<ul style="list-style-type: none"> <li>• Starting a petition to become a sanctuary campus</li> <li>• Posting fliers or posters about an event or demands</li> </ul>	<ul style="list-style-type: none"> <li>• Hanging an LGBTQ+ Pride flag</li> <li>• Using a megaphone to amplify chants</li> <li>• Students taking a vow of silence</li> </ul>	<ul style="list-style-type: none"> <li>• Political suicide bombers</li> <li>• Taking back stolen property through the use of force</li> </ul>



**TABLE 2.**  
**COMMON SANCTIONS FOR VIOLATIONS OF STUDENT CONDUCT POLICIES AT UNIVERSITIES**

These are compiled from the student conduct codes at the ten universities studied in this paper. While the table is not comprehensive, it does show the wide range of possible consequences that are legally enforced by the university if students violate any policies, including policies regarding speech, disruption, use of facilities/time, and police interactions. This table does not include further consequences that may come with arrest or criminal records.

	<b>ACADEMIC SANCTIONS</b>	<b>REMOVAL SANCTIONS</b>	<b>RESTITUTION</b>	<b>WRITTEN SANCTIONS</b>	<b>LOSS OF PRIVILEGES</b>
<b>DEFINITION</b>	Impacts students' academic standing or ability to graduate	Removes the student from university spaces or from the university	Involves paying for grievances/transgressions through fines, fees, or service	Forms of written consequences	Removing or withholding privileges students would otherwise have access to
<b>RELATED FORMS</b>	<ul style="list-style-type: none"> <li>• Failing or lowered grades</li> <li>• Transcript notation</li> <li>• Educational assignments</li> <li>• Academic retention</li> <li>• Withheld from awards, distinctions, or graduation</li> <li>• Loss of funding for research or scholarship</li> </ul>	<ul style="list-style-type: none"> <li>• Housing relocation or removal</li> <li>• Dismissal from class</li> <li>• Prohibited from entering certain spaces</li> <li>• No-contact orders</li> <li>• Interim or full suspension</li> <li>• Expulsion</li> <li>• Arrest</li> </ul>	<ul style="list-style-type: none"> <li>• Payment for replacement of items or property</li> <li>• Community service</li> <li>• Legal fees</li> </ul>	<ul style="list-style-type: none"> <li>• Records of disciplinary action on transcripts or official documents</li> <li>• Written letters to family/guardians</li> <li>• Transcript notation permitted</li> </ul>	<ul style="list-style-type: none"> <li>• Participation in athletic teams, school organizations, school events</li> <li>• Use of facilities or buildings</li> <li>• Access to housing</li> </ul>

