

Washington University Board of Trustees
Ad Hoc Committee on University Policies and Guidelines
Governing On-Campus Protests and Demonstrations

FINAL REPORT

Approved by Washington University Board of Trustees March 7, 2025

Executive Summary and Conclusions

The April 2024 protests at Washington University in St. Louis ("WashU") were unprecedented, at least in the institutional memory of the past 50 years. The demonstrations principally were organized by external groups that are not a part of the University. Many of the protestors had no affiliation with WashU. The demonstration on April 27, the largest, involved more than 400 people.

The Committee's review provided insight into a number of areas where modification, clarification or expansion of University policies related to protests on campus should be considered by the University community. The recommendations contained in this Report are made in the spirit of continual improvement, and should be undertaken promptly. The Committee believes that these recommendations, informed by a careful review of the events in April 2024, provide an opportunity for making WashU's commitment to freedom of expression and peaceful protest even stronger. The Committee's recommendations also recognize, as we must, the changing nature of protest on today's campuses. It, therefore, is important for the Administration to assess and, if needed, enhance its ability to respond effectively to future protests, with a focus on increasing opportunities for peaceful de-escalation. This process ensures the University continues to fulfill its obligation to maintain an environment that protects its core purposes of scholarship, research, teaching and learning.

The demonstration on April 20, 2024 best captures the University's commitment to its freedom of expression principles. The protestors were permitted to march on campus and chant slogans, some of which many found repugnant. The line was drawn when the protestors attempted to establish an encampment in clear violation of University policy. When the protestors heeded Washington University Police Department (WUPD)'s demand that they desist and disperse, the Administration took no further action and the protestors left the campus.

In contrast, on April 13 and 27, the protestors intentionally violated the University's policies, ignored repeated orders to disperse and, on April 13, physically confronted a senior WashU leader. The Administration responded with multiple efforts to achieve a peaceful de-escalation and gave multiple dispersal orders. Those protestors who left the demonstrations as directed by University officials were not arrested and were allowed to leave. A total of 112 protestors continued to violate University policies and refused to leave during the events on April 13 and 27. They were arrested. More than 70 percent of the arrested protestors had no affiliation with WashU.

The Administration's decisions in responding to the three April 2024 demonstrations were made to protect the WashU community and campus. The factual record that the Committee

developed established that those decisions were made in good faith and within the bounds of the University's policies. Importantly, they also honored the protestors' qualified right to freedom of expression.

The recommendations that we provide to the WashU community are for its consideration, discussion and action by the Administration and, where appropriate, in consultation with the Faculty Senate Council leadership and our students.

Introduction

In July 2024, the WashU Board of Trustees established a Committee to review the events surrounding the protests and demonstrations on the WashU campus during April 2024.¹ The Committee was asked to examine what occurred and the decisions and actions of the Administration, including those of WUPD, and to assess whether those decisions and actions were consistent with the University's policies and procedures and were appropriate. A copy of the Committee's Charge is Exhibit A hereto. The Committee further was asked to make recommendations regarding the manner in which the University's policies and procedures involving protests and demonstrations might be clarified, augmented and strengthened. The Committee, with the assistance of its counsel, has used its best effort to undertake these tasks in a thorough, fair and independent manner, as we promised at the outset.²

The Committee acknowledges and appreciates the time given to it and the Committee's counsel by Chancellor Andrew D. Martin and his leadership team, faculty members, students and staff. The Committee also acknowledges the Administration's respect for the Committee's independence. On several occasions, Committee members met with the Faculty Senate Council leadership and discussed the Committee's work. The Faculty Senate Council leadership's views and thoughts were shared with the full Committee, and helped to shape this report.

The Committee alone is responsible for this report including the views expressed in it.

We have examined the facts. We have listened to the views and concerns of the WashU community. We have reviewed the University's policies and procedures regarding freedom of expression, protests and demonstrations on campus, and those that govern the Administration's engagement with WUPD and neighboring police departments. There does not appear to be any material dispute regarding what occurred during the demonstrations on April 13 and 20. There is disagreement concerning some of the events that occurred on April 27, and

¹ The Committee members are: William B. Pollard III, Chair; Lori Coulter; Catherine L. Hanaway; Stacey L. Hightower; David W. Kemper; Susan B. McCollum; Henry D. Warshaw; Joseph F. Wayland; and, ex officio, Andrew M. Bursky. Monica J. Allen, Vice Chancellor and General Counsel, provided legal advice to the Committee and served as a resource in identifying and obtaining information relevant to the Committee's work.

² The work of the Committee's legal counsel is protected by the attorney-client privilege and the work product doctrine. The Committee's report does not contain confidential communications with legal counsel, the opinions or mental impressions of legal counsel, or any other information or matters protected by the attorney-client privilege or the work product doctrine. Nothing in the Committee's report waives or is intended to waive any applicable attorney-client privilege or work product protection.

such disagreements are presented in this Report, without judgment. The Committee was not charged with resolving disputed issues of fact. The Committee's review focused on evaluating the Administration's decisions and actions, and making forward-looking recommendations.

The Committee has carefully considered diverse viewpoints regarding the Administration's response to the April protests. Based on the Committee's review of the factual record, the Committee provides the following summary observations as context for its findings and recommendations:

- The April protests confronted the Administration with complex, difficult and unique challenges as the Administration sought to balance the University's commitment to robust freedom of expression with its obligation to ensure that protests: (1) did not unduly interfere with the University's core purposes of scholarship, research, teaching and learning; and (2) did not violate the University's policies regarding demonstrations, harassment and physical threats. These challenges were magnified because many of the protestors at each of the three April demonstrations were not members of the WashU community, and the object of the protests were geopolitical events unrelated to any action or policy of the University.
- Prior to the April protests, the Administration had extensive experience in successfully responding to student concerns, complaints and protests regarding issues of varying complexity and sensitivity. It did not have experience with what happened in April: large groups of protesters, the most vocal of whom were not affiliated with WashU, who sought to disrupt University activities, attempted to establish encampments, entered University facilities without permission, refused to obey repeated, lawful direction from staff and WUPD, and sought to advance their cause by intentionally subjecting themselves to arrest, imposing an overwhelming burden on the University's resources, particularly WUPD.
- Given this reality, the Administration's responses were appropriate and consistent with existing policies and processes. Confronted with fast moving and disruptive events, particularly on April 27, the Administration collectively and individually acted professionally and in good faith to maintain order and minimize disruption to University activities.
- With the benefit of a post-event perspective, it is also clear that certain of the University's policies and procedures regarding protests on campus and the Administration's response should be reviewed and, where appropriate, amended to reflect lessons learned from the April protests. Areas for consideration include: whether rules regarding how and where protests are permitted could be clearer, and whether procedures for managing critical incidents (including chain of command, incident management, and external and internal communications) could be clearer. We also recommend that the Administration seek the involvement of the wider University community, including faculty leadership, in developing any new or revised rules and procedures for protests.

The Committee encourages the University community to consider its findings and

recommendations in the spirit in which they are offered – to foster respectful, reasoned and collegial consideration of the April protests and of how we can continue to ensure that the University remains a bastion of open, robust inquiry in the pursuit of knowledge, discovery and learning.

Freedom of Expression

WashU is a private university, not a public institution or public forum. It is not required to uphold the full range of First Amendment protections. However, the University is committed to First Amendment principles regarding freedom of expression on its campus. At its core, freedom of expression is a qualified right to speak one's mind through words and deeds. This right, within limits, includes repugnant, hateful speech and disruptive protest.

First Amendment principles are reflected in WashU's content-neutral policies that permit robust protest and demonstrations on campus. The right to protest on the campus, however, comes with the obligation to exercise that right in a manner consistent with the law and University policies. Unlawful acts, such as committing violence against persons or destroying property, are never acceptable. The University's policies also prohibit speech and conduct that unreasonably disrupt or adversely affect the University's core purposes: scholarship, research, teaching and learning. Embedded within those core purposes are respect for human dignity and an individual's right to be left alone. In addition, speech and conduct that incite imminent lawless action, constitute harassment based upon a protected classification, or are actual threats such as of imminent physical harm, violate WashU's policies.

These rules apply equally to members of the WashU community and neighbors who visit WashU's campus. Those who violate the law or the University's policies are subject to University, civil and criminal sanctions. There also are responsibilities attached to the WashU community's rights to freedom of expression. Among these responsibilities are:

1. Respect for all, demonstrated by respectful behavior even in the context of challenging dialogue, debate and protest;
2. A mutual recognition of the rights of each member of the WashU community to pursue their interests and goals peacefully; and
3. A recognition of each community member's right to freedom from attack or reprisal because of their beliefs, and from the fear of such attacks or reprisals.

In some circumstances, protestors may assert that their actions are acts of non-violent civil disobedience, consistent with our nation's long tradition of such acts. Whatever the moral foundation of any such disobedience, acts that violate the University's policies are subject to sanction. Moreover, it is the acceptance by the protestors of the consequences of their civil disobedience that dramatizes a moral commitment to their cause.

It is also important to understand that the University's limitations on protests do not extend to protecting the community from discomforting views. It is not the University's duty to protect students from hearing challenging views, words that make them uncomfortable or the disquiet of protest. Protest, by its very nature, aims to disrupt in order to call attention to one's cause.

Protest was rooted in the fabric of this nation at the time of its creation.

Finally, in honoring freedom of expression, the Administration faces complex and often hard choices in balancing the competing rights of the WashU community to live, learn and advance knowledge within the permissible extent of peaceful protest. Seldom will its decisions please everyone. Perfection and political correctness are not the yardstick by which the Administration's decisions are measured. Rather, the measure of the Administration's performance is whether choices made in good faith during a crisis, and at times under chaotic circumstances, are consistent with University policies and are within a range of what is reasonable.

Report on the April 2024 Protests at WashU

Stinson LLP was engaged by WashU, acting through the Committee, to provide legal advice to the Committee and to conduct a factual review of the protests and demonstrations on the Danforth campus of WashU in April 2024 related to the unrest arising out of the Israel/Gaza conflict ("the Review").³

WashU Policies and Procedures

At the time of the April 2024 protests on WashU's campus, several policies were in place that were relevant to the Administration's response. The policies included the Demonstrations and Disruptions Policy, the Space Usage Policy, and the Danforth Campus Facilities Access Policy.

The Demonstrations and Disruptions Policy as it existed in April 2024 prohibited "activity that disrupts or obstructs the functions of the university or imminently threatens such disruption or obstruction." The Policy provides examples of disruptive actions, including but not limited to "refusing to leave a building or space that has been declared closed or upon request of a proper authority," and "interfering with prospective student ... activities." The Policy also provides that violators will be warned and instructed to discontinue the conduct before disciplinary or other action is taken, and specifically lists suspension, expulsion, termination of employment and arrest among the possible responses to violations of WashU's policies.

A team of staff members from WashU Student Affairs, known as the Demonstrations and Disruptions Team ("D&D team") is used to execute the Demonstrations and Disruptions Policy's provision to warn violators to discontinue their conduct before disciplinary or other action is taken. The D&D team enables WashU to respond to disruptions without involving law enforcement. When responding to a disruption, the D&D team uses a written script to announce to demonstrators that they are in violation of University policy and to give them an

³ The Review team spoke with 24 members of the WashU community. This included Andrew D. Martin, Chancellor; Nichol Luoma, Executive Vice Chancellor for Administration and Chief Administrative Officer; Anna Gonzalez, Vice Chancellor for Student Affairs; Monica Allen, Vice Chancellor and General Counsel; Rebecca Brown, Vice Chancellor for Strategic Initiatives and University Governance; Ms. Flory; Angela Coonce, Chief of Washington University Police Department; and Robert Wild, Associate Vice Chancellor for Student Affairs and Dean of Students. We extended interview invitations to faculty members who were arrested during the April 27, 2024 protest. Only one faculty member agreed to sit for an interview. With the assistance of the Office of Student Affairs, the Review Team invited WashU students to be interviewed. Fifteen sat for interviews.

opportunity to stop or correct the violation. Following an initial announcement, demonstrators are given a chance to comply before a second scripted announcement is read. The second announcement notes that the demonstrators had been given a previous warning and opportunity to stop the violative conduct and that in light of continued non-compliance, the matter would be referred to WUPD.

The Space Usage Policy, as its name implies, applies to the use of space on the Danforth campus. The Policy as it existed in April 2024 included a requirement that any temporary installation of tents on campus must be approved in advance by the Administration. This requirement arose from a protest in 2019 that included the setting up of an encampment that remained on WashU's campus in various locations for several weeks. At the time, WashU had no policy regarding tents or encampments on campus. As a result of the 2019 protest, the University created the policy restricting tents on campus and requiring prior approval to erect a tent. In September 2024, the Space Usage Policy was updated to prohibit camping on campus and to bar sleeping overnight outside or in non-residential spaces without prior approval by the Administration.

Until the fall of 2023, University policies regarding the use of campus facilities were not compiled in a central location. There also was a concern that individual schools within the University were applying these policies differently. To address this, WashU created the Danforth Campus Facilities Access Policy ("Facilities Access Policy") that became a central resource containing all relevant facilities usage policies. The Space Usage Policy was made a part of the Facilities Access Policy. In January 2024, a campus-wide email was sent notifying the Danforth campus community of the Facilities Access Policy. However, there is no publicly available central depository specifically devoted to University policies that govern harassment, protests and demonstrations on campus.

Of the students interviewed, many said that they were aware of WashU policies applicable to on-campus demonstrations prior to the April 2024 protests. Similarly, many said they were aware of the Demonstrations and Disruptions Policy and the revised policy regarding tents.

April 13, 2024

On Saturday, April 13, 2024, a demonstration took place during the Bear Day Event at Graham Chapel, hosted by WashU Admissions for newly admitted students and their families. Prior to the program beginning, admitted students and their accompanying family members entered the chapel and were seated both on the main level and in the second-floor balcony. Admissions staff were present inside the chapel and greeted students and family members as they entered.

Dr. Anna Gonzalez, Vice Chancellor for Student Affairs, was the welcome speaker at the Bear Day program, which commenced around 9:00 a.m. Shortly after Dr. Gonzalez began to speak, a group of individuals in the balcony unfurled a large banner, covering the projector being used for Dr. Gonzalez's presentation that read, "Boeing Arms Genocide." Dr. Gonzalez was afraid that the banner would catch fire because of its proximity to the projector lights. Additional protestors, some of whom had been seated in the audience and others who came from outside the chapel, started yelling. A number of protestors came onto the stage, unveiled another banner, and began reading a statement criticizing WashU for allegedly investing in The Boeing

Co. The demonstrators also chanted "From the river to the sea, Palestine will be free" and "Long live the Intifada." Dr. Gonzalez recalled parents yelling at the stage where the demonstrators stood.

A demonstrator on the stage made physical contact with Dr. Gonzalez. She said that the demonstrator touched her shoulder area roughly and stepped on her foot. Another administrator described the physical contact as a "push." Dr. Gonzalez said that as she tried to get back to the microphone at the podium, the demonstrator said: "No, Dr. G. you have to get back." Angela Coonce, Chief of WUPD, said Dr. Gonzalez reported that she had been pushed by a protestor. According to the police incident report, Dr. Gonzalez said a protestor "grabbed at her shoulders and attempted to 'jostle' her away from the podium." Although the nature and extent of the physical contact is unclear, a protestor physically confronted Dr. Gonzalez. WUPD believes the protestor who confronted Dr. Gonzalez was a WashU alum.



Photo of protestors on stage at Graham Chapel.

At the time of the protest, WashU's Demonstrations and Disruptions Policy was in place. After the protest began, members of the D&D team were notified and responded to the chapel. Dr. Gonzalez and the D&D team members attempted to stop the demonstration by warning the protestors that they were in violation of WashU policy and needed to disperse, but the

protestors refused. Eventually, Dr. Gonzalez announced that the program was being moved to the Danforth University Center (the "DUC"), and Dr. Gonzalez and Admissions staff members escorted the admitted students and their family members from the chapel to the DUC to continue the program.

Dr. Gonzalez called WUPD for assistance. It appears to have taken WUPD between 20 and 40 minutes to respond. The response time may have been due to the fact that the protest was unexpected and occurred on a Saturday, a day on which WUPD usually had a smaller staff on duty. When officers did arrive, protestors were outside the chapel chanting, holding signs, and handing out pamphlets. Other protestors remained inside the chapel, including 12 protestors who were sitting on the stage chanting, with their arms interlocked. WUPD gave dispersal orders to the protestors on the stage, but they refused to leave. WUPD then announced that they were under arrest. The demonstrators were issued court summonses for trespassing on private property and released. Nine of the 12 arrested protestors were not affiliated with WashU. Three arrested protestors were WashU students. They were temporarily suspended from the University.



Photo of protestors outside of Graham Chapel.

Normally, when there is a disruption on campus, Chancellor Martin, after being briefed by, and consulting with, members of his Cabinet, would make any decision to authorize arrests. On April 13, however, the Chancellor was out of town and unavailable by cell phone for several hours. In his absence, the decision to arrest the protestors who refused to leave Graham Chapel was made jointly by Nichol Luoma, Executive Vice Chancellor for Administration and Chief Administrative Officer; Rebecca Brown, Vice Chancellor for Strategic Initiatives and University Governance; and Chief Coonce. Chief Coonce recommended that the protestors be told that

they are under arrest, issued a court summons, and then released. Ms. Luoma and Ms. Brown agreed with Chief Coonce's recommendation. However, there was some uncertainty among the senior leaders regarding who would make critical decisions when the Chancellor was absent during a disruption on campus. Some believed that under the University's succession plan Dr. Wendland, Provost and Executive Vice Chancellor for Academic Affairs, was the person who should make any decision whether to arrest the protesters.

April 20, 2024

After the April 13 protest, the Administration was concerned about the potential disruption of two major campus events planned to occur on April 20 – the ThurtenE Carnival and an alumni reunion. To prepare for a possible disruption, the Policy Group, consisting of members of the Chancellor's Cabinet, met and developed a written de-escalation plan for responding to, and managing, future demonstrations on campus. While the prior protest was unexpected, University administrators and WUPD had intelligence that new protests were being planned for April 20. Groups like Resist WashU and St. Louis Palestine Solidarity Committee posted several messages on social media announcing events that were planned to take place on WashU's campus on April 20, including an "Art Build" and a "Divestment Rally."



Screenshot of Upcoming Actions Instagram post by @resist.washu.

On April 20, the Policy Group assembled on campus to monitor and manage the expected protest. They discussed and clarified their understanding of WashU's then-existing policy prohibiting erecting tents on campus without permission. With the Chancellor's concurrence, the group agreed that no tents or encampments would be allowed on campus. Chancellor Martin believed encampments created security, liability and operational risks for the University. Potential liability could exist if the University became responsible for the safety of the protestors

in the encampment. In addition, the existence of encampments denies other members of the WashU community use of the occupied space and may subject them to potential risks created by an encampment.

Chief Coonce and WUPD were prepared to respond to any disruption on campus on April 20. In addition, Chief Coonce had arranged with local police departments to make available their police vans in case there was a need to transport arrested protestors. This was necessary because WashU does not have vans that could transport arrested protestors to processing facilities.

At approximately 1:30 p.m., some 50 demonstrators gathered in the Brookings Quad area. The group was smaller than the crowd of protestors on April 13 and appeared to be a mix of WashU students and individuals unaffiliated with WashU. The protestors gave speeches, chanted and held signs containing statements regarding the Israel/Gaza conflict and WashU's alleged investment in Boeing. When the demonstrators attempted to erect tents outside the Brookings archway, the D&D team told the protestors that this violated University policy, and told them to disperse. The protestors refused, and the matter was turned over to WUPD.



Photo of demonstrators erecting tents on the steps of Brookings Hall on April 20, 2024.

WUPD read a prepared statement saying that all tents had to be removed and directing the protestors to disperse. After the statement was read, the protestors took down the tents. Instead of leaving campus, they moved toward Tisch Park and began erecting tents below Brookings Hall. The police read a second warning. At first, the protestors refused to comply, and were overheard commenting that there were not enough police officers to make them

leave. However, Chief Coonce called for police transport vehicles to come to the area near the protest. When protestors saw the transport vehicles, they collected their tents and other belongings and left campus. The demonstration ended around 4:00 p.m. No one was arrested.

April 27, 2024

During the week following the April 20, 2024 protest, there were indications that a bigger demonstration was being planned. On April 25, Resist WashU posted a flyer announcing an "Emergency March for Palestine" scheduled for 3:00 p.m. on April 27 in Forest Park and invited "the community" to join the march. The flyer featured logos of several other local activist groups. The Administration and WUPD also received intelligence from a number of law enforcement agencies and all were monitoring social media. The Administration believed the April 27 demonstration was going to be serious. It also remained deeply concerned about tents or an encampment being erected on campus. The WashU Administration was aware of protests occurring or expected at other university campuses, and was aware of other schools' responses, including, in at least one instance, barring tents without prior permission.



Screenshot of Emergency March Instagram post by @resist.washu.

At about noon on April 27, Resist WashU posted a flyer to Instagram calling for people to join their cause and "struggle with us." The flyer stated, "we welcome the 'disruptors' to our struggle," and in the caption, Resist WashU wrote, "...there can be no 'outside agitators' on this campus. We are disrupting a genocide, not 'peace'." Later, the protestors gathered at Art Hill in Forest Park, the location that Resist WashU and the Occupy SLU Coalition advertised as the meeting point for the protestors. The demonstration ultimately grew to approximately 300 to

400 protestors as they left Forest Park and marched toward Brookings Drive. The demonstrators carried supplies in hand-drawn wagons and chanted phrases associated with the Israel/Gaza conflict.

Chancellor Martin told his staff that the protestors could march on campus but the University would not permit an encampment. Chief Coonce was informed of that decision. Shortly before 3:00 p.m., members of the Policy Group gathered to monitor activities on campus.⁴ Previously, it was decided that Chancellor Martin should remain off campus during the demonstrations, but would be kept apprised of the protest activity. Ms. Luoma was out of town and participated via Zoom. Chief Coonce was on a speakerphone with the group during the day, and joined them at one point in person. Ms. Brown kept Chancellor Martin informed of the developments during the day. Throughout the day, the Policy Group received updates from members of Student Affairs, including Dr. Robert Wild, Associate Vice Chancellor for Student Affairs and Dean of Students, who were present on campus monitoring activities. Some were streaming live video that was posted by demonstrators. The Policy Group members also monitored messages about protest activity through Veoci, which is a virtual emergency operations platform that WashU utilizes that allows for communications about events as they are happening.



Screenshot of Solidary Encampment Instagram post by @resist.washu.

Resist WashU shared real-time updates of the protest activity on social media, outlining the protestors' demands related to the conflict in the Middle East and encouraging others to join. It urged attendees to bring items, including rain gear, umbrellas, masks and hair coverings. Resist WashU also advised demonstrators to carry identification and essential medication in case they planned to risk arrest.

Once on campus, the group proceeded west through Tisch Park, the Brookings Hall archway,

⁴ The Policy Group Members were Dr. Wendland; Ms. Brown; Dr. Gonzalez; Ms. Allen; Pamella Henson, Executive Vice Chancellor for University Advancement; Julie Flory, Vice Chancellor for Marketing and Communications; and J.D. Burton, Vice Chancellor for Government and Community Relations.

and Brookings Quad. They finally assembled outside the south side of the Olin Library, gathering around the George Washington statue. At approximately 4:00 p.m., the protestors began setting up an encampment, laying down blue tarps and erecting tents. One protestor climbed the George Washington statue, placed a Palestinian flag under its left arm and draped a kaffiyeh around its neck. The faculty member who was interviewed as part of this Review participated in the protest, but stated that he did not expect tents to be part of the protest. He noted that some protestors left when the tents were brought out.



Photo of demonstrators surrounding George Washington statue.

At approximately 4:05 p.m., the D&D team leader and another D&D team member went into the crowd of protestors and issued the first dispersal warning, telling the protestors that they were in violation of University policy. The protestors disregarded the warning and shouted the D&D team down. For safety reasons, Olin Library had been locked down, blocking demonstrators from entering. Further, eight WashU students exited the library, approached two WUPD officers, and, concerned for their own safety, requested an escort to their on-campus residences.

In addition to demonstration policy violations, the Policy Group was concerned about whether the demonstration was safe. The D&D team leader's first warning was not well received as protestors shouted over the team leader and yelled that he should get out of the area where they had gathered. Normally, a second warning would be given, but the D&D team leader believed that his team could not safely give that warning. That assessment was communicated to Chief Counce. At 4:06 p.m., the D&D team leader sent a message to the D&D team, stating:

"I don't think I can safely go back in the middle again." At 4:15 p.m., he sent another message, stating: "It is intense to give that warning – about 300 people screaming. Nobody physically touched me, but giving [a] warning leads to lots of verbal harassment." The verbal harassment directed at the team leader was both aggressive and derogatory.

Chief Coonce and the Policy Group believed the D&D team leader was fearful and that he was indicating that the protest itself was not safe. Later in afternoon, the team leader said that he did not mean to imply that the protest itself was unsafe. Instead, he meant to convey that it was a difficult environment in which to give a warning. The D&D team leader messaged that it was a "peaceful event." It is unclear whether the Policy Group was told in real time that he believed it was a peaceful event.

The Policy Group's belief that the demonstration was not safe was based in large part on the concerns that D&D team leader expressed. The conclusion on the ground is best captured by a text sent by a D&D team member: "If it is not safe to give a warning – then EOC [Emergency Operations Center] feels it is not a safe event."

As the demonstration was ongoing, calls were coming in to the WUPD dispatch office. The dispatch officer responded that the demonstration was not violent. Chief Coonce agreed the demonstration was not violent, especially when compared to other demonstrations around the country related to the conflict in the Middle East.

At around 4:28 p.m., a WUPD lieutenant declared the protest at Olin Library an unlawful assembly and issued a dispersal order. He informed the demonstrators that they had 15 minutes to remove their encampments and leave or face arrest. This was the first warning from WUPD. The demonstrators refused to leave until their demands were addressed by WashU's Administration. About 10 minutes later, WUPD began delivering the second dispersal order. The protestors then packed up their tents and left the area around the library. Some protestors left the demonstration. The remaining protestors moved east and began assembling and setting up tents in Tisch Park.



Photo of WUPD Officer delivering a dispersal order outside of Olin Library.

At around 4:43 p.m., Chancellor Martin asked his staff to send a “stay away” communication to all on the Danforth campus because of the risks caused by the demonstration. He was told that the communication was being drafted and, later, that it was sent. He also was told that WUPD would give a second dispersal warning, and once sufficient resources were in place WUPD would move forward with arrests of the protestors who refused to disperse. After the second dispersal order was given, the demonstrators took down their tents in front of Olin Library. However, they went to Tisch Park and again erected their tents. Chancellor Martin was asked whether he approved arrests in Tisch Park if the protestors would not disperse, and he agreed. Members of the Policy Group who were interviewed concurred with the decision to arrest demonstrators who refused to follow the orders of University officials to disperse.

The protestors erected 11 tents in Tisch Park. It appeared to Chief Coonce that the protestors were positioning themselves on the St. Louis City side of the City-County boundary (which runs through the eastern part of the Danforth campus). The east end of the Danforth campus is outside of WUPD’s geographic jurisdiction, and, therefore, its authority in that area is circumscribed. At about 5:13 p.m., WUPD announced another warning, giving demonstrators ten minutes to disperse or face arrest. Some demonstrators remained and stood with their arms interlocked and chanting.



Photo of the protest at Tisch Park.

Before the demonstration began, Chief Coonce had met with neighboring police departments in order to discuss and plan for the demonstration. She secured agreement from those departments to assist WUPD upon request. By the afternoon of April 27, police officers from other departments were on campus to provide assistance if needed. After the protest moved to Tisch Park, Chancellor Martin was informed that he should be prepared to seek assistance from neighboring police departments. He agreed that this might be necessary.

Chief Coonce kept the Policy Group informed regarding the situation in Tisch Park, and discussed whether and when to begin making arrests. By late afternoon she was told that the Chancellor had authorized arrests. There were two reasons for the Chancellor's decision. First, in violation of University policy the protestors had erected tents in Tisch Park in an effort to establish an encampment on campus. Second, they refused to dismantle their tents and disperse after WUPD's multiple dispersal orders.

At 6:49 p.m., 17 Muslim demonstrators placed two prayer rugs on the grass in the center section of Tisch Park for Maghreb (sunset) prayers. In response, Chief Coonce instructed all officers to vacate the area, allowing the prayers to proceed without interruption. Around the same time, a senior police officer from the St. Louis Metropolitan Police Department arrived on campus, and Chief Coonce consulted with her. Afterwards, Chief Coonce was ready to proceed with arrests. During this time, unidentified individuals were inside or attempting to gain entry into nearby University buildings, including Steinberg Hall and Bixby Hall. Officers assigned to the protest detail were directed to evacuate everyone from inside those buildings. Student witnesses reported that some of the individuals evacuated from buildings were students working on school projects.

Chief Coonce believed it was clear the protestors were not going to leave voluntarily and that

they wanted to be arrested. One officer later told her that a protestor asked why it was taking so long to begin the arrests because he wanted to go home.

At around 7:27 p.m., police officers began making arrests in five separate waves. Over the course of approximately the next two hours, WUPD issued at least two more dispersal orders. Some protestors left. Some stayed and continued to defy the dispersal orders. Those who refused to leave were arrested and escorted to police transport vans that had been situated nearby on campus. Some demonstrators complied with the police during the arrests, others struggled with the officers.

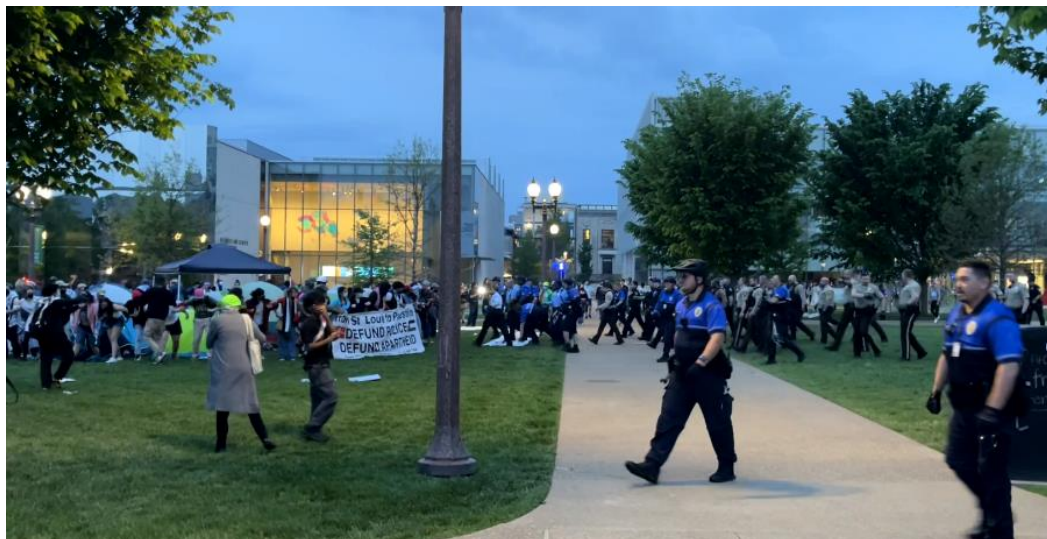


Photo of demonstrators and police.

During the first wave of arrests, WUPD officers attempted to use bicycles to form a barrier to keep protestors away from spaces where individual arrests were occurring. However, as officers positioned the bikes in front of the crowd, protestors began grabbing the bikes thereby leading to a tug-of-war between protestors and police. WUPD abandoned the use of the bikes after the first arrests. WUPD officers did not use riot gear during the protests. It appears that some officers from the St. Louis County Police Department, who were present in case they were needed, brought riot gear with them, but they did not participate in any arrests.

By around 10:00 p.m., the demonstration concluded and the Danforth campus returned to normal operations. One hundred adults were arrested, and two juveniles were detained. The arrestees included 23 WashU students, five WashU faculty members, two WashU staff members and 69 people who had no affiliation with the University. The arrested protestors were transported to the St. Louis County Justice Center (the "County Jail"), processed, issued summonses and released. As of the date of this report, it remains unclear whether the St. Louis County Prosecuting Attorney will pursue charges against any protestor who was arrested.⁵

⁵ On March 14, 2025, the St. Louis County Prosecuting Attorney filed misdemeanor charges against one person who was arrested during the April demonstrations.

The Concerns and Views of Faculty, Students & Staff

The Committee established a Task Group to seek out and listen to the views of the WashU community regarding freedom of expression and demonstrations on WashU's campus. Over the course of several weeks, the Task Group interviewed 30 members of the faculty, the student body and the staff. Those interviewed did not witness or participate in the April protests, and voluntarily shared their views.

While we made broad invitations to contribute to these listening sessions, participation was self-selected. All participants were engaged, thoughtful and appreciative of the Committee's outreach and the nuance and complexity of the topics discussed. We heard many areas of agreement and recommendations; however, there were also areas of significant disagreement. Our goal was to learn and share the community's thoughts. We now summarize key parts of what we heard.

Protest Rules, Regulations and Policies

Wash U seeks to prepare future leaders. That means preparing them to engage with people who hold different truths, and to navigate difficult situations.

People come to WashU to live, work and study in an environment where they feel safe. The WashU community must follow this guiding principle for defining appropriate constraints on freedom of expression.

There was widespread consensus that WashU's rules, regulations and policies for protests and demonstrations should be streamlined into a comprehensive document with key messages distilled in simple and clear words. It should inform the WashU community of what is appropriate and inappropriate when protesting on campus. The policy should be easy to access. The Administration also should make the WashU community aware of the streamlined policy through a wide-ranging communication plan. The enforcement of these policies should be transparent and consistent. Some voiced a perception that at times enforcement of the rules has been inconsistent.

There was concern that the Administration has made policy changes without faculty or student knowledge, and without faculty input. There also was concern regarding self-censoring of views that are not broadly accepted. There was a concern that self-censorship of this nature limits discussion of opposing sides of many issues. One participant noted, "For example, have you seen anyone being able to talk about Pro-Life?" A faculty member said that Muslim students discussed how they self-censored beginning in Fall 2023.

The April 27 Demonstration

As expected, there were strong and varying opinions regarding the April 27 demonstration.

The Task Group found a lack of understanding of the reasons for the Administration's actions and a strong desire for better communications from the Administration regarding what occurred and the basis for the Administration's decisions. It was noted that privacy considerations and potential litigation limit the Administration's ability to provide information concerning individuals related to the demonstration. This often affected nuanced discussions of the events.

One faculty member expressed a view that what transpired on April 27 was meant to chill free speech and academic freedom, particularly if the speech expresses viewpoints that disagree with the status quo. Another participant said students feel silenced and afraid. There was a viewpoint expressed that certain speech is seen as threatening while other speech is not viewed that way, and is therefore allowed. Additionally, the view was expressed that there is a need to understand why students are frustrated and why protests are happening.

A significant contingent of faculty members, staff and students expressed support for the Administration and its actions on April 27. Many believed an unprecedented number of protestors had no relationship with the University and further believed that the protestors came with ill intent. They also pointed out that the unaffiliated protestors far outnumbered WUPD and prevented WashU students from studying during the critical week before finals. Many also stated that the protestors carried signs and chanted messages that they perceived as hateful and threatening.

Students expressed the view that X (formerly Twitter) and “Sidechat” (an anonymous posting app) were sources of misinformation that was shared among students.

Some believed that the student protestors did not fully understand the ramifications of their protest actions. The University has spent years supporting students and building relationships. Some students thought nothing was going to happen to them because nothing had happened previously when students protested, and were surprised when the police were called. Many viewed the police response and arrests as an overreaction.

Others pointed out that after many warnings, the protestors were given until 7:00 p.m. to disperse. It became clear that many protestors hoped to be arrested. When they did not disperse by the deadline, the police took action. There was widespread agreement that the optics of the arrests were disturbing and contributed to the distrust of the Administration and WUPD.

Unacceptable Behavior

We heard a broad range of views regarding what protest behavior is unacceptable.

There was a view expressed that speaking, protesting and demonstrating must be accepted, but that it is important that this activity is done in a way that is not threatening to others or disruptive to the community’s right to live, work or study.

There was widespread agreement that defining acceptable and unacceptable behavior is difficult and nuanced and that the bar needs to be high regarding what will not be tolerated.

Participants agreed that perception can be enough to make someone uncomfortable. Uncomfortable speech is not barred in WashU’s policies, but the perception of what is threatening varies by context and individual.

In order to allow maximum freedom to protest, many argued that WashU needs to have clearly defined guidelines and policies. This would include policies concerning what is threatening conduct and speech that is prohibited and what is not. Both faculty and students expressed the need for continued dialogue about freedom of expression at all levels of the University.

All agreed that the educational mission of the University is paramount. Misconduct is misconduct. Conduct that significantly adversely affects the ability to live, work, study and feel safe is not acceptable. The viewpoint was expressed that disruption in a classroom or any place where people study and learn is unacceptable. However, it was expressed that clearer guidelines regarding what form of protest is permitted are still needed. Many made the point that in the late 1960s there were frequent protests. The belief was expressed that by definition, a protest means there were no requests to march, no approvals sought or obtained for those earlier protests. The view was expressed that protestors should understand the potential consequences of their actions, including being arrested. However, there is always a danger of a double standard or exceptions.

Students, faculty and staff all agreed that it is a good thing that WashU has barred protests and demonstrations from occurring at the South 40 and the Village.

Unaffiliated Individuals

Faculty, staff and students were broadly supportive of WashU's "In St. Louis, for St. Louis" commitment. There is widespread agreement that unaffiliated individuals should not be excluded from campus or protests. However, all said that guests on campus must be required to follow the same policies regarding demonstrations and protests.

The majority of those arrested did not have an affiliation with WashU. They were not subject to the University's disciplinary rules for violating its policies and procedures. Many faculty members pointed out that the University has limited recourse or influence for unaffiliated protestors and that when those protestors refused to disperse, law enforcement was forced to act.

Faculty Concerns

Some faculty members would have liked more faculty collaboration with the Trustees' review concerning the April protests.

A group of faculty members expressed frustration that in advance of the protest, the Administration did not communicate with the faculty adequately regarding the expected demonstrations on campus.

Student Life published an article describing how the University's speaker Assembly Series is infrequent. The view was expressed that having a focused speaker series on freedom of expression with a set schedule would facilitate more thought and discussion.

In addition, a few faculty members expressed concern about the undue influence of professors over their students, particularly as it relates to areas outside of their academic expertise. These faculty members argued that faculty have a duty to refrain from sharing their personal political views because of the potential for abuse of power and undue influence.

Other Comments

There were mostly positive responses regarding academic freedom at WashU, especially as it pertains to research.

There were concerns about less affluent students who were arrested and not allowed to return

to student housing. There was a view that it would be beneficial to publish the University policies on arrests and support for housing transition and food security.

The Dialogue Across Differences course was widely recommended by students and faculty. There was a view that WashU should consider making it mandatory, perhaps as a part of orientation, or as a more in-depth three-credit course and expanding participation to faculty and staff.

The listening session participants broadly agreed that WashU should be a place which cultivates the ability to engage with and learn from perspectives that differ from our own. There was a view that the University has the opportunity to equip students with the tools to navigate diverse viewpoints and demonstrate what it means to build a true community, thereby setting a world-class example for the broader world and fulfilling the University's educational mission.

The Committee's Assessment of the Events During April 2024

April 13, 2024

The disruption of the Bear Day Event at Graham Chapel violated University policies in several significant ways. A protestor physically confronted Dr. Gonzalez. The protest obstructed a program for newly admitted students and their parents. A dozen protestors refused to leave Graham Chapel after they were ordered to do so.

On Saturday morning, April 13, WashU hosted the Bear Day event for newly admitted students and their parents at Graham Chapel. Shortly after Dr. Gonzalez began her welcoming remarks, demonstrators displayed a banner reading "Boeing Arms Genocide" from the second-floor balcony. Additional demonstrators in the audience and from outside the chapel proceeded to the stage, chanting slogans opposing the Israeli government's prosecution of the conflict in Gaza and criticizing WashU for allegedly investing in The Boeing Company. One demonstrator confronted Dr. Gonzalez on the stage. The disruption in Graham Chapel continued for over an hour, as the protestors refused to obey directives by WUPD and WashU's D&D team to stop their demonstration and leave.

In the meantime, Dr. Gonzalez moved the admitted students and their parents into the DUC and continued the Bear Day program. Eventually, some 40 demonstrators left Graham Chapel and were allowed to go on their way. Twelve protestors, however, refused to leave Graham Chapel. Faced with this refusal, Ms. Luoma, Ms. Brown, and Chief Coonce jointly made the decision to arrest these protestors. They did so based on the Chief's recommendation that the protestors be told that they are under arrest, issued a court summons and released. The facts previously detailed in this report support the conclusion that the 12 protestors who refused to leave Graham Chapel intended to continue their demonstration in violation of WashU policies, and sought to be arrested. Nine of the arrested protestors had no affiliation with WashU. The other three were students. Shortly after the arrest, the demonstration ended, and the area around Graham Chapel returned to normal.

We found no discernable criticism within the WashU community of the Administration's decision to arrest the protestors who refused to leave Graham Chapel, or of the manner in

which the arrests were made. The Committee further found that the Administration's actions in addressing the protest in Graham Chapel were consistent with the University's policies and procedures and were appropriate.

Ordinarily, the Chancellor is responsible for authorizing discretionary arrests on WashU's campus. However, on April 13, he was out of town, without access to his cell phone for several hours as the protest unfolded. The University's protocols provide generally that the Provost, Dr. Wendland, acts in the Chancellor's absence, although the protocols do not provide specific direction regarding the Chancellor's absence during a critical incident. Management of critical incidents involving life and safety generally falls within the responsibility of Ms. Luoma. The Committee found that on April 13, there was no clear understanding among the Administration's Policy Group, which comprises the University's senior leaders, regarding who held the ultimate decision-making authority in the Chancellor's absence for the unfolding events.

In this instance, Ms. Luoma, in consultation with Ms. Brown and Chief Coonce, authorized the arrests, which properly and effectively brought an end to the demonstration in Graham Chapel. Later in this report, the Committee recommends that the Administration review its protocols concerning the transfer of authority in the Chancellor's absence and, as needed, reassess which senior leader or leaders have the authority to authorize discretionary arrests when the Chancellor is not available. The Administration should then disseminate clear protocols regarding this transfer of authority.

There is some uncertainty as to when WUPD arrived at Graham Chapel, but it took at least 20 minutes for the first officer to arrive after the protestors took over the stage. The Committee was given two explanations for this. First, April 13 was a Saturday and there were fewer WUPD officers on campus because of the weekend schedule. Second, the demonstration was unexpected. In its recommendations, the Committee asks the Administration to undertake a review of its police staffing needs, response times and its intelligence-gathering capability.

April 20, 2024

A series of alumni reunion events and the annual ThurtenE Carnival were scheduled to occur on campus on April 20. Resist WashU and other St. Louis-based groups planned a protest at WashU on the same day. The Administration learned of the potential protest earlier in the week and began planning its response to, and management of, any demonstration. An important part of the planning was a written de-escalation plan. Central to the plan was "orderly de-escalation." The Administration also developed potential responses to any violation of University policies. This included warnings by the D&D team, warnings by WUPD and, if necessary, arrests.

Marching and chanting would be permitted, as long as there was no associated threatening behavior. Staking tents and establishing an encampment would not be permitted. Chancellor Martin was firm in his view that tents and encampments compromised the safety and security of the WashU community. He further was concerned that they created potential liability for the University if it became responsible for the safety of the protestors in the encampment. In addition, other members of the WashU community would be denied the use of the space

occupied by the tents or encampment.

On April 20, members of the Policy Group, Dr. Wendland, Ms. Henson, Ms. Allen, Ms. Brown, Dr. Gonzalez, and Ms. Flory, gathered on campus to monitor the demonstration. Chancellor Martin was kept apprised of developments and was prepared to join the Policy Group if needed. Previously, Chief Coonce had taken steps to prepare any required police response to the protest.

During the afternoon, approximately 50 people gathered outside Brookings Hall. For about an hour, they chanted slogans, using a loudspeaker. When the demonstrators attempted to erect tents outside the Brookings archway, the D&D team told the protestors that their effort to pitch tents and establish an encampment violated University policy. They also told the protestors to disperse. The demonstrators ignored the D&D team's warnings, and the matter was turned over to WUPD. The police read a prepared statement saying that all tents had to be removed and directing the protestors to disperse. After the statement was read the protestors took down their tents and moved below Brookings Hall toward Tisch Park. Once more they began erecting tents. WUPD again warned the protestors. In addition, Chief Coonce called for police transport vehicles to come to the area near the protest. When protestors saw the transport vehicles, they collected their tents and other belongings and left campus. The demonstration ended around 4:00 p.m. No one was arrested.

We note that most of the organizers of the April 20 demonstration were not affiliated with WashU. Further, the Administration was unable to determine how many of the protestors were from the WashU community and how many were not.

The Administration's plan for managing the April 20 protest allowed the protestors to exercise their freedom of expression rights, within the limits of the University's policies, by marching and chanting. The protestors were not allowed to pitch tents. Once the protestors heeded the warnings to remove their tents, they were allowed to leave, and no arrests were made. The Committee finds that the actions of the Administration were consistent with University policy and procedures, respected the protestors' rights and were appropriate in all respects. Again, the Committee found no discernable criticism within the WashU community of the Administration's decision and actions on April 20.

While the protestors did not respond to the D&D team's warnings, it is important to note that the effort to de-escalate was, and should be, the first step in managing any non-violent demonstration. This approach respects the right to protest, while also allowing protestors to cease any violations of University policies before other action is considered or taken.

April 27, 2024

The Committee found during its interviews and meetings that what occurred on April 27, including the decisions the Administration made and the reasons for those decisions, were not widely or fully understood within the WashU community. The factual summary above addresses each of these topics.

One of the key questions raised following the protests was why the Administration authorized arrests on April 27. The short answer is that the decision was made to prevent the establishment of an encampment in Tisch Park by a core group of protesters who refused to end their protest and disperse despite multiple lawful police commands issued over several hours,

all of which violated University policies. In addition, at the time the arrests were authorized, there were reports of protestors entering campus buildings, threatening further escalation and disruption as darkness fell on the campus. The key Administration leaders were aware of the disruptions at other campuses across the country and the particular challenges they would face in removing an established encampment while ensuring a peaceful campus during upcoming final exams.

The events leading to the arrests began following the April 20 protest, when the Administration learned that Resist WashU and other St. Louis-based groups were organizing a large demonstration to take place on campus on April 27. The demonstrators were told to carry identification and essential medication in case they planned to risk arrest, evidencing an intent and strategy to provoke arrests. Once more, the Policy Group began planning to respond to, and manage, any protest that may have occurred.

The demonstrators met at Art Hill in Forest Park on April 27, and then marched to campus carrying supplies in hand-drawn wagons and chanting phrases associated with the Israel/Gaza conflict. The Chancellor previously told his staff that the protestors could march on campus but the University would not permit tents or an encampment. The Policy Group gathered in a location off campus to monitor the unfolding events. They were in contact with Chief Coonce, Dr. Wild and members of the D&D team. The Policy Group also monitored video of the demonstration posted in real time by the protestors. Chancellor Martin did not join the Policy Group, but was kept apprised of what the group learned.

The demonstration swelled to about 400 people when it arrived at Olin Library. Around 4:00 p.m., the protestors began setting up an encampment, laying down blue tarps and erecting tents. The demonstration was disruptive, noisy and chaotic. Some continued to chant slogans, several highly offensive, opposing the Israeli government's prosecution of the conflict in Gaza. Final exams would begin in a few days and students were studying in the library. Some students became fearful because of what they heard and saw outside the library. WUPD secured the building, restricting access to the library. WUPD did not consider the protest violent. It appears that this was not communicated to the Policy Group or the Chancellor. There also is no evidence that any protestor confronted or intimidated anyone in the library or elsewhere. There was no reported destruction of property.

The D&D team informed the protestors that the demonstration was in violation of University policies, and directed them to disperse. They refused, and aggressively and crudely harassed the D&D team leader who gave the warning. The D&D team leader then told the Policy Group that it was not safe for the D&D team to give a second warning. That task was turned over to WUPD. In response to WUPD's warnings, the protestors left Olin Library and moved to Tisch Park. By the time they reached Tisch Park, many protestors had left the demonstration. In Tisch Park, the size of the crowd continued to decline as the protestors set about raising tents and establishing an encampment. WUPD gave more warnings to remove the tents and leave, which were ignored. WUPD, supported by neighboring police departments, began the arrests around 7:30 p.m. and continued until about 10:00 p.m. when the protest was fully cleared.

By the time the arrests began on April 27, about 300 protesters had left the demonstration. About 100 protesters remained in the area surrounding the nascent tent site, and substantially

all were arrested. Among the 100 arrested, 69 were identified by WUPD as having no affiliation with WashU, 23 were students, five were faculty members and two were staff members.

In sum, the demonstrators disrupted the ability of students to study in Olin Library, at times chanted slogans that many considered hateful speech, intentionally violated the University's policies that prohibited tents and encampments, refused to take down their tents and refused to leave when ordered to do so. The Committee believes that there would have been no arrests had the protestors removed their tents and left campus, as demonstrators had done on April 20, in response to warnings given by WUPD. In contrast, there is evidence that on April 27 some protestors wanted to be arrested to bring more attention to their cause.

The Chancellor's decision to authorize the arrests was grounded in the University's policies and procedures, and was within the range of reasonable responses to the events in Tisch Park. It, therefore, was appropriate.

Prior to the demonstration, WUPD prepared for the contingent use of police resources. This included securing the support of neighboring police departments if that became necessary, given the limited number of sworn WUPD officers. WUPD's actions in preparing for the demonstration were prudent and necessary. The arrests were carried out by WUPD and its partner departments as authorized by the Chancellor. It is not within the Committee's charge to adjudicate any disputed facts regarding the manner in which WUPD and supporting police departments executed some of the arrests made on April 27.

The Committee notes that Chief Coonce exercised restraint and sensitivity when she instructed all officers to vacate an area in Tisch Park after seeing Muslim demonstrators begin to engage in Maghreb (sunset) prayers. Allowing the prayers to proceed without interruption showed good judgment and respect.

The Committee also notes that Dr. Gonzalez and the D&D team that reports to her sought to de-escalate the protest under very difficult circumstances. Later in this report, the Committee acknowledges the importance of de-escalation and recommends that the Administration consider building on the strength and success of the D&D team's work in ways that will enhance its ability to engage in "orderly de-escalation" of demonstrations on campus.

It is well understood that first reports during a crisis are seldom fully accurate or complete. Yet, it is the available information, imperfect as it may be, that informs the decisions that are made. On April 27, the Policy Group from an off-campus location was tasked with gathering and synthesizing information regarding the demonstration as it was occurring, and then through one of its members providing that information to the Chancellor. The Committee makes a number of recommendations for the Administration to consider to strengthen and augment the tasks assigned to the Policy Group. This includes an enhanced ability to gather and share information and clearer crisis management protocols, with specific responsibilities and lines of authority to support real-time decision making. Our recommendations are an opportunity to learn from what occurred in April 2024, and are not intended as criticism of the Administration's execution of its difficult task on April 27.

Students Barred From Campus

On April 28, 2024, the Administration notified the 23 WashU students who were arrested the

prior day that each was temporarily suspended from the University. WashU's Student Conduct Code states: "The suspending authority will limit the scope of the temporary suspension to those parameters necessary to protect those who might be harmed by the Student's actions. . . . In cases of substantially disruptive or dangerous behavior, the suspending authority may deny the Student access to the University-owned or -leased, -managed, or -rented property." University policy allows a suspended student five days to contact Student Affairs to discuss the temporary suspension and appeal his or her suspension.

The suspended students were told that they were "no longer permitted on campus" because their continued presence posed "a substantial threat to the ability of faculty and other students to continue their normal University functions and activities." A student barred from campus is required to leave University residential housing, and he or she may not use any on-campus dining facility. Six of the suspended students lived in residential housing.

On October 2, 2024, *Student Life* published an article, "All students deserve housing — WashU's policies disagree," criticizing the University's suspension policies and the manner in which Student Affairs, in the article's view, failed to adequately support the housing and food needs of the suspended students. We understand that Student Affairs spoke with the six residential students who were barred from campus. Further, the Committee was told that, among other things, Student Affairs took steps to supplement student accounts by adding funds and transferring the value of meal points which could be used to purchase food at off-campus locations. Some suspended students asked to see WashU doctors and they were allowed to come onto the campus to do so. Two students, who were seniors, requested and were allowed to participate in Commencement activities on campus.

In keeping with our mandate not to adjudicate or attempt to adjudicate disputed facts, the Committee will not parse what did or did not occur regarding the housing and food security support that the Administration provided to the extent differing assertions were presented in the Student Life article as opposed to information the Committee obtained from Student Affairs.

The Committee understands that some members of the WashU community believe that the arrests on April 27 were the reason for barring the suspended students from campus. According to Student Affairs, the arrested students were barred from campus because of a concern that they would disrupt the campus during final exams which began a few days later. Some of the students previously had been suspended because of their disruptive conduct. Some told Student Affairs during post-suspension conversations that they intended to continue disrupting the campus.

It is not for the Committee to comment on either the University's suspension policies or the suspension of any particular student. Those policies, the decision to suspend a student and the nature of that suspension are within the province of the Administration. The Committee, however, does find that Dr. Gonzalez and her staff acted in good faith in the decision that they made in barring the suspended students from campus.

Later in this report, the Committee recommends that the Administration, after considering the views of the Faculty Senate Council leadership and student leadership, develop criteria for the appropriate housing, food and health support that the University should provide to a student

barred from campus. This recommendation is not a comment on what occurred in April 2024. Rather, the Committee finds that clarifying and publishing these criteria would be beneficial for the WashU community.

Unaffiliated Demonstrators

WashU has an open campus. Our neighbors in the surrounding communities are welcome to come onto our campus. They also are expected to abide by the University's rules, regulations and policies when on campus. Seventy percent of the protestors who were arrested in April (78 of a total 112 arrested on April 13 and 27) were not affiliated with WashU. Groups that are not a part of WashU organized the April demonstrations on campus.

The Administration has limited means to address violations of University policies and regulations by individuals who are not affiliated with WashU. One option is a command to cease, desist and leave. Another is an arrest for trespassing or other offenses. There are few, if any, options in between.

It is challenging to distinguish between protestors who are members of the WashU community and those who are not while a demonstration is occurring. As a result, the regulations established to respond to protestors who have no affiliation with WashU are likely to be applied to all participants in a demonstration or protest. This is what occurred on April 27.

The manner in which visitors to our campus should be treated when they violate University policies is a challenging and difficult issue that the Administration, Faculty Senate Council leadership and students should discuss. While it is the Administration that addresses misconduct on campus, the entire WashU community has a shared responsibility to contribute their views regarding this matter.

The Committee's Recommendations

The Committee offers the following recommendations for consideration by WashU's Administration, faculty and students. They are made in the spirit of continuous improvement and with the benefit of insights derived from our review of the events on campus during Spring 2024. Our recommendations are delivered to the WashU community for its prompt consideration, deliberation and action.

The Committee recommends that, consistent with established University policy, the Administration collaborate with the Faculty Senate Council leadership and student leadership in reviewing the policy recommendations made by the Committee. Specifically, they should discuss and consider revisions of existing policies and potentially the creation of new policies to enhance robust freedom of expression principles.

A number of the recommendations will require review of matters currently addressed in the University's Emergency Management Handbook, and they should be read in that light.⁶

Recommendations 1-4 are policy recommendations.

⁶ Emergency Management Brookings Executive Cabinet Policy Group Handbook, Rev. December 2023 (701.10)

Recommendations 5-9 are management recommendations which are the province of the Administration.

Recommendation 1: Review and Augment Demonstration Policies

The University has four policies that are relevant, in whole or part, to demonstrations, protests and harassment at WashU: the Demonstrations and Disruptions Policy, the Space Usage Policy, the Danforth Campus Facilities Access Policy, and the Discrimination and Harassment Policy.

The Committee recommends that the University consider combining relevant portions of these policies into a single document that is a clear statement governing protests, demonstrations and repugnant speech at WashU. The combined policy – “WashU’s Policies Regarding Freedom of Expression and Peaceable Assembly” – should provide examples sufficient to inform members of the WashU community of acceptable and unacceptable speech and conduct. The Policies also should establish reasonable Time, Place and Manner Restrictions on protests and demonstrations that balance the rights of all members of the community.

The Committee recommends that “WashU’s Policies Regarding Freedom of Expression and Peaceable Assembly” should be introduced to the WashU community through a comprehensive communication plan that will broadly inform all relevant stakeholders of its contents. The policies also should be published in an accessible and readily locatable place on the University’s website. The availability of these policies should be made known to the WashU community and, to the extent possible, to the broader community that may visit campus.

Recommendation 2: Review and Strengthen the University’s Capability to Communicate with the WashU Community During a Crisis

The Committee recommends that the Administration conduct a thorough review of its crisis communication capabilities to ensure timely, effective and comprehensive information-sharing with the WashU community during a disruptive or violent protest on the Danforth and/or the Medical School campuses. The review, as needed, should determine whether the Administration’s communication resources should be strengthened.

The Administration also should consider designating a primary person and a secondary person responsible for managing content creation and its dissemination to the WashU community during a disruptive or violent demonstration, thereby ensuring clear, coordinated and timely messaging.

Recommendation 3: Suspended Students Barred from Campus

The Committee recommends that the University establish and publish criteria for housing, food, health care and other support services that the University commits to provide a student barred from campus. The Committee also recommends that the University develop and publish a protocol for a more expedited review of a decision made under emergency or developing circumstances to bar a student from campus.

Recommendation 4: Protestors Who Are Not Affiliated with WashU

As the Report makes clear, 70 percent of the individuals arrested during the April 2024 demonstrations had no affiliation with WashU as a student, faculty or staff member. Less than 25 percent were students subject to University discipline.

The Committee recommends that the University consider establishing and publicizing a policy making clear that its campus is a private space principally for use by the WashU community, and while the University welcomes visitors, they are expected to abide by all University policies, rules and regulations, including those concerning protests and demonstrations.

The Committee further recommends that the Administration establish a Task Group with members from the Administration, Faculty Senate Council leadership and student leadership to discuss and make recommendations to the Administration concerning appropriate and effective regulation of protestors who have no affiliation with WashU. It is recognized that during a disruptive or violent protest, it is challenging to distinguish between protestors who are members of the WashU community and those who are not. As a result, the regulations established to respond to protestors who have no affiliation with WashU are likely to be applied to all participants in a demonstration or protest. Therefore, it may be helpful to recognize that a consistent response to all protestors in these circumstances is the only practical response available to WUPD and partner police departments.

Any recommendations regarding protestors who are not affiliated with WashU should reflect the spirit of the University's pledge of "In St. Louis, for St. Louis."

Recommendation 5: The Demonstration and Disruption Team

The D&D team has had considerable success in de-escalating disruptive protests that principally involve WashU students. The Committee recommends that the Administration consider ways to enhance the ability of Student Affairs and its D&D team to effectively de-escalate student-led disruptive protests. This recommendation includes, but is not limited to:

1. Providing additional training on best practices for de-escalation of large protests;
2. Developing standardized methods of delivering D&D announcements in various circumstances; and
3. Identifying methods for providing Student Affairs with additional support and assistance in addressing large demonstrations.

The D&D team has been less effective when interacting with disruptive protests that principally involve individuals who are not members of the WashU community. The Committee recommends that the Administration assess the appropriate role, if any, for the D&D team in responding to disruptive protests that involve a significant number of individuals who are not members of the WashU community. This should include an assessment of whether WUPD is better suited to have the initial responsibility to address those types of disruptive protests, and whether to provide additional training to the D&D team and WUPD for dealing with protestors who have no affiliation with WashU.

Recommendation 6: Review of Procedures and Protocols for Responding to Demonstrations on WashU's Campus

Concomitant with protecting the WashU community's right to peaceful assembly and protest, the Administration has an obligation to maintain an environment that allows scholarship, research, teaching and learning. Included in this duty is the responsibility to maintain a safe campus. Planning in advance of a crisis is essential to the successful management of an

unreasonably disruptive protest or a violent protest.

The Committee recommends that the Administration undertake a comprehensive internal and external review of its ability to respond to an unreasonably disruptive protest or a violent protest on campus. In doing so, the Committee recommends that the Administration consider:

1. Creating an enterprise-wide Emergency Response Team (“ERT”) under central leadership to respond to an unreasonably disruptive protest or a violent protest on the Danforth and Medical School campuses;
2. Identifying each senior leader who is a member of the group responsible for advising the Chancellor and managing the Administration’s response to an unreasonably disruptive or violent protest on campus (“ERT Oversight Team”);
3. Establishing a clear statement of responsibilities for each member of the ERT Oversight Team, which include, but are not limited to:
 - a. The collection and dissemination of information needed by decision-makers;
 - b. Threat assessment;
 - c. Communicating the Chancellor’s decisions and managing their implementation;
 - d. Coordination with WUPD; and
 - e. Message-management and its effective dissemination.
4. Developing protocols for communications between senior leaders and with WUPD;
5. Establishing potential responses to the most likely events that will occur during a disruptive demonstration such as building/office occupation, encampment and disruption of campus academic, social or athletic activities; and
6. Engaging in periodic (at least annual) disruptive event tabletop exercises to test and refine pre-planned responses.

The Committee further recommends that the Administration establish a secure location on or near the Danforth campus from which it can manage the University’s response to a disruptive or violent protest on campus. This location should be equipped so that it has within it the resources necessary for the Administration to manage its response and to effectively communicate with key leaders and with the WashU community. The Committee recommends that the emergency management location for the Medical School be evaluated to determine if it is a sufficiently secure site and sufficiently equipped to fulfill its function.

Recommendation 7: Chain of Command

The Committee recommends that the Administration review the chain of command in the Chancellor’s absence for the management of a disruptive or violent protest on campus with the Cabinet members and all other relevant members of the Administration. This includes designating for the Danforth campus and the Medical School campus a primary person or persons and alternatives who have the authority to authorize discretionary arrests.

The Committee further recommends that the Administration review with WUPD leadership and,

as necessary, re-confirm WUPD's discretionary authority to exercise its police powers as required by the circumstances.

Recommendation 8: Assess Information-Gathering Capabilities

Essential to the Administration's decision-making process during a disruptive or violent protest or in anticipation thereof is a robust capability to gather critical information and assess potential threats in real time.

The Committee recommends that the Administration undertake a review of its ability to gather and assess critical information and take any necessary steps to strengthen these capabilities. The assessment should include a review of the adequacy of visual information provided by the security cameras on the Danforth campus, and, as necessary and consistent with reasonable privacy expectations, consideration of augmenting the video information-gathering capability.

It is equally important that the Administration develop methods to: (1) evaluate the severity of a demonstration; and (2) share that information with the Chancellor, the ERT and the ERT Oversight Team.

Recommendation 9: The University's Police Resources to Respond to Demonstrations, and Police Power on the Eastern Danforth Campus and the Medical School Campus

The Committee recommends that the Administration undertake a review of:

1. WUPD's ability and capacity to effectively and timely respond to:
 - a. A disruptive or violent protest on the Danforth campus; and
 - b. Multiple incidents that simultaneously require significant police resources.
2. Medical School resources augmented by the St. Louis Metropolitan Police Department to effectively and timely respond to a disruptive or violent protest on the Medical School campus.
3. Whether to engage with the St. Louis City government with a goal of obtaining full police powers for WUPD for those parts of Danforth and Medical School campuses that are located in the City of St. Louis.
4. Whether to seek full police powers for WUPD in the WashU residential neighborhoods located in the City of St. Louis.
5. Whether to require WUPD to engage at least annually in tabletop exercises regarding its response to disruptive or violent protests on the Danforth campus, and that similar tabletop exercises be undertaken by the relevant managers at the Medical School campus.