

A Call to Revise the University Policy on Pickets, Protests, and Demonstrations

In September 2024, the Duke University administration published a [Pickets, Protests, and Demonstrations policy](#), which reproduces but seriously modifies an [Appendix in the faculty handbook](#). The policy prohibits “disruptive or disorderly conduct” and “the substitution of noise for speech.” To that end, it requires that pickets, protests, or demonstrations be registered with the university prior to the event—and it carries significant penalties, including expulsion. We are concerned that this policy, if left as is, will chill protest at Duke.

In today’s political climate, issues of protest and speech have become more urgent. We, the undersigned faculty at Duke, urge robust and public faculty discussions this spring in the Academic Council and other representative bodies and beyond to reevaluate the policy.

We raise three key challenges to PPD policy:

1. Noise and disruption as free speech, rather than antithetical to free speech

Duke rightly celebrates its tradition of nonviolent, disruptive, and disorderly protests, such as the Black student takeover of the Allen Building in 1969, as central to its institutional identity. As such examples demonstrate, our intellectual community is strong enough to incorporate and profit from these disruptions, which have been relatively rare in our history. Today, in an atmosphere in which many elite universities are succumbing to external pressures, Duke has the opportunity to be a national leader in continuing its tradition of engaging difficult and challenging dialogues.

Pickets, protests, and demonstrations are not threats to but vital components of democratic processes and they function precisely by collectively raising voices that interrupt the status quo. Such avenues for speech and assembly are particularly necessary for groups whose marginalization is often invisible to those in other positions. Raised voices, which can appear as noise, can be necessary to counter the forms of amplification that the speech of more privileged groups marshal.

2. Trusting our students

The requirement to register ahead of time is contrary to the fundamental characteristics of protest. It is critical to understand that protests typically unfold as immediate responses to policies, actions, or inactions. Temporal urgency can render prior registration impossible. Moreover, the requirement to ask permission for collective action and assembly from university authorities assumes that students are not capable of reasoning adequately for themselves. In fact, such a paternalistic requirement undermines the independence of the students and their responsibility for their own actions. Our students should be treated as mature, conscientious citizens.

3. Vagueness regarding compliance and enforcement

As the policy is currently written, it is unclear what actions and which participants are in violation. For example, what constitutes “noise” is a deeply subjective assessment. Moreover, is anyone who attends a protest in violation? What if someone walks by, and stops to listen to the conversations unfolding at the protest? A policy that is written with little clarification as to how to ensure compliance renders it dangerously broad and vague.

At Duke, we strive to teach our students—as future leaders and responsible citizens—to raise their voices in concert with others to address injustice. In the absence of clear criteria, the uncomfortable and challenging discussions that we encourage risk being cast as disruptive and disorderly, or worse, as violations of policy that could subject both students and faculty to university judicial proceedings. That could well deter exercise of our First Amendment rights at Duke.

Signed by over 100 Duke faculty.

Initial signatories include:

James Chappel (History)

Stefani Engelstein (German Studies)

Michael Hardt (Literature)

Robin Kirk (Cultural Anthropology, Duke Human Rights Center @ FHI)

Nancy MacLean (History)

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