



November 18, 2016

Dr. Hank Foley  
Interim Chancellor  
105 Jesse Hall  
University of Missouri  
*By electronic mail: [foleyh@missouri.edu](mailto:foleyh@missouri.edu)*

Dear Hank:

At the November 17, 2016 meeting of the MU Faculty Council on University Policy, the Council approved a recommended “Policy on Use of University Facilities and Grounds” (“the Policy”) and I now request that you adopt the Policy on behalf of the University. The Policy approved by Council is exactly identical to the October 28 draft submitted by the Ad Hoc Joint Committee on Protests, Public Spaces, Free Speech & the Press (“the Committee”), with one minor change. In line 68, Council added the word “performances” to a list of University functions that are protected from disruptions.

I believe that the Policy exemplifies the values of the University as set forth in the “Commitment to Free Expression” that the Committee submitted on March 18, 2016 and which was subsequently endorsed both by you and Faculty Council. In particular, the Policy is strongly slanted toward the protection of free speech and expression, and it regulates with a light touch—only so much as is necessary to protect the functioning of the University from unreasonable disruptions.

As you will recall, you and I jointly appointed the Committee in January and charged it to “(1) recommend how public spaces can be regulated on campus while protecting safety, free inquiry, and free expression and (2) suggest how the University might resolve future conflicts should they arise concerning the use of public spaces on campus.” We further instructed the Committee that its “primary purpose” was “to help everyone on campus understand their rights and responsibilities with respect to campus protests and the use of public space.”

In addition to including several faculty members—including First Amendment experts from the School of Law and the School of Journalism—the Committee benefited from the membership of top administrators and two students, as well as advice from the UM System’s General Counsel’s Office. As a result, the Committee possessed from the outset a broad range of perspectives, including those of persons most likely to be regulated by the Policy

should it be enacted (that is, Mizzou students) and those who will be tasked to implement it (such as the MUPD, Operations, and Student Affairs).

The Committee has performed its task admirably. In addition to drafting a thoughtful report and excellent Policy, members have held public forums and have vigorously sought public comments on their work. These efforts have led to significant improvements in the Policy over the past several months.

Further information about the Committee, including earlier draft policies and other documents issued by the Committee and its chair, is posted at Committee's website, which is at <http://committees.missouri.edu/protests-free-speech/index.php>

With this letter, I am enclosing the Policy as approved by Council on November 17, along with the October 28 transmittal letter of Committee Chair Bob Jerry explaining the work and thinking of the Committee.

Please let me know if you have any questions or desire any further information. Also, I would appreciate hearing from you about whether you approve the Policy and will order its enactment.

If enacted, this Policy will represent a significant achievement in shared governance. From the beginning, the creation of the Policy has been a joint project of faculty, students, and administration, set in motion by the cooperation of the Chancellor and the Chair of Faculty Council. The result is a document in which Mizzou can justly take pride, which honors the trust that the people of Missouri have placed in us as stewards of the University.

Sincerely,

*Ben Trachtenberg*

Ben Trachtenberg  
Chair, MU Faculty Council on University Policy  
Associate Professor of Law

enclosure

cc: Bob Jerry, Isidor Loeb Professor of Law