



CENTER FOR
STUDENT LEGAL SERVICES

Presents...

A Guide for Student Protesters:

1

A protest or march is not necessarily “civil disobedience.” Marching with others is a powerful show of solidarity, but you should be aware of what you are committing yourself to. If you have a legitimate permit or stay on the sidewalks, you have the right to expect NOT to be arrested. If things change and other marchers are being arrested, (especially for disruptive behavior), your rights may change as well. Pay attention to what the police are saying. Try to record what is happening. If the police order you to disperse and you refuse to do so, you may be charged with a violation of the law.

Remember: Simply because you are charged with a violation does not mean that you will be convicted. You should talk to your attorney before entering a plea of guilty.

2

Before you decide to be arrested by engaging in an act of civil disobedience, such as a sit-in, or a non-authorized march which disrupts traffic, ask yourself what you want to do. After the police have given the order to disperse and you have not complied, it may be too late to change your mind. Once people are being arrested, it is highly likely that any remaining participants will be arrested as well. If you lock arms or refuse to stand or do any action which prevents the police from taking you into custody easily (refusing to enter a police car), you may be charged with “resisting arrest.” Keep in mind that resisting does not require that you fight or actively resist, it includes going limp as well. Quite often a resisting charge will result in your being taken to jail.

3

Refusing to identify yourself, by name, address, and date of birth (unless related to an underage alcohol offense) can result in an additional charge, and your being held at the jail until the police get around to identifying you. If you are arrested, it is best to provide your name, address, and date of birth and then remain silent or request your attorney. Keep in mind that sometimes your attorney is not given the right to meet with you unless you have asked for an attorney.

4

Being arrested means that you and your property will be searched—including wallets and purses—so make sure you are not carrying contraband, like drugs or a fake ID.

5

Being arrested means that you may be held for several hours before being processed, so do not expect to be quickly released. Do not expect to receive normal courtesies like a restroom break or water. Try to let someone know who to contact on your behalf before you are arrested. If you are taken to jail they may be able to secure a bond for

you rather than having you wait for court the next day. If taken to jail, they may hold your money and phone so it may be difficult to call for a ride, or contact someone if you do not remember their number.

6 Being arrested means that you are entering into an experience which may require your time and presence in court on more than one occasion. You should also be aware of what impact your arrest or conviction may have on your future. Will you be mentioned on social media or in newspapers? Will the overall connotation be favorable? If your name appears in the news, even if you seal your record you may not be able to get mention of your charges erased from the internet. What effect will the arrest or conviction have on your future career? Does your major require you to pass a licensing board which will inquire as to the details of your arrest? If you are put on probation with the university, you will be unable to participate in study abroad programs. Sometimes convictions require not only payment of fines but community service—often required to be done in the county in which the arrest was made. Will this be disruptive of your short-term plans?

7 Though many protests begin spontaneously, effective planning can help avoid arrests. If you are planning a protest, be mindful of access to the entrances and exits of buildings. If you are expecting a large crowd, make sure that you are able to communicate that paths to doors must always be kept clear. It's always a good idea to be sensitive to accessibility entrances. OUPD *will* work with you by providing barricades and scolding people who stand in the walkways. Since OUPD's presence at your on-campus protest is unavoidable, you can use their resources to your advantage.

8 If your protest is going to make a lot of noise, make sure that you are not accidentally disrupting another university activity (a class, a meeting, or special event). You can see some of the university's scheduled events here: <https://oit-eventmgt.ohio.edu/VirtualEMS/BrowseEvents.aspx>. OUPD can look at the master schedule through the registrar's office for you and let you know what else is going on nearby. Most protests (even those using megaphones or having a crowd chant) won't make enough noise to break the law or university's policies. According to Athens's Noise Ordinance, quiet hours are between 10:00pm-7:00am on weekdays and between 12:00am-7:00am on weekends. According to the university policy, noise must be kept at a volume that will not "hamper a speaker or performance from being heard", disturb "residence hall quiet hours" or impede "the academic mission of the university."

9 If your protest includes a march, secure a parade permit ahead of time. The proper form can be found on the City of Athens's website and on our website on the Criminal Law page. Once you've filled out the form, turn it in to the Athens City Police Department on College Street. You do not need a permit if your protest will not block traffic. You do not need a permit to hand out flyers, chant loudly, or engage passersby in debate.

10

Effective planning will address questions such as: How will your protest be conducted? How will you deal with counter demonstrations? How will it end? In the age of government surveillance you should assume that everything you do will be on video. You should also plan for the possibility that other persons or groups may try to disrupt your protest or even engage in activity which will cast your actions in a negative light. You should have a spokesperson available to immediately denounce the actions of outsiders who are trying to discredit you. Knowing how to end the protest is also crucial. Is there a time frame, or an alternate meeting place? Is the end of the protest dependent upon the actions of other persons or the administration? What will happen if your expectations are not met? Are you providing the participants with an opportunity to give feedback to the group afterwards?

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