

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

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deprives them of their exercise of free will, such as force, threats, attempts to intimidate or badger a person into viewing, listening to, or accepting a copy of communication; or persistently requesting or demanding the attention of a person after that person has attempted to walk away or has clearly refused to attend to the speaker's communication.

2. **Demonstration:** Any process of showing an individual or group cause by speech, example, group action or other form of public explanation.
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8. **Large-scale events:** Defined as (i) events that are expected to attract 50 or more people or (ii) events that request the use of amplified sound. Such events include invited speakers, marches, parades, protests, and demonstrations.

C. **POLICY**

1. **Policy Statement**

The South Dakota Board of Regents recognizes and supports the educational institutions as marketplaces of ideas. The primary function of the institutions is to discover and disseminate knowledge by means of research and teaching. The Board supports the right of student organizations, students, employees, and their guests to speak in public and to demonstrate for or against actions and opinions with which they agree or disagree. Freedom of expression is vital to the shared goal of the pursuit of knowledge. Such freedom comes with a responsibility to welcome and promote this freedom for all, even in disagreement or opposition. In doing so, however, students, employees, and their guests must comply with this and other Board policies, and institutional policies.

2. **General Guidelines**

2.1. The Board and its institutions are committed to providing an educational, research, and service environment that is conducive to the development of each individual. As a public entity, the Board and its institutions provide both formal and informal forums for the expression of ideas and opinions as long as it is done within the context of federal and state law and Board and institutional policies, and does not impede pedestrian and/or vehicular traffic, disturb or interfere with normal academic, administrative or student activities, or involve prohibited conduct.

2.2.

by the institution in which the expressive activity occurs and the implementation of Board Policy 6:13, so long as the expressive activities or related conduct do not violate any other applicable Board or institutional policy or constitute prohibited conduct.

- 3.3. An institution may not designate any outdoor area within its boundaries as a free speech zone or otherwise restrict the expressive activities of students, employees and their guests to particular outdoor areas within its boundaries in a manner that is inconsistent with this policy.

4. Institutional Obligations

- 4.1. Each institution shall designate and publicize:

- 4.1.1. The institutional office(s) for scheduling and coordinating large scale events;

- 4.1.2. The contact information for the person or office to which appeals of this or related institutional policies are submitted, who shall not be the person or office that schedules and coordinates large scale events;

- 4.1.3. A form, whether physical or electronic, for reserving facilities or grounds; and

- 4.1.4. The grounds for granting or denying a reservation in keeping with Board Policy 6:13(C)(2.5).

- 4.2. An institution may maintain and enforce additional lawful reasonable time, place, and manner restrictions on the use of outdoor areas within the institutional boundaries, so long as any such restrictions are clear, narrowly tailored in the service of a significant institutional interest, published, content-neutral, viewpoint-neutral, and provide alternate means of engaging in the expressive activity. Any such restrictions shall allow students and employees to spontaneously and contemporaneously assemble in outdoor areas within the boundaries of the institution, unless otherwise properly restricted, as long as their conduct is not unlawful and does not materially and substantially disrupt the functioning of the institution.

5. Guidelines for Expressive Activity by Students and Student Organizations

- 5.1. A student's right of freedom of expression at the institution includes organized demonstrations or events.

campus; however, any such requirement(s) must be based on definite and objective criteria that are not content-based. All participants must follow all Board and institutional policies and applicable law.

- 5.4. Access to, and use of, facilities and grounds at institutions shall be equally available to all student organizations, regardless of the ideological, political, or religious beliefs of the organization.

6. Guidelines for Expressive Activity by Guests

- 6.1. Guests of student organizations, students, and employees may engage in expressive activity in outdoor areas in conformity with all applicable policies and in a manner that does not constitute prohibited conduct, or they may seek to reserve select campus facilities pursuant to Board Policy 6:13.
- 6.2. Hosts of guests who are planning a large-scale event must contact the designated institutional office in advance of the large scale event. A representative of the designated institutional office will work with the requesting person to either meet the request or find a reasonable alternate time and location.
- 6.3. By inviting the guest(s), the student organization, student, or employee, in their individual capacity, assumes responsibility for the compliance, safety, behavior, and violations of their guest(s).

7. Enforcement

- 7.1. Student organizations', students', and employees' guests found violating Board or institutional policies, including this policy, will be subject to immediate removal from the institutional grounds, without prior warning, by appropriate institutional agents or officials and may be subject to appropriate legal action
- 7.2. Students and/or student organizations violating this policy will be subject to disciplinary action pursuant to the Student Code of Conduct.
- 7.3. Employees vi

A copy of the recommendation will be provided to the institution and to