

# **SOUTH DAKOTA SCHOOL OF MINES & TECHNOLOGY**

## **Policy Manual**

**SUBJECT:** Use of Institutional Facilities and Grounds for Expression and Demonstration

**NUMBER:** Policy I-05

**REVISED:** August 2022

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The South Dakota School of Mines & Technology supports the freedom of speech and freedom of assembly guaranteed by the Constitution. The university ensures that these freedoms are respected without interfering with the rights of others, including the right of students to receive an education without undue interference. This is in accordance with South Dakota Board of Regents policy.

### **1 Guidelines for Expression and Demonstrations by Students and Student Organizations**

- A. A student's right of freedom of expression at the institution includes organized and spontaneous demonstrations or events. At the same time, the institution has long recognized that this right does not include the right to engage in conduct that disrupts the institution's operations, infringes other students' freedom in learning, interferes with the academic freedom of faculty, endangers the safety of others, or constitutes Prohibited Conduct.
- B. Students and student organizations may use open or limited forums on campus if not previously reserved where student speech and assembly may occur, spontaneously or not, consistent with the time, place, and manner restrictions, if any, on that speech and assembly that are in keeping with the expressed purpose of the forum.
- C. The institution requires any student or student organization planning a large-scale event of 200 people or more to contact the Scheduling Office three (3) days 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.
- D. The institution will require the requesting party to provide a parade route if applicable, hire security at the ratio of one officer per 200 guests, ensure egress to facilities, or take other steps to maintain the safety of the campus for events with planned attendance of 500 people or more and shall purchase event insurance in the amount of one million dollars, naming the State of South Dakota, the Board, the institution and their officers, agents and employees as named insureds. All participants must follow all Board and institutional policies and applicable law.

## 2 Guidelines for Expression and Demonstrations by Private Parties

- A. University facilities and grounds embody investments by students and taxpayers to advance the educational, research, and service mission of the university. They are not open to the public for assembly, speech, or other activities in the same way and to the same extent as public streets, sidewalks, parks, or seats of government. Instead, facilities and grounds of the university serve as an enclave devoted to education, and public access to them is limited by university policy and practice.
- B. Because university facilities and grounds are tax exempt public facilities, they are not generally available for use by private parties for commercial purposes, with few exceptions as authorized in applicable policy.
- C. Individuals who are not South Dakota Mines students or employees (hereinafter private parties) who desire to exercise freedom of speech or assembly must follow [BOR Policy 6:13](#) Facilities Use by Private Parties, complete a request form with Surbeck Scheduling and Event Management and adhere to the provisions below.
  1. A copy of this policy and the approved request form must be displayed by private parties when on campus for assembly, speech, or other activities.
  2. Constitutionally protected non-commercial speech by private parties will be permitted by the university, within a reasonable time, place and manner. All public assembly, speech, or other activities on the university campus will be restricted to the following designated areas and times:
    - a. No assembly, speech, or other activities by private parties will be allowed during the week prior to final exams and the week of final exams.
    - b. Private parties with groups less than five (5) people may reserve the following areas less than three (3) working days in advance for public expression or demonstration:
      - i. The Arch in the Quad extending into the stone area in front of the Arch.
      - ii. The triangular grass area between sidewalks immediately west of McLaury lawn.
      - iii. An area ten feet around the Grubby statue.
      - iv. Public sidewalks along St. Joseph Street are available without a reservation.
    - c. Vendor tables are available to rent for a fee. private parties will be assessed fees based on South Dakota [Mines Policy VI-11](#).
  3. Private parties wishing to exercise freedom of speech or assembly must complete a Request Form available from the Scheduling Office and make reservations at least three (3) working days prior to the event. All activities

must comply with state and federal laws governing such actions, and with all relevant South Dakota Board of Regents policies.

4. Individuals or groups that would like to distribute written material must submit a copy of the material when submitting the Request Form.
  - a. Items distributed on university property are the responsibility of the assembling/advocating/protesting/demonstrating group, and do not imply any relationship with, or official sanction by South Dakota Mines.
  - b. The distribution of any item that would infringe upon, or in any way violate, a legal trademark or copyright will be prohibited. Exceptions will be granted only with the expressed written consent of the trademark or copyright holder.
  - c. No individual may be forced to take materials from a participant in a freedom of speech activity.
5. The institution will require the requesting party to provide a parade route if applicable, hire security at the ratio of one officer per 200 guests, ensure egress to facilities, or take other steps to maintain the safety of the campus for events with planned attendance of 500 people or more and shall purchase event insurance in the amount of one million dollars, naming the State of South Dakota, the Board, the institution and their officers, agents and employees as named insureds. All participants must follow all Board and institutional policies and applicable law.
3. The distribution of flyers placed on vehicles is strictly prohibited. Patrons of the university will not be approached physically or verbally in a manner such that their normal progress is impeded or diverted.
4. The use of amplifying equipment including bullhorns and public address can result in a disruption of the educational mission of the university. Any use of such amplifying equipment must be specifically requested and approved on the Request Form.
5. Private parties must adhere to all federal and state laws, city ordinances, university policy, South Dakota Board of Regents policy, and the Student Handbook while on campus.
6. Violence or damage to property will not be tolerated.
7. Individuals or groups that disrupt campus activities or classrooms or interfere with the normal operation of the institution will be asked to leave or be removed from campus.
8. South Dakota Mines reserves the right to eject any person from the premises who is not complying with this policy. The group/individual hereby waives any right to, and claim for, damages.

9. If an individual believes a registered or unregistered individual/group is disrupting campus activities or interfering with the normal operations of the institution, they should call Campus Safety at 605-394-6100.
10. Registered groups or individuals shall hold harmless and indemnify the State of South Dakota, the South Dakota Board of Regents, South Dakota Mines, their officers, agents, or employees from and against any and all actions, suits, damage, liability, or other proceedings that may arise as a result of the negligence, misconduct, error or omission of the State of South Dakota, the South Dakota Board of Regents, South Dakota Mines, their officers, agents, or employees.
11. By using or accessing campus grounds and facilities, private parties expressly assume full responsibility for any and all damages or injuries which may result to any person or property by reason of, or in connection with the use of the grounds/facilities pursuant to this policy, and agree to pay the state for all damages caused to the facilities or grounds resulting from their activities hereunder.
12. South Dakota Mines will be excused from performing any obligation or undertaking provided in this agreement in the event, and for so long as, the performance of any such obligation is prevented, delayed, or hindered by an act of God, fire, earthquake, flood, explosion, actions of the elements, war, insurrection, strikes, walk-outs, action of labor unions, condemnation of laws, orders of government or civilian and military authorizations, or any other cause not within the reasonable control of the University, which will render the performance of this policy impracticable.
13. A request for a reservation may be denied on one or more of the grounds listed in [Board of Regents Policy 6:13:1](#).
14. Those wishing to appeal a denial will use the appeal process listed in Board of Regents Policy 6:13. <http://www.sdsmt.edu/Campus-Life/Student-Resources/Policies-and-Procedures/Board-of-Regent-Policies/>

**Revision History: Office of the Dean of Students, February 2014. Revised by University Cabinet, April 2019; Office of the President, August 2022**

BOR Reference: [Policy 6:13](#)