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Originating Office: Student Services

Responsible Executive: Dean of Student Services/AVP
Student Services

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Use of University Facilities and Grounds for Expressive Activity

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I. REASON FOR THIS POLICY

This policy sets forth a procedure and guidelines for the use of university facilities and grounds by Students, student organizations, employees, and their guests for expressive activity. This policy and its procedures are governed by SDBOR Policy [6.13.1](#) and promote and facilitate free expression while allowing the University to ensure such activities do not interfere with the University's mission and operations or with the rights of others.

II. STATEMENT OF POLICY

The SDBOR and the University recognize and support the University as a marketplace of ideas. The primary function of the University is to discover and disseminate knowledge by means of research and teaching. The University 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 cases of disagreement or opposition. In doing so, however, students, employees, and their guests must comply with this and other SDBOR policies, University policies, and applicable law.

General Guidelines

1. The University is committed to providing an educational, research, and service environment that is conducive to the development of everyone. As a public entity, the University provides both formal and informal forums for the expression of ideas and opinions, if such expression occurs within the context of federal and state law and SDBOR and University 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. Because University facilities and grounds are tax-exempt public facilities and grounds, they are not generally available for use for commercial purposes, subject to the specific exception set forth in SDBOR Policies [3.2.3](#) and [6.13](#).

Indoor Facilities

1. The University designates indoor facilities available for use by students, employees, and student organizations on the [25Live](#) Room Reservation program. The University shall designate those times and days, including finals week and the week preceding it and graduation day when Facilities will not be available for use.
2. Students, student organizations, and employees may reserve University Facilities for an Event through [25Live](#). [25Live](#) can be accessed at rooms.usd.edu or through the USD Portal. Reservation requests must be submitted in advance of the Event with sufficient time for the request to be reviewed and confirmed. The party requesting to reserve the facility must provide all required information before the Reservation can be confirmed. The requesting party will receive an e-mail notification once the reservation request has been approved.
3. Requests for technology assistance or setup must be submitted directly through USD ITS via the USD Help Desk.

Outdoor Areas

1. To reserve an outdoor area for a planned event, see University Policy [3.010](#).
2. To facilitate robust debate and the free exchange of ideas, the outdoor areas within the boundaries of the University, unless otherwise restricted, constitute a designated public forum for the benefit of student organizations, students, employees, and their guests to engage in expressive activity. This use may be without prior permission from the University so long as:
 - a. The area has not been reserved or scheduled for a particular function.
 - b. No sound amplification is used;
 - c. No gathering of 5 or more individuals occurs between the hours of 11PM and 5AM;
 - d. Participants do not violate any SDBOR or University policies or engage in prohibited conduct; and

- e. The General Guidelines set forth in Section II.B. above and Guidelines set forth in Section II.E. below are followed.
3. Nothing in Section II.C. limits the right of a student's free expression elsewhere on campus, in keeping with the nature of the forum designated by the University and the implementation of SDBOR Policy [6.13](#), so long as the expressive activities or related conduct do not violate any other applicable SDBOR or University policy or constitute prohibited conduct.
4. The University will 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 or SDBOR Policy [6.13.1](#).
5. Where outdoor areas are allowed to be used for expression, the University may maintain and enforce lawful and reasonable time, place, and manner restrictions, each of which is narrowly tailored to serve significant University interests, including but not limited to: student safety; students' ability to study, learn, or utilize University services; or coordinating the use of limited University resources, facilities, and grounds. Such restrictions must be published, must be content- and viewpoint-neutral, and must provide alternate means of engaging in the expressive activity, and shall still allow for students and employees to spontaneously and simultaneously assemble in outdoor areas within the boundaries of the University, unless otherwise properly restricted.

Guidelines for Expressive Activity by Students and Student Organizations

1. A student's right of freedom of expression at the University includes organized demonstrations or events. At the same time, the University has long recognized that this right does not include the right to engage in conduct that disrupts the University's operations, infringes other students' freedom in learning, interferes with the academic freedom of faculty, endangers the safety of others, or constitutes prohibited conduct.
2. The University requires any student or student organization planning a Large- Scale Event to reserve space for the event utilizing the 25Live reservation software available at rooms.usd.edu pursuant to University Policy [3.010](#). The planning party is also required to contact the Vice President of Student Support Services and the University Police Department in advance of the Large-Scale Event. A representative of the Office of Student Support Services will work with the requested person to either meet the request or find a reasonable alternate time and/or location.
3. In the interest of promoting student safety, coordinating the use of limited University resources, and limiting disruption to University Housing and neighboring private residences, outdoor events or gatherings of 5 or more ("Overnight Events") are generally prohibited on campus between the hours of 11PM and 5AM. Overnight Events will only be approved under select circumstances and are subject to prior written approval by the University.

4. The University requires any student or student organization planning an Overnight Event to contact the Vice President of Student Support Services, University Facilities Management, and the University Police Department in advance of the Overnight Event. A representative of the Office of Student Support Services will work with the requested person to either meet the request or find a reasonable alternate time and/or location.
5. For Large-Scale Events or Overnight Events, the University may require the requesting party to provide a parade route, hire security, ensure egress to facilities or grounds, or take other steps to maintain the safety of the campus or protect campus facilities or grounds; however, any such requirement(s) must be based on definite and objective criteria that are not content-based. All participants must follow all SDBOR and University policies and applicable law.
6. Overnight Events that take place without written approval by the University or that violate any of the conditions placed upon the event pursuant to this policy will be dispersed immediately and participants will be subject to the disciplinary provisions set forth in Section II.G.
7. Access to, and use of, facilities and grounds at the University will be equally available to all student organizations, regardless of the ideological, political, or religious beliefs of the organization.

Guidelines for Expressive Activity by Guests

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 SDBOR Policy [6.13](#) and University Policy 6:7.
2. Hosts of guests who are planning a Large-Scale Event or Overnight Event must contact the Vice President of Student Support Services and the University Police Department in advance of the event. A representative of the Office of Student Support Services will work with the requested person to either meet the request or find a reasonable alternate time and/or location.
3. By inviting the guest, the student organization, student, or employee, in their individual capacity, assumes responsibility for the compliance, safety, behavior, and violations of their guest.

Enforcement

1. Student organizations, students, and employees found violating SDBOR or University policies, including this policy, will be subject to immediate removal from university grounds, without warning, by the University Police Department or other appropriate University officials and may be subject to appropriate legal action.
2. Students or student organizations violating this policy will be subject to disciplinary action pursuant to the Student Code of Conduct.

3. Employees violating this policy will be subject to disciplinary action pursuant to the applicable SDBOR and University policies.

III. DEFINITIONS

Demonstration: any process of showing an individual or group cause by speech, example, group action, or other form of public explanation.

Debate: a discussion involving different viewpoints in which different sides of an issue are advocated for, or presented by, differing speakers.

Expressive Activity: any lawful, noncommercial verbal or written means by which one person or group communicates ideas to another, and includes peaceful assembly, protests, debate, demonstrations, speeches, distribution of literature, the carrying of signs, and the circulation of petitions.

Guest: any person who enters campus for a purpose connected with the expressive activity of a university-recognized student organization ("student organization"), student, or employee acting within their non-institutional capacity, by express or implicit invitation of the student organization, student, or employee.

Large-Scale Events: (1) events that are expected to attract 50 or more people, or (2) events that request the use of amplified sound. Such events include invited speakers, marches, parades, protests, and demonstrations.

Overnight Event: any event or gathering of 5 or more people, that takes place outdoors on the University campus between the hours of 11PM and 5AM. Overnight Events do not include University sponsored events or programming.

Prohibited Conduct: any conduct violating state or federal law, regulation, or policy including, but not limited to, coercion, speech unprotected by the United States or South Dakota Constitution, unlawful conduct under state or federal law, rule, or policy including, but not limited to, SDBOR or University policies.

IV. PROCEDURES

If the University denies a request made under this policy to reserve any University facility or grounds, or to hold a Large-Scale Event or Overnight Event, the University shall provide a written explanation of the grounds for the denial to the requestor. The grounds for granting or denying these requests shall be in keeping with SDBOR Policy 6.13 and shall, unless otherwise publicized, include those grounds listed in University Policy 6:7. The written denial shall advise the requestor of their right to appeal the denial pursuant to this policy, as well as the contact information for the office to which appeals of this policy are submitted.

Appeals

1. Individuals who believe that the University violated this policy may obtain a review as follows:
 - a. Complete the *Denial Appeal Form* linked to this policy and submit it to the Office of the Vice President of Student Affairs, whose address is:
University of South Dakota
V.P. for Student Services Belbas Center 310
Vermillion, SD 57069
 - b. The completed written appeal must be presented within five (5) working days after the violation occurred.
 - c. The appeal must specifically state facts that, if proven, would demonstrate that (i) the denial was based upon an incorrect assessment of material fact, or (ii) it involved a misinterpretation, misapplication, or violation of the requirements of a SDBOR or University policy. Mere conclusions, general allegations, and/or speculative statements cannot establish a factual ground for the claim that SDBOR or University policy has been misinterpreted, misapplied, or violated.
2. The Vice President for Student Services, successor, or designee will respond to such appeals via email within two (2) working days after receipt by the University. Should the appeal be denied, a copy of the reservation and the procedure for appealing the decision to the University President will be provided in the response. The appeal will thereafter process as provided in SDBOR Policy [6.13.1](#).

V. RELATED DOCUMENTS, FORMS AND TOOLS

[SDBOR Policy 6:13:1](#)

[USD Policy 3.010](#)