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Free Speech Policy

Policy Contents

I. Reason for this Policy.....	1
II. Statement of Policy	1
III. Definitions.....	2
IV. Procedures	2
V. Related Documents, Forms and Tools.....	3

I. REASON FOR THIS POLICY

In order to complement and adhere to the South Dakota Board of Regents Policy Manual 3.3 regarding Freedom of Speech, the University of South Dakota (USD) will ensure the rights of free speech and expression and will encourage the timely and rational discussion of topics whereby the ethical and intellectual development of the student body and general welfare of the public may be promoted.

II. STATEMENT OF POLICY

The University of South Dakota seeks to protect the freedoms of speech and assembly granted to our community on our public campus under the Constitution. In this vein, the University must ensure that these freedoms are respected in the context of the mission and values of the institution without interfering with the rights of others. A copy of this authorized Free Speech Policy and Form must be displayed at all times while on campus.

1. Constitutionally protected speech will be permitted by the University, within reasonable time, place and manner. All free speech protests/demonstration on the campus of the University of South Dakota will be restricted to the appropriate Free Speech areas on campus and must be approved by the Muenster University Center Administration.

- a. All Free Speech activities will be limited to Monday through Friday, during the hours of 9:00 a.m. – 4:30 p.m. No Free Speech activities will be allowed during the first week of each new semester, the week prior to finals, and the week of finals.
- b. Areas available for Free Speech:
 - i. Inman Field
 - ii. North of Old Main
 - iii. Other areas as approved

III. DEFINITIONS

- A. Protest is defined as a complaint, objection or unwillingness to a course of action (Merriam-Webster's Dictionary, 2012).
- B. Demonstration is defined as a public display of group feelings toward a person or cause (Merriam-Webster's Dictionary, 2012).
- C. Recognized student organization is defined as an organization that has gone through the approval process of the USD Student Government Association (SGA).

IV. PROCEDURES

- 1. Anyone wishing to protest or demonstrate must complete a Non-Commercial Free Speech Request Form (www.usd.edu/muc) and make reservations at least three (3) 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.
- 2. Individuals or groups that would like to distribute information about their group must submit a copy of the material when submitting in the Non-Commercial Free Speech Request Form.
 - a. Items distributed on university property are the responsibility of the protesting/demonstrating group, and do not imply any relationship with, or official sanction by, the University of South Dakota.
 - 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 protestor or demonstrator.
 - d. The distribution of flyers placed on vehicles is strictly prohibited.
- 3. Patrons of the university may not be approached physically or verbally in a manner such that their normal progress is impeded or diverted.

4. All federal and state laws, city ordinances, university and SDBOR regulations, and the Student Handbook must be followed.
5. Individuals or groups that disrupt campus activities or classrooms or interfere with the normal operations of the Institution will be asked to leave campus immediately. Violence, in any form, will not be tolerated. The University of South Dakota reserves the right to eject any objectionable person or persons from the premises upon the exercise of the authority through any agent or police personnel. The group/individual hereby waives any right to, and claim for, damages.
6. 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 University Police at 605-677-5432 to report a violation of this policy.
7. Registered groups or individuals agree to hold harmless and indemnify the State of South Dakota, the South Dakota Board of Regents, the University of South Dakota, their officers, agents, or employees from and against any and all actions, suits, damage, liability or other proceedings that may arise as a results of the negligence, misconduct, error or omission of the State of South Dakota, the South Dakota Board of Regents, the University of South Dakota, their officers, agents or employees.
8. Groups or individuals 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 to the use of the grounds/facilities pursuant to this agreement, and agrees to pay the state for all damages caused to the facilities or grounds resulting from their activities hereunder.
9. The University of South Dakota 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 or delayed, retarded 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 agreement impracticable. The University of South Dakota will not be liable for any damage caused thereby, and this agreement, at the option of the university, may be terminated and the unearned portion of any amount paid upon the execution of this lease agreement will be returned to the group/vendor/organization.

V. RELATED DOCUMENTS, FORMS AND TOOLS

The Free Speech Request Form may be obtained online at: www.usd.edu/muc under Policies & Procedures.

The Student Handbook may be obtained online at: <http://www.usd.edu/campus-life/student-services/>.

The SDBOR Policy Manual may be obtained online at <http://www.sdbor.edu/policy/policymanual.htm>.