

DEMONSTRATION AND PROTESTS PROCEDURE

Southwest Minnesota State University is committed to providing an educational and work climate that is conducive to the personal and professional development of each individual. In fulfilling its multiple missions as an institution of higher learning, it encourages the free exchange of ideas. The University will protect the rights of freedom of speech, expression, petition and peaceful assembly as set forth in the U.S. Constitution. Southwest Minnesota State University maintains its right to regulate reasonable time, place and manner restrictions concerning acts of expression and dissent.

1. As a public institution of higher learning, Southwest Minnesota State University provides forums for the expression of ideas and opinions. These include:

- **Traditional public forums** include the University's public streets, sidewalks, and similar common area. These areas are generally available for expressive activity, planned or spontaneous, for the individual or small groups (generally where a crowd of 25 or less will be present, and/or where an event is not promoted in advance, and/or when an event is not sponsored by a student organization) at any time without the need for reservation, or prior approval. (Obstructing or impeding the flow of vehicular or pedestrian traffic is prohibited.)
- **Designated public forums** include other parts of campus that may become temporarily available for expressive activity as designated by the university. These temporary locations, while in existence, will be treated similar to public streets, sidewalks in terms of access and availability for expressive activity. (Obstructing or impeding the flow of vehicular or pedestrian traffic is prohibited.)
- **Limited public forums** have limited open access for public expression, or they may be limited to particular groups or to particular topics. Creation of, and access to, limited public forums for student publications may be requested through the office of the Dean of Students.
- **Non-public forums** are areas that are not traditional public forums or designated public forums. These include areas that are not by tradition or designation forums for public communication. These forums will be restricted to use for their intended purpose and are not available for public expressive activity. Examples include, but are not limited to, classrooms, residence hall rooms, faculty and staff offices, academic buildings, administration buildings, athletic facilities, libraries, and computer laboratories.

Any acts that are disruptive to the normal operations of the university, including classes and University business, or that invade the rights of others will not be tolerated. Faculty, staff, and students engaging in a disruptive activity may be subject to disciplinary action. Non-university participants may face criminal charges.

Ideas or expressions put forth in expressive activities are not necessarily the views of Southwest Minnesota State University, its officers, administrators, or leaders, unless otherwise noted.

2. Reservable Areas

Social Science Court yard, Social Science Parking Lot, RA Gravel Lot, and F-Hall Green Space will be reserved at the request of students

and non-students for expressive activity. The act of confirming a reservation will ensure the availability of space. A reservation is not required, except as described in section III.

Each area available for reservation is described below:

- Social Science Court yard – No sound equipment is allowed in this area.
- Social Science Parking lot – Sound equipment is allowed in this area. The volume of any sound equipment must be kept at a level that would not interfere with any academic or other program taking place in nearby buildings.
- F-Hall Green Space – Sound equipment is allowed in this area. The volume of any sound equipment must be kept at a level that would not interfere with any academic or other program taking place in nearby buildings.

3. Advance Reservation Requirements

In an effort to ensure safety and to promote an environment conducive to study, advanced reservation for expressive activity is required (in the form of an approved Reservation Request for Space) for events or activities that are promoted in advance, and/or sponsored by student organizations, and/or expected to draw a crowd of more than 25 people. Advance reservation is also required for activities near intersections, and/or in close proximity to academic buildings anytime classes, and/or study activities, are taking place.

4. Reservation Procedures

Individuals or groups who are either required to make advance reservation (see section III) or those individuals or groups who otherwise wish to make advance reservations shall request use of the space through the Scheduling Office on the first floor of Founder's Hall. If advance reservation is required, (see section III) requests must be made at least five business days in advance of the event. Additional collaboration and coordination may be required from the Department of Student Life. Usually use of the space will be assigned to the person or organization that requests the area first. University sponsored events have first priority on the use of campus facilities. The University reserves the right to locate any assembly so as to ensure that the activity does not interfere with the normal operation of the university or interfere with the rights of others.

The decision to confirm a request for space will be based on proper and timely completion of the Reservation Request form, compliance with applicable sound and sign requirements, and availability of space. The decision to confirm will be based on the above criteria, and in no circumstance will any decision be based on the content or viewpoint of the expressive activity or upon the expected reaction of others. If a request is denied, the rationale for the decision will be provided in writing. The denial of a reservation request can be appealed to the Vice President for Student Affairs or a designee. At the time of the request the following information will be required:

- Name information of the person or organization sponsoring the event. Contact information for one individual who will be present during the course of the event.
- Location, date and time requested for the event.
- General purpose of the event.
- List of planned activities (e. speech or rally, march with signs, distribution of literature, sit-in).

- Copies of any literature to be distributed.
- Special equipment requested.
- Anticipated attendance.

For recognized student organizations, an officer of the sponsoring organization must be present at the event, and during the entire course of the event.

Guidelines for Expression:

- **Disruptive Activity**—Obstruction, disruption or interference with classes, research, administrative functions or other University activities is not permitted. Likewise, infringement on the rights of others is prohibited.
- **Reasonable Access**—It is important to provide reasonable access to, and exit from, any office, classroom, laboratory or building. Likewise, vehicular and pedestrian traffic may not be obstructed.
- **Picketing**—Picketing in an orderly manner outside of University buildings may be permitted. Such activities should not become disruptive nor should they impede access. Picketing is not permitted inside campus buildings.
- **Literature** may be distributed in traditional and designated free speech areas. Such activities should not become disruptive nor should they impede access.
- **Symbolic Protest**—Displaying a sign, gesturing, wearing symbolic clothing or otherwise protesting silently is permissible unless it is a disruptive activity or impedes access. In addition, such acts should not block the audience's view or prevent the audience from being able to pay attention.
- **Noise**—Making sustained or repeated noise in a manner that substantially interferes with a speaker's ability to communicate his/her message is not permitted. Noise levels should not interfere with classes, meetings or activities in progress or the privacy of residence hall students.
- **Force or Violence**—Any attempt to prevent a university activity or other lawful assembly by the threat or use of force or violence is not permissible.
- **Presenting Identification**—In accordance with University policy, any person on any property either owned or controlled by the university must identify him/herself to a university official in response to a request. For the purpose of these rules a person identifies him/herself by presenting student or faculty/staff ID card or state issued ID card.
- **Damage to Property**—Any damage to university or personal property in the course of, or as a result of, an expressive activity is prohibited. Care should be taken to ensure that university and personal property is not damaged or destroyed. This includes the campus lawns, shrubs and trees.
- **Other University Rules**—All applicable University Student Rules should be followed whenever engaging in activities on cam Consult the University Student Handbook for further information.

All individuals participating in expressive activity are expected to comply with state and federal law, municipal ordinances, Southwest Minnesota State University Rules and the above guidelines. Failure to do so may result in immediate removal from the campus and any other appropriate action by university officials and/or the Marshall Police Department.

Additional Considerations

- **Insurance and Indemnification**

All non-affiliated organizations using Southwest Minnesota State University facilities, other than speakers in a free expression zone of campus, must provide evidence of insurance in advance of the event. Information on these requirements is available from the University Scheduling Office.

- **Prohibited Uses**

Any activity that is prohibited by federal or state law or local ordinance is prohibited. Southwest Minnesota State University facilities, logos, or copyrighted likenesses cannot be used in a manner so as to make it appear that the Southwest Minnesota State University endorses a sectarian, religious, political or partisan position. Members of the Southwest Minnesota State University community are required to adhere to Southwest Minnesota State University policies, including applicable employee or student codes of conduct, as well as any lease agreements. Non-affiliated organizations must abide by their lease agreements, as well as all federal, state or local laws.

Failure to abide by policies or agreements can lead to cancellation of event and use of facilities and prohibition of any further use of facilities.

- **Emergency Restrictions:**

Southwest Minnesota State University reserves the right to cancel any scheduled use of its facilities due to weather and other emergencies.

- **Disclaimer:**

Southwest Minnesota State University does not assume any responsibility or obligation resulting from its decision to make its facilities available pursuant to this policy. Nor does such a decision implicate support for the individual or organization's objections. All users of Southwest Minnesota State University facilities must comply with all federal, state and local laws.

- **Appeals:**

Any decision made by the University Scheduling Office may be appealable to the Dean of Students. The appeal must clearly identify where/why the previous facilities decision was incorrect. The decision by Dean of Students shall be final.

Updated – November 15, 2018

Previous Update – March 3, 2017