

# A Guide to First Amendment Rights on Campus

## Black Hills State University

### Freedom of Speech

As a public institution, BHSU acknowledges the right of students and others to assemble in groups for peaceful purpose. These methods of expressing individual or group opinion are an important part of our American heritage and a legitimate means of exchanging thought and opinion. It is the policy of the University to permit such expression of opinion for lawful purposes in a manner that prevents the disruption of regular University business, including classes, study, residential living, and the operation of the institution. BHSU upholds the First Amendment right granted to individuals and groups who choose to exercise their constitutional right to participate in freedom of expression activities on campus. Regardless of their position or platform, individuals and groups may hold a “peaceful assembly” or distribute information on campus provided they comply with the law and university policy.

The university does not intervene unless the speech incites riot or an immediate breach of the peace, disrupts lawful assembly, presents a threat to health and/or safety of individuals or damage/destruction to property, impedes faculty or staff in the lawful performance of their duties (including compliance with university policies), impedes students in the lawful pursuit of educational activities (including disruption of classes), or is of a commercial nature.

Black Hills State University is place of learning that supports both a vigorous and open exchange of ideas and a sense of belonging for all, not just some, members of the campus community. We encourage all to examine the tensions around free expression, political polarization, and inclusion with the goal of encouraging free expression coupled with personal accountability for civility.

### Peaceful Assembly

- Assemblies can include meetings, speeches, debates, demonstrations, marches, vigils, sit-ins, rallies and protests.
- BHSU has no designated *free speech* area. Therefore, it is essential that those wishing to participate in a public forum or demonstration coordinate with the representative from the office of Public Safety and Security. Because of its high foot traffic and central location, The Campus Green is an ideal assembly area.
- Reasonable precautions for the safety of individuals and their audience are paramount. The University will review the security needs of each assembly and determine if there is a need for additional security.
- All members of the University community share in the responsibility for maintaining a climate of mutual respect. Violence, threats, harassment, retaliation and other disruptive behavior by members of the university community or visitors — either by a participant or someone interfering with the event (e.g., shutting down an event by shouting down a speaker) — will not be tolerated.

This document is an internal operations guide and is intended to help understand and implement First Amendment Rights on campus. BHSU adheres to BOR policy 3:3 (Freedom of Speech). August 2018

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### **Distributing, Posting Information**

- Distribution of pamphlets, handbills, posters or flyers is allowed in all exterior public places of campus (e.g., green areas, exterior entrances, patios, outdoor venues, sidewalks, and Lyle Hare Stadium). Distributing those materials, except in exterior public spaces, is prohibited unless they are part of authorized university activities. For more information, see the BHSU Posting Guidelines.
- Revised Ordinances of Spearfish (Code 1982, § 3-203) prohibits the placement/deposit of any handbill in or upon any vehicle. Spearfish Ordinances have authority on the BHSU campus.

### **Campus Resources**

- BHSU Public Safety Officers regularly patrol campus.
- Violence, threats, harassment, retaliation and other suspicious or disruptive behavior should be reported to Public Safety by calling 605-641-6988.
- Anonymous reporting is available at <https://cm.maxient.com/reportingform.php?BlackHillsStateUniv>
- BHSU's Counseling Center provides confidential support for all university students, 605-642-6520.

### **Protecting Free Speech is the responsibility of the entire campus. Therefore, depending on your question or complaint, the following individuals/offices may be contacted.**

- Question/Complaint about a group assembly or demonstration:
  - BHSU Public Safety, 605-642-6297
- Faculty questions or complaints:
  - Contact your Chair, Dean or Faculty Senate
    - College of Business & Natural Sciences, Dr. Gregory Farley, 605-642-6341
    - College of Education & Behavioral Sciences, Dr. Betsy Silva, 605-642-6889
    - College of Liberal Arts, Dr. Amy Fuqua, 605-642-6221
- Staff questions or complaints:
  - Contact your Division Head or the Human Resources Office, 605-642-6877.
- Student questions or complaints:
  - Contact the Dean of Students, Dr. Jane Klug, 605-642-6080
- Question/Complaint about a posted flyer or printed material:
  - BHSU does not censor flyers or printed promotions. If the material offends you, you are welcome to contact the sponsoring party whose name and contact number are on the printed document.

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