

## 503.1 - Speech, Expression, and Assembly

### **Purpose:**

The purpose of this policy is to comply with North Dakota State Board of Higher Education policy 503.1 Student Free Speech and Expression.

### **Policy:**

Bismarck State College (BSC) recognizes the fundamental right of its students, employees, and others to free speech and expression under the First Amendment to the United States Constitution and Article I, Section 4 of the Constitution of North Dakota, North Dakota Century Code 15-10.4-02 and North Dakota and the North Dakota State Board of Higher Education (SBHE) policy 503.1 Student Free Speech and Expression.

BSC's established procedures shall be no more restrictive of student free expression than North Dakota SBHE policy 503.1 Student Free Speech and Expression.

### **Definitions:**

**Amplified sound** - sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are exempt from this definition and are not subject to the special rules on amplified sound but are subject to general rules on disruption.

**Closed Forums** - areas which are not designed for the exercise of free speech or expression, or which have traditionally not been open to the exercise of free speech or expressive activity.

**Classroom activities** - any activity relating to the class in which it is taking place and contained inside the classroom.

**Disruptive Conduct** - any act that: unreasonably interferes with the rights of others to peaceably assemble or to exercise the right of free speech or expression; impedes the flow of pedestrian and/or vehicular traffic; disrupts the normal functioning of the College; damages property; or endangers health or safety.

**Event** - something that occurs on BSC Campus; events include but are not limited to guest speakers, exhibits, tables, distribution of literature, signs, and public assemblies.

**BSC Campus** is defined as:

- a. BSC Main Campus

- b. Mandan Campus
  - 1. Lineworkers Campus
  - 2. Mechanical Maintenance Campus
- c. Online Campus - the platforms used by BSC to provide online instruction.

**Open Public Forum** - those areas which are designed for the exercise of free speech or expression, or which have traditionally been open to the exercise of free speech or expressive activity, unless otherwise restricted.

**Publicly assemble and public assembly** - include any gathering of persons, including discussions, rallies, and demonstrations.

**Restricted Forum** - areas events are not permitted.

**Room or space** - includes any room or space, indoors or outdoors, owned or controlled by Bismarck State College.

**Weekday** - an 8:00 a.m. to 4:00 p.m. calendar day, and excludes weekends, BSC holidays, and days on which regularly scheduled classes are suspended due to emergent situations. If a deadline defined in this chapter falls on a Saturday, Sunday, or BSC holiday that deadline will be moved to the next day.

**References:**

[State Board of Higher Education Policy 503.1, Student Free Speech and Expression](#)  
[State Board of Higher Education Policy 605.1, Academic Freedom and Tenure; Academic Appointments](#)  
[BSC Facilities Usage Policy](#)  
[North Dakota Century Code Chapter 15-10.4 Campus Free Speech Policy](#)

**History of This Policy:**

First policy: draft approved by the Faculty Senate on August 22, 2019, the Staff Senate on August 20, 2019; reviewed by the Operations Council on August 16, 2019 and approved by the Executive Council on August 26, 2019; Revisions - Revised policy approved by Faculty Senate on November 5, 2020; revised policy reviewed by the Campus Council on July 28, 2021 and approved by the Executive Council on July 29, 2021. Approved by the North Dakota University System Vice Chancellor for Academic & Student Affairs on August 10, 2021; reviewed by Campus Council on August 31<sup>st</sup>, 2022 and reviewed by the Executive Council on September 23<sup>rd</sup>, 2022 and approved by the President on January 4<sup>th</sup>, 2023.

