

## 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:**

BSC recognizes and supports the fundamental right of its students 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 values and encourages the free exchange of ideas while maintaining the safety of the campus community and the orderly operations of the institution. To that end, BSC is committed to ensuring the freedom to speak, write, listen, challenge, learn, and discuss any issue, subject to reasonable and constitutionally recognized limitations. As part of this commitment, BSC is dedicated to promoting free speech and expression while cultivating a safe and non-discriminatory campus climate that supports diversity of thought and people.

This policy defines the spaces available for exercising the rights of free speech and expression and communicates the parameters of any such expressive activity, to protect the safety of campus, and to minimize disruption to BSC's educational mission.

This policy establishes certain standards of conduct that must be observed by demonstrators and groups and applies to all individuals while using University property for exercising the rights of free speech and assembly.

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.

**BSC Campus is defined as:**

- a. BSC Main Campus
- b. Heavy Equipment Operations Campus
- c. Mystic Smiles Campus
- d. Mandan Campus
  1. Lineworker's Campus
  2. Mechanical Maintenance Campus
- e. Online Campus - the platforms used by BSC to provide online instruction.

**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.

**Constitutional Time, Place, and Manner Restrictions** – Restrictions on the time, place, and manner of free speech which do not violate the First Amendment to the United State Constitution or section 4 of article I of the Constitution of North Dakota and which are reasonable, content-and viewpoint-neutral, and narrowly tailored to satisfy a significant institutional interest, and leave open alternative channels for communication of the information or message.

“Free Speech” does not include the promotion, sale, or distribution of a product or service. , unless the promotion, sale, or distribution of the product or service is incidental to the exercise of free speech.

**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.

**Employee** - Any person acting on behalf of BSC in an official capacity, temporarily or permanently, with or without compensation. The term does not include an independent contractor.

**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.

**Faculty** – An individual, regardless of whether the individual is compensated by an institution, regardless of political affiliation, who is tasked with providing scholarship, academic research, or teaching, including tenured and nontenured professors, adjunct professors, and those in comparable positions. “Faculty” does not mean an individual whose primary responsibilities are administrative or managerial, unless the individual also teaches at least one credit-hour.

**Free Speech**— Speech, expression, and assemblies protected by the First Amendment to the United States Constitution or section 4 of Article I of the Constitution of North Dakota including all forms of peaceful assembly, protests, demonstrations, rallies, vigils, marches, public speaking, distribution of printed materials, displaying or carrying signs, or distribution of petitions.

**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.

**Student** – An individual enrolled in one or more course credits at BSC. **Student Organization** – An organization officially recognized or seeking recognition by BSC's Congress of Student Organizations, comprised of admitted students, receiving or seeking to receive benefits through BSC.

**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:**

[SBHE Policy: 503.1 Student Free Speech and Expression](#)

[SBHE Policy: 605.1 Academic Appointments](#)

[North Dakota Century Code Chapter 15-10.4 Campus Free Speech Policy](#)

[North Dakota Century Code Chapter 62.1 Weapons](#)

[BSC Operational Procedure: 902 Facilities Usage](#)

[BSC Operational Procedure: 903 Solicitations and Posting Materials](#)

#### **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

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System Vice Chancellor for Academic & Student Affairs on August 10, 2021; reviewed by Campus Council on August 31<sup>st</sup>, 2022, reviewed by the Executive Council on September 23<sup>rd</sup>, 2022, approved by the President on January 4<sup>th</sup>, 2023, reviewed by Campus Council on April 9<sup>th</sup>, 2025, reviewed by the Executive Council on May 8<sup>th</sup>, 2025, and approved by the President on May 5<sup>th</sup>, 2025.

Reviewed by the Policy Team on March 27<sup>th</sup>, 2026, reviewed by the Executive Council on April 6<sup>th</sup>, 2026, and approved by the President on April 7<sup>th</sup>, 2026.