

Office/Contact: Facilities and Services

Source: SDBOR Policies 3:7, 6:13, and 6:13:1; University Policy 3:10; University Policy 6:7

Link: <https://www.sdbor.edu/policy/documents/3-7.pdf>; <https://www.sdbor.edu/policy/documents/6-13.pdf>; <https://www.sdbor.edu/policy/Documents/6-13-1.pdf>;

<https://www.sdstate.edu/sites/default/files/file-archive/2019-01/Student%20Organizations.pdf>;

<https://www.sdstate.edu/sites/default/files/file-archive/2019-02/Facilities%20Use%20Scheduling.pdf>

c Associated Forms: [Appeal of Facilities Use Denial](#)f

- g. Prohibited Conduct: any conduct violating state or federal law, regulation, or policy including, but not limited to, coercion, speech unprotected by the United States or South Dakota Constitution, unlawful conduct under state or federal law, rule, or policy including, but not limited to, SDBOR or University policies.

3. Policy

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and the implementation of SDBOR Policy 6:13, so long as the expressive activities or related conduct do not violate any other applicable SDBOR or University policy or constitute prohibited conduct.

iii. The University will not designate any outdoor area within its boundaries as a free speech zone or otherwise restrict the expressive activities of students, employees, and their guests to particular outdoor areas within its boundaries in a manner that is inconsistent with this policy or SDBOR Policy 6:13:1.

iv. Where outdoor areas are allowed to be used for expression, the University may maintain and enforce lawful and reasonable time, place, and manner restrictions, each of which is narrowly tailored to serve significant University interests, including but not limited to: student safety; students' ability to study, learn, or utilize University services; or coordinating the use of limited University facilities and grounds. Such restrictions must be published, must be content- and viewpoint-neutral, and must provide alternate means of engaging in the expressive activity, and shall still rvicr not2 (i)6 (i)-4.6 (v)tu bu6 (o 6 (v))6.v(-)1oJ 0 Tc 0eutirn1

2. The completed written appeal must be presented within five (5) working days after the violation occurred.
3. The appeal must specifically state facts that, if proven, would demonstrate that (i) the denial was based upon an incorrect assessment of material fact, or (ii) it involved a misinterpretation, misapplication, or violation of the requirements of a SDBOR or University policy. Mere conclusions, general allegations, and/or speculative statements cannot establish a factual ground for the claim that SDBOR or University policy has been misinterpreted, misapplied, or violated.
 - ii. The Vice President of Student Affairs, successor, or designee will respond to such appeals via email within two (2) working days after receipt by the University. Should the appeal be denied, a copy of the reservation and the procedure for appealing the decision to the University President will be provided in the response. The appeal will thereafter process as provided in SDBOR Policy 6:13:1.

5. Responsible Administrator

The Vice President of Student Affairs, or designee, is responsible for the annual and ad hoc review of this policy and its procedures. The University President is responsible for approval of this policy.

SOURCE: Approved by President on 10/03/2019.