

## **Freedom of Expression** (updated Spring 2019)

The acceptance of and support for diversity is a fundamental tenet of Montana State University Billings and the entire University system. It is instrumental to the creation of new discourses and the weighing of different views. MSU Billings recognizes the First Amendment rights to expression. These rights include individual and group expression activities including but not limited to:

- Speaking,
- Assembling,
- Demonstrating,
- Displaying signs,
- Pamphleteering, and
- Political campaigning.

The following forms of expression are not protected forms of speech and may lead to individuals or groups being subject to disciplinary, administrative or legal action:

- True threats, including speech and other conduct that communicates a serious intent to commit an act of unlawful violence to a particular individual or group of individuals;
- Harassment, including speech and other conduct based on a protected class, targeted at an individual, that effectively denies educational access, opportunities, or rights;
- Defamation;
- Incitement of illegal action;
- Invasion of privacy and confidentiality, as protected by federal and state law; and
- Child pornography.

## **Regulations**

Constitutionally protected rights of free expression must not unreasonably interfere with the right of the University to conduct its affairs in an orderly manner and to maintain its property, nor may they interfere with the University's obligation to protect the rights of all to teach, study, conduct business, and fully exchange ideas.

The following must be followed by those conducting free expression activities on University property. Failure to comply may lead to individuals or groups being subject to appropriate disciplinary, administrative or legal action in accordance with applicable University policies.

### **UNPROTECTED ACTIVITY**

- The use of violence, or credible threats of violence, is strictly prohibited.
- Activities may not obstruct the free flow of vehicular or pedestrian traffic on campus.
- Activities may not use sound amplification except with prior written approval by the MSUB Center for Engagement.
- Activities may not block the entrances or exits to any campus building or facility.

- A distance of 50 feet from any door must be kept to avoid the interruption of the flow of campus community traffic.
- To exercise expression at closer than this buffer area, permission must be granted by the MSUB Center for Engagement.
- Activities may not disrupt or interfere with classes, university work, arts and cultural activities, research, or scheduled events.
- The public may engage in activities inside any University buildings, facilities, stadiums, or temporary event facilities such as tents etc. only as permitted by the Facilities Use Policy.

## WEAPONS AND IMPROVISED WEAPONS PROHIBITED

- Items that present significant threats to safety are prohibited at free expression activities:
  - Weapons as defined in the University Weapons Policy
  - Items that can be used as weapons, including but not limited to:
    - Metal pipes
    - Baseball or softball bats
    - Lengths of lumber or wood (any size)
    - Bricks or rocks
    - Glass or Metal beverage or food cans or containers
    - Shields
    - Axes, axe handles, or hatchets
    - Ice picks
    - Razor blades
    - Tasers
    - Spray cans
    - Fireworks
    - U-lock bike locks
    - Heavy-gauge chain
    - Dogs (except for service dogs)
    - Torches, lanterns, or other devices that use fire or fuel
  - Items that under the circumstances show an intent to intimidate others, or incite violence, such as helmets and flak jackets

## PLACEMENT OF MATERIALS

- Printed materials, writing, or other tangible means of expression may not be attached to University property, including sidewalks, trees, walls, or other property (including on vehicles parked on campus), **except:** (1) that such materials may be placed on designated public bulletin boards--all postings for public bulletin boards must be submitted to the MSUB Center for Engagement, SUB 221 or at City College Jacket Student Central. Materials will be put up by MSUB Center for Engagement Staff. Materials may not be displayed longer than 30 days and will be removed if they are not in compliance with the universities nondiscrimination and posting policy.
  - Student Union Building 2<sup>nd</sup> Floor

- Liberal Arts Building 2<sup>nd</sup> Floor
- City College Commons

Printed materials, writings, or other tangible means of expression may not be placed on any interior surface of any University building without the permission of the relevant Building Supervisor and in accordance with the rules established for each building. Permission shall include a designated date for removal.

#### CLEANUP AND OTHER RESPONSIBILITIES

- Individuals and organizations are responsible for cleanup, property restoration, and for any associated costs incurred by the University from their activities.
- Individuals and organizations are responsible for the content of any signage, pamphlets, or structure that they post, distribute, or create on campus. Furthermore, the University reminds any organization distributing materials to be aware of laws concerning defamation, obscenity, fair labor practices, etc.

#### POLITICAL ACTIVITY ON CAMPUS

- No political campaign activities are allowed inside any MSU Billings buildings, facilities or temporary facilities such as tents, except where space is reserved in accordance with facility use policies.