

Office/Contact: Division of Technology and Security

Source: SDBOR Policy 1.4.8; SDBOR Policy 6.13

Link: <https://public.powerdms.com/SDRegents/documents/1729417>;

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University; and activities carried out by individuals or organizations that are duly authorized to make use of University facilities or grounds pursuant to SDBOR Policy 6.13.

### 3. Policy

- a. The University conducts a broad range of activities in furtherance of its teaching, research, and service mission. Oftentimes these activities are conducted within facilities or on grounds acquired and maintained at public expense to support the University's mission. Members of the public do not have rights to participate in such activities, to attend or observe them, or to use University facilities and grounds. From time to time, the University may allow or invite members of the public to do so, subject to such reasonable and customary conditions as the University may specify.
- b. The proper conduct of University activities depends upon the cooperation of participants and onlookers. Where students or employees engage in disruptive behavior, SDBOR and University policies permit discipline that may restrict further participation in certain activities or access to certain facilities or that may result in expulsion or termination of employment. Members of the public may also disrupt University activities. Accordingly, the University must respond to disruptive behavior by visitors or others whose association with the University does not involve a status as student or employee.
- c. Members of the public who disrupt University activities or engage in misconduct may be excluded from University activities, facilities and grounds.
  - i. Exclusion is presumed to be of permanent duration unless a different duration is specifically stated at the time that the individual, group, or organization is notified of its exclusion.
  - ii. Any individual or organization that has been excluded may petition the Office of Safety and Security to have the exclusion modified or rescinded.
    1. A request will not be entertained during the first thirty-six (36) months from the date that notice of exclusion was issued.
    2. The individual or organization seeking modification or rescission of the exclusion will have the burden of showing changed circumstances that will assure that disruptive

the report is credible, will contact the member of the public to discuss the report, and will make such other investigations as may be appropriate to determine whether there appears to be a reasonable, good faith basis for believing that the reported conduct occurred.

1. At the time that the V.P. for Technology and Security, successor, or designee, first contacts the member of the public, they will inform the member of the public that retaliation against anyone whom the member of the public believes responsible for the report will result, at minimum, in issuance of a notice of exclusion.
2. Unless specifically required by SDBOR or University policy, the V.P. for Technology and Security, successor, or designee, need not disclose the identity of the individual or individuals who reported or who witnessed the disruption or misconduct.

must also allege facts that, if proven, would show:

- a. That the University opened the facilities or the activities where the expression occurred for private speech or expressive conduct;
  - b. That the person was within the class of private persons permitted to use the facility or to join in the activity for purposes of speech of expression; and
  - c. That the content of the person's speech or expressive conduct addressed a subject that the University allowed to be addressed at the time and place where the speech or conduct occurred.
2. Mere conclusions, general allegations, and speculative statements cannot establish a factual ground for the claim that SDBOR or University policy has been misinterpreted, misapplied, or violated.
- c. Filing an appeal will not suspend the exclusion notice, and the exclusion notice will remain in effect during the appeal.
- b. Upon receipt of the written appeal, the University President shall have fifteen (15) working days to conduct such an investigation as may be warranted under the circumstances and to issue a written decision addressing the concerns raised by the private party.