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# Freedom of Expression Policy

**Subject:** Governance and Organization

**Policy:** Freedom of Expression Policy

**Effective Date:** September 7, 2011

**Revised Date:** February 2, 2012; May 2, 2018

**Review Date:** May 2020

**Responsible Party:** Office of Legal Counsel

## Introduction and Purpose

MSU recognizes that the freedom of expression is integral to the purpose and process of the University, whose primary goal is education. Therefore, no University policy or rule will infringe upon the rights protected by the First Amendment of the United States Constitution.

## Policy

MSU supports and encourages diverse points of view, though they may sometimes seem distasteful or offensive, as this is the nature of the University's educational responsibility and is safeguarded by the freedom of expression. The acceptance of diversity is a fundamental tenet of the Land Grant University system and is instrumental to the creation of new discourses and the weighing of different views.

MSU 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 which infringe upon the rights of another person are prohibited in accordance with Section 220.00 of the Facilities Use Manual.
- 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 in accordance with Section 230.000 A of the Facilities Use Manual.
- 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 in writing by the relevant Building Supervisor.
- 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.
- Individuals or groups may occupy land areas, through but not limited to the erection of structures, shelters or camps, in accordance with the Outdoor Programming Policy and only until or unless University officials reasonably determine that such occupation has compromised and/or infringed upon the rights of others.

## 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 outdoor bulletin boards designated as public bulletin boards--all postings on public bulletin boards will be removed at regular intervals; and (2) banners promoting a University or ASMSU sponsored event may be displayed at the following locations:
  - On the Wilson Hall bridge upon prior approval from the building supervisor.
  - From the cables inside the atrium on the north side of Reid Hall upon prior approval from the Building Supervisor.
  - Banners tied or wrapped on no more than two columns, on the Student Union Building's west entry, upon prior approval from the Director of Auxiliaries.
- Printed materials, writings, or other tangible means of expression may not be placed on any interior surface of any University building without the written 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 erect 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

- In Family & Graduate Housing, political campaign activities may be conducted door-to-door.
- In all other areas of campus, no political campaign activities are allowed inside any MSU buildings, facilities or stadiums, or temporary facilities such as tents, except where space is reserved in accordance with facility use policies.

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## Start a Student Organization

The Office of Student Engagement supports and encourages the formation of new clubs or re-activating previously registered organizations. We understand the barriers that may be involved in this process, so we are here to help!

If your club meets the requirements listed below, [visit the Annual Registration page to register your club](#).

### Criteria to Become a Recognized Club:

In order for the Office of Student Engagement (OSE) to register a student group, the following minimum standards must be met:

1. Have a clearly defined purpose/mission.
2. Submit an updated and complete registration form (link found at the top of this page) annually (Registration status is good until Sept. 30 of the following academic year). Completion of the application

does not guarantee registration approval.

3. All executive positions (President ,VP, etc.) *must be* held by currently enrolled MSU-Bozeman students. All organizations must have a President and a Vice President.
4. Minimum of 10 members is required, 80% of your overall membership **MUST** be currently enrolled students of MSU-Bozeman. Please note, if your group is a **Club Sport**, your membership must be **100% students**.
5. Your organization must have a designated staff or faculty advisor who is employed by MSU at least part-time or a graduate student. If they wish to learn more about what is required of advisors, visit the Advisor Resources page.
6. The group may not exist to make a profit of any kind.
7. Comply with University policies and regulations pertaining to organizations, including contents of the Registered Student Organization Manual.

## Things to Keep in Mind When Starting a New Club:

- Please view the current registered student organizations as well as last year's to verify there isn't already an existing club that is either exactly what you want to start or very similar.
- If you are wishing to start a club sport, you must meet with the Club Sport Director, Allie Bogard before your registration is approved.
- If you want to start a club that is only slightly different than an existing club, keep in mind the recruitment barriers that may arise due to that factor.
- Review the registered student organization criteria and application process to decide if you want to move forward with starting a new club and the steps involved.

## How the Office of Student Engagement Can Help:

If you do not have the minimum of 10 members to start a new student organization (or re-start an inactive group), OSE can help!

- OSE will help you schedule a meeting room in the SUB in order for you to hold an interest meeting.
- If you produce a flyer advertising your interest meeting and email to us at [studentorgs@montana.edu](mailto:studentorgs@montana.edu) we will print and post them in academic buildings and residence hall lobbies on campus. Printing will only be done **one time** by OSE. Please view our poster policies before printing.
- We can also include an electronic version of your flyer on the TV in the SUB Union Marketplace, managed by the OSE. Fill out the SUB Digital Signage Submission Form to submit your flyer.
- If you receive enough members to start a group, then you can start the registration process.
- You can attend the bi-annual Involvement Fair to generate more interest. Please contact us or visit the Involvement Fair section of the website to learn more.
- If you are having difficulty finding a staff or faculty advisor, please contact us and we will help spread the word.

Email us at [studentorgs@montana.edu](mailto:studentorgs@montana.edu) if you have any questions.

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