

 <b>MINES</b>	<b>Campus Public Speech and Freedom of Assembly Policy</b>	
	<b>Responsible Administrative Unit:</b> Student Life	<b>Policy Contact:</b> Vice President of Student Life, <a href="mailto:bpantel@mines.edu">bpantel@mines.edu</a>

## **1.0 BACKGROUND AND PURPOSE**

As a public institution of higher education, Colorado School of Mines (“Mines”) acknowledges and respects diversity and the exploration of ideas to foster an inclusive and challenging learning environment. The First Amendment of the United States Constitution guarantees freedom of speech and peaceful assembly, among other rights, and Mines also recognizes that the expression of ideas can cause harm.

Mines is committed to fostering an environment where students, staff and faculty engineer a positive community together. A community exists on the basis of shared values and principles. At Mines, these core values include respect, diversity, compassion, inquiry and innovation. This Policy and any associated procedures describe the process for Mines students and members of the public to access Mines property and facilities for Public Speech Activity while upholding the core values when expressing and exploring their ideas on campus.

While the First Amendment is broad in scope, students can still be held responsible under the Student Code of Conduct should their activities violate the behavioral expectations outlined within the Code. Students are expected to know, uphold, and abide by the Student Code of Conduct for the duration of their time at Mines.

## **2.0 POLICY STATEMENTS**

Mines property and facilities are primarily to be used for activities directly related to its education mission.

Mines will provide its students, faculty, staff, other members of the Mines community and the public with access to specified public, open, outdoor areas on Mines campus for Public Speech Activity.

Mines has designated non-academic indoor space that can be provided to enrolled students for purposes of Public Speech Activity.

Events and Activities held or sponsored by Mines and its students, faculty and staff will have priority over Public Speech Activity of external users.

## *Campus Public Speech and Freedom of Assembly Policy*

To protect the right to free expression and free speech for all, Mines takes a non-discriminatory, viewpoint-neutral approach to providing access for Public Speech Activity.

Consistent with the United States Constitution and applicable law, Mines may impose reasonable and content-neutral time, place and manner restrictions on the use of its property and facilities and restrict or limit use that disrupts or interferes with any educational activities or Mines business operations.

### **3.0 RESPONSIBILITIES**

Individuals or groups wishing to host an Event or Activity on campus must reserve facilities or space through the designated office responsible for the management of the space.

Authorized Mines Officials evaluate requests for conflicts with previously scheduled events and special considerations.

The Mines Police Department will be engaged in addressing safety matters and law enforcement.

Community Standards will be engaged in addressing Student Code of Conduct violations.

### **4.0 COMPLIANCE/ENFORCEMENT**

Disruptive Activity may constitute a violation of this Policy. Any person who violates this Policy is subject to enforcement actions, such as ban from Mines property and disciplinary action, pursuant to any applicable Mines process and procedure, by Mines officials.

### **5.0 EXCLUSIONS/DISCLAIMER**

The First Amendment does not protect conduct that threatens the health, safety, or welfare of persons. Any speech that inflicts or threatens harm, causes a breach of the peace, and/or incites an individual(s) to commit a crime is not considered protected speech. While the interpretation of these factors may be subjective, Mines must reasonably act to protect the members of the Mines community and any Mines property.

### **6.0 DEFINITIONS**

**Authorized Mines Officials** means members of the Mines Police Department, Student Activities, Involvement and Leadership (SAIL), the Office of Student Life, Campus Events, or other Mines officials.

**Disruptive Activity** means behavior or activities that interfere with the academic mission, business operations, or regular functions of Mines, and includes, but may not be limited to:

- Communicating in a manner that incites violence or unlawful action, or consists of threats of physical harm;
- Impeding the flow of pedestrian or vehicular traffic on campus, or impeding access to any campus facility;
- Sound or noise that impedes or interferes with classes, work, other scheduled activities, and/or university operations;
- Disrupting or interfering with daily classes, educational functions, research activities, scheduled activities, or other campus support operations;
- Engaging in Public Speech Activity in areas immediately adjacent to campus residential areas, including Mines residence halls, campus apartment complexes, Fraternity and Sorority houses, and other student housing facilities;
- Creating health or safety hazards;
- Damaging any Mines property or facilities or property owned by a member of the Mines community or a third party; or
- Violating federal or state law, local ordinances, or Mines policies or procedures.

**Event(s) and/or Activity(ies)** means a temporary event on Mines property which may occur for part of one day, or one or more days, including but not limited to speakers, festivals, booths/tabling events, student-led programs or workshops, camps, outdoor festivals, shows, games, races, concerts, conferences, trade shows, political rallies, religious events, gatherings, and fundraisers. For the purpose of this Policy, this does not include Mines-sponsored academic or departmental programs.

**Public Speech Activity** means all non-commercial, verbal or written means by which individuals or groups communicate or express ideas, including artistic performances, demonstrations, public displays, organized labor activities, picketing, distribution of leaflets or other publications, sit-ins, marches, mass gatherings, gathering of petition signatures, voter registration activities, and all other similar activities that are not part of the teaching, research, or other official functions of Mines, or not otherwise sponsored by Mines or any of its academic or administrative departments, divisions or units.

## **7.0 RESOURCES or ATTACHMENTS**

- Facilities Use Procedures:  
<https://www.mines.edu/policy-library/facilities-use-procedure/>
- Constitution of the United States, First Amendment:  
<https://constitution.congress.gov/constitution/amendment-1/>
- Mines Student Code of Conduct:  
<https://www.mines.edu/policy-library/mines-student-code-of-conduct/>
- C.R.S. §23-5-144

**KEY WORDS**

Expression, Speech, Free, Peaceful, Assembly, Facilities Use, First Amendment, Public

**8.0 HISTORY AND REVIEW CYCLE**

This Policy and any associated procedures will be reviewed at least every two (2) years or as needed by the Responsible Administrative Unit.

Issued: March 31, 2006 (originally titled Facilities Use Policy).  
Amended: April 28, 2006.  
Updated: September 15, 2017 (separated policy into Campus Free Speech Policy and Facilities Use Procedures).  
Updated: October 21, 2024 (Renamed to Campus Public Speech and Freedom of Assembly Policy, formatting and content updates).

## **EXHIBIT 1 - PROCEDURES**

### **1.0 PROCEDURES PURPOSE**

The First Amendment allows Mines community members the freedom to examine and discuss questions of interest to them and to express opinions publicly and privately. They shall be free to support causes by orderly means that do not substantially disrupt the regular and essential operations of the institution. Because the First Amendment is intended to allow for the expression of varied perspectives, the presentation of ideas and beliefs that conflict with another individual's or with Mines' core institutional values and mission is likely to occur.

Mines educational mission is to provide STEM-focused education and research that produces the talent, knowledge, and solutions to serve industry and benefit society. This includes teaching, research, preparation of scholarly material, and student activities, as well as campus support operations.

These Procedures set forth the process for reservation of space and review of Event and Activity request.

### **2.0 PROCEDURES**

**2.1 Reservation and Coordination of Activity.** Individuals or groups wishing to host Events and Activities are required to reserve facilities or space through Campus Events, the office that is responsible for the management of space on campus. Some campus spaces may have additional and specific requirements for reservations. Registered Student Organizations ("RSOs") must also submit their Event or Activity through the Oredigger Connect system for approval through the Student Activities, Involvement, and Leadership office.

All Events and Activities will be reviewed and evaluated for conflicts with previously scheduled events and special considerations.

Previously scheduled Events and Activities will take priority over nonscheduled Events and Activities.

**2.2 Event and Activity Considerations.** Certain Events and Activities might have special considerations that may require additional steps should it be determined that the Event or Activity may include Disruptive Activity, significantly affect campus safety and security, or may significantly affect normal Mines operations, including but not limited to the ability to provide usual and customary services to students, faculty and staff.

**2.3 Reasonable Time, Place, and Manner.** If an Event or Activity meets the above-outlined special considerations and/or is a Public Speech Activity, Authorized Mines Officials may request a meeting to discuss the details of the Event or Activity. Authorized Mines Officials have the right to regulate the time, place, and manner of any

## *Campus Public Speech and Freedom of Assembly Policy*

event on campus on behalf of Mines. Any expectations or restrictions regulating time, place, and manner will be reasonable and content-neutral.