

**NORTH DAKOTA  
STATE BOARD OF HIGHER EDUCATION  
Policy Manual**

**Policy: 503.3 Student Political Rights**

**Effective: May 29, 2020**

---

1. **Policy.** The State Board of Higher Education recognizes, affirms, and supports the rights of students to exercise their First Amendment political rights, including, but not limited to participating in political activities, advocacy, and expression or civic engagement without interference by the SBHE, NDUS, or NDUS institutions. This policy is not intended to limit such rights in any way, and is instead meant to protect the exercise of such rights. As a result, nothing in this policy should be read to limit the First Amendment free expression, assembly, association, or other political rights of NDUS students while outside the classroom, and this Policy shall be read narrowly to avoid infringing on those rights.
2. **Protection from Retaliation or Discrimination.** No student of an NDUS institution may face discipline or retaliation of any kind related to participation in any activities which comply with the terms of this policy. The SBHE and NDUS strictly prohibit any NDUS employee from coercing, based on educational or other consequences, any student to engage in any kind of politically-oriented activity, including the making of monetary contributions.
3. **Student Employees.** If a student is acting as a paid employee of an institution, their on-duty actions are subject to the provisions of SBHE Policy 308.3. This paragraph does not apply to students designated as employees solely due to their service in student government or other elected or nominated leadership roles within an institution, the NDUS, or the SBHE.
4. **Student Organizations.** Student organizations shall be free to engage in civic engagement and political activities and advocacy without interference or restraint by the SBHE, NDUS, or any NDUS Institution, subject to the requirements and limitations of this policy.
  - a. Student organizations shall be permitted to use any funding or resources provided by the institution or student government to provide educational or service-based events or experiences for members of the organization or campus community, such as (but not limited to) inviting speakers to campus, hosting debates or forums, or attending local, state, or national conferences or conventions, even if such events or experiences may be interpreted as “political” or “partisan” by an outside observer.
  - b. Notwithstanding, student organizations may not use funding or resources provided by the institution or student government for electioneering, as that term is defined in this Policy.
  - c. Student organizations may use NDUS or institution phone, email, social media, and similar systems to advertise meetings, educational opportunities, and events, except that such systems may not be used for electioneering, as defined in this Policy. A student organization that sends a communication using a NDUS- or institution-owned phone, email, social media account, or similar system must include a disclaimer in

substantially the following form in any such communication: “This communication is sent [by/on behalf of] [insert name of group]. The content of this communication is the responsibility of [insert name of group], and does not represent the views or policy of [name of institution], the North Dakota University System, or any other entity.”

- d. If a student organization publishes any posting, communication, or advertisement on an institution- or NDUS-administered website (i.e. a website with a “.edu” extension) which the institution, in its sole discretion, determines creates the impression that the institution has endorsed a particular candidate, or particular side or viewpoint of a public referendum or public debate, the institution may require, as a condition of hosting the site, that a disclaimer be included stating that the opinions expressed are those of the author or sponsoring student organization, and do not represent the views of the institution, NDUS, or any other entity.
5. **Electioneering.** North Dakota state law, N.D.C.C. § 16.1-10-02, strictly prohibits the use of state property, including funds provided by the SBHE, NDUS, an institution, or a student government, for electioneering.
- a. For the purposes of this policy, “electioneering” means:
    - i. Any activity undertaken in support of or in opposition to a statewide initiated or referred measure, a constitutional amendment or measure, a political subdivision ballot measure, or the election or nomination of a candidate to public office, which activity includes the use of the phrases “vote for,” “oppose,” or any similar support or opposition language; and
    - ii. In the period thirty days before a primary election and/or sixty days before a special or general election, any activity in which a candidate’s name, office, district, or any term meaning the same as “incumbent” or “challenger” is used in support of or in opposition to the election or nomination of a candidate to public office.
    - iii. Electioneering does not include:
      1. Activities undertaken in the performance of the duties of a public office, including elected student office, or a position taken in any bona fide news story, commentary, or editorial, including in any student-led or student-run publication;
      2. Presenting factual information regarding a ballot question solely for the purpose of educating voters, provided that the information does not advocate for or against or otherwise reflect a position on the adoption or rejection of the ballot question; or
      3. The incidental use of the terms “vote for,” “oppose,” “incumbent,” “challenger” or other terms ordinarily constituting electioneering if such use occurs during a debate, forum, speaker, or other event

sponsored by a student organization or outside group, if such event did not have electioneering as its primary intended purpose.

- b. For the purposes of this policy, "state property" means State-owned motor vehicles, telephones, technology, funds of money, and buildings. The use of SBHE, NDUS, or Institution-owned buildings by any candidate, political party, committee, or organization for electioneering activities is permitted, provided that such use complies with the provisions of SBHE Policy 308.3 or other state law.

References: U.S. Const., Amend. 1; N.D.C.C. 16.1-10-02; SBHE Policy 308.3.

