

# **SUNY OLD WESTBURY**

## **POLICY ON STUDENT RIGHTS & ASSEMBLY PROCEDURES**

### **1. Purpose**

SUNY Old Westbury (the “College”) seeks to encourage and preserve freedom of expression and inquiry within the entire college community. The College, as a public institution, serves uniquely as a marketplace for the exchange of ideas and opinions and as a forum for the public expression of views. Some of the expressions may be counter to commonly held or popular values, theories, and beliefs. SUNY Old Westbury has a special obligation to protect the First Amendment rights of free speech and assembly. The United States and New York Constitutions guarantee these rights.

### **2. Scope**

This policy is applicable to all SUNY Old Westbury students as defined in the College’s Student Code of Conduct. The College’s “Public Forum Free Speech” Policy applies to all third parties, who are not sponsored by the College or a recognized student group, who want to use the College’s designated public forum for free speech purposes.

### **3. Definitions**

*Public Area:* Space designated by the College as open and not requiring a reservation for use. \*

*Assembly:* A group of students gathering together in a public area for a common purpose. This includes, but is not limited to, activities such as protests, demonstrations, rallies, vigils, and picketing. Due to limited space at the College, when it is anticipated that participants for a particular assembly will equal or exceed ten (10) students, the sponsor/organizer must submit a Request for Services.

### **4. Rights of Students**

- a. SUNY Old Westbury students are guaranteed the following rights:
  - i. The right to examine and discuss all questions of interest to them, and to express opinion privately and publicly;
  - ii. The right to learn in the spirit of free inquiry;

\* At the College, public areas are limited. These areas are often reserved for particular events and activities, but are otherwise open for general use by students. For information or questions about public areas, please contact the Student Union Building & Events Manager in the Student Union, Room 309, (516) 876-3071.

- iii. The right to be informed of the purposes of all research in which they are expected or encouraged to participate either as subject or researcher;
- iv. The right to freedom from censorship in campus newspapers and other media;
- v. The right to freedom of speech, press, and inquiry shall not be interpreted as an authorization for a student, who sits on a committee, to disseminate or divulge any information that was given on a basis of confidentiality within a committee; and
- vi. The right to hold public meetings and to engage in peaceful, orderly assemblies and demonstrations.

## **5. Rights of the College**

- a. The College will not interfere with orderly assemblies in public areas of grounds and buildings unless participants engage in any of the following conduct:
  - i. Prevent the orderly conduct of a College function or activity, such as classes, lectures, meetings, interviews, ceremonies, and other public events;
  - ii. Obstruct the free movement of vehicles or of persons, including, but not limited to in any building or facility, inclusive of blocking hallways and doors;
  - iii. Willfully cause injury or damage to persons or property;
  - iv. Willfully operate audio amplification equipment in a manner that conflicts with normal College operations or that is deemed injurious to health and safety; \*\*
  - v. Jeopardize the safety and security of others;
  - vi. Enter into any private office of an administrative officer, member of faculty, or staff member without implied or explicit permission;
  - vii. Without authorization from the Division of Student Affairs and University Police, occupy a building after it is normally closed;
  - viii. Without authorization from the Division of Student Affairs and Department of Maintenance & Operations, construct structures, inclusive of objects requiring penetration in concrete or grass, or camp on College grounds; or
  - ix. Violate the provisions of the SUNY Policy 3653, titled *"Rules for the Maintenance of Public Order"*.
- b. Violations of this policy could result in disciplinary action under the College's Code for Student Conduct.

\*\* Sound amplification that interferes with class activity, College events or activities, or that is in violation of Village of Brookville and/or Town of Oyster Bay or other ordinances is not permitted.

## 6. Assembly Procedures

### a. Statement

- i. SUNY Old Westbury respects and supports students' efforts to exercise their rights to free speech and assembly. The Division of Student Affairs has designated the Center for Student Leadership and Involvement ("CSLI") to provide the appropriate support for the successful implementation of these events. Following College procedure will ensure a safe and effective assembly activity. Every effort will be made by the College to respond affirmatively to all requests to engage in assembly activity. However, consideration must be given to the time, place, and manner of the assembly activity to ensure the health and safety of the participants and the non-interference with authorized College business, activities, or events.

### b. Services

- i. To help ensure the safety of participants and the protection of the rights of all members of the campus community, the College can provide services such as location, safety, crowd control, sound equipment (unless prohibited in certain areas as per College rules), site preparation/cleanup, and/or other such facilities or services it deems necessary ("Services").

### c. Space Reservation Request

- i. Assemblies for which services are necessary (see paragraph (ii) below) should, within three (3) business days prior to the planned event, submit a Facility Reservation Request Form, as follows:
- ii. The Facility Request Form will include the name of the sponsor/organizer, the proposed location and any other services sought, the date and time of the planned assembly, and the number of persons expected to participate.
- iii. The request form should be submitted to the Student Union Building & Events Manager in Student Union, Room 309, (516) 876-3071.
- iv. The Student Union Building & Events Manager or designee will promptly respond to the request for services after receipt of the written request and prior to the date of the assembly.
- v. The Student Union Building & Events Manager will review the request and work with the sponsor/organizer to accommodate requests and determine a reasonable time, place, and manner for the assembly activity.
- vi. While every attempt will be made to accommodate all requests, some modifications to the assembly activity request may be required due to the availability of the proposed time and place of the activity. The Student Union Building & Events Manager will inform you of these modifications and guide you as you plan your assembly activity.

*vii.* In the event that the proposed assembly activity is planned in direct response to a current event, the Division of Student Affairs and CSLI realizes that it may not be possible to submit a request in advance. In such cases, the event organizer should connect as soon as possible with either the Student Union Building & Events Manager or a CSLI staff member in order to swiftly coordinate the assembly activity.

d. No Services Required

*i.* Assemblies requiring no services (when it is anticipated that participants will not exceed ten (10) students) may take place without any prior notification by the sponsors and/or Organizers. However, conformity with the specific campus rules noted above, is required.

If you are unsure of whether your assembly requires services, you are encouraged to contact the appropriate office designated in subparagraph (c)(3) above for guidance.

# Public Forum Free Speech

## Summary

The following constitutes the State University of New York at Old Westbury's 'time, place and manner' policy on the use of State University of New York at Old Westbury ("SUNY Old Westbury" or "the College") owned facilities by third parties (not sponsored by the College ~~and~~/or by recognized student organizations) for free speech purposes as approved by the College Council pursuant to a delegation of authority by the SUNY Board of Trustees. (See SUNY Policy 5603 - Use of Facilities by Non-Commercial Organizations)

## Reasons for this Policy

As an institution of higher education, SUNY Old Westbury respects and fully supports the rights granted to individuals under the First Amendment to the United States Constitution regarding free speech. Accordingly, SUNY Old Westbury has adopted free speech policies for third parties, who are not sponsored by the College and/or a recognized student organization, but want to use the Campus for free speech purposes.

As a public entity, partially funded by NYS tax dollars, SUNY Old Westbury will provide a Designated Public Forum to third parties outside of the Campus Community for their exercise of free speech rights. To comply with existing law, the College recognizes that it will be dedicating its scarce resources to the third parties, including staff time for the management of the Designated Public Forum, the cost associated/loss of revenue with the use of space itself, and possibly utilizing University Police and other administrative offices' staff, to provide for the public safety of participants.

In ~~drafting and~~ adopting this policy, SUNY Old Westbury weighed its competing obligations and responsibilities: to meet its educational mission, to meet its legal obligations as a public entity to provide a Designated Public Forum for free speech by third parties, to meet its audit and control obligations in managing NYS property under its jurisdiction, and to meet its obligations for the orderly and safe operation of its Campus, while responsibly managing and allocating its scarce resources in pursuit of its education mission for its students.

## Policy Application

This policy shall apply to all third parties, who are not sponsored by SUNY Old Westbury and/or a student group, who want to use the College's Designated Public Forum for free speech purposes. This policy does not apply to students, speakers officially sponsored by recognized

student groups, faculty or staff as other reservation and use policies apply to those campus community members.

## **Definitions**

### ***Black-out days***

The College has 'black-out' certain days on its calendar wherein the use of the campus and its facilities, including outdoor spaces are reserved exclusively for Campus related activities that are at the very core of its primary educational mission. During these blackout periods, no third party shall be allowed to use the Designated Public Forum for free speech purposes.

### **The College defines the black-out periods to include the following:**

- a. During Opening Weekend for the commencement of fall and spring semesters;
- b. During reading periods and examination periods as set forth on the then current academic calendar;
- c. During graduation-related activities and events;
- d. During major fall or spring campus-wide celebrations, such as Homecoming;
- e. During the conservation shut down of educational buildings and administrative offices as defined on its calendar when the temperature of the offices shall be below 60 degrees Fahrenheit (typically between the end of the examination period when students leave campus for the winter holiday break and a few business days after the first of the New Year). This time frame is included in the black-out period because the offices are typically closed for the receipt of applications and the Campus is virtually vacant in order to conserve energy and to save money to meet state budget reductions.

### ***Designated Public Forum***

SUNY Old Westbury identifies the following outdoor space as its Designated Public Forum Location: the sidewalk outside the Campus Center, in between the two flagpoles (United States and State of New York flags). The College designates this outdoor space for its Designated Public Forum as this space is a highly pedestrian trafficked area on the College's Campus by students, faculty, staff, and visitors. The Campus Center houses several administrative departments and offices, a cafeteria, Food Court Atrium, and the campus library, as well as several frequently used meeting rooms for the campus community. The public forum cannot obstruct the entrance to any surrounding buildings due to fire code regulations. The use of the Designated Public Forum location is also not likely to interfere with classroom instruction or dormitory residences.

The President shall have the authority to change, either permanently or temporarily, the site of the Designated Public Forum Location to another area of the campus to address concerns for the health, safety and welfare of the campus community.

*Time Restriction/Noise Ordinance:* Third Party Applicants will be allowed to use the Designated Public Forum Location for up to a four-hour time block during the hours of 8:30 a.m. - 4:30 p.m. during the academic year and between the hours of 8:00 a.m. - 4:00 p.m. during the summer, if the space is available, is not during a black-out period, and must comply with the Village of Brookville and the Town of Oyster Bay Noise Ordinances.

### ***Third Party***

A person(s) who wants to use the Designated Public Forum for free speech purposes and the person(s) is not a student, faculty or staff member at the College, and the person(s) is not officially sponsored by either the College and/or a Student Association recognized student group to speak at the College.

### **Policy**

A. The College is providing a Designated Public Forum for use by third parties for their free speech purposes.

B. Reservation and Recordkeeping of the Use of Space:

- i. Third parties who seek to use the Designated Public Forum must:
  1. Complete a Designated Public Forum application (attached); and
  2. File the application with the Assistant to the President for Administration or designee prior to three (3) business days' time period in which the College must respond to the Applicant's request to use the Designated Public Forum as set forth in B (ii) below (applications received after 3:00 p.m. on a given business day shall be considered as having been received on the morning of the next business day). The applicant assumes responsibility for proper delivery to the Office of Facilities Rentals in a timely manner. The office is located in the Campus Center, Room H-317 and is open 8:30 a.m. to 5:00 p.m., Monday through Friday, for deliveries, except for holidays, summer sessions, and certain college-restricted black-out days as previously noted.
- ii. SUNY Old Westbury shall review the application and respond to the applicant no later than the close of business on the third business day after application is received.
  1. If the application is completed fully and signed by the applicant and the date and time

is available for use, the College shall inform the applicant of its approval to use the designated forum on the date and time so requested.

2. If the application is not complete and/or it is not signed, the College will likely return the application to the applicant for completion. The three (3) business days' time period will begin running again once the completed and signed application is received by the Office of Facilities Rentals.
3. If the space is already reserved to its capacity for the date and time requested, or if the date and time requested is during a "blackout period" as previously noted, the College shall inform the applicant of the same and offer the applicant the next available date and time for the use of the space.

C. The College shall not:

- a. Inquire as the nature or content of the free speech;
- b. Charge the applicant an application fee to reserve the Designated Public Forum;
- c. Charge the applicant/third party for the use of the space;
- d. Impose insurance requirements on the applicant/third party; or
- e. Charge the applicant for any additional costs to the College that the College may incur due to the use of the space by the applicant/third party, such as security.

D. The applicant/third party shall:

- a. Be responsible for following all parking regulations at SUNY Old Westbury, including obtaining a Visitor's Parking Permit from University Police.
- b. Be responsible for picking up from the Designated Public Forum any brochures, pamphlets, leaflets or other handouts or goods that the third party speaker brought with him/her to disseminate during his/her speech, and properly disposing of the same in public garbage receptacles or taking them with him/her. Failure to comply with this provision may result in future denial of use of the Designated Public Forum.
- c. Not use megaphone equipment for the amplification of the speech; however, upon written request at the time of application, and on the application, by the applicant, and weather permitting to protect the College's equipment, the College will provide a microphone and sound system for the speaker.

E. SUNY Old Westbury reserves the right to terminate any use of the Designated Public Forum in the event either the speaker or a member(s) of an audience engages in conduct that violates the SUNY Rules for the Maintenance of Public Order, adopted in accordance with Education



Law Section 6430 and 8 NYCRR 535, in order to secure the orderly operation of the Campus for the safety of the entire Campus Community or Village of Brookville and/or Town of Oyster Bay Noise Ordinances.

Completed applications to use the Designated Public Forum should be sent to or hand delivered to:

The Office of Facilities Rentals

Attn: Assistant to the President for Administration or designee

Campus Center, Room H-317

All applications must be reviewed and approved by the Assistant to the President for Administration or designee.

Please call the Office of Facilities Rentals at (516) 876-3483 with any questions about the application process.