

# SUNY OLD WESTBURY

## POLICY ON STUDENT RIGHTS & ASSEMBLY PROCEDURES

### 1. Purpose

SUNY College at Old Westbury (the “College” or “SUNY Old Westbury”) 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. Although some expressions may be contrary to commonly held or popular values, theories, and/or beliefs, SUNY Old Westbury has a special obligation to protect the rights of free speech and assembly guaranteed by the First Amendment of the United States Constitution and the Constitution of the State of New York.

### 2. Scope

This policy is applicable to all SUNY Old Westbury students as defined in the College’s Code for Student Conduct. The College’s “Use of Facilities by Third Parties for Free Speech” Policy applies to all third parties, not sponsored by the College and/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/or picketing. Due to limited space, facilities and resources, and the College’s right to impose reasonable time, place and manner restrictions, when it is anticipated or reasonably foreseeable that an assembly may require Services to be provided by the College, or impact the health, safety and/or welfare of others, interfere with a College function, or the free movement of vehicles or persons, Services are to be requested by the sponsor/organizer who must submit a Request for Services, as defined herein.

### 4. Rights of Students

- a. SUNY Old Westbury students are guaranteed the following rights:
  - i. The right to be protected from retaliation for exercising their First Amendment rights;
  - ii. The right to examine and discuss all questions of interest to them, and to express opinion privately and publicly;
  - iii. The right to learn in the spirit of free inquiry;
  - iv. 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;
  - v. The right to freedom from censorship in campus newspapers and other media;

- vi. That 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
- vii. 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/or 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/or doors;
  - iii. Willfully cause injury or damage to persons and/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. Reasonably jeopardize the health, safety and/or welfare 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 & 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; and/or
  - ix. Violate the provisions of the SUNY Policy 3653, titled “*Rules for the Maintenance of Public Order*”.
- b. The College has the right to impose reasonable time, place and manner restrictions on assemblies that the College reasonably believes may interfere with other College functions, the free movement of vehicles or persons, or jeopardize the health, safety and/or welfare of others.
- c. Violations of this Policy could result in disciplinary action under the College’s Code for Student Conduct.

## **6. Assembly Procedures**

- a. Statement
  - i. SUNY Old Westbury respects and supports students’ efforts to exercise their right 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, the campus community, and the non-interference with duly authorized College business, activities, or events.

b. Services

- i. To help ensure the safety of participants and the protection of rights of all members of the campus community, the College may provide services such as location, security, 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 or appropriate (“Services”).

c. Space Reservation Request

- i. Assemblies for which the need for Services are reasonably foreseeable, necessary or requested, require the submission of a Facility Reservation Request Form (see paragraph (ii) below) **at least** seven (7) business days prior to the planned event.
- ii. The Facility Reservation Request Form will include the name of the sponsor/organizer, the proposed location and any other Services sought, the proposed date and time of the planned Assembly, and the number of persons expected to participate (“Request Form”).
- 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 respond with reasonable promptness to the request for Services after receipt of the written request, but no later than three (3) business days prior to the proposed date of the planned event.
- 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 unavailability or unsuitability of the proposed time and place of the activity. The Student Union Building & Events Manager will inform the sponsor/organizer of any such modifications and provide guidance as the assembly activity is planned.
- 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 understands that it may not be possible to submit a Request Form in advance. In such cases, the event sponsor/organizer should contact the Student Union Building & Events Manager or a CSLI staff member, as soon as possible in order to promptly coordinate the assembly activity, where reasonably possible.

d. No Services Required

Assemblies requiring no Services, or for which the need for Services is not reasonably foreseeable or necessary as described hereinabove, may take place without any prior notification by the sponsors and/or organizers. However, conformity with specific campus rules would still be required.

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

\* 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.

\*\* 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.