

# **SUNY OLD WESTBURY**

## **POLICY ON USE OF FACILITIES BY THIRD PARTIES FOR FREE SPEECH**

### **Summary**

SUNY College at Old Westbury (the “College” or “SUNY Old Westbury”) has the right to implement time, place and manner restrictions on the use of its 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). The following constitutes the Policy on Use of Facilities by Third Parties for Free Speech.

### **Purpose**

As a public institution of higher education, SUNY Old Westbury respects and fully supports 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. Accordingly, SUNY Old Westbury has adopted free speech policies and procedures for third parties, not sponsored by the College and/or a recognized Student Organization, who want to use the College’s designated public forum for free speech purposes.

As a public entity, partially funded by NYS tax dollars, SUNY Old Westbury will provide a Designated Public Forum (defined herein below) to third parties not affiliated with the Campus Community for exercising their free speech rights. To comply with existing law, the College recognizes that it will be dedicating its scarce resources to the third parties, including but not limited to staff time for the management and facilitation of the Designated Public Forum for free speech activities/events, the costs and/or loss of revenue associated with the use of such space, and the possibility of utilizing Campus Police among other administrative offices' staff, to provide for the health and public safety of participants and the College Community.

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 educational mission for students.

### **Policy Application**

This Policy shall apply to all third parties, not sponsored by the College and/or a recognized Student Organization, 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/periods***

The College has 'black-out' certain days on its calendar wherein the use of the Campus and its facilities, including outdoor and public 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 any 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 save costs to meet state budget requirements.

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

SUNY Old Westbury identifies the following outdoor space as its Designated Public Forum location: The second level apron leading to the Campus Center. 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 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) which must be filed with the Office of Facilities Rentals at least seven (7) business days prior to the proposed date for use of the space (applications received after 3p.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, Rm. 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.
    2. The Office of Facilities Rentals will forward the application to the Assistant to the President for Administration or designee. The Assistant to the President for Administration shall review the application and respond to the applicant no later than three (3) business days' time period prior to the proposed date for use of the space.
  - ii.
    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 Public Forum within the time period set forth hereinabove.
    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 seven (7) 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 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 to 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 costs to the College that the College may incur due to the use of the space by the applicant/third party, such as security.
  - f. Deny any applicant/third party application based on the topic, nature or content of the free speech.
- 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:

SUNY Old Westbury  
The Office of Facilities Rentals  
Campus Center, Rm. 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.