

**College Council Meeting
March 8, 2012**

Present: President Christian, Mr. Abt, Mrs. Bagley, Mr. Basch, Mr. Catalinotto, Mr. Cozzolino (by phone), Mrs. Kuhlmann, Mr. Law, Dr. Mozayeni, Dr. Venables, Vice Presidents DiStefano, Rooney and Torsney, and Ms. Wright. Guests: Interim Director of Honors Patricia Sullivan, students Joe Bacchi, Peter Mulligan, Marissa Ward and Miriam Ward, and *New Paltz Times* reporter Mike Townsend.

The meeting was called to order at 3:02 p.m.

The Council approved the minutes of the January 26, 2012, meeting.

Interim Director of Honors Patricia Sullivan and four students gave a presentation about the College's Honors Program and provided testimonials about their experiences.

Chairman's Report: Mr. Abt reminded Council members that President Christian's inaugural ceremony would occur on Friday, April 13, and for that reason, there would not be an April Council meeting. The Chairman also encouraged Council members to participate in the rededication of the Old Main Building and the reception following on Friday, May 11. He shared the dates of the May Commencement Ceremonies and announced that Tomas Morales, Class of 1975, and current President of the College of Staten Island, would be the commencement speaker and would receive an honorary doctorate at the Undergraduate Ceremony.

President's Report: President Christian reported that the College has a number of administrative searches underway, including hiring a new provost/vice president for academic affairs, a new campus climate and compliance officer (a new position for the campus), a new dean of the School of Science and Engineering, a new dean of the School of Education and a new dean of the Sojourner Truth Library.

He reported that the College participated in SUNY Day in Albany, visiting legislators and advocating for SUNY issues. President Christian continues his consultation with faculty and staff through brown bag discussions and stays in touch with students through "hot chocolate with the president" events in the residence halls that draw 40-60 students at each gathering. He noted that the men's and women's swimming teams received a national award for academic achievement. He announced that the College had received a \$100,000 gift from an alumna and her spouse to fund an endowment for scholarships very similar to those that the College Council has supported through their fund for needy students. The scholarships support students who have financial difficulty that could impact the completion of their studies.

Budget Report: Vice President DiStefano provided an update on the College's FY 11-12 Core Instructional Budget as of February 29, 2012. See attached. She also outlined the current budget process for allocating new tuition revenues for FY 2012-13. See attached.

Chairman Abt presented the final agenda item under new business – discussion and approval of a new campus policy regarding Use of Facilities by Third Parties for Free Speech purposes.

Mrs. Kuhlmann moved that the Council approve the Use of Facilities by Third Parties for Free Speech policy. Mrs. Bagley seconded the motion. Discussion followed.

Chairman Abt noted that SUNY System Administration has asked each SUNY campus to adopt a Use of Facilities Policy for Third Parties for Free Speech purposes.

President Christian explained that as a public institution of higher education, New Paltz supports the rights granted to individuals under the First Amendment regarding free speech, however, the College is also responsible for safeguarding public order on campus in order to carry out its academic mission. This policy is designed to help the campus recognize First Amendment freedoms but also safeguard College operations.

The SUNY Board of Trustees has delegated authority to the College Councils to approve such a policy.

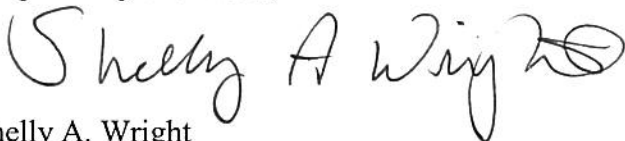
This policy essentially closes the gap between the current SUNY policies that address the Maintenance of Public Order for current members of our campus community, and the Use of Facilities by Third Parties for Non-Commercial purposes, both of which do not address the free speech rights of third parties (in other words, those who are not currently students, faculty or staff and have not been specifically invited to campus by one of these campus groups).

The new policy provides a specific “designated public forum” to third parties for free speech activities. The designated public forum is the Student Union Plaza. The draft proposal sent to Council for review was modeled on the SUNY Albany policy.

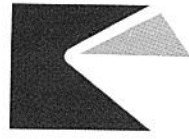
The motion passed 8-0. (Two Council members were absent.)

The meeting adjourned at 4:40 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Shelly A. Wright" followed by a stylized flourish.

Shelly A. Wright
Chief of Staff/Associate Vice President for Communication



New Paltz
STATE UNIVERSITY OF NEW YORK

College Council Budget Update March 8, 2012



New Paltz

STATE UNIVERSITY OF NEW YORK

FY 11-12 Status of Core Instructional Budget as of 2-29-12

REVENUE

	<u>Budget</u>	<u>Actual</u>	<u>C/Y % Received</u>	<u>P/Y % Received</u>
Fall Tuition & Fees	\$ 21,171,400	\$ 21,171,400	100.0%	100.0%
Spring Tuition & Fees	\$ 20,354,900	\$ 14,270,557	70.1%	80.3%
Total Funded Generated by Campus Activities	\$ 41,526,300	\$ 35,441,957	85.3%	83.4%
State Support	\$ 15,810,500	\$ 15,810,500	100.0%	100.0%
Total State Appropriated Dollars	\$ 15,810,500	\$ 15,810,500	100.0%	100.0%
Total Revenue	\$ 57,336,800	\$ 51,252,457	89.4%	88.3%

EXPENDITURES

	<u>Budget</u>	<u>Actual</u>	<u>% Spent</u>	<u>Actual P/Y</u>	<u>Change P/Y</u>
Personal Service	\$ 45,826,527	\$ 29,689,547	64.8%	\$ 29,643,330	\$ 46,217
Temporary Service	\$ 3,486,760	\$ 2,416,215	69.3%	\$ 2,569,840	\$ (153,625)
Utilities	\$ 2,488,206	\$ 1,253,822	50.4%	\$ 1,320,726	\$ (66,904)
Supplies	\$ 881,625	\$ 619,527	70.3%	\$ 523,404	\$ 96,123
Travel	\$ 625,452	\$ 285,068	45.6%	\$ 246,814	\$ 38,254
Contracts	\$ 1,794,129	\$ 1,006,471	56.1%	\$ 832,538	\$ 173,933
Equipment	\$ 921,379	\$ 312,051	33.9%	\$ 216,046	\$ 96,005
Tuition Scholarship	\$ 731,016	\$ 362,508	49.6%	\$ -	\$ 362,508
Total Expenditures	\$ 56,755,094	\$ 35,945,210	63.3%		



Investing New Resources – Looking Toward 12-13 & Beyond

Background: Existence of rational tuition policy, including "Maintenance "of Effort combined with campus focus on aligning expenditures with resources allows for investment of resulting new resources.

Process Goals:

- Initiation of a regularized process of using long-term planning and assessment data to guide resource allocation decisions each year
- Creation of a more formalized process for linking planning and resource allocation
- To allow for good ideas to arise from all corners of the College
- To allow for continued consultation, transparency, and exchange of views on budget proposals;
- To place the responsibility for judgment and decision-making at multiple, but appropriate, levels of service delivery and leadership

Criteria & Ground Rules

- Requests must support instruction and student outcomes, learning, success, and access
- Requests must align with elements of campus vision and themes of *The Power of SUNY* strategic plan
- Requests should be reflective of our growing culture of assessment and department or unit assessment plans and results will be expected to support requests
- Requests should be based on data, must meet and address recent enrollment trends and must respond to recent shortfalls in course availability

Process

- Requests for new investments may originate at any level in the organization.
- Those put forward by individual faculty or staff will be submitted to chairs or unit directors for review.
- If supported at that level, requests will be forwarded for review and prioritization by deans/directors, vice presidents, and ultimately the President's Cabinet.
- Consultation will include faculty and student governance groups, advisory groups (Administrative Council, Wonks), bargaining unit leadership, and faculty and staff will be consulted at key points during the process.
- Given our timing, decisions may not be finalized until summer, although we will try to finalize decisions so that time-sensitive initiatives can proceed over the summer.



The State University
of New York

William F. Howard
Senior Vice Chancellor,
General Counsel and
Secretary of the University

State University Plaza
Albany, New York 12246

www.suny.edu

December 22, 2011

To: Presidents of State-Operated Campuses

From: William F. Howard, Senior Vice Chancellor, General Counsel and
Secretary of the University *WFH*

Subject: First Amendment Rights of Third Parties on SUNY Campuses

The purpose of this memorandum is to clarify that state-operated campuses of the State University should not use SUNY Policy #5603 "Use of Facilities by Non-Commercial Organizations" with respect to third party speakers on campuses. That policy was intended for other purposes, and its use with respect to third party speakers on campuses may raise constitutional questions. Thus, instead of using policy #5603 or any unwritten policy or practice, campuses should adopt written "time, place and manner" policies for third party speakers. The SUNY Board of Trustees has delegated facility use policy making to the Councils at each campus, so each campus which does not already have such a policy should draft for approval and adoption by the campus's Council a policy with respect to third party speakers. The University at Albany and its Council have recently adopted such a policy, a copy of which is attached, and which we recommend to your attention. The counsel from this office assigned to your campus will be glad to assist you in this process.

You may also be familiar with the SUNY Rules for the Maintenance of Public Order (8 NYCRR Part 535), which allow each President to promulgate procedures for reasonable "time, place and manner" limitations on the exercise of free speech by students, faculty, staff and authorized visitors. In the context of free speech policies, third parties are defined as any person who is not a student, faculty or staff member, or invitee of an officially recognized student group or an official invitee of the Campus administration, faculty or staff, so the Rules do not address such third parties.

As a public institution of higher education, SUNY respects and fully supports the rights granted to individuals under the First Amendment to the United States Constitution regarding free speech. Through its historic opening of its campuses to third parties to exercise their free speech rights, most SUNY campuses have likely provided at least a "designated public forum" to third parties for their exercise of free speech rights.

Campuses may also choose to open more space to third party free speech, but the law gives protections to speakers in “designated public forums” at public colleges and universities which have allowed such use in the past.

For assistance in reviewing existing policies regarding First Amendment rights, and in revising existing or drafting a new policy, please consult with your Campus Counsel.

Attachments:

- SUNY Board of Trustees Policy #5603 “Use of Facilities by Non-Commercial Organizations”
- Use of Facilities by Third Parties for Free Speech, University at Albany (December 9, 2011)

DRAFT Use of Facilities by Third Parties for Free Speech

State University of New York at New Paltz
2012

Summary:

The following constitutes the State University of New York at New Paltz's "time, place and manner" policy on the use of SUNY New Paltz ("the College")-owned facilities by third parties (non-College or not sponsored by recognized student organizations) for free speech purposes approved by the College Council pursuant to a delegation of authority by the SUNY Board of Trustees. (See SUNY Policy #3653 "Rules for the Maintenance of Public Order" and SUNY Policy #5603 "Use of Facilities by Non-Commercial Organizations," which stipulates that the council of each campus shall establish policies and procedures on the use of local facilities by non-commercial organizations consistent with this policy.)

Reasons for this Policy:

As an institution of higher education, the College respects and fully supports the rights granted to individuals under the First Amendment to the United States Constitution regarding free speech. The College has free speech policies in place with respect to its students, faculty, and staff, but not for third parties, who are not sponsored by the College 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, the College 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, the College weighed its competing obligations and responsibilities: 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.

Students, faculty and staff shall continue to use current policies and procedures for reservation of space on campus. A Facilities Use for Scheduled Event (FUSE) form must be submitted. Students wishing to use campus facilities should contact Michael Patterson, Director of Student Activities and Union Services, SUB 211D, pattersm@newpaltz.edu or x3025. New Paltz

departments or employees wishing to use campus facilities should contact Christine Waldo-Klinger, Director of Conference Services, SUB 100, waldoklc@newpaltz.edu, or x3033.

Outside Organizations wishing to use campus facilities for purposes other than those described herein should contact Christine Waldo-Klinger, Director of Conference Services, SUB 100, waldoklc@newpaltz.edu, or x3033.

Policy Application:

This policy shall apply to all third parties who are not sponsored by the College and/or a student group, and 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 move-in period 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, including May commencements;
- d. During major fall or spring campus wide celebrations, such as Presidential Inauguration, Convocation, Reunion Weekend, Family Weekend, Open House and Accepted Students Days; and
- 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 to conserve energy and financial resources.

Designated Public Forum: The College identifies the following area as its designated public forum: the outside area of the Student Union Building Concourse bounded to the south by the retaining wall adjacent to Capen Hall and to the north by the stairs and retaining wall that separates the Concourse from the walkway between the Dorsky Museum and the entrances to both the Atrium and the Haggerty Administration Building, and to the west by the walkway leading past the Dorsky Museum and east by the Student Union Building. **Attached hereto and made a part hereof is a map outlining the designated public forum.**

The College designates this outdoor space for its designated public forum as this space is one of the most highly pedestrian trafficked areas on the College Campus by students, faculty, staff and visitors. The Student Union houses the food court, ATM machines, the Book Store, student recreation space, as well as several other student services offices, and frequently used meeting rooms for the College Campus Community, such as the Multi-Purpose Room and the Atrium. The use of this space 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 identity of the designated public forum to another area of the campus to address concerns for the health, safety and welfare of the campus community, including to accommodate events scheduled prior to a request that would conflict with use of the above area.

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 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 Office of the Vice President for Administration and Finance three (3) business days before the date the applicant wants to use the designated public forum (applications received after 3pm 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 the Vice President for Administration and Finance in a timely manner. The Office is open during regular daytime working hours, Monday through Friday, for deliveries, except for holidays and certain College black-out days as noted below.
 - ii. The College shall review the application and respond to the applicant no later than the close of business on the third business day prior to the date the applicant wants to use the designated public forum:
 - 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 shall 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 the Vice President for Administration and Finance.
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 defined below, 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. Pay the visitor parking fee;
- 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. The College has a regulation against littering on the Campus that applies to all students, faculty, staff and visitors. Failure to comply with this provision may result in future denial of use of the designated public forum; and
- c. Not use equipment for the amplification of the speech.

E. The College 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 and operation of the Campus for the safety of the entire Campus Community.

Completed applicants to use the designated public forum should be sent to or hand delivered to:
Office of the Vice President for Administration and Finance, HAB 905

State University of New York at New Paltz
1 Hawk Drive, New Paltz, New York 12561

All applications must be reviewed and approved by the Vice President for Finance and Administration. Please call the Office of the Vice President for Finance and Administration at 845-257-3295.

Implemented as an Interim Policy by the Administration: January 31, 2012

Application for Use of the Designated Public Forum
State University of New York at New Paltz

This application is intended for use by third parties who want to exercise their rights of free speech by using the College's designated public forum.

Name of Applicant: _____

Address: _____

Telephone Number: _____ Fax Number: _____

Email: _____

Name of Speaker: _____

Address: _____

Telephone Number: _____ Fax Number: _____

Email: _____

Date requested: _____

Time requested: from _____ until _____

I, the applicant, have read the foregoing policy and agree to comply with the terms of use of the designated public forum as set forth in the Policy.

I, the applicant, acknowledge that I am applying to use the designated public forum for free speech purposes, that I will use the designated public forum for free speech purposes, and that I will not use the forum for any other noncommercial uses that require a revocable permit in accordance with the SUNY Policy of noncommercial use of university facilities by third parties and/or commercial purposes that are not allowed on/in College facilities.

Dated: _____

Print Name: _____

For Vice President Internal Office Use:

Date received: _____ Time received: _____

Manner received: _____

Returned: (cross out if not applicable)

Date: _____

Reason: _____

Follow up:

Approved:

Dated: _____

Vice President or designee

ROUTE 208

WEST ENTRANCE

NORTH ENTRANCE

EAST ENTRANCE

SOUTH ENTRANCE

MAIN ENTRANCE

HASBROUCK AVE

FLATTEKILL AVE

MOHONK AVE

MOHONK AVE EAST

ELTING AVE

TRICOR AVE

FAIRVIEW AVE

SOUTHSIDE LOOP

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Legend:

- Public Forum Area (hatched box)
- Accessible Entrance (wheelchair icon)
- Campus Entrance (diamond icon)
- Parking Permit Machine (P icon)

Revised 11/11