

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
Approved by College Council on March 8, 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