

Use of Facilities by Third Parties for Free Speech SUNY Potsdam

Summary

The following constitutes SUNY Potsdam's 'time, place and manner' policy on the use of SUNY Potsdam ('the College') owned facilities by third parties (non-College or sponsored by recognized student organizations) for free speech purposes as 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, 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 adopted free speech policies 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 from 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 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 the College and/or a student group, who wants 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 ‘blacked-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, but not limited to:

- 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, including winter and spring commencements;
- d. During major fall or spring campus wide celebrations including, but not limited to, concerts, orientations, family weekend, winterfest, springfest, admission open houses and programs with a focus toward high school students;
- e. During the summer when overnight and day camps, alumni weekend and conferences take place.

Designated Public Forum: The College identifies the following area as its designated public forum: outside the main entrance of the Barrington Student Union located on the north side of the building. The area is located south of Barrington Drive. The public forum cannot obstruct the entrance to the Barrington Student Union due to fire code regulations.

The College designates this outdoor space for its designated public forum as this space is the most highly pedestrian trafficked area on the SUNY Potsdam Campus by students, faculty, staff and visitors.

The Barrington Student Union houses the food court, a convenience store, ATM machine, the book store, Student Mail Services, Student Affairs, Campus Life, Student Conduct and Community Standards, and the SGA Office. The second floor of the Student Union has several meeting rooms as well as the multipurpose room for large group gatherings and Pete’s Place; a place for which students may engage in social activities.

The use of this designated 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.

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 Center for Lifelong Education & Recreation 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 Center for Lifelong Education & Recreation in a timely manner. The Office is open 8:30am to 4:30pm, Monday through Friday, for deliveries, except for holidays and certain University black-out days as previously noted.
 - 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 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 Center for Lifelong Education and Recreation. Applicants may request to use the designated public forum for up to a four hour time block during the hours of 8:30am-4:30pm during the academic year and between the hours of 8:00am-4:00 pm during the summer if the space is available and it is not during a black-out period.
 - 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 any costs for parking on the campus as all students, faculty, and staff;
 - 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 adopted from the Village of Potsdam Code since SUNY Potsdam resides within the Village of Potsdam [**Adopted 7-12-1971 as Ch. 44 of the 1971 Code**] Failure to comply with this provision may result in future denial of use of the designated public forum
- 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.
- F. In addition to the conduct specified in the Board of Trustees' policy section 535.3, no amplification will be permitted.

Completed applicants to use the designated public forum should be sent to or hand delivered to:

Center for Lifelong Education & Recreation

Attn: Nancy Hess

SUNY Potsdam

44 Pierrepoint Ave.

389 Van Housen Extension

Potsdam, New York 13676

All applications must be reviewed and approved by the Center for Lifelong Education & Recreation.

Please call Nancy Hess at (315) 267-2168 or email her at hessnl@potsdam.edu with any questions about the application process.

Application for Use of the Designated Public Forum

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: _____

Signature

For Center for Lifelong Education & Recreation Use:

Date received: _____ Time received: _____

Manner received: _____

Returned: (cross out if not applicable)

Date: _____

Reason: _____

Follow up:

Approved:

Dated: _____

Center for Lifelong Education & Recreation or
designee