

Facilities

Board of Trustees Policy

SUBJECT: Free Speech & Public Assembly	NUMBER: 4.11
	DATE: ____ January 13, 2020
	SUPERSEDES: Resolution # 20-06 February 22, 2016

Purpose

The following constitutes Schenectady County Community College’s policy on the use of SCCC facilities by third parties (not sponsored by the College and/or by recognized student organizations) for free speech purposes.

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.

As a public entity, the College will provide a designated public forum to third parties who are not students, faculty or staff for the exercise of free speech rights. 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 obligations in managing County 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.

This policy shall apply to all third parties who are not sponsored by the College and/or a student group, 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. This policy likewise does not apply to use of the College’s indoor facilities or any outdoor areas other than the designated public forum. Use of these facilities by third parties and College-sponsored groups is governed by Policy No. 4.1.

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 college activities that advance the College's mission, as well as authorized community events. During these blackout periods, no third party will 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 opening week for the commencement of fall and spring semesters;
- b. During fall and spring Convocation;
- c. During examination periods as set forth on the academic calendar;
- d. During graduation related activities and events, including commencement;
- e. During major fall or spring campus wide celebrations, such as concerts, Food for Thought and All That Jazz;
- f. During the shutdown of educational buildings and administrative offices as defined on its calendar (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).
- g. During "summer hours" where the College may be closed.
- h. During any other days that the College is closed.

Designated Public Forum

The College identifies the following area as its designated public forum: a specific portion of space located on the sidewalk immediately adjacent to the parking lot between the Begley Library and the Gateway Building. Attached hereto and made a part hereof is a map indicating with a circle the designated public forum.

The College designates this outdoor space for its designated public forum as this space is the frequented by pedestrian traffic and use of this space is not likely to interfere with classroom instruction.

The President shall have the authority to change, either permanently or temporarily, the location of the designated public forum to another area or green space 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 the Faculty Student Association recognized student group to speak at the College.

Policy

1. The College is providing a designated public forum for use by third parties for their free speech purposes.

2. Reservation and Recordkeeping of the Use of Space:

Third parties who seek to use the designated public forum must:

- a. Complete a designated public forum application; and file the application with the Office of Campus Events (email to campusevents@sunysccc.edu) three (3) business days before the date the applicant wants to use the designated public forum. Applications must be received by the College at least three (3) business days before the requested use date and the applicant assumes responsibility for proper delivery to the Office of Campus Events in a timely manner. The Office is open from 8:30 a.m. to 4:30 p.m. Monday through Friday for deliveries, except for holidays and certain College Black-out days as noted above. 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.
- b. 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.
- c. 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 Campus Events.
- d. 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 above, 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.

3. The College shall not:

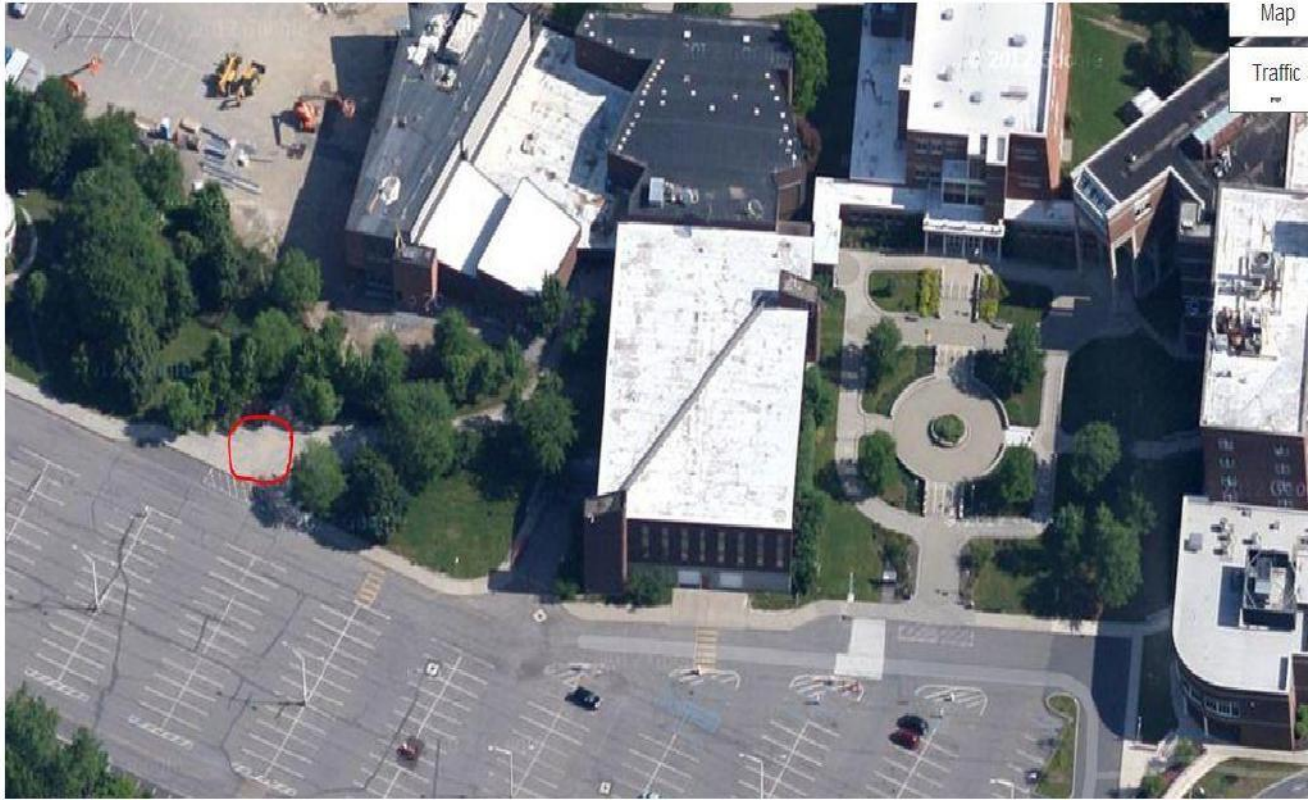
- a. Inquire as to the nature or content of the free speech;
- b. Charge the applicant an application fee to reserve the designated public forum;
- c. Charge the applicant for the use of the space;
- d. Impose insurance requirements on the applicant; or

- 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.
4. The applicant/third party shall:
- a. Park their personal vehicles only in approved Visitor Parking;
 - 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 upon departure. The College has a regulation against littering on the Campus that applies to all students, faculty, staff and visitors;
 - c. Not use any equipment for the amplification of the speech;
 - d. Refrain from smoking while on campus as the College is a “no-smoking” campus.

Failure to comply with the provisions set forth in (4) (a) through (d) may result in future denial of use of the designated public forum.

5. 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 Schenectady Code of Conduct, Policy No. 3.1.

LOCATION OF DESIGNATED PUBLIC FORUM



END OF POLICY