

Use of Facilities by Third Parties for Free Speech

The following constitutes Farmingdale State College's 'time, place and manner' policy on the use of Farmingdale State College ('the College') owned facilities by third parties (non-College and/or not sponsored 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").

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 other groups, 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 educational 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, that wish 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 speakers sponsored by 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 week activities at the beginning of the fall and spring semesters;
- b. During evaluation and final 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, Fountain Fest, Open Houses, Accepted Student Day and programs with a focus toward high school students;
- e. During the summer when overnight and day camps and orientation programs take place.

Designated Public Forum: The College identifies the following area as its designated public forum: The Great Lawn, which is located near the Melville Road entrance of the campus, on the northeast side of Frank A. Cipriani Drive between the Nold Hall Athletic Complex and Roosevelt Hall.

The College designates this outdoor space for its designated public forum as this space is a highly pedestrian trafficked area on the Farmingdale State College campus by students, faculty, staff and visitors. Roosevelt Hall has several meeting rooms as well as the multipurpose room for large group gatherings and other recreational activities; a place for which students may engage in social activities. The surrounding buildings house numerous student services including, but not limited to, Student Accounts, Financial Aid, Admissions, and the Registrar.

The use of this designated space is also not likely to interfere with classroom instruction or residence halls. The public forum cannot obstruct the entrance to any of the surrounding buildings due to fire code regulations.

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) or organization requesting to use the designated public forum for free speech purposes and is not a student, faculty or staff member at the College, and 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 Use of Facilities Office prior to the three (3) business days' time period in which the College must respond to the Applicant's request to use the designated public forum as set forth in B (ii) below (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 Use of Facilities Office in a timely manner. The Office is open 8:45am to 4:45pm, 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 after the application is received:
 - 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 again once the completed and signed application is received by the Office of Events Management. 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 be responsible for picking up from the designated public forum any brochures, pamphlets, leaflets or other handouts or goods that the third party brought to disseminate during their speech, and removing them from the campus or properly disposing of them in public garbage receptacles. 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 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 applications to use the designated public forum should be sent to or hand delivered to:

Office of Events Management
Farmingdale State College
2350 Broadhollow Road
Horton Hall 145
Farmingdale, NY 11735

All applications must be reviewed and approved by the University Police Chief and Vice President for Administration and Finance.

Please call the Office of Events Management at (934) 420-2496/2299 or email at eventsmanagement@farmingdale.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

Name of Applicant: _____

Address: _____

Telephone Number: _____ Fax Number: _____

Email: _____

Name of Speaker: _____

Address: _____

Telephone Number: _____ Fax Number: _____

Email: _____

Anticipated Number of Attendees: _____

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 Farmingdale State College Use of Facilities:

Date Received: _____ Time Received: _____

Manner Received: _____

Returned to Applicant: (cross out if not applicable)

Date: _____

Reason: _____

Follow up:

Approved:

Dated: _____

University Police Chief/Designee

Dated: _____

Vice President for Administration & Finance