

Policy

Consistent with the [SUNY WCC Freedom of Expression Statement](#), as endorsed by the SUNY WCC Board of Trustees, the core principles of Westchester Community College are rooted in the ability to create avenues for intellectual pursuits which require open, free, and thoughtful debate. In support of this, SUNY WCC has established time, place, and manner rules for the use of its designated public forums by third parties outside of the campus community to exercise their free speech rights. In drafting and adopting this policy, the College weighed its competing obligations and responsibilities: to meet its education mission, to meet its legal obligations as a public entity to provide a designated public forum for free speech by third parties and to meet 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.

All requests for use of the Designated Public Forum require prior approval, which can be obtained via the process detailed in the procedures of this policy. A review is required to evaluate the time, place and manner of the request to use a designated public forum to ensure that it does not interfere with either the academic or administrative endeavors of the College.

All persons on College-controlled premises are bound by the [Rules for the Maintenance of Public Order](#), which deal in part with freedom of expression. Members of the College community should familiarize themselves with those rules and regulations. 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 SUNY WCC's [Rules for the Maintenance of Public Order](#) to secure the orderly operation of the campus for the safety of the entire campus community.

Any third-party individual who elects to utilize a designated public forum to exercise their free speech rights and has not received pre-approval will be asked to leave the College immediately. Failure to obey the lawful or purposeful direction of any College official or law enforcement agency could lead to disciplinary action under College policy and/or arrest.

No student, either singly or in concert with others, shall engage in disruptive behavior as defined in the [Student Code of Conduct](#), or which is in violation of any Federal, State, County or local law. Students who engage in behavior which meets the College definition of disruptive behavior could be required to participate in the Student Conduct Process.

The College designates specific days as Black-out Days as detailed in the procedures of this policy where the College facilities and grounds are utilized for key events at the core of its educational mission.

SUNY WCC & Third-Party Obligations

SUNY WCC is prohibited from:

- A. making application determinations based on the nature or content of the free speech
- B. charging the Third Party an application fee to reserve the Designated Public Forum
- C. charging the Third Party for the use of the Designated Public Forum for free speech purposes
- D. imposing insurance requirements on the Third Party for use of the Designated Public Forum for free speech purposes

- E. charging the Third Party for any additional costs to the College that the College may incur due to the use of the Designated Public Forum, such as security.

An Approved Third-Party user of a Designated Public Forum:

- A. is 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 them to disseminate during their speech, and properly disposing of the same in public garbage receptacles or taking them with them. All hand-to-hand distributed materials must clearly state the name of the organization or individual responsible for the publicity and/or event. Failure to comply with all or part of this provision may result in future denial of use of the Designated Public Forum.
- B. is prohibited from use of megaphones or other equipment for the amplification of speech.

Definitions

- **Black-out Days:** certain days on the College's 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 Days, no Third Party shall be allowed to use the Designated Public Forum for free speech purposes.
- **Campus or Campuses:** any College owned, leased, licensed or operated space, facility, property, grounds or building.
- **Designated Public Forums:** are the areas listed below in this policy.
- **Third Party or Parties:** any person, organization, group or entity not legally affiliated with the College including, but not limited to the general public, contractors, vendors, guests and visitors to the College, those using College facilities or property under a College revocable permit, and volunteers not enrolled as such on College systems.
- **College:** is SUNY Westchester Community College.
- **Club & Organization:** includes but is not limited to, student organizations recognized by the Department of Student Involvement, student clubs recognized by the Student Government Association, or intercollegiate athletic teams recognized by the Athletic Department.

Procedures

Third Parties who seek to use the Designated Public Forum must:

- A. Complete a [Use of Facilities for Third Party Free Speech application](#) at least five (5) business days before the date the Third-Party user 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.
- B. The application must be received by the College at least five (5) business days before the requested use date and the Third-Party user assumes responsibility for proper delivery to the Office of College & Community Partnerships in a timely manner.
- C. Completed applications to use the Designated Public Forum will be reviewed by SUNY WCC's Community Partnership Developer, who will also coordinate this process for the College.

- D. 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.
- E. If the application is completed fully by the applicant and the date and time are available for use, the College shall inform the applicant of its approval to use the Designated Public Forum on the date and time so requested.
- F. If the application is not complete, the College shall notify the Third-Party user for completion.
- G. 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 in this policy, the College shall inform the Third Party of the same and offer the next available date and time for the use of the Designated Public Forum.

Designated Public Forums

The College has designated the Student Center Patio as the location on our campus where permitted public statements can take place. The college selected this outdoor space for its designated public forum area because it is a heavily trafficked pedestrian area. The use of this space is also not likely to interfere with classroom instruction or the operation of administrative offices.

The college president or designee has the authority to change, either permanently or temporarily, the identity of the designated public forum to another area of the college campus to address concerns for the health, safety, welfare, and/or operation of the campus community.

Black Out Periods

The College defines the black-out periods to include the following:

- A. During New Student Orientation Sessions, both in summer and winter.
- B. During major recruitment events, including, but not limited to: Accepted Students Day and Open Houses.
- C. During reading periods and examination periods as set forth on the then current academic calendar.
- D. During graduation-related activities and events, including the fall completion ceremony and spring commencement.
- E. During periods when the college is officially closed.