

# Use of Facilities by Third Parties for Free Speech

## **Summary:**

The following constitutes Morrisville State College's "time, place and manner" procedure on the use of Morrisville State College owned facilities by third parties (non-College sponsored by recognized student organizations) for free speech purposes 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 Procedure:**

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 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 procedure, 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.

## **Application:**

This procedure 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. It applies to third parties regardless of the content of their speech, and the content of such speech is in no way considered in application of this policy. This procedure does not apply to students, speakers officially sponsored by recognized student groups, faculty or staff as other reservation and use procedures 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 black-out 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 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, such as concerts, Mustang Weekend; 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 to save money to meet state budget reductions.

***Designated Public Forum:*** The College identifies the following area as its designated public forum: the outside area of the STUAC bounded to the south by the front door of the STUAC and to the north by the staircase leading to the Library and to the west and east by the two service drives. 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 since this space is the most highly pedestrian trafficked area on the College main Campus by students, faculty, staff and visitors. The STUAC houses the food court, a gymnasium, fitness center, ATM machines, Jazzy Joe’s, Mustangs, and a Theater. The use of this space is also not likely to interfere with classroom instruction or dormitory residences.

During inclement weather, the College will allow use of the lobby of STUAC where a table will be provided for third party interests in free speech opportunity.

***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.

## Procedure:

- 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:
  - a. 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 Public Relations Office three (3) business days before the date the applicant wants to use the designated public forum (applications received after 3 p.m. on a given business day shall be considered as having been received on the morning of the next business day; for purposes of this definition, the actual day of the event is considered to be the fourth business day, meaning that an application for a Thursday event should be submitted on the preceding Monday before 3 p.m.). The applicant assumes responsibility for proper and timely delivery of an application to the Public Relations Office. The Office is open 8:30 a.m. to 4 p.m., Monday through Friday for deliveries, except for holidays and certain College black-out days as noted above.
  - b. 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 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 Public Relations Office.
    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 "black-out 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.
- C. 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/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 registering with University Police all vehicles brought onto Morrisville State College property, and any costs for parking on the campus as all students, faculty, staff and visitors are charged for 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/recycling 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 megaphone or other voice amplification 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 applications to use designated public forum should be sent to or hand delivered to:

Assistant VP of Institutional Advancement  
Public Relations Office  
Morrisville State College  
80 Eaton Street  
Morrisville, NY 13408

All applications must be reviewed and approved by the Assistant VP of Institutional Advancement.

## 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(s) requested: \_\_\_\_\_

Time requested: \_\_\_\_\_ until \_\_\_\_\_

End date: \_\_\_\_\_

I, the applicant, have read the foregoing procedure and agree to comply with the terms of use of the designated public forum as set forth in the procedure.

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 commercial or noncommercial uses that require a revocable permit in accordance with SUNY Policy of Noncommercial Use of the College Facilities by Third Parties and/or commercial purposes that are not allowed on/in College facilities.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

### For Public Relations Office use only:

Date received: \_\_\_\_\_ Time Received: \_\_\_\_\_

Manner received: \_\_\_\_\_

Date returned: \_\_\_\_\_ Reason: \_\_\_\_\_

Follow Up: \_\_\_\_\_

Date Approved: \_\_\_\_\_

\_\_\_\_\_  
Assistant VP of Institutional Advancement