

**State University of New York**  
**College of Agriculture and Technology at Cobleskill**  
**Use of Facilities by Third Parties for Free Speech**

**Introduction:**

The following constitutes the State University of New York College of Agriculture and Technology at Cobleskill (SUNY Cobleskill) time, place and manner” policy on the use of SUNY Cobleskill’s owned facilities by third parties (non College or sponsored by recognized student organizations) for free speech purposes as pursuant to a delectation of authority by the SUNY Board of Trustees. (See SUNY Policy #5603 “Use of Facilities by Non-Commercial Organizations”)

**Rationale for this Policy:**

As an institution of higher education, SUNY Cobleskill 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 SUNY Cobleskill 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, SUNY Cobleskill 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, SUNY Cobleskill 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 office’ staff, to provide for the public safety of participants.

In drafting and adopting this Policy, SUNY Cobleskill 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 obligation 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 SUNY Cobleskill 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 as other reservations and use policies apply to those campus community members.

### **Definitions:**

**Black-out days:** SUNY Cobleskill has "black-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 final week of classes and examination periods as set forth on the then current academic calendar;
- c) During graduation and commencements activities;
- d) During major fall or spring campus wide event such as Homecoming, Wildlife Festival, Spring festival, Halloween Community Event, The Kickoff etc.
- 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 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:** SUNY Cobleskill identifies the following area as its designated public forum: the outside grass area in front of Prentice Hall beginning with the outdoor riser stage bounded by the north, south and east sidewalks. Attached hereto and made a part here of is a map outlining the designated public forum.

The College designates this outdoor space for its designated public forum as this space is the most highly pedestrian trafficked area on campus by students, faculty, staff and visitors. This space is in direct proximity to Bouck Hall, the Bookstore and the College Ballroom; including the Bouck Café, Prentice Dining Hall, American Heritage the faculty, staff and community restaurant and Knapp Hall the College administration building contains such services as Admissions, Registrar, Financial Aid, the Bursar, COBYCard, as well as several other student services offices. The use of this space is less likely to interfere with the majority of classroom instruction or residence hall spaces but is in close proximity to two residence halls.

**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 SUNY Cobleskill, and the person(s) is not officially sponsored by either the College and/or a recognized student group to speak at SUNY Cobleskill.

**Policy:**

- A. The College is providing a designated public forum for use by third parties for their free speech purposes.
- B. Reservation and Record keeping of the Use of Space:
  - a. Third parties who seek to use the designated public forum must:
    - i. Complete a designated public forum application (attached); and
    - ii. File the application with the Events and Conferences Office three (3) business days before the date the applicant wants to use the designated public forum (applications received after 3 pm 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 and timely delivery of an application to the Events and Conferences Office, Knapp Hall. The Office is open 8:00am to 4:15 pm, Monday through Friday, except for holidays and certain University black-out days as noted below.
  - b. SUNY Cobleskill 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:
    - i. if the application is completed fully and signed by the applicant and the date and time is available for use, SUNY Cobleskill shall inform the applicant of its approval to use the designated forum on the date and time so requested.
    - ii. if the application is not complete and/or it is not signed, SUNY Cobleskill 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 Events and Conferences Office.
    - iii. if the space is already reserved to its capacity for the date and time requested, or if the date and timer requested is during a "black-out" period as defined below, SUNY Cobleskill shall inform the applicant of the same and offer the applicant the next available date and time for use of the space.
- C. SUNY Cobleskill 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 use of the space;
  - d. Impose insurance requirements on the applicant/third party; or
  - e. Charge the applicant for any additional costs SUNY Cobleskill 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, staff and visitors are charged for parking;
  - b. Be responsible for picking up from the designated public forum any brochures, pamphlets, leaflets or other hand outs 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. SUNY Cobleskill 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 equipment for the amplification of the speech; however, upon written request at the time of the application, and on the application, by the applicant, and weather permitting to protect the Colleges equipment, the College will provide a microphone and sound system for the speaker.
- E. SUNY Cobleskill 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 9 NYCRR 535, in order to secure the orderly and operation of the Campus for the entire Campus Community.

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

SUNY Cobleskill  
Events and Conferences Office  
Knapp Hall 200  
Cobleskill, NY 12043

*All applications must be reviewed and approved by the Events and Conferences Office. Please call 518-255-5317 for more information if necessary.*

This policy was adopted from the University of Albany's "Use of Facilities by Third Parties for Free Speech" policy.

### 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 SUNY Cobleskill'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: \_\_\_\_\_ To: \_\_\_\_\_

Applicant requests a microphone/sound system

Yes

No

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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 sue the forum for any other noncommercial uses that require a revocable permit in accordance with the SUNY Policy of noncommercial use of SUNY Cobleskill's facilities by third parties and/or commercial purposes that are not allowed on/in College facilities.

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**For Events and Conferences Office Use:**

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

Manner Received: \_\_\_\_\_ Received by whom: \_\_\_\_\_

Returned: (cross out if not applicable)

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

Follow up: \_\_\_\_\_

Approved:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Events and Conference Officer

- cc. Communications Office
- Office of the President
- Office of the Provost
- Office of the Vice President for Student Affairs
- University Police Office