

Use of Facilities as a Public Forum (Policy on)

Category: Event and Facilities**Responsible Office:** Finance and Management, VP Office**Date Established:** 01/01/20**Date Last Revised:** 08/25/20**Date Posted to Library:** 0901/20

SUMMARY

The following constitutes the "time, place and manner" policy on the use of facilities owned by Buffalo State College ('the college') for peaceable speech and assembly.

REASONS FOR THIS POLICY

As an institution of higher education, the college respects and fully supports the free speech rights granted to individuals under both the First Amendment to the United States Constitution and New York State law. As a public entity, partially funded by New York State tax dollars, the college will provide a designated public forum to campus constituents and unaffiliated parties for the exercise of free speech rights. To comply with existing law, the college recognizes that it will dedicate its resources to this effort -- including staff time for the management of the designated public forum, the costs or lost revenue associated with the use of space itself, and possible use of University Police and other administrative office 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; its obligations as a public entity to provide a designated public forum; its audit and control obligations in managing New York State property under SUNY jurisdiction; and 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 students.

POLICY APPLICATION

This policy shall apply to all campus constituents (faculty, students and staff) and to unaffiliated parties who seek to use facilities designated as public forum for the purposes of peaceable speech and assembly. Use of additional college facilities for other purposes is governed by these three Buffalo State College policies: Facility Use Policy, Short Term Facilities Use Policy, and Compensation for Facilities Use Policy. For information on requesting use of other college facilities, please contact the Events Management Office. All use of facilities must comply with [SUNY Rules for the Maintenance of Public Order](#), adopted in accordance with Education Law Section 6430 and 8 NYCRR 535, as well as all other applicable college rules, policies and procedures.

TIME

The use of the designated public forum may be requested for up to a four-hour time block between the hours of 8:30 a.m. and 4:30 p.m. during the academic year, and between the hours of 8:00 a.m. and 4:00 p.m. during the summer if the space is available and it is not during an exclusion period.

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Exclusion Periods

The college has excluded certain periods on its calendar during which the use of the campus and its facilities, including outdoor spaces, is reserved exclusively for campus-related activities that are at the core of its primary educational mission. During these exclusion periods, use of all public forums shall be largely curtailed so as not to interfere with core, mission-centric programming.

The college defines the exclusion periods to include the following:

1. During opening activities at the beginning of the fall and spring semesters
2. During evaluation and final examination periods as set forth on the academic calendar
3. During graduation-related activities and events, including commencement
4. During major fall or spring campus-wide celebrations including, but not limited to, concerts, orientations, open houses, Homecoming and other alumni-related celebrations, and programs with a focus toward high school students
5. During the summer when overnight and day camps and orientation programs take place
6. During other times when the President determines that such declaration is in the best interests of the college community, such as a public health emergency

Questions about the dates of these exclusion periods may be addressed to the Events Management Office.

PLACE

Designated Public Forum

The college identifies the following areas as its designated public forums:

1. The Elmwood Avenue sidewalk between Iroquois Drive and the southern side of the Burchfield Penney Art Center
2. The Grant Street sidewalk commencing at Rockwell Road and ending at Iroquois Drive
3. The Perry Quad
4. The north and south ends of the Plaza, only during Bengal Pause (Tuesdays and Thursdays from 12:15pm to 1:30pm) when no other event have been reserved for this venue. The Plaza is bound by Campbell Student Union, Bulger Communication Center, Butler Library and Cleveland Hall.

The college has identified these spaces for its designated public forums because they are highly pedestrian trafficked areas on the Buffalo State College campus which regularly are used by students, faculty, staff and visitors. The use of these designated spaces will balance speakers' ability to communicate their message with the college's need to minimize interference with classroom instruction or residential facilities.

Users of the public forums cannot obstruct the entrance to any of the surrounding buildings or obstruct the free movement of other individuals.

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The President or designee shall have the authority to change, either permanently or temporarily, the location of the designated public forums to other areas of the campus to address concerns for the health, safety and welfare of the campus community, as well as to address specific peaceable speech and assembly concerns of any person or group.

MANNER

Campus Constituents are faculty or staff members currently employed by Buffalo State College; and students currently enrolled at Buffalo State.

Unaffiliated Party means a person(s) or organization requesting to use the designated public forum who is not currently a student, faculty or staff member at the college, and who is not officially sponsored by either the college or a registered student group to speak at the college.

The College is providing a designated public forum for use by campus constituents and unaffiliated parties for peaceable speech and assembly.

Reservations for, and Recordkeeping about, the Use of Space

Parties who seek to use the designated public forum should:

1. Complete a designated public forum application (attached)
2. File the application with the Events Management Office, allowing enough time for the college to respond to your application: The college will respond no later than the close of business on the **third business day** after the application is received.

The applicant assumes responsibility for proper delivery of the application to the Events Management Office in a timely manner. The office is open from 8:45 a.m. to 4:45 p.m., Monday through Friday, except for holidays and certain exclusion periods as previously noted. Applications may also be submitted via email to eventmgt@buffalostate.edu.

3. 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.
 - a. If the application is fully 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.
 - b. 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 Events Management Office.
 - c. If the space is already reserved to its capacity for the date and time requested, or if the date and time requested is during an exclusion 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.
 - d. In addition to the conduct specified in the Board of Trustees' policy section 535.3, no amplification will be permitted.
 - e. Dangerous instruments as defined by NYS Penal Law, including but not limited to poles, flag poles, bats and other similar athletic items, clubs, sticks (including sticks used to hold signs) are not permitted.

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The college shall not:

1. Inquire as the purpose or content of the speech or assembly
2. Charge the applicant an application fee to reserve the designated public forum
3. Charge the applicant/third party for the use of the space
4. Impose insurance requirements on the applicant/unaffiliated party
5. 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/unaffiliated party, such as security

All groups or individuals wishing to leaflet, hand out or otherwise distribute noncommercial written or printed materials on campus must comply with campus posting policies. The applicant shall be responsible for removing from the designated public forum any brochures, pamphlets, leaflets, or other handouts or any items brought to the forum during their speech and assembly and removing them from the campus or properly disposing of them in public recycling or garbage receptacles.

Posting of written and printed materials on vehicles without the owners' permission is not permitted. Failure to comply with this provision may result in future denial of use of the designated public forum. Chalking is limited to the use of water-soluble chalk (sidewalk chalk). The use of markers, paints, oil-based products, non-soluble products, and spray chalks are prohibited.

Chalking is permitted only on horizontal (flat) sidewalks that are open to the elements (i.e., sidewalk that is not covered by a roof or overhang). Chalking is prohibited on all vertical surfaces and all non-sidewalk surfaces, both inside and outside.

Temporary structures, including tents and stages, must receive prior written approval from the Events Management Office and comply with Environmental Health and Safety 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 the SUNY Rules for the Maintenance of Public Order, or other applicable laws, rules, policies, or procedures, in order to secure the orderly operation of the Campus for the safety of the entire Campus Community.

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

Events Management Office
Attn: Director of Events Management
Buffalo State College
Cleveland Hall 319
1300 Elmwood Avenue
Buffalo, NY 14222

Phone: (716) 878-6114
Website: <https://eventsmanagement.buffalostate.edu/>
Email: eventsmanagement@buffalostate.edu

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

APPROVAL

President's Cabinet, 08-2020

Buffalo State College
Application for Use of the Designated Public Forum

This application is intended for use by parties who want to exercise their rights of peaceable speech and assembly by using a Buffalo State College designated public forum.

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 peaceable speech and assembly purposes, that I will use the designated public forum for peaceable speech and assembly 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: _____

Printed Name: _____

Signature: _____

For Buffalo State College Events Management use only:

Date received: _____ Time received: _____

Manner received: _____

Returned to Applicant: (cross out if not applicable)

Date: _____ Reason: _____

Follow up:

Approved:

Dated: _____
_____ Chief of University Police/Designee

Dated: _____
_____ Vice President for Finance and Management