

HERKIMER COUNTY COMMUNITY COLLEGE BOARD POLICY

TITLE: Model Policy: Freedom of Expression and Assembly Student Policy and Procedures

POLICY #: SA 24-5

DATE OF BOARD OF TRUSTEES APPROVAL: October 16, 2024

RESOLUTION #: 24-5

POLICY STATEMENT: Herkimer College respects and fully supports the rights of free speech guaranteed by the constitutions of the United States and the State of New York. Herkimer College values the free expression of ideas and supports individuals' right to assemble.

Herkimer College promulgates this policy to provide meaningful opportunities for members of our community to express their views and to ensure that the time, place, and manner of such expression does not interfere with the safety and security of our campus community or disrupt the regular operations of the campus.

Scope

This content-neutral policy is applicable to all Herkimer College students.

Facilities Reservations Procedures:

Due to increasing usage of College facilities by on-campus and community groups, facilities for any use or event must be reserved as far in advance as possible to insure availability. The facilities room use calendar is set up to accept room reservations as far as six (6) months in advance of the current date. Please check the availability of specific rooms by using the "Campus Room Use Schedule," located in MyHerkimer (updated daily), which lists facility bookings.

Facilities must be reserved in accordance with the following procedures:

Student Groups

Recognized student groups must request all facilities through the Center for Student Leadership and Involvement. Information will then be forwarded to Community Education.

Other College Events or Activities (Except Recognized Student Groups)

- Complete "Campus Room Use Request Form". Form is available on-line at <http://intranetserv/herkimer.edu/intranets/fs/departments/communityed/index.shtml>
- Forward to Technical Assistant – Facilities Use in Community Education via e-mail attachment.

- Rooms are to be requested with as much notice as possible with a minimum of two weeks prior to the event and will be included on the Campus Room Use Schedule available via intranet daily.
- If a room is unavailable, you will be notified. An alternate room may be requested at the time the form is filled out to insure the alternate space is compatible with your event.
- A confirmation of your request will be forwarded to you. A copy of all requests will be maintained in the Community Education Department.
- It is the responsibility of the requestor to contact the R-TV/AV Services, Safety, Food Service, etc. A copy of the Campus Room Use Request form will be forwarded to the appropriate department as a courtesy.
- For Teleconferences, contact R-TV for satellite availability/technician staffing and what rooms would be compatible.
- If information is not available for setup at the time it is submitted, a “Revised” form should be submitted later.
- FSA Food Service will have the right of first refusal on all catered events on campus.
- Events scheduled on weekends or dates college is closed must be accompanied by a memo and will be sent for written approval by the President of the College. Please allow additional time for this process.
- All room requests for make-up classes, relocation of a class, or other credit course-related activities must be directed to the appropriate Dean. If the Dean approves, he/she must submit a facility use request form to the Community Education office.
- Faculty/staff responsibility for equipment and/or furnishings in spaces reserved includes the proper storage of equipment at the end of each rehearsal, meeting, or event, as well as shutting off all appropriate lighting and equipment. Access to the projection booth and assignment of projectionists are to be arranged through R-TV/A-V Services.

Groups Not Affiliated with the College

Requests for the use of facilities/grounds should be referred to the Office of Community Education.

Policy

Herkimer College students are guaranteed the rights of free inquiry and expression. Subject to applicable content-neutral policy, students are guaranteed the right to hold public meetings and engage in peaceful and orderly assemblies—including, but not limited to, protests, demonstrations, rallies, vigils, marches, and picketing—in and upon designated public areas of campus grounds and buildings.

Herkimer College designates the following as public areas for the purpose of peaceful and orderly assemblies: Outer parking lot area behind the electronic sign and may designate other areas as needed. <https://www.herkimer.edu/assets/Documents/Campus-Map-SEP-2022.pdf>



315-866-0300 or 1-844-CO-HERK
 190 Reservoir Road Herkimer, NY 13350
www.herkimer.edu

Herkimer College will not interfere with orderly assemblies in designated public areas of grounds and buildings unless participants engage in any of the following:

1. Conduct that prevents the orderly administration of college classes, lectures, meetings, interviews, ceremonies, and other campus events or college operations;
2. Conduct that obstructs the free movement of vehicles or of persons, including, but not limited to in any building or facility, inclusive of blocking hallways and doors;
3. Engage in conduct that could foreseeably cause injury or damage to persons or property;
4. Operation of audio amplification equipment in a manner that conflicts with normal College operations or that is deemed injurious to health and safety, or that is in violation of the Village of Herkimer ordinances;
5. Constructing or erecting structures, whether or not they are anchored, inclusive of screens and/or objects requiring penetration in concrete or grass, or camp on College grounds without authorization from the Dean of Students Office and Physical Plant Offices, and indoor and outdoor encampment is generally prohibited (see campus policies on tents/camping);
6. Possession and/or ignition of an open flame of any type, including, but not limited to, torches;
7. Assemblies lasting more than one day, duration not to exceed 12 hours in a one-day period, and assemblies between the hours of 10:00PM and 8:00AM are prohibited;
8. Activities that violate the provisions of Herkimer College Student Code of Conduct; and
9. Activities that violate the provisions of any other applicable campus policy, including but not limited to: Student Code of Conduct and Board of Trustees policies.

In addition, the following activities are strictly prohibited:

1. Entry into any private office of an administrative officer, member of faculty, or staff member, or entry into any other college area that is not authorized, without permission;
2. Occupation of a building after it is normally closed; and
3. Obstruction of any roadways running through or adjoining the College's campus grounds.

All individuals participating in protests and demonstrations are required to provide a form of College-issued or government-issued identification upon request from a College official.

Herkimer College takes compliance with this policy very seriously. Students should expect that violations of this policy will result in disciplinary action under the College's Student Code of Conduct, up to and including interim suspension, suspension, and expulsion.

Procedures

Herkimer College respects and supports students' efforts to exercise their rights to free speech and assembly. The Dean of Students Office has designated the Center for Student Leadership and Involvement to provide appropriate support for the successful implementation of these events. Following College procedure will ensure a safe and effective assembly activity. The College will make every effort to respond affirmatively to all requests to engage in assembly activity. However, content-neutral consideration must be given to the time, place, and manner of the assembly activity to ensure the health and safety of the participants and the noninterference with authorized College business, activities, or events.

Services: To help ensure the safety of participants and the protection of the rights of all members of the campus community, the College can provide services to registered student clubs and organizations, such as location, safety, crowd control, sound equipment (unless prohibited in certain areas as per Campus rules), site preparation/cleanup, and/or other such facilities or services it deems necessary ("Services").

Request for Services

1. For assemblies where the need for Services is reasonably foreseeable, event organizers shall, within 10 business days prior to the planned event, submit a written Request for Services, as follows:
 - A. The written request should contain the name of the sponsor/organizer, the proposed location and any other Services sought, the date and time of the planned assembly, and the number of persons expected to participate.
 - B. The request should be submitted to Community Education through a room utilization request:
https://shccni.herkimer.edu/room_request.asp#Room%20Request
 - C. A professional staff member from Community Education will promptly respond to the request for Services after receipt of the written request but no later than three (3) business days prior to the proposed date of the planned event.
 - D. A professional staff member will review the request and work with the sponsor/organizer to accommodate requests and determine a reasonable time, place, and manner for the assembly activity.
 - E. While every attempt will be made to accommodate all requests, some modifications to the assembly activity request may be required due to the availability of the proposed time and place of the activity. A professional staff member from Community Education will inform the sponsor/organizer of these modifications and provide guidance as the assembly activity is planned.
 - F. In the event that the proposed assembly activity is planned in direct response to a current event, the Center for Student Leadership and Involvement or Dean of Students Office realizes that it may not be possible to submit a request in advance. In such cases, the event organizer should contact the Dean of Students Office as

soon as possible in order to promptly coordinate the assembly activity, where reasonably possible.

2. No Services Require: Assemblies requiring no Services, or for which the need for Services is not reasonably foreseeable or necessary as described above, may take place without any prior notification by the sponsors and/or organizers. However, conformity with the specific campus rules noted above is required. Organizers who are unsure of whether their planned assembly requires Services are encouraged to contact the appropriate office designated in sub-paragraph (1)(c) above for guidance. Event organizers who do not request necessary services that were reasonably foreseeable as being needed may be subject to discipline.

BACKGROUND: The State University of New York (SUNY) is committed to preparing for protests, heightened divisions in the national political climate, and their paramount commitment to student safety and maintaining campuses that are free from harassment and discrimination. This policy sets forth SUNY’s campus policy and ensures a shared understanding of strategies to deliver on the College’s core mission for supporting a safe and inclusive climate.