



FREEDOM OF EXPRESSION AND ASSEMBLY POLICY AND PROCEDURE

The guidelines below consolidate and clarify current SUNY Optometry guidelines and policies regarding events and demonstrations, and the use of College facilities to engage in expressive speech and activity. With these guidelines, we reinforce and reaffirm our commitment to open expression and, at the same time, ensure that protests, demonstrations, and other expressions of free speech are appropriately managed. These guidelines are not about speech content. The guidelines aim to enable free expression while allowing SUNY Optometry to deliver its core missions of teaching, research, service, and patient care without disruption.

I. GUIDING PRINCIPLES

- a. SUNY Optometry affirms, and reinforces its commitment to freedom of thought, inquiry, speech, and lawful assembly.
- b. SUNY Optometry aims to foster open discourse, to protect academic freedom and free speech, and to promote constructive discussion, even on the most challenging, sensitive, and controversial issues. Indeed, central to our mission is providing an environment in which various viewpoints are expressed and encouraged.
- c. While fostering the free exchange of ideas, SUNY Optometry must also be able to pursue its core missions - to teach, engage in research and scholarship, take care of our patients, convene the community, and generally perform its everyday operations. This includes ensuring that members of the community are protected from physical injury and that SUNY Optometry facilities are protected from property damage.
- d. SUNY Optometry affirms the right of members of the College community to assemble and demonstrate peaceably in College locations. The College affirms that the substance or the nature of the views expressed is not an appropriate basis for any restriction upon, or encouragement of, a lawful assembly or a demonstration except as described herein.
- e. While the freedom of expression of members of the college community is protected by this policy, because of the physical characteristics/layout of the College, and the fact that academic and patient care activities share limited facilities, it is not feasible to permit public protest within the College, nor has such protest ever previously been permitted on College property. As such, the College is designated as a non-public forum.
- f. A highly permissive stance toward open expression is an essential part of how a college fulfills its role in society, but it does not extend to activities that impede other college functions or endanger members of our community. In order to achieve this balance, clarity about free expression is essential to protect the entire community, demonstrators, or potential demonstrators from concerns about unclear rules or inconsistent enforcement.
- g. In implementing this Policy, the College shall prioritize the safety and security of the SUNY Optometry community and those whom it serves.

II. APPLICABILITY OF THESE GUIDELINES.

- a. These guidelines apply to all events, including but not limited to demonstrations, protests, rallies, meetings, or guest speakers.
- b. Any event, meeting, demonstration, protest, or rally is governed by these guidelines, regardless of how it is characterized or labeled.
- c. Parties not affiliated with the College who seek to host events (which are not prohibited demonstrations or protests) must comply with the terms of this Policy, and will also have to execute a revocable permit for the use of such facilities, and comply with SUNY Policy 5603, *Use of Facilities by Non-Commercial Organizations Policy*, https://www.suny.edu/sunyp/documents.cfm?doc_id=374.
- d. Affiliated Users include, but are not limited to:
 - Students, Faculty or Staff;
 - Recognized College or campus student government organizations;
 - SUNY College of Optometry Alumni Association;
 - SUNY College of Optometry Foundation;
 - Inter-campus organizations composed primarily of University employees such as the business officers, purchasing agents, personnel officers, continuing education directors and librarian organizations;
 - Cultural, recreational or social groups comprised of College faculty and staff members or, subject to the approval of the campus president, members of their immediate families; and
 - Other SUNY campuses

III. SCHEDULING EVENTS

- a. The facilities of SUNY Optometry exist for the primary purpose of College-related education, research, and patient care. Priority for the use of facilities is given first to academic and patient care activities, then to programs of College-affiliated groups (as set forth below), and then to third parties.
- b. The procedure for scheduling events will vary depending on who is organizing the event.
 - Affiliated Users should submit a calendar request for the space they wish to use, and then coordinate with the Office of Administration to determine whether the space is appropriate for the event;
 - External Users should contact the Office of Administration and Finance to determine whether space is available for the proposed event.
- c. Events must be scheduled at least 5 business days in advance. Scheduling is important to allow planning, coordination with other campus events, classes, and community safety. As the event is being planned, organizers must provide notice about their space needs and/or requests. Depending on the size and nature of the event, additional time and/or documentation may be needed to ensure appropriate arrangements can be made for a safe and orderly event.
- d. Events that require a security assessment from University Police may result in the implementation of additional safety/security measures. Depending on the nature of the event, SUNY Optometry reserves the right to ask University Police to perform a security assessment prior to allowing the event to be scheduled.

- e. Events, except those sponsored by the College or by the parties listed in IId above, must occur during regular business hours, unless the revocable permit expressly permits extended hours.

IV. ACCESS TO SUNY OPTOMETRY SPACES, AND EVENT CONTRACTING

- a. Neither individual offices, departments, faculty, students, or staff may serve as "individual fronts" or "proxies" for non-SUNY Optometry affiliated organizations who may solicit them in order to gain access to or use of SUNY Optometry venues to organize or host an event on their behalf.
- b. The use of the College's Revocable Permit is required for use of space by Non-Affiliated Users.
- c. No individual student, faculty, or staff member may sign a contract on behalf of SUNY Optometry unless specifically authorized to do so by the President (or their designee). All contracts for lectures, performing arts activities, programs, services, or other events sponsored by student organizations must be reviewed by the appropriate college division (Academic Affairs, Office of Student Affairs, Graduate Center for Vision Research, University Eye Center, Office of General Counsel) and approved prior to the event being submitted to the Office of Administration and Finance.
- d. Any contract for an event must be reviewed and executed by an individual administrator authorized to do so by the President.
- e. Requests for access to College facilities by Non-Affiliated Users should follow the procedure set forth in section XII below.

V. AMPLIFIED SOUND

- a. When classes or the University Eye Center are in session, amplified sound (including, but not limited to bullhorns, musical instruments, and microphones with amplifiers) is only permitted with prior approval of the Office of Administration and Finance and may not occur during times or locations that classes are in session. Requests for amplified sound must be submitted for approval during the space reservation process.
- b. Use of amplified sound is not permitted after 10:00pm, without express permission from the Office of Administration and Finance.
- c. Regardless of time of day, amplified sound is not permitted in or surrounding the University Eye Center, the library, any research space, during scheduled College events (unless part of the College event) or during exam periods.
- d. At all times, noise must be kept at a level that does not disrupt patient care in the University Eye Center, ongoing classes, research activities, or faculty, staff, and/or administrators working within the building.
- e. If noise resulting from an event interferes or conflicts with library, office, patient care or classroom activities, the continued use of that space may be rescinded.

VI. POSTERS, SIGNS, BANNERS, AND CHALKING

- a. Temporary Signage: Temporary Signage may include temporary event signage, posters or signs, banners, chalking or light projections and may be applied only with express permission as follows:
 - i. All proposed temporary signage must be submitted for approval by the sponsoring College department, or by the Office for Student Affairs (if requested by students or a

student organization) to ensure compliance with campus policies and then only posted in authorized locations.

ii. Posters, signs, and banners:

- Temporary signage promoting an event may not be hung more than 2 weeks before the commencement of the event, and must be removed no later than 24 hours after the completion of an event.
- Temporary signage addressing a particular cause or issue may not be displayed for more than 2 weeks.
- If temporary signage is not removed in accordance with the time periods set forth in this policy, the College may remove and discard such signage.
- Failure to abide by these requirements may result in denial of requests to display signage in the future.

iii. No signage, posters, or other materials may be affixed to any glass or painted surface on the campus without the permission of the Office of Communications or Office of Student Affairs, as appropriate.

iv. Non-water soluble, semi-permanent, and permanent substances, including spray-chalk, are not permitted on any surface, including vertical surfaces, lampposts, informational and directional blades, and public art on the campus.

v. Light projections may not be displayed on any College building or structure without seeking express written permission from the Office of Communications. Similarly, light projections may not be displayed from any College window or door without prior permission.

- b. Postings can only be put on approved bulletin boards on campus and cannot be attached to walls or doors, nor can they block any view into/out of a space.
- c. To protect open expression, signs posted in compliance with these guidelines will not be removed, and it is a violation of these guidelines if an unauthorized individual removes them or posts over them.
- d. Non-compliant signage, including posters, banners, and chalking, will be removed immediately.

VII. DEMONSTRATIONS

a. In addition to the Guidelines articulated through the *Rules for the Maintenance of Public Order*, https://www.suny.edu/sunypp/documents.cfm?doc_id=351, demonstrations must comply with the following procedures:

- i. To protect the rights, health and property of the SUNY Optometry, encampments and overnight demonstrations are not permitted anywhere at the College. Unauthorized overnight activities will be considered trespassing and a violation of the law and College policy.
- ii. Individuals and groups may not erect structures, walls, barriers, tents, sculptures, or other objects of any kind on College property without prior permission. Any structure erected without permission is subject to immediate removal.

iii. Demonstrations are not permitted to occur in or on any of these College locations:

- 1. Private offices, research laboratories and associated facilities, any patient care area, and computer centers.

2. Offices, libraries, and other facilities that normally contain valuable or sensitive materials, collections, equipment, records protected by law or by existing College policy such as educational records, student-related or personnel-related records, patient or medical-related records, or financial records.
 3. Classrooms, seminar rooms, auditoriums or meeting rooms in which classes or private meetings are being held or are immediately scheduled.
 4. The University Eye Center, University Police Department offices, rooms or spaces housing communication systems, utilities, or other facilities or services vital to the continued functioning of the College.
- iv. Participants are expected to be respectful to SUNY Optometry employees involved in ensuring the safety of the community and compliance with these guidelines.
 - v. Demonstrations violate these guidelines if they threaten or advocate violence, create violence, or harass or intimidate SUNY Optometry-affiliated individuals or groups on the basis of race, religion, national origin or ancestry, identity, sexual orientation, disability, or any other protected class. Individuals violating these guidelines will be subject to disciplinary action and could be subject to suspension, expulsion, or termination, as appropriate.

VIII. INTERFERENCE WITH THE SPEECH OF OTHERS

- a. Protecting free speech includes not interfering with the free speech rights of others, as well as protecting the rights of the speaker.
- b. The College expects civil discourse when opinions differ. Community members may protest speakers on campus with whom they disagree, but they may not do so in a way that prevents the speaker from expressing their views or prevents other members of the community from hearing or seeing the speaker.
- c. Individuals or groups may not suppress the speech of another individual. They may not interrupt, heckle or interfere in any way with a speaker.

IX. USE OF SOCIAL MEDIA

- a. Community members have the right to use social media to express themselves. However, this right is also circumscribed by principles of civil discourse, respect, and local, state, and federal law. Online harassment, bullying and the doxing of students, faculty or staff is not permitted in that these activities undermine open expression, academic freedom, and physical safety, and may violate:
 - i. the College's policy against discrimination and harassment (<https://sunyopt.edu/wp-content/uploads/2022/01/SBusinessOf22011214260.pdf>);
 - ii. the standards of professional conduct set forth in the College's statement of institutional values (<https://www.sunyopt.edu/about/our-mission-values-and-history/>);
 - iii. the standards of professional conduct required by the College as codified in the College's Student Code of Ethics and Student Conduct Code, (<https://www.sunyopt.edu/pdfs/academics/StudentHandbook.pdf>); and
 - iv. Title VI of the Civil Rights Act of 1964 (<https://www.justice.gov/crt/fcs/TitleVI-Overview>).
- e. To the extent that SUNY Optometry organizations or community members are identified as perpetrators of such online harassment, bullying and doxing, the College may invoke

applicable disciplinary measures against the individuals involved, and may also revoke an organization's recognition. Depending on the conduct alleged, individuals could be subject to disciplinary action resulting in suspension, expulsion, termination or criminal prosecution, as appropriate.

X. FILMING, AND MEDIA ACCESS

- a. Any third-party who wishes to film on campus must receive prior permission from, and work with, the Office of Communications.
- b. News media on campus to attend an event or demonstration are required to produce credentials when requested by Office of Communications and may be asked to limit filming to specific areas of campus, especially during demonstrations, to allow the University Police Department to maintain campus security.
- c. Filming is never permitted inside the University Eye Center or College research labs without specific privacy protections and confidentiality protections implemented through the Office of Communications, in conjunction with the relevant departments involved. When permitted, film crews must abide by the rules issued by the Office of Communications. Failure to abide by these rules will result in the immediate revocation of access to the College.

XI. USE OF COLLEGE NAME

- a. SUNY Optometry regulates use of its name, the names of its schools and programs, trademarks, and logos ("insignia") to ensure that such use is related to SUNY Optometry's educational, service, healthcare and research missions and promotes its objectives. Responsibility for overseeing use of the College's names and insignia lies with the Office of the Communications.
- b. Current College faculty, staff and students may refer to their affiliation or status with the College in connection with personal activities, including consulting, provided that the affiliation or status is accurately represented, and any title or position is accurately identified, and provided that such use does not imply College endorsement of the activity, as further described below.
- c. Use of College insignia in connection with personal activities is prohibited. The College's name must not be used in any announcement, advertising matter, publication, correspondence, or report in connection with personal or non-College activities if such use in any way could be construed as implying College endorsement of, or responsibility for, any person, project, product, or service.

XII. NON-COLLEGE PERSONS

- a. The College reserves the express right to request College identification from participants engaged in events and demonstrations on campus for the sole purpose of determining whether an individual is affiliated with SUNY Optometry.
- b. Non-College affiliated persons have less expansive rights of open expression or rights to access space in College locations than those who are members of the SUNY Optometry community.
- c. Non-College affiliated persons who participate in meetings, events, and demonstrations in a SUNY Optometry location are required to comply with these guidelines and any additional instructions from other College officials, including the University Police Department.
- d. Non-College persons using Campus facilities pursuant to these Standards and Procedures are required to comply with all other applicable terms thereof, as well as with the terms of any applicable revocable permit.

XIII. ENFORCEMENT

- a. Each member of the College community is expected to know and follow these guidelines. Disrupting SUNY Optometry operations during events or demonstrations is not permitted under any circumstance. This includes conduct that interferes unreasonably with the activities of other persons; causes injury to persons or property or threatens to cause such injury; holding meetings, events, or demonstrations under circumstances where health or safety is endangered; or knowingly interfering with unimpeded movement in a SUNY Optometry location or with SUNY Optometry operations.
- b. Given the nature of SUNY Optometry's campus, any individual may be asked to show SUNY Optometry ID at any time while present on the campus. Members of the SUNY Optometry community are required to wear their ID card visibly on their person at all time while on campus.
- c. The Office of General Counsel, Office of Communications, University Police Department, or other College administrators may intervene to address in real time any conduct that is in violation of the guidelines. Intervention may include instructions to participants to modify or terminate their behavior.
- d. If a member of the SUNY Optometry community is believed to have violated College policies or guidance or fails to comply with instructions from a College official acting within their authority, the individual (or organization) will be subject to SUNY Optometry disciplinary policies as applicable to students, faculty, and staff.
 - i. Students who are believed to have violated these Standards, upon the filing of a complaint and preliminary review of the allegations, shall be referred to the Office of Student Affairs. If a charge is pursued, SUNY Optometry will follow the normal disciplinary process, as appropriate.
 - ii. Faculty who are believed to have violated these Standards will be referred to the Dean and/or the Office of Human Resources for further action.
 - iii. Employees who are believed to have violated these Standards will be referred to the Office Human Resources.
- e. Reports of online harassment, bullying and threatening behavior of any kind should be reported to University Police at 212-938-5566 or by using the iReport tab in the College's SafeInSight App.