

Policy Number	Policy Title
<b>BP2.44</b>	<b>Free Speech and Public Assembly</b>

Orange County Community College will protect the rights of freedom of speech, petition and peaceful assembly as set forth in the U.S. Constitution. The College maintains the right to regulate reasonable time, place and manner restrictions. Any acts that are disruptive to the normal operations of the College including, but not limited to, classes and College business, or invade the rights of others, will not be tolerated. The College reserves its right to address the matter consistent with its rules and regulation, and under the law.

Faculty, staff, students, and all others engaging in disruptive activity outside the scope of constitutionally protected speech, petition, or assembly may be subject to disciplinary actions, up to and including expulsion or termination, and may face criminal charges.

Both campuses of the College shall follow this content neutral policy.

**Designated Peaceful and Orderly Assembly areas**

The Alumni Green on the Middletown campus and the Larkin Plaza on the Newburgh campus have been identified by the College as peaceful and orderly assembly areas. Other areas may be designated by the Director of Campus Safety and Security as areas to accommodate free speech in special circumstances.

Groups wishing to use the peaceful and orderly assembly area for public gatherings, demonstrations or marches are required to notify the Director of Campus Safety and Security of their request in accord with College procedure 2.44 at least 72 hours in advance. The group must receive a permit before any public gathering, demonstration or march is to occur. Permits will be issued after an agreement to follow the rules and regulations of the campus, along with the estimated number of participants, and the specific times of the event is presented.

The College may restrict the length of time of an event (e.g. up to a maximum of two (2) hours). This is to allow an efficient and safe allocation of space, generally to the first group to request it for a specific, particular time.

College sponsored events have first priority on the use of campus grounds. The College reserves the right to relocate any assembly to ensure that the activity does not interfere with the normal operation of the College or interfere with the rights of others. No demonstrations or marches shall be permitted to occur outside of the College’s posted hours of operation for each campus.

**Guidelines for Speech and Public Assembly**

No student, faculty, or other staff member or authorized visitor shall be subject to any limitation or punishment or penalty solely for the expression of their views, nor for having lawfully assembled with others for such purpose; unless the conduct/assembly: (1) prevents the orderly administration of college educational purposes or events/operations; (2) obstructs the free movement of vehicles or persons; or the obstruction or occupation of buildings; (3) is outside of the designated peaceful and orderly assembly area; (4) could foreseeably cause injury or damage to persons or property; (5) utilizes audio equipment in a manner that conflicts with normal operations or is deemed injurious to health and safety, or that is in violation of local ordinances; (6) includes temporary structures of any kind; (7) utilizes open flames, including but not limited to torches; (8) lasts longer than approved or occurs when the College is closed; (9) violates the Code of Conduct or other rules/regulations regarding the maintenance of order; (10) violates or impinges on the rights of others; (11) violates any other campus policy, procedure, rule or regulation, or the Code of Conduct.



## **SUNY Orange Policies**

**Symbolic Protest:** During a presentation, displaying a sign, gesturing, wearing symbolic clothing, or otherwise protesting is acceptable, to the extent it is not a disruptive activity and does not impede the rights of others and access, including, but not limited to blocking the audience's view or preventing the audience from being able to pay attention.

**Marches:** Marches are acceptable in the designated peaceful and orderly assembly area with the appropriate notification to and procurement of a permit from Safety and Security to allow the College to prepare for the march and provide for the necessary safety of the participants and bystanders, as well as to assure adequate parking and maintain the flow of vehicle and pedestrian traffic. The notification should outline expected attendance, and the anticipated parade/march route. The College may modify the route based upon the needs of the College for the efficient operations without disruption of campus educational purposes and events.

All individuals participating in protests and demonstrations may be required to provide a College Student ID or government issued ID upon request from College officials.

### **Prohibited Conduct**

The policies and procedures of the College, especially those related to the safety and security of persons and property, must be observed at all times. In addition, no person, either singly or in concert with others, shall:

- Threaten passers-by
- Interfere with, impede, or cause blockage of the flow of vehicular or pedestrian traffic
- Commit any act likely to create imminent safety or health hazards
- Interfere with or disrupt any other lawful or permitted activity by anyone in the same general location at the same time
- Post any materials on any buildings, walls, windows, doors, sidewalks, trees, light poles, or any other College owned equipment except in designated areas
- Carry signs or other transportable displays that are affixed to metal poles, wooden sticks or other items that could be deemed a dangerous weapon
- Conduct speech that includes words that by their very nature tend to incite an immediate breach of the peace
- Engage in any speech or action that is not allowed by law or is inconsistent with the College's commitment to maintaining campuses free of harassment or discrimination
- Engage in any speech that is likely to incite or produce immediate lawless action
- Incite others to commit any of the acts prohibited

### **Assembly Security**

Orange County Community College reserves the right to charge individuals wishing to use the peaceful and orderly assembly space for additional security at a rate determined by the Director of Safety and Security. The Director of Safety and Security will determine the need for and the number of additional Safety and Security personnel to perform security functions during any public assembly event.

The College is committed to the free speech and expression. Students and others on campus in violation of this policy will face disciplinary action under the College's Student Code of Conduct up to and including interim suspension, suspension, and expulsion. Employees will be addressed through HR policies and procedures (including CBA's if applicable) and members of the community may be excluded from campus.

The Board of Trustees directs the President to develop such procedures as to fairly implement this policy.



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Amended: Jan. 19, 2022  
Amended: May 15, 2024  
Amended: Oct. 16, 2024