

**Policy and Procedures for Student Freedom of Expression & Assembly
Policy Number 50007.1**

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Purpose:

The State University of New York (SUNY) respects and fully supports the rights of free speech guaranteed by the constitutions of the United States and the State of New York. SUNY values the free expression of ideas and supports individuals' right to assemble.

SUNY Cobleskill 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 and abides by Title VI Rules and Regulations.

Scope

This content-neutral policy is applicable to all SUNY Cobleskill students. SUNY Cobleskill's "Use of Campus Facilities by Third Parties for Free Speech" model policy applies to all third parties, who are not sponsored by SUNY or its Campuses and/or recognized student group, who want to use the SUNY Cobleskill Campus' designated public forum for free speech purposes.

Policy

SUNY Cobleskill 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.

SUNY Cobleskill designates the following as public areas for the purpose of peaceful and orderly assemblies:

1. Area east of Prentice Hall as designated on campus map.
2. Area east of the Carriage House as designated on campus map.

SUNY Cobleskill 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 University operations; including, but not limited to the following “Black-Out Day’s”

Black-out days: SUNY Cobleskill has “blacked-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.
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 SUNY Cobleskill Campus Regulations or Village of Cobleskill 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 Division of Student Development, University Police and Facilities Offices, and indoor and outdoor encampment is generally prohibited

6. Possession and/or ignition of an open flame of any type, including, but not limited to, torches, flares, fireworks;
7. Assemblies cannot exceed 4 hours in a one-day period, and assemblies between the hours of 8:00 PM and 8:00 AM are prohibited;
8. Activities that violate the provisions of [SUNY Policy 3653, Rules for the Maintenance of Public Order](#); and
9. Activities that violate the provisions of any other applicable campus policy, as outlines in the Student Handbook.

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 any building; and
3. Obstruction of any roadways and sidewalks 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.

SUNY Cobleskill 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:

SUNY Cobleskill respects and supports students' efforts to exercise their rights to free speech and assembly. The Division of Student Development has been designated to provide the 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.

Request for Services

1. Event organizers shall, within ten (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 the Office of Student Leadership.
 - C. A professional staff member from the Division of Student Development will 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 Division of Student Development professional staff member 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 Division of Student Development realizes that it may not be possible to submit a request in advance. In such cases, the event organizer should contact the Division of Student Development as soon as possible in order to promptly coordinate the assembly activity, where reasonably possible.

Related Documents:

- Campus Map (**below**)

Regulations:

- Village of Cobleskill Noise Ordinance (**below**)
- Cobleskill Camping Policy
- Cobleskill Posting Policy
- Cobleskill Student Conduct Code

Village of Cobleskill Noise Ordinance

Article I, General Provisions

Title. This chapter shall be known and may be cited as the "Village of Cobleskill Noise Ordinance."

Purpose.

The purpose of this chapter is to preserve the public health, peace, welfare and good order by suppressing the making, creation or maintenance of excessive, unnecessary, unnatural or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use and which are detrimental to the environment. It is also the purpose of this chapter to allow all residents of the village to coexist harmoniously in a manner which is mutually respectful of the interests, rights and obligations of all persons.

Definitions.

Unless the context otherwise clearly indicates, the words and phrases used in this chapter are defined as follows:

DAYTIME HOURS -- The hours between 7:30 a.m. and 10:00 p.m., local time, on any day.

EMERGENCY WORK -- Work made necessary to restore property to a safe condition following a public calamity or work necessary to protect persons or property from an imminent exposure to danger.

HAWKER AND PEDDLER -- Includes, except as hereinafter expressly provided, any person, either principal or his agent, servant, helper or employee, who, from any car on a railroad track or from any vehicle in any place in said village or in any public street or public place or by going from house to house or place of business to place of business in said village, on foot or on or from or with the use of any animal or vehicle, sells or barter, offers for sale or barter or carries or exposes for sale or barter any goods, wares or merchandise, except milk, newspapers and periodicals. I

IMPULSIVE SOUND -- A sound of short duration, usually less than one second, and of high intensity, with an abrupt onset and rapid decay.

MOTOR VEHICLES -- Includes but is not limited to automobiles, trucks, buses, mopeds, minibikes and any other vehicles as defined by the Vehicle and Traffic Law of the State of New York, as it may be amended from time to time.

NIGHTTIME HOURS -- The hours between 10:00 p.m., local time, on any day and 7:30 a.m. on the following day.

PERSON -- Includes the singular and plural and also any individual; any property owner and/or lessee; any firm; a corporation; a political subdivision; a government agency, including any agency of the Village of Cobleskill; an association or an organization, including but not

limited to officers, directors, employees, agents and/or independent contractors thereof; or any legal entity whatsoever.

SOUND-AMPLIFYING EQUIPMENT -- Any machine or device for the amplification of the human voice, instrumental music or any other sound. As used in this chapter, "sound-amplifying equipment" shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes or authorized fire horns or other authorized emergency alarms. **SOUND SOURCE** -- Any person or thing from which sound is created.

UNREASONABLE NOISE -- A level of sound that is injurious or annoying or disturbing to be heard.

Unreasonable noise prohibited.

A. No person shall intentionally cause public inconvenience, annoyance or alarm or recklessly create a risk thereof by making unreasonable noise or by causing unreasonable noise to be made.

B. For the purpose of implementing and enforcing the standard set forth in Subsection A of this section, "unreasonable noise" shall mean any sound created or caused to be created by any person which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of the public or which causes injury to animal life or damages to property or business. Factors to be considered in determining whether unreasonable noise exists in a given situation include but are not limited to any or all of the following

- (1) The intensity of the noise.
- (2) Whether the nature of the noise is usual or unusual.
- (3) Whether the origin of the noise is associated with nature or human-made activity.
- (4) The intensity of the background noise, if any.
- (5) The proximity of the noise to sleeping facilities.
- (6) The nature and the zoning district of the area within which the noise emanates and of the area within 500 feet of the source of the sound.
- (7) The time of the day or night the noise occurs.
- (8) The time duration of the noise.
- (9) Whether the sound source is temporary.
- (10) Whether the noise is continuous or impulsive.
- (11) The volume of the noise.
- (12) The existence of complaints concerning the noise from persons living or working in different places or premises who are affected by the noise.

C. This section shall not be interpreted to prevent the issuance of permits that wil authorize particular sound sources.

D. "Person" defined. For the purposes of this section:

(1) For an offense that occurs on any public property where permission was obtained to use that public property, a "person" shall include the person or persons who obtained permission to utilize that property for that event.

(2) For an offense that occurs on private property, a "person" shall include any adult person or persons who live in or on the property that is involved in the offense.

(3) For an offense that occurs after granting of a permit pursuant to Article III of this chapter, a "person" shall include the person or persons who are listed on the permit

Article II, Special Noise Sources

Purpose of article.

The provisions of this Article II complement and supplement the other provisions of this chapter and shall be interpreted and applied in accordance with and in addition to and not in lieu of those other provisions. The provisions of this article shall not be interpreted to prevent the issuance of permits that will authorize particular sound sources

Radios, television sets and similar sound-amplifying devices.

A. It shall be unlawful for any person anywhere in the village to use or to operate any radio or receiving set, musical instrument, phonograph, television set, any other machine or device for the producing or reproducing of sound or any other sound-amplifying equipment in a loud, annoying or offensive manner such that noise from the device interferes with the comfort, repose, health or safety or members of the public or recklessly creates a risk thereof, within any building or, outside of a building, at a distance of 25 feet or more from the source of such sound or interferes with the conversation of members of the public who are 25 feet or more from the source of such sound.

B. "Person" defined. For the purposes of this section:

(1) For an offense that occurs on any public property where permission was obtained to use that public property, a "person" shall include the person or persons who obtained permission to utilize that property for that event.

(2) For an offense that occurs on private property, a "person" shall include any adult person or persons who live in or on the property that is involved in the offense.

(3) For an offense that occurs after granting of a permit pursuant to Article III of this chapter, a "person" shall include the person or persons who are listed on the permit.

Parties and other social events.

A. It shall be unlawful for any person in charge of a party or other social event that occurs on any private or public property to allow that party or event to produce noise in a loud, annoying or offensive manner such that noise from the party interferes with the comfort, repose, health or safety of members of the public within any building or, outside of a building, or recklessly creates the risk thereof, at a distance of 25 feet or more from the source of such sound.

B. For the purposes of this section, a "person in charge or sponsor of a party or other social event":

(1) That occurs on any public property shall include the person or persons who obtained permission to utilize that property for that event.

(2) That occurs on private property shall include the person who owns the premises involved, any register agent of the property, and any adult person who lives in or on the premises involved in such party or social event.

C. For any violation of this section where beer is being served from a keg on the premises, the person to whom the keg was sold shall be presumed to be responsible for the violation, in addition to any person designated in Subsection A or B above.

Hawkers and peddlers.

It shall be unlawful for any person to advertise, promote or sell anything by shouting or crying out about his wares, or by blowing a horn, ringing a bell or use any other noise device to attract public attention to his goods, wares and merchandise, within any area of the village zoned for residential uses. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food and beverages at licensed sporting events, parades, fairs, circuses and other similar licensed public entertainment events

Machinery.

It shall be unlawful for any person to operate or repair any machinery, motor vehicle, construction equipment or other equipment, pump, fan, air-conditioning apparatus or similar mechanical device or to engage in any commercial or industrial activity in any manner so as to create unreasonable noise as defined in this chapter. In making such determination with respect to the matters governed by this section, additional factors to be considered shall include:

A. The necessity of the work being done.

B. The ability of the creator of the noise to minimize or reduce the amount of noise created or to otherwise minimize its adverse effects

Construction during nighttime hours.

A. Except for the purposes specified in Subsection B hereunder, during nighttime hours it shall be unlawful for any person within a residential zone or within 500 feet of a residential zone to operate construction equipment (including but not limited to any

pile driver, steam shovel, pneumatic hammer, derrick or steam or electric hoist) or perform any outside construction or repair work so as to create noise. Any designated official of the Village of Cobleskill shall give a verbal warning that the violation exists and of the penalties that may result if the violation continues.

B. This section shall not be deemed to prohibit:

(1) Work of an emergency nature.

(2) Work of a domestic nature on buildings, structures or projects being undertaken by a person(s) residing in such premises; provided that, if any domestic power tool, including but not limited to mechanically powered saws, sanders, grinders and lawn and garden tools used outdoors, is operated during the nighttime hours, no person shall operate such machinery so as to cause noise within a residential building or across a residential real property boundary where such noise interferes with the comfort, repose, health or safety of members of the public within any building or, outside of a building, at 25 feet or more from the source of the sound

Continuing noise.

It shall be unlawful for any person to make or continue or cause to be made or continued any loud, unnecessary or unusual noise or sound which shall exceed the permitted noise levels specified in this chapter. Any designated official of the Village may issue a verbal warning that the violation exists and of the penalties that may ensue.

Horns and alarms. This chapter shall not apply to fire horns or other alarms authorized by the Fire Department or Police Department and operated in accord with that authorization

ARTICLE III, Unruly Gatherings

Public nuisance.

A. It shall be a public nuisance to conduct a gathering of 10 or more persons on any private property in a manner which constitutes a substantial disturbance of the quiet enjoyment of surrounding private or public property, as a result of conduct constituting a violation of law. Such unlawful conduct includes but is not be limited to excessive noise or traffic, obstruction of public streets by crowds or vehicles, illegal parking, public drunkenness, public urination, the service of alcohol to minors, fights, disturbances of the peace, and litter.

B. A gathering constituting a public nuisance may be abated by all reasonable means including, but not limited to, an order requiring the gathering to be disbanded and citation and/or arrest of any law violators under any applicable ordinances and state statutes

Notice of unruly gathering; posting, mailing.

A. When the police department intervenes at a gathering which constitutes a nuisance under this article, the premises at which such nuisance occurred shall be posted with a notice stating that the intervention of the police has been necessitated as a result of a public nuisance under this article caused by an event at the premises, the date of the police intervention, and that any subsequent event within the period of 6 months from the date of such intervention which again necessitates police intervention shall result in the joint and several liability of any guest causing the public nuisance, or any persons who own or are residents of the property at which the public nuisance occurred, or who sponsored the event constituting the public nuisance as more fully set forth below. Any notice posted shall remain posted for a period of 6 months.

B. The residents and owner of such property shall be jointly responsible for ensuring that such notice is not removed or defaced and it shall be an ordinance violation carrying a penalty of a minimum, mandatory \$100.00 fine in addition to any other penalty which may be due under this section if such notice is removed, obscured, or defaced, provided, however, that the resident of the premises or sponsor of the event, if present, shall be consulted as to the location in which such notice is posted in order to achieve both security of the notice and its prominent display.

Mailing of notice to property owner.

Notice of the intervention shall also be mailed to any property owner on the village property tax assessment records and the registered rental agent, if applicable, and shall advise the property owner that any subsequent Intervention within the 6 month period set forth above on the same premises shall result in liability of the property owner for all penalties associated with such intervention as more particularly set forth below

ARTICLE IV, Other Provisions

Penalties for offenses; presumptions.

A. A required intervention at the same location to abate a gathering constituting a public nuisance occurs within a period of 6 months after the property was posted, is punishable

(1) For the first intervention in a posting period the fine shall be a mandatory \$300.00;

(2) For the second such intervention in a posting period the fine shall be a mandatory \$400.00 and up to 50 hours of community service;

(3) For any further such responses in a posting day period the fine shall be a mandatory \$500.00 and up to 100 hours of community service

B. Any other provision of this chapter shall be punishable by a fine not to exceed \$500 or imprisonment of not more than 15 days, or not more than 100 hours of community service or any combination of such fine and imprisonment and not less than \$100 or 25 hours of

community service; provided, however, that a person who shall violate any provision of this chapter after having been convicted of a violation of any provision of this chapter within the preceding three years shall be punishable by a fine not to exceed \$750 or by imprisonment of not more than 15 days, or not more than 125 hours of community service or, any combination of such fine and imprisonment and not less than \$200 or 40 hours of community service; and further provided that any person who shall violate any provision of this chapter after having been convicted two or more times of a violation of any provision of this chapter within the preceding three years shall be punishable by a fine not to exceed \$1,000 or by imprisonment of not more than 15 days, or not more than 125 hours of community service, or any combination of such fine and imprisonment, and not less than \$300 or 50 hours of community service. For any penalties of community service, the court may accept community service from people other than the defendant whom the court deems appropriate, such as other residents of the premises or others who choose to accept responsibility for the violation. In assessment of the above penalties, aggravating factors shall include but not be limited to the presence of the following factors:

- (1) A common source of alcohol such as a keg;
- (2) A live band or disc jockey or other live entertainment;
- (3) Amplified sound emanating from speakers placed or directed outside of the building;
- (4) A charge to gain entrance into the premises or to consume alcohol;
- (5) The offense takes place after midnight on weekdays and 1:00 a.m. on weekends and before the following 6:00 a.m.;
- (6) More than 10 guests on the premises, "guests" being defined for the purposes of this section as any people who do not reside at the premises;
- (7) Any underage person or persons possessing or consuming alcohol on the premises, each underage person constituting a separate aggravating circumstance;
- (8) More than one complaint made to the police about the noise, each complaint after the first being a separate aggravating circumstance.

C. For purposes of this chapter, for any offense that takes place on private property, if the person or persons directly responsible for the activity that violates any provision of this chapter cannot be determined, then all residents of the property on which the activity takes place shall be presumed to be responsible for the violation

Policy History:

Revision Date	Author/Owner	Description of Action
August 31, 2024	Dr. Anne Hopkins Gross	Adoption of policy