



ASSEMBLY, PICKETING, and DEMONSTRATION POLICY

Summary

This document describes the College's policy pertaining to freedom of speech and assembly and further outlines the rule, applicability, and procedures regarding assembly, picketing, or demonstrating on College property.

Policy

POLICY STATEMENT

- A. No student, faculty member, or other employee or authorized visitor shall be subject to any limitation or penalty for expressing their views or for assembling with others for such purpose. College officials will not interfere with orderly assemblies, picketing, or demonstrations occurring on College property provided that there are no violations of law or this or other College policies. Assembly shall be defined as three or more persons coming or gathering together in one place for a common purpose, including, but not limited to, picketing or demonstrating with respect to a particular subject matter or issue. For the purposes of this policy, the definition of assembly shall NOT include any classes, scheduled meetings of student or faculty groups or committees, school-sponsored clubs or organizations, athletic events, or any other regularly scheduled school organization or activity.
- B. Assemblies, picketing, demonstrations, and similar expressions of First Amendment rights may not infringe upon or interfere with the rights of others, or disrupt essential operations of the College. As such, no one engaged in an assembly, picket, or demonstration may impede vehicular or pedestrian traffic (indoors and outdoors), block sidewalks or roadways, or engage in any activity that would constitute a violation of the New York State Penal Law, Vehicle & Traffic Law, other applicable statutes, or other College policies.
- C. The use of College property for the purpose of assembly, picketing, or demonstrating does not imply Mohawk Valley Community College's endorsement of any organization, activity, cause, or position.
- D. If, in the judgment of College officials, an activity is not consistent with the purposes previously articulated on the application (See Procedures Step 1) by the applicant or the activity has been misrepresented, authorization to use College property will be withdrawn, and the activity in progress will be halted.
- E. The College reserves the right to terminate any use of College property in the event that a participant or participants engage in conduct that violates any law or this or other College policies.

BACKGROUND

Free speech and peaceful assembly are fundamental to the purpose of a College as a center for open inquiry in the search for knowledge and insight. Mohawk Valley Community College is strongly committed to the protection of these rights. However, these rights bring with them a concurrent obligation to maintain an atmosphere conducive to scholarly pursuits and respect for the rights of all individuals.

APPLICABILITY

This policy is applicable to any individual or group wishing to assemble, picket, or otherwise demonstrate on Mohawk Valley Community College property.

DEFINITIONS

Assembly, Picketing, or Demonstration – any public gathering, congregation, or exhibition of three or more persons for the purpose of conveying or displaying a message or supporting a cause

College - Mohawk Valley Community College

College Community - includes Mohawk Valley Community College students, faculty, staff, the Board of Trustees and members of recognized MVCC organizations

College Property – any land, building or other property that is owned, leased, or under the control of Mohawk Valley Community College or any of its affiliated entities.

Organization – recognized student government groups or clubs, alumni groups, and/or athletic teams

Contact Information

Office of the Vice President of Student Affairs
1101 Sherman Drive
Utica, NY 13501
(315) 792-5456

Director of Student Engagement & Leadership
1101 Sherman Drive
Utica, NY 13501
(315) 792-5424

Director of Events & Guest Services
1101 Sherman Drive
Utica, NY 13501
(315) 731-5840

Related Information

MVCC Policy 3004, Code of Conduct and Commitment to Civility

MVCC Policy 5003, Visitors Policy

MVCC Policy 5009, Social Media

MVCC Policy 5006, Use of College Facilities

SUNY Policy 3653, Rules for the Maintenance of Public Order

SUNY Policy 5603, Use of Facilities by Non-Commercial Organizations



ASSEMBLY, PICKETING, and DEMONSTRATION PROCEDURE

PROCEDURES

A. General Provisions

1. Assembly, picket, or demonstration by individuals or groups not affiliated with the College must be authorized in advance by designated officials at the College.
2. No assembly, picket, or demonstration shall occur outside of published College operating hours without the advanced written authorization by MVCC Administration.
3. No assembly, picket, or demonstration shall take place indoors of any building owned, leased, or under the control of the College without the advanced written authorization by MVCC Administration.
4. The construction of shelters and other temporary structures, or camping on College grounds is prohibited.
5. The use of College grounds for the purpose of assembly, picketing, or demonstrating does not imply Mohawk Valley Community College's endorsement of any organization, activity, cause, or position.
6. The College will not interfere with orderly assemblies, pickets, or demonstrations on College grounds provided that this procedure and other College policies are upheld at all times or unless participants:
 - a) Willfully cause injury or damage to persons or property.
 - b) Willfully operate audio amplification equipment in a manner that conflicts with normal College operations or that is deemed injurious to health and safety.
 - c) Without authorization from Facilities, constructs structures, inclusive of objects requiring penetration in concrete or grass, or camp on College grounds

B. Application for Assemblies, Picketing, and Demonstrations

1. Any individuals or groups who are interested in using college property for the purpose of assembly, picketing, or demonstrations are required to inform the College of their intentions and obtain authorization in advance by completing and submitting an application with the Director of Student Engagement and Leadership for internal requests or the Director of Events and Guest Services for external requests. A minimum forty-eight (48) business hours advance notice is required.

2. Applicants are required to submit their name(s); the name of their organization, if applicable; the desired location, date and time of the planned assembly, picketing, or demonstration; the number of persons expected to participate; and the manner of demonstration. External (off-campus) groups must complete a Facility Use Request Form and follow the College's facilities use process through Events and Guest Services.
3. Upon receipt, applications shall be reviewed by either the Director of Student Engagement and Leadership or the Director of Events and Guest Services who shall confer with the Department of Public Safety to determine operational planning as well as any potential impacts on campus safety and security.
4. The Director of Student Engagement and Leadership or the Director of Events and Guest Services will evaluate the location requested for each assembly, picket or demonstration individually based on availability and the need to conduct regular academic and institutional activities in the requested space. If the requested location is deemed as inappropriate based on the needs of the College, a reasonably appropriate alternate location will be authorized by the Director of Student Engagement and Leadership or the Director of Events and Guest Services.
5. The decision of the Director of Student Engagement and Leadership or the Director of Events and Guest Services is final. If approved, the appropriate Director will inform the Executive Director of Marketing & Communications.
6. Authorization to assemble, picket or demonstrate on college property will be granted provided that
 - a. The applicant has not been previously banned from or there is not a court order prohibiting the applicant's presence at the College;
 - b. The proposed time, place, or manner of assembly, picket or demonstration would not prevent, disrupt, or unreasonably interfere with the regular academic and institutional activities or other essential operations of the College;
 - c. The proposed assembly, picket, or demonstration would not unreasonably obstruct pedestrian or vehicular traffic;
 - d. The proposed assembly, picket, or demonstration would not constitute an immediate and/or actual danger to students, faculty, staff or the peace or security at the College that available Public Safety staff could not manage with reasonable effort.
 - e. The parties requesting the assembly agree to return the event location to its original environment upon completion of the assembly. In other words, clean-up is the responsibility of the parties who have requested the assembly and does not fall to the College.

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