

Policy on Freedom of Speech
Policy Number 50003.1

Type of Policy: Administrative

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Reason for Policy: This policy sets forth SUNY Cobleskill’s commitment to encouraging and preserving free speech, freedom of expression and freedom of assembly for the entire College community as guaranteed by the United States Constitution and the New York State Constitution.

Policy Statement: The rights of free speech, freedom of expression and freedom of assembly are the foundation of a higher education institution’s mission, as the “Marketplace of Ideas.” As a public institution, the College is also bound by legal requirements that the campus be open to our students, our faculty, our staff, and third parties to exercise their free speech rights under the principles of a limited, designated forum. The College is committed to protecting the rights of free speech, freedom of expression, and freedom of assembly guaranteed by the United States Constitution and the New York State Constitution.

Policy: SUNY Cobleskill welcomes free expression in all its forms, including the expression of dissent. To implement this commitment to protecting the rights of free speech, freedom of expression, and freedom of assembly, the College fosters an environment in which persons may freely express their views. In furtherance of such commitment, the College pledges to provide the greatest protection available for all viewpoints, including controversial, unpopular, opposing, or dissenting opinions.

The Constitutional right to free speech as set forth in the First Amendment to the United States Constitution affirms, with few exceptions, the lawfulness of individuals’ and groups’ right to communicate virtually any idea regardless of how widely shared or accepted by others it may be.

Free Speech rights are expansive, but not unlimited. The College does have a right to restrict speech on campus, however, any restriction must be content-neutral and narrowly tailored to protect the proper function of campus services

and the College's mission as an institution of higher education. In general, this means that the College can determine the time, place, and manner of speech so as to ensure minimal interference with the operation of the college, its provision of services, and people's access to it without abridging the content of the speech.

The College cannot restrict speech solely on the basis of it being viewed as controversial as this policy may not supersede the Constitution. The college will remain a neutral venue and provide the same level of safety and respect to all speakers.

Title VI:

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance. While the First Amendment protects freedom of speech, including speech that some may find offensive or harmful, there are limitations, particularly when it comes to speech that incites imminent violence or poses a direct threat to individuals or groups.

Under Title VI, colleges such as SUNY Cobleskill that receive federal funding are required to ensure that their programs and activities are free from discrimination. This includes taking steps to address and prevent harassment and discrimination based on race, color, or national origin.

While the College must uphold the First Amendment and allow for free speech on campus, we also have a responsibility to maintain a safe and inclusive environment for all students. Speech that poses a direct threat to a person or group of persons, or speech that is so severe, pervasive, and objectively offensive that it creates a hostile environment, may not be protected under the First Amendment.

Procedures:

SUNY policies 5603 Use of Facilities by Non-Commercial Organizations and 5607 Commercial Use Policy (Use of University Facilities for Commercial Purposes) provide the procedures under this policy. Cases of non-compliance shall be referred to the appropriate offices, in particular the Student Conduct Office and Human Resources.

Definitions:

Third Party or Parties are any individuals or organizations not affiliated with the College including, but not limited to, the general public, contractors, vendors, guests, and visitors to the College and those using College facilities or property with official permission from the College.

College is SUNY Cobleskill.

Related Documents:

Statutes

[United States Constitution, First Amendment](#)

[New York State Constitution, Articles 8 & 9](#)

Regulations

[8 NYCRR Part 535](#)

SUNY Policies

[5603 Use of Facilities by Non-Commercial Organizations](#)

[5607 Commercial Use Policy \(Use of University Facilities for Commercial Purposes\)](#)

[SUNY Board of Trustees Policy on Academic Freedom Article XI, Title I](#)

College Policies, Guidelines and Procedures:

[Title IX – Sexual Harassment and Assault Policy](#)

[Nondiscrimination Policy](#)

Policy History:

Revision Date	Author/Owner	Description of the action on the revision date
May 1, 2024	Dr. Anne Hopkins Gross	Adoption of the Policy