What is Activism?

ac·tiv·ism
ˈaktəˌvizəm/
noun

noun: activism

the policy or action of using vigorous campaigning to bring about political or social change.
Is Activism Legal?

Short answer: Of Course It Is!

The Constitution of The United States of America

First Amendment:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.
What about Student’s Rights?

Everyone in the United States has rights guaranteed by the U.S. Constitution.

A particular State may grant additional rights by State law or regulation that are more specific (but not contrary to constitutional rights).

An institution such as a college or university may grant even more specific rights to students through rule making as long as they are not contrary to State or constitutional rights.
Time, Place and Manner of Peaceful Assembly

The First Amendment to the United States Constitution prohibits the United States Congress from enacting legislation that would abridge the right of the people to assemble peaceably. The Fourteenth Amendment to the United States Constitution makes this prohibition applicable to state governments.

The Supreme Court of the United States has held that the First Amendment protects the right to conduct a peaceful public assembly. The right to assemble is not, however, absolute. Government officials cannot simply prohibit a public assembly in their own discretion, but the government can impose restrictions on the time, place, and manner of peaceful assembly, provided that constitutional safeguards are met. Time, place, and manner restrictions are permissible so long as they “are justified without reference to the content of the regulated speech, . . . are narrowly tailored to serve a significant governmental interest, and . . . leave open ample alternative channels for communication of the information.”

(Source: Library of Congress, Right to Peaceful Assembly)
SUNY Board of Trustees Policy 3653
Rules for the Maintenance of Public Order

Summary

It is the policy of the State University of New York (University) to comply with legal requirements of NYS Education Law §6430. Accordingly, the Board of Trustees of the State University of New York has adopted written rules (8 NYCRR §535) for the maintenance of public order on University campuses and other campus properties used for educational purposes pursuant to NYS Education Law §6430.

This policy outlines the rules for the maintenance of public order (including prohibited conduct), applicability and communication of the rules, and statements regarding freedom of speech, assembly, picketing and demonstrations on campuses. Campus procedures and penalties for the violation of the rules and enforcement procedures are prescribed.
Relevant Laws And Rules

It’s not always about the protest, it’s about behavior that can happen within the protest

- NYS Penal Law
- NYS Vehicle Law
- Fire Codes
- Rules of Student Conduct

What could possibly go wrong?

Trespass

Riot

Disorderly Conduct

Arson

Obstructing Traffic

Assault

Criminal Mischief

Burglary

…..You get the picture
Example Of What Can Go Wrong

Copyright 2008
And How It Ended
The Right Way And …………….
When Has "the line" Been Crossed?

You should know it when you see it!
What you can do

• Work with the Administration
• Contact the Police
• Contact the Dean of Students
• Exchange Contact Information
• Seek advice about time, location etc.
• Develop a plan
• Stay focused on the issue(s)
• Be alert to interlopers
What We Will Do

• Work with you every step of the way
• Offer advice and guidance
• Attend the event
• Provide safe escort when necessary
• Protect the rights of everyone, even counter-protesters
• Remain neutral
• Be on the lookout for violence and act accordingly
• Plan ahead
• Collaboration is the key!
4th Amendment to the Constitution

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.
So What Does This Mean?

- Residence Hall Rooms
- Motor Vehicles
- Search Incident To Arrest
- Search Warrants
- Arrest Warrants
Summary

- Binghamton has a long history of activism
- As an institution we encourage involvement
- Departments collaborate with students for success
- We can help strategize with you to ensure legality
- Pre-planning and communication are essential keys
- Follow up / evaluation of events is encouraged
Thank You

Questions?