

TO: Chancellor King  
FROM: SUNY University Faculty Senate Executive Committee  
RE: Safeguarding Free Expression, Peaceful Assembly, and Privacy  
DATE: November 18, 2025  
LOCATION: SUNY Environmental Science and Forestry  
NUMBER: 201a-08-1  
VOTE: For: 4 / Against: 0

## RATIONALE

**WHEREAS** New York State Education Law Article 129-A, Section 6430<sup>1</sup> and Title 8, Part 535.1 of the Codes, Rules, and Regulations of the State of New York<sup>2</sup> affirm that nothing in their provisions “shall limit or restrict the freedom of speech or peaceful assembly”; and

**WHEREAS** Title 8, Part 535.1 of the Codes, Rules, and Regulations of the State of New York provides that “free inquiry and free expression are indispensable to the objectives of a higher educational institution,” and that such rules “shall not be construed to prevent or restrain controversy and dissent but to prevent abuse of the rights of others and to maintain that public order appropriate to a college or university campus”<sup>3</sup>; and

**WHEREAS** the SUNY Board of Trustees (SUNY BOT) Rules for the Maintenance of Public Order policy affirm that “no student, faculty member, staff member, or authorized visitor shall be subject to any limitation or penalty for expressing their views or assembling with others for such purpose,” and that “peaceful picketing and other orderly demonstrations in public areas of campus grounds and buildings are not subject to interference” when consistent with the rules<sup>4</sup>; and

**WHEREAS** the American Association of University Professors (AAUP) has cautioned against “overly restrictive policies” requiring registration or prior approval for demonstrations and imposing strict limitations on the use of amplified sound and “the types of postings permitted,” warning that such measures may “shut down freedom of expression,” enable surveillance of protest plans, and chill spontaneous or minority viewpoints<sup>5</sup>; and

**WHEREAS** PEN America recognizes that while civil disobedience may involve the violation of laws or policies, “it has a rich history in the United States as a powerful tactic that has been used to great effect by the Civil Rights Movement, anti-war protestors, and AIDS activists, as well as many other important social and political movements”; and further maintains that “the mere violation of laws and policies does not necessarily justify campus punishment unless this;

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<sup>1</sup> Regulation By Colleges of Conduct On Campuses and Other College Property Used For Educational Purposes

<sup>2</sup> Part 535.1 Rules of the Board of Trustees: Statement of purpose

<sup>3</sup> *ibid.*

<sup>4</sup> Rules for the Maintenance of Public Order

<sup>5</sup> AAUP Condemns Wave of Administrative Policies Intended to Crack Down on Peaceful Campus Protest

and violation has caused a meaningful harm to another”; and accordingly urges that any disciplinary response be proportionate and viewpoint-neutral<sup>6</sup>; and

**WHEREAS** across the country, misuse of “time, place, and manner” policies has at times resulted in unconstitutional or discriminatory restrictions on protected freedoms of speech and assembly, affecting in a content-specific manner faculty, students, and staff engaged in advocacy disfavored by authorities<sup>7</sup>; and

**WHEREAS** campuses across the United States, including SUNY campuses, have implemented technological means of monitoring assembly on campus; and

**WHEREAS** external entities have used recordings of assembly on campus for the purposes of publicly identifying students, faculty, and staff, in order to compile watchlists, engage in online and in-person harassment, and conduct other activity detrimental to students, faculty, and staff; and

**WHEREAS** the U.S. Department of State has revoked student and other immigrant and non-immigrant visas for the exercise of rights of free speech and freedom of assembly, actions which a federal judge ruled were in violation of [First Amendment protected speech](#); and

**WHEREAS** the United University Professions (UUP) October 2025 Delegate Assembly passed a resolution titled “Safeguarding Free Expression, Peaceful Assembly, and Privacy”; and

**WHEREAS** the SUNY Student Association General Assembly passed a resolution titled “Resolution Urging SUNY Institutions to Adopt Freedom of Expression Policies”;

## RESOLUTION

**THEREFORE BE IT RESOLVED** that the SUNY University Faculty Senate Executive Committee (SUNY UFS EC) endorses the resolution approved by the UUP Delegate Assembly titled “Safeguarding Free Expression, Peaceful Assembly, and Privacy”; and

**FURTHER BE IT RESOLVED** that SUNY UFS EC endorses the resolution approved by the SUNY Student Association General Assembly titled “Resolution Urging SUNY Institutions to Adopt Freedom of Expression Policies”; and

**FURTHER BE IT RESOLVED** that SUNY UFS EC urges Chancellor King, the SUNY Board of Trustees, and campus Presidents to employ time, place, and manner policies that, in keeping with the Rules for the Maintenance of Public Order, afford “maximum protection to the participants expressing their freedom of speech and to the campus community” (E2), taking care not to devise new policies that discourage or suppress freedom of assembly and other forms of constitutionally protected expression; and

**FURTHER BE IT RESOLVED** that SUNY UFS EC urges Chancellor King to affirm that faculty, staff, students, and authorized visitors are guaranteed the broadest possible latitude to

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<sup>6</sup> [Protest and Assembly | PEN America](#)

<sup>7</sup> [3711 FA Resolution On The Interim Time, Place And Manner Policy; How Texas is wielding freedom of speech as a political weapon; SB 2972 Limiting Expressive Activities on Campus](#)

speak, write, listen, challenge, learn, and peacefully assemble and protest, except where narrowly limited to preserve university operations and safety of university members; and

**FURTHER BE IT RESOLVED** that SUNY UFS EC urges Chancellor King to direct campus Presidents to ensure that campus governance bodies or designees/appointees, including faculty, staff, and students, and professionals with relevant expertise, are meaningfully included in the creation or alteration of any campus policy-making, investigative, or disciplinary processes or bodies that address time, place, and manner restrictions or violations, and that campus governance bodies have a significant role in the creation or alteration of such policies, processes, and bodies that address time, place, and manner; and

**FURTHER BE IT RESOLVED** that SUNY UFS EC urges Chancellor King and the SUNY BOT to prohibit the release of any SUNY surveillance or monitoring of assembly conducted for campus safety to identify or target students, staff, or faculty engaged in lawful dissent; and

**FURTHER BE IT RESOLVED** that SUNY UFS EC urges Chancellor King and the SUNY BOT to work with University Police departments to ensure that personally identifiable information related to freedom of expression is stored in ways that protect the privacy of individuals on our campuses to the greatest extent possible under the law; and

**FURTHER BE IT RESOLVED** that SUNY UFS EC urges campus Presidents, when peaceful assemblies violate the Rules for the Maintenance of Public Order, to determine disciplinary actions in a manner that adheres to all bargaining unit contracts and, where appropriate, with policies established through campus governance bodies, thereby respecting the rich history of civil disobedience at SUNY and in the United States; and

**FURTHER BE IT RESOLVED** that SUNY UFS EC calls on all SUNY campus governance bodies to engage their campus administrations in conversations around potential revisions to existing time, place, manner policies, within parameters of state and federal law; and

**FURTHER BE IT RESOLVED** that SUNY UFS EC calls on all SUNY campus governance bodies to speedily pass resolutions aligned with those approved by the UUP Delegate Assembly, the SUNY Student Assembly General Assembly, and the SUNY UFS Executive Committee.

## BACKGROUND

This resolution was originally co-authored by faculty members representing collective concerns from fourteen campuses: Stony Brook, Delhi, Binghamton, University at Buffalo, Purchase, Geneseo, Fashion Institute of Technology, Fredonia, New Paltz, Oneonta, Albany, College of Environmental Science and Forestry, Westchester Community College, and Morrisville. Following referral to the SUNY UFS Executive Committee, it was revised by representatives from Governance Committee and Operations Committee.