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Politics, Politics, and More Politics — What is a Campus to Do?

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State University of New York

*Shall Make No Law: An Exploration of Current
First Amendment Issues on College Campuses*

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Employee Political Activity



Employees CAN:

- Make political contributions
- Be active in campaigns during non-working hours





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Employee Political Activity



Employees CANNOT:

- Use State resources (including SUNY letterhead, computers, email, and telephones), and state time for partisan political purposes.



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Employee Political Activity



Employees **CANNOT** use their official position to:

- Gain Political Favor
- Encourage or discourage political contribution or activity
- Interfere with elections or lawful political activity



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Employee Political Activity

Solicitation of Contributions



- No employee may be forced or pressured to contribute to a political campaign by another employee.
- Individuals seeking political contributions may not be admitted to SUNY property to solicit contributions from employees.



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Employee Political Activity

Employment, Grant, Contract Decisions:



- Do not ask about party affiliation, contributions, or voting history.
- Do not make decisions on any of the above, if known.



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Employee Political Activity

What if an employee wants to run for political office?



1. Conflicts of interest
2. Use of time/leave of absence
3. No advantage from State position
4. Campaign contributions
5. No use of State resources
6. No State endorsement



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Political Speech on Campus



General policy:
political speech is
welcome on
campus!



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Use of Facilities – Best Practices



First: follow policies on
use for Commercial and
Non-Commercial
organizations



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Use of Facilities – Best Practices



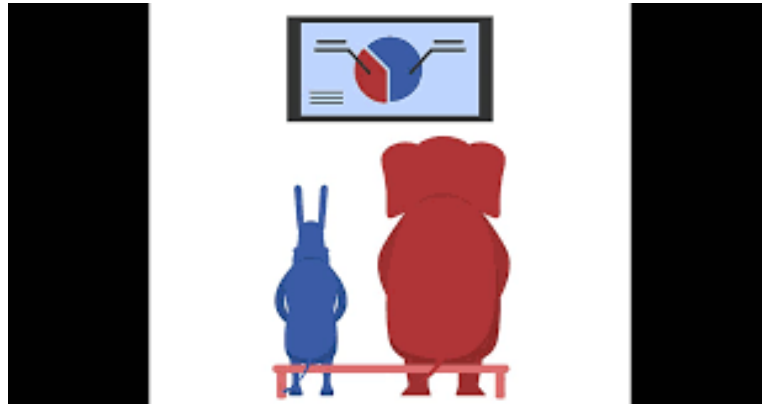
- Reasonable time, place, and manner restrictions
- Even-handed treatment
- Viewpoint neutrality



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3 Types of Campus Speakers

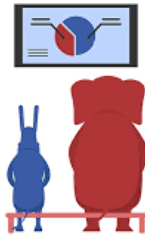
(As told by Joe Storch)





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3 Types of Campus Speakers

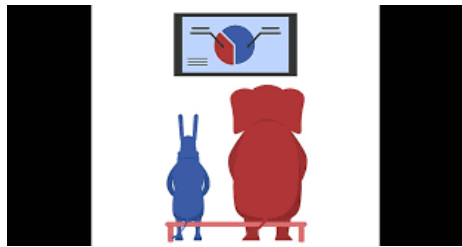


1. “Capital S” Speakers:
the campus invites a speaker to
present on a particular topic



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3 Types of Campus Speakers



2. “Regular s” speakers:

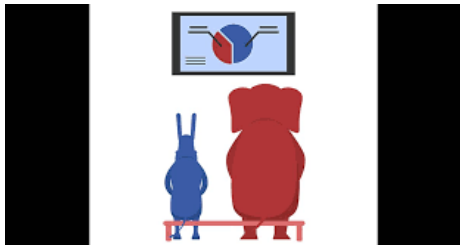
a politician invited to speak as a politician.

- Equitable availability
- Campus obligations vary based on who invites.



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3 Types of Campus Speakers



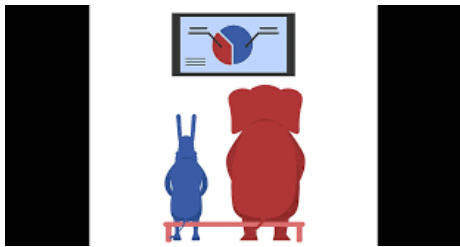
2. “Regular s” speakers:
a politician invited to speak as a politician.

- Type 1: College invites



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3 Types of Campus Speakers



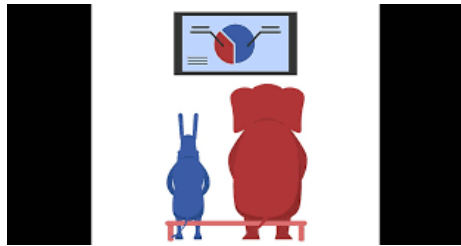
2. “Regular s” speakers:
a politician invited to speak as a politician.

- Type 2: Student Group invites



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3 Types of Campus Speakers



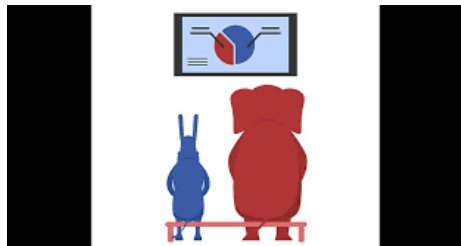
2. “Regular s” speakers:
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Example: Stony Brook, 2014



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3 Types of Campus Speakers



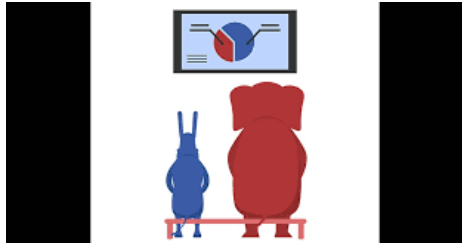
2. “Regular s” speakers:
a politician invited to speak as a politician.

REMEMBER – DOCUMENT ALL
EFFORTS!



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3 Types of Campus Speakers



3. “subscript _s”

_speakers:

a political speaker invites him or herself.



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Legislation and Regulations

When can SUNY take a political position?

- SUNY as an entity has the right to lobby in its own interests, as determined by the Board and the Chancellor
- “Calls to Action” Prohibited



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Legislation and Regulations

When can SUNY take a political position?

Examples:

DACA

March for Science



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Student Discipline



Exercise extreme caution in disciplining a student for speech related to a political candidate, party, or issue!



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Student Discipline

For “core political speech” First Amendment protection is “at its zenith.” See *Buckley v. Am. Const. Law Found.*, 525 U.S. 182, 186-87 (1999) (citing *Meyer v. Grant*, 486 U.S. 414, 422, 425 [1988]).



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Questions?

