



CHUCK CUTOLO, J.D.  
Director  
Governmental Affairs  
One Education Drive  
Garden City, NY 11530-6793  
Tel 516.572.7811  
Fax 516.572.7750  
cutoloc@ncc.edu  
www.ncc.edu

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Mr. Peter Bonilla  
Assistant Director, Individual Rights Defense Program  
Foundation for Individual Rights in Education  
601 Walnut Street  
Suite 510  
Philadelphia, Pennsylvania 19106

Dear Mr. Bonilla:

I am writing on behalf of Dr. Astrab in response to your letter of August 16, 2011 regarding the demonstration that was conducted by members of the Nassau Community College Federation of Teachers (NCCFT) on August 17.

Enclosed is a copy of the flyer that was e-mailed to the leadership of the NCCFT prior to the August 17 event and that was distributed to members of the NCCFT at the event itself. We believe that these guidelines were consistent with the College's obligations under County Ordinance 238-1984 to prevent any obstruction to the entrances or exits of buildings on campus and that they took into consideration the facts and circumstances that were likely to be present on August 17. We also believe that these guidelines were "narrowly tailored" so as to protect the constitutional rights of the demonstrators at the same time that the appropriate public safety concerns were addressed.

In your letter of August 16, you indicated a concern that the demonstrators would not be permitted to carry signs. The guidelines state, "Individuals may distribute leaflets or carry signs in the College Plaza...." We believe that restricting to "not more than two individuals" the number of individuals who could distribute leaflets and carrying signs "immediately proximate to the entrance/exitway of each building abutting the College Plaza" is also narrowly tailored because more than two individuals immediately proximate to the entrance/exitway would have the effect of creating an obstruction in those narrow areas.

Your letter of August 16 also indicated a concern about the demonstrators' being limited to the Plaza area of the College. In fact, it was the NCCFT that notified the College Administration that it wished to demonstrate in that area. The "narrowly tailored" guidelines enunciated by the Administration, thus, applied to the geographical area that the demonstrators themselves indicated was *their* desired location for the protest. Therefore, the assumption

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contained in your letter that the College intended to restrict protesters on August 17 to the Plaza even though the protesters had asked to protest elsewhere on the campus is in error. Moreover, I do want to note that even though some of the protesters at the August 3 demonstration expressed a concern about being in the unshaded portion of the Plaza and, as a result, were permitted to move to a shaded portion, the protesters on August 17 remained of their own volition in that exact same unshaded portion of the Plaza throughout the entire demonstration.

In conclusion, I assure you that Nassau Community College is committed to observing the First Amendment rights of individuals on campus consistent with its obligation to uphold the County ordinance that requires the College to provide for the safety of individuals utilizing the campus buildings.

Sincerely,



Chuck Cutolo  
General Counsel for Governmental Affairs  
Nassau Community College