

**3358:11-3-70 Campus free speech policy.**

- (A) Policy statement and purpose. A state institution of higher education, Owens community college affirms campus free speech as prescribed in sections, 3345.021, 3345.0211, 3345.0212, 3345.0213, 3345.0215 of the Revised Code. Specifically, this rule affirms the following principles, which are the public policy of the state.
- (1) Students and all members of the college have a fundamental constitutional right to free speech.
  - (2) A state institution of higher education shall be committed to giving students broad latitude to speak, write, listen, challenge, learn, and discuss any issue, subject to division (H) of this section.
  - (3) A state institution of higher education shall be committed to maintaining a campus as a marketplace of ideas for all students, faculty and members of the college in which the free exchange of ideas is not to be suppressed because the ideas put forth are thought by some or even by most members of the institution's community to be offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.
  - (4) It is for a state institution of higher education's individual students and all members of the college to make judgments about ideas for themselves, and to act on those judgments not by seeking to suppress free speech, but by openly and vigorously contesting the ideas that they oppose.
  - (5) It is not the proper role of a state institution of higher education to attempt to shield individuals from free speech, including ideas and opinions they find offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.
  - (6) Although a state institution of higher education should greatly value civility and mutual respect, concerns about civility and mutual respect shall never be used by an institution as a justification for closing off the discussion of ideas, however offensive, unwise, immoral, indecent, disagreeable, conservative,

liberal, traditional, radical, or wrong-headed those ideas may be to some students or faculty.

- (7) Although all students, faculty and members of the college are free to state their own views about and contest the views expressed on campus, and to state their own views about and contest speakers who are invited to express their views on the campus of a state institution of higher education, they may not substantially obstruct or otherwise substantially interfere with the freedom of others to express views they reject or even loathe. To this end, a state institution of higher education has a responsibility to promote a lively and fearless freedom of debate and deliberation and protect that freedom.
  - (8) A state institution of higher education shall be committed to providing an atmosphere that is most conducive to speculation, experimentation, and creation by all students, faculty and members of the college, who shall always remain free to inquire, to study and to evaluate, and to gain new understanding. For an atmosphere that is respectful, civility and listening are encouraged.
  - (9) The primary responsibility of faculty and members of the college is to engage an honest, courageous, and persistent effort to search out and communicate the truth that lies in the areas of their competence or discipline.
- (B) Application. This rule applies to students, student groups, faculty and all members of the college and others who have an affiliation with the college.
- (C) Definitions. Free speech means speech, expression, or assemblies protected by the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution, verbal or written, including, but not limited to, all forms of peaceful assembly, protests, demonstrations, rallies, vigils, marches, public speaking, distribution of printed materials, carrying signs, displays, or circulating petitions. Free speech does not include the promotion, sale, or distribution of any product or service. Other definitions are provided in section, 3345.0215 of the Revised Code.

- (D) Reporting an incident. Complete and submit the online incident reporting form, posted on the college website under student conduct. Or, a student may report an incident to the office of student life; a faculty or staff member may report an incident to the office of human resources.
- (E) Investigation. The board of trustees designates college administration to investigate an allegation in a complaint and for college executives to determine a resolution to address the violation, as detailed in the corresponding procedures to this rule.
- (F) Annual report. Each state institution of higher education annually shall report to the chancellor, in a form and manner prescribed by the chancellor, the complaints submitted in the academic year.
- (G) Nothing in this section shall be construed to grant individuals the right to disrupt previously scheduled or reserved activities occurring in a traditional public forum.
- (H) Nothing contained in this section shall be construed as prohibiting a state institution of higher education from imposing measures that do not violate the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution such as:
  - (1) Constitutional time, place, and manner restrictions;
  - (2) Reasonable and viewpoint-neutral restrictions in nonpublic forums;
  - (3) Restricting the use of the state institution's property to protect the free speech rights of students and members of the college and preserve the use of the property for the advancement of the institution's mission;
  - (4) Prohibiting or limiting speech, expression, or assemblies that are not protected by the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution;
  - (5) Content restrictions on speech that are reasonably related to a legitimate pedagogical purpose, such as classroom rules enacted by teachers.

- (I) Supplements. This rule supplements and supports Owens community college rule 3358:11-3-66 of the Administrative Code (campus and community complaint process) and rule 3358:11-3-11 of the Administrative Code (student conduct).
  
- (J) Implementation. The president or designee(s) will implement procedures, guidelines, forms, and operational processes, which are consistent with the provisions of this rule.

Effective date: 04/22/2023

Promulgated under:	111.15
Statutory authority:	3358.08
Rule amplifies:	3358.08
Prior effective dates:	NA