

POLICY NO. 323

Area: General Administration

*Original signature on file in
Office of General Counsel*

Date Adopted: September 3, 2021

Certified By: Curtis Pettis, Vice President
Central State University

Revisions Approved: September 27, 2022

Subject: FREEDOM OF EXPRESSION AND HARASSMENT POLICY

Effective immediately.

Ohio Revised Code 3345.0215 codifies the public policy of the state of Ohio concerning campus free speech, and requires the Board of Trustees to adopt a policy affirming several principles of campus free speech; and to affirm the principles of campus free speech in conformity with state law and Ohio public policy as set forth in Revised Code section 3345.0215(B)(1)-(9).

This Policy applies to Central State University (the “University) students, student groups, faculty, staff and employees, including invited guests (“Campus Community”). The University believes that the right of expression is as necessary as the right of inquiry and that both must be preserved as essential to the pursuit and dissemination of knowledge and truth. Expressive activity includes any lawful verbal, written, audiovisual, or electronic communication of ideas, including all forms of peaceful assembly, protests, speeches, distribution of literature, carrying and displaying signs, and circulating petitions.

However, the University’s commitment to freedom of expression does not extend to the following:

1. True threat – (statements where the speaker means to communicate a serious expression of an intent to commit an unlawful act of violence to a particular individual or group of individuals);
2. Fighting words - (words directed to an individual that actually tend to provoke immediate violent reaction);
3. Obscenity (including child pornography);
4. Incitement;
5. Heckler’s Veto- Conduct that materially and substantially disrupts the constitutionally protected expression of another person or group. This does not prevent counter demonstrations or other constitutionally protected expression;
6. Blackmail;
7. Criminal solicitation;
8. Lying under oath;
9. Violations of National Security; or
10. Other harassment, as defined below.

Ohio Revised Code 3345.0212 requires each public university in Ohio to adopt a policy on harassment that is consistent with and adheres strictly to the definition of harassment in section

3345.0211 of the Ohio Revised Code. As used in this policy, Harassment is defined as conduct and/or expression, either in person, in writing or by telecommunication, that is:

1. Not protected by the First Amendment to the United States Constitution or Article I of the Ohio Constitution (Unprotected Expression);
2. Unwelcome; and
3. So severe, pervasive, and objectively offensive that it effectively denies an individual equal access to the individual's education program or activity.

Some harassment as defined in this policy may also rise to the level of a crime (e.g., a true threat, child pornography) and should be reported to the University police department.

Any student, student group, or faculty member may submit a complaint about an alleged violation by an employee of the state institution of higher education of the policy established under this section, including any penalty imposed on a student's grade for an assignment or coursework that is unrelated to ordinary academic standards of substance and relevance, including any legitimate pedagogical concerns, and is instead based on the contents of the student's free speech. The process described above shall substantially conform to standards promulgated by the Chancellor of the Ohio Department of Higher Education and include a process for an impartial investigation of the complaint, and an impartial hearing regarding the allegation. All complaints or concerns about conduct that may violate the foregoing principles, this policy or state law concerning campus free speech, should be filed with the following offices or officials:

Faculty, Staff and Visitors:

DIRECTOR OF HUMAN RESOURCES

Newsom Administration Building
Suite 12, Office 10B
1400 Brush Row Road
Wilberforce, Ohio 45384
Phone: (937) 376-6018
Pbowman@centralstate.edu

Students:

DIRECTOR OF STUDENT AFFAIRS

Newsom Administration Building
Suite 12, Office 10B
1400 Brush Row Road
Wilberforce, Ohio 45384
Phone: (937) 376-6018

This policy shall not be construed to impair any Constitutionally protected right or activity, including speech, protest, or assembly.

This Policy applies to alleged harassment that takes place on University property (owned, leased, or controlled premises), at the University's sponsored events, and in connection with a University recognized program or activity.

Nothing in this Policy shall be interpreted as restricting or impairing the University's obligations under federal law including Title IV of the Higher Education Act of 1965, Title VI of the Civil Rights Act of 1962, Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans With Disabilities Act, Age Discrimination in Employment Act and the Age Discrimination Act of 1975 as addressed through its non-discrimination and Title IX policies.