



Ohio Revised Code

Section 3345.0215 Campus free speech policy.

Effective: July 21, 2022

Legislation: Senate Bill 135 - 134th General Assembly

(A) As used in this section:

(1) "Constitutional time, place, and manner restrictions" means restrictions on the time, place, and manner of free speech that do not violate the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution that are reasonable, content- and viewpoint-neutral, narrowly tailored to satisfy a significant institutional interest, and leave open ample alternative channels for the communication of the information or message to its intended audience.

(2) "Faculty" or "faculty member" means any person, whether or not the person is compensated by a state institution of higher education, and regardless of political affiliation, who is tasked with providing scholarship, academic research, or teaching. For purposes of this part, the term "faculty" includes tenured and nontenured professors, adjunct professors, visiting professors, lecturers, graduate student instructors, and those in comparable positions, however titled. For purposes of this section, the term "faculty" does not include persons whose primary responsibilities are administrative or managerial.

(3) "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.

(4) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(5) "Student" has the same meaning as in section 3345.0211 of the Revised Code, except that "student" also includes "student group."



(6) "Student group" has the same meaning as in section 3345.0211 of the Revised Code.

(B) In addition to complying with sections 3345.0212 to 3345.0214 of the Revised Code, each state institution of higher education board of trustees shall adopt a policy that affirms the following principles, which are the public policy of this state:

(1) Students 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 (E) 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 and all faculty 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 faculty 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 and all faculty 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 and all faculty, who shall always remain free to inquire, to study and to evaluate, and to gain new understanding.

(9) The primary responsibility of faculty is to engage an honest, courageous, and persistent effort to search out and communicate the truth that lies in the areas of their competence.

(C) Each board of trustees shall establish a process under which a 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 student's free speech. The process shall comply with standards adopted by the chancellor of higher education.

Under the process, the state institution of higher education shall investigate the alleged violation and conduct a fair and impartial hearing regarding the alleged violation. If the hearing determines the state institution of higher education's policy was violated, the board of trustees shall determine a resolution to address the violation and prevent any further violation of the state institution of higher education's policy.

(D) Each state institution of higher education annually shall report to the chancellor, in a form and manner prescribed by the chancellor, both of the following regarding complaints submitted in the academic year under the process prescribed under division (C) of this section:

(1) The total number of submitted complaints;



(2) For each submitted complaint, a description of all of the following:

(a) The state institution's investigation regarding the complaint;

(b) The outcome of the hearing conducted by the state institution regarding the complaint;

(c) If the hearing determines the state institution's policy was violated, the resolution determined by the board of trustees to address that violation.

(E) 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 teachers 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.

(F) Nothing in this section shall be construed to grant students the right to disrupt previously scheduled or reserved activities occurring in a traditional public forum.