



Ohio Administrative Code

Rule 3357:10-1-15 Freedom of expression and preventing harassment.

Effective: October 1, 2024

(A) Marion technical college is committed to protecting the First Amendment right to free speech and expression, and encourages individuals to engage in respectful and thoughtful discourse to enrich learning experiences.

(B) Students, including student groups, and employees have a fundamental, constitutional right to free expression. Marion technical college, as an institution of higher education, encourages students to speak, write, listen, challenge, learn, and discuss freely in pursuit of higher learning.

(C) Marion technical college remains committed to the free exchange of ideas amongst students and employees, who are empowered to engage in that exchange and make conclusions on ideas themselves, with understanding those conclusions shall not suppress another's right to free expression.

(D) As an institution, we know that when people from different backgrounds come together and openly share their thoughts and perspectives, our college and community can learn and grow.

(E) Marion technical college affirms that freedom of expression is a right protected for all, and is beholden to providing that right to all students and employees, in accordance with section 3345.0215 of the Revised Code, and affirms the following principles, which are the public policy of the state of Ohio:

(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, except when constitutional protections do not exist (division (E) of section 3345.0215 of the Revised Code).

(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 judgements about ideas for themselves, and to act on those judgements 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 student 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.



(F) Marion technical college supports an individual's right to free expression as protected by the First Amendment of the United States Constitution and Article I of the Ohio Constitution. However, the college's commitment to freedom of expression does not condone harassment on college premises (owned, leased, or controlled), at college-sponsored events, or in connection with a college recognized program or activity. In accordance with section 3345.0211 of the Revised Code, harassment is defined as unwelcome conduct that is so severe, pervasive, and objectively offensive that it effectively denies an individual equal access to the individual's education program or activity.

(G) Expression (either in-person, written, or by telecommunication) must meet the definition of harassment under paragraph (B) of this rule to be actionable, and must take place on college premises, at college-sponsored events, or in connection with a college recognized program or activity.

(H) This rule shall not be construed to impair any right or activity, including expression or speech, protest, or assembly protected by the First Amendment of the United States Constitution and Article I of the Ohio Constitution.

(I) Further, Marion technical college reserves the right to maintain and enforce reasonable time, place, and manner restrictions developed to ensure significant institutional interests. Such enforcement will be clear, published, viewpoint- and content-neutral criteria, and provide for alternative means for expressive activities.

(J) Marion technical college is empowered to restrict expressive activities that the First Amendment of the United States Constitution and Article I of the Ohio Constitution do not protect, including:

(1) Constitutional time, place, and manner restrictions.

(2) Reasonable and viewpoint-neutral restrictions in nonpublic forums.

(3) Restricting the use of the college's property to protect free expression rights of students and employees, and instead preserving the use of college property for the advancement of the college's mission.



(4) Prohibiting or limiting speech, expression, or assemblies that are not protected by the First Amendment of the United States Constitution or Article I of the Ohio Constitution.

(5) Content restrictions on expression that are reasonably related to a legitimate pedagogical purpose, such as classroom rules enacted by faculty.

(K) Additionally, this policy shall not restrict or impair the college's obligations under federal law related to:

(1) Title IV of the Higher Education Act of 1965

(2) Title VI of the Civil Rights Act of 1964

(3) Title VII of the Civil Rights Act of 1964

(4) Title IX of the Education Amendments of 1972

(5) Section 504 of the Rehabilitation Act of 1973

(6) Title II of the Americans with Disabilities Act

(7) Age Discrimination in Employment Act

(8) Age Discrimination Act of 1975

(L) Students may report allegations of freedom of expression violations or harassment to the college via the student complaint form on the college's website, in accordance with AP 440 - "Student Complaints." This includes complaints that a grade for an assignment was penalized based on the content of the student's free expression and not on relevant academic standards. All other final grade complaints will still be handled through the process outlined in AP 568 - "Appealing a Final Course Grade."



(M) Employees may report allegations of freedom of expression violations or probable harassment to the human resources office and president's office.

(N) Any reports of freedom of expression violations or harassment will comply with the standards adopted by the chancellor of the Ohio department of higher education. Further, investigations shall be done through an impartial hearing to address the allegations. Should an investigation and hearing find violation of this policy, the Marion technical college board of trustees shall determine an appropriate resolution and work to prevent further violation of this rule.