

# Campus Free Speech Policy

**Policy Number:** 1.3.6

**Category:** Administration

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**Effective Date:** 11/30/2022

**Prior Effective Date:** 07/21/2022

**Owner:** Office of the Provost, Human Resources, Office of General Counsel

**Policy Applicable for:** Faculty/Staff/Students

**Enabling Act(s):** R.C. 3345.0215

**Responsible Office:** Office of the Provost, Human Resources

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## Purpose

This Policy applies to University of Cincinnati ("University") students, student groups, faculty, and staff.

Ohio Revised Code 3345.0215 requires each public university in Ohio to adopt a policy on campus free speech that is consistent with and adheres to the principles set forth in R.C. 3345.0215.

## Definitions

"Faculty" or "faculty member" means any person, whether or not the person is compensated by the University, 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.

"Student" means any person who is enrolled on a full-time or part-time basis at the University.

"Student group" means an officially recognized group at the University, or a group seeking official recognition, comprised of admitted students that receive, or are seeking to receive, benefits through the University.

## Policy

Pursuant to R.C. 3345.0215, the University affirms the following principles on free speech:

- (1) Students have a fundamental constitutional right to free speech.

- (2) The University is committed to giving students broad latitude to speak, write, listen, challenge, learn, and discuss any issue, subject to division (E) of R.C. 3345.0215.
- (3) The University is 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 the University'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 the University 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 the University should greatly value civility and mutual respect, concerns about civility and mutual respect shall never be used by the University 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 University's campus, 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, the University has a responsibility to promote a lively and fearless freedom of debate and deliberation and protect that freedom.
- (8) The University is 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.

Nothing contained in this Policy shall be construed as prohibiting the University 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 University's property to protect the free speech rights of students and teachers and preserve the use of the property for the advancement of the University'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.

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

Nothing in this Policy shall be interpreted as restricting or impairing the University's obligations under federal law including, but not limited to, 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.

Retaliation against an individual for reporting, in good faith, complaints of violations of this Policy or for an individual's good faith participation in an investigation thereof is prohibited. Retaliation is a serious violation that can subject the offender to sanctions independent of the merits of the complaint. *See also*, [Notice of Non-Discrimination \(https://www.uc.edu/about/non-discrimination.html#:~:text=The%20university%20does%20not%20tolerate,in%20University%20programs%20or%20activities.\)](https://www.uc.edu/about/non-discrimination.html#:~:text=The%20university%20does%20not%20tolerate,in%20University%20programs%20or%20activities.).

## **Procedure**

A student, student group, or faculty member may submit a complaint about an alleged violation of this Policy by an employee of the University within thirty (30) days of the incident causing the complaint. Complainants will receive written acknowledgement of receipt of their complaint from the appropriate department, as set forth below.

### **Complaints against a Faculty Member**

Complaints alleging a faculty member violated this Policy should be submitted to the Office of the Provost via [EthicsPoint \(https://secure.ethicspoint.com/domain/media/en/gui/22314/index.html\)](https://secure.ethicspoint.com/domain/media/en/gui/22314/index.html) under "Academic Affairs." Complaints against represented faculty members will be processed in accordance with the disciplinary procedures set forth in the Collective Bargaining Agreement between the University of Cincinnati and the American Association of University Professors. Complaints against unrepresented faculty members will be processed by the Office of the Provost in accordance with the procedures similar to those established herein for unrepresented staff members.

### **Complaints against a Represented Staff Member**

Complaints alleging a represented staff member violated this Policy should be submitted to Human Resources via [EthicsPoint \(https://secure.ethicspoint.com/domain/media/en/gui/22314/index.html\)](https://secure.ethicspoint.com/domain/media/en/gui/22314/index.html) under "Personnel Misconduct." Complaints against represented staff members will be processed in accordance with the disciplinary procedures set forth in the represented staff member's applicable collective bargaining agreement.

### **Complaints against an Unrepresented Staff Member**

Complaints alleging an unrepresented staff member violated this Policy should be submitted to Human Resources via [EthicsPoint \(https://secure.ethicspoint.com/domain/media/en/gui/22314/index.html\)](https://secure.ethicspoint.com/domain/media/en/gui/22314/index.html) under "Personnel Misconduct."

Human Resources will assess the subject matter of the complaint to determine if this Policy has jurisdiction. If Human Resources determines that this Policy does not have jurisdiction over the subject matter of the complaint, it will provide a closure notification to the complainant.

If Human Resources determines that this Policy has jurisdiction over the subject matter of the complaint, Human Resources will conduct an investigation within a reasonable timeframe. At the conclusion of its investigation, if appropriate, Human Resources will prepare a written investigation report that will be provided to the unrepresented

staff member against whom the complaint was made and their supervisor. Human Resources will provide notification that the investigation has been closed to the complainant and to the unrepresented staff member against whom the complaint was made.

Unrepresented staff members who are found to have violated this Policy and are subject to discipline may grieve the imposition of discipline pursuant to Human Resources Grievance Policy 17.01.

## Sanctions

If any of the aforementioned processes find that this Policy was violated, the University shall determine a resolution to address the violation and prevent any further violation of this Policy, which may include discipline of the employee, up to and including termination of employment.

## Reporting

Annually, the Office of the Provost and Human Resources, in consultation with the Office of General Counsel, shall report to the Chancellor of the Ohio Department of Higher Education, in a form and manner prescribed by the Chancellor information regarding complaints submitted in the academic year pursuant to this Policy.

## Training

The Office of the Provost and Human Resources will offer annual training to investigators and individuals involved in the adjudication process regarding this Policy.

[REPORT FACULTY VIOLATION \(HTTPS://SECURE.ETHICSPPOINT.COM/DOMAIN/MEDIA/EN/GUI/22314/INDEX.HTML\)](https://secure.ethicspoint.com/domain/media/en/gui/22314/index.html)

[REPORT STAFF VIOLATION \(HTTPS://SECURE.ETHICSPPOINT.COM/DOMAIN/MEDIA/EN/GUI/22314/INDEX.HTML\)](https://secure.ethicspoint.com/domain/media/en/gui/22314/index.html)

*To submit a complaint alleging a faculty member has violated this Policy, select Report Faculty Violation above and choose "Academic Affairs" and then choose "Academic Misconduct."*

*To submit a complaint alleging a staff member has violated this Policy, select Report Staff Violation above and choose "Personnel Misconduct" and then choose "Employee Misconduct."*

*You may make an anonymous report, but this may limit the University's ability to conduct and complete an investigation. Additionally, be aware that if you choose to make a report the University may conduct an investigation using the information you provide in your report. An investigation typically involves talking with people who may be identified in your report. During the course of an investigation it may be possible for people to determine who made the report, even if you excluded your identifying information.*