


Name of Policy: Campus free speech		 Effective date: January 12, 2024 Original effective date: January 12, 2024	
Policy Number: 3364-5-17			
Approving Officer: President			
Responsible Agent: Provost and Executive Vice President for Academic Affairs			
Scope: All University of Toledo campuses			
Keywords:			
X	New policy		Minor/technical revision of existing policy
	Major revision of existing policy		Reaffirmation of existing policy

(A) Policy statement

This policy applies to the university of Toledo (“university”) students, student groups, faculty and staff.

(B) Purpose of policy

The university is committed to maintaining the campus as a marketplace of ideas for all students and all faculty in which the free exchange of ideas is not 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.

Section 3345.0215 of the Revised Code requires that each state institution of higher education establish a process under which a student, student group, or faculty member may submit a complaint about an alleged violation of this policy by any employee of the institution.

(C) Scope

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 sections 3 and 11 of Article I 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 faculty members 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 sections 3 and 11 of Article I of the Ohio constitution;
- (5) Content restrictions on speech that are reasonably related to a legitimate pedagogical purpose, such as classroom rules enacted by faculty members.

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.

In addition, nothing in this policy enables individuals to engage in conduct that disrupts another individual's expressive activity if it occurs in a campus space reserved for exclusive use or control of a particular individual or group.

Further, nothing in this policy shall be interpreted as restricting or impairing the university's obligations under federal law, as addressed through its non-discrimination policies. Such federal law includes, but is 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 Age Discrimination Act of 1975.

(D) Principles of campus free speech

The university affirms the following principles set forth in the Revised Code:

- (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 the applicable scope of this policy and applicable law.
- (3) It is for individual students and faculty to make judgement 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 they oppose.
- (4) 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.
- (5) Although the university greatly values civility and mutual respect, concerns about civility and respect will not 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.
- (6) Although all students and faculty are free to state their views about and contest the views expressed on campus, and to state their views about and contest speakers who are invited to express their views on campus, they may not substantially obstruct or otherwise substantially interfere with the freedom of others to express views they reject or even loathe. To that end, the university has a responsibility to promote lively and fearless freedom of debate and deliberation and protect that freedom.

- (7) 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.
 - (8) The primary responsibility is to engage an honest, courageous, and persistent effort to search out and communicate the truth that lies in areas of their competence.
- (E) Prohibited activities
- (1) No employee of the university may suppress, restrict, limit, or otherwise hinder the constitutional right to free speech of a student, student group, or faculty member except as permitted by this policy or applicable law.
 - (2) Neither the university nor any of its administrators acting in their official capacity shall prohibit any individual from engaging in noncommercial expressive activity on campus, so long as the individual's conduct is lawful and does not "materially and substantially disrupt" the functioning of the institution except to the extent it conflicts with the scope of this policy or applicable law. "Materially and substantially disrupt" means when a person, with the intent to, or with knowledge of doing so, significantly hinders another person's or group's expressive activity, prevents communication of their message, or prevents the transaction of the business of a lawful meeting, gathering, or procession by either:
 - (a) Engaging in violent or otherwise unlawful behaviors; or
 - (b) Physically blocking or using threats of violence to prevent any person from attending, listening to, viewing, or otherwise participating in an expressive activity. This does not include conduct that is protected under the First Amendment to the United States Constitution or section 3 of article I of the Ohio constitution.

- (3) No person may retaliate against any individual because the individual made a report, testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. The exercise of rights protected under the First Amendment to the United States Constitution or section 3 of article I of the Ohio constitution does not constitute retaliation prohibited under this paragraph.
 - (4) The university's commitment to freedom of expression does not extend to unlawful harassment as set forth in policies addressing harassment, the student code of conduct, university policy 3364-50-01 ("university of Toledo Title IX policy"), university policy 3364-50-02 ("nondiscrimination"), university policy 3364-15-04 ("non-retaliation policy")
- (F) Procedures
- (1) Reporting violations

Students, student groups, and faculty members may use any of the options below to submit a complaint about an alleged violation of this policy by a university employee. Complaints alleging a faculty member violated this policy will be forwarded to the office of the provost. Complaints alleging any other employee violated this policy will be forwarded to human resources for handling.
 - (2) Complaint, investigation and adjudication

Under the process, which shall comply with standards adopted by the Ohio chancellor of higher education, the university will investigate the alleged violation and conduct a fair and impartial hearing regarding the alleged violation. If the hearing determines the policy was violated, the university shall determine a resolution to address the violation and prevent any further violation of the university policy, which may include discipline of the employee, up to and including termination of employment.

A complaint filed pursuant to this policy will be reviewed, and if, in the sole discretion of the office receiving the complaint it is determined additional information is needed to determine whether a violation has occurred, that office will seek to find it. The office will then reach a determination on whether conduct may have violated this policy occurred. If that determination is reached, corrective action policies and procedures for the employee will be followed.

(G) Training

The university will establish training and education on the policy for all persons involved in the investigation and adjudication process on an annual basis.

<p>Approved by:</p> <p><i>/s/</i></p> <hr/> <p>Gregory Postel, MD President</p> <p>Date: January 12, 2024</p> <p>Review/revision completed by:</p> <ul style="list-style-type: none"> • <i>Office of Legal Affairs</i> • <i>Senior Leadership Team</i> 	<p>Policies superseded by this policy: <i>None</i></p> <p>Original effective date: <i>January 12, 2024</i></p> <p>Review/revision date:</p> <p>Next review date: <i>January 12, 2027</i></p>
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