



Ohio Administrative Code

Rule 3358:5-13-18 Employee campus free speech policy.

Effective: February 27, 2023

(A) Clark state college is an academic community in which all persons students, faculty, administration and staff share responsibility for its growth and continued welfare. As members of the college community, students can reasonably expect that the following rights shall be respected by all college offices, programs, employees and organizations.

Clark state college further encourages all members of the college community to endorse, support and abide by the following statement of values which this community has deemed fundamental to its mission and integral to its growth.

Speech/expression/press

Employees may express themselves freely on any subject provided they do so in a manner that does not violate this policy. Employees, in turn, have the responsibility to respect the rights of all members of the college in exercising these freedoms.

(B) In accordance with the public policy and the laws of the state of Ohio, Clark state affirms the following principles:

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

(2) The college is committed to giving students broad latitude to speak, write, listen, challenge, learn, and discuss any issue, subject to division (E) of section 3345.0215 of the Revised Code.

(3) The college 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 colleges community to be offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.



(4) It is for the college'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 college 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 college greatly values civility and mutual respect, concerns about civility and mutual respect shall never be used 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 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 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 college has a responsibility to promote a lively and fearless freedom of debate and deliberation and protect that freedom.

(8) The college 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) Nothing contained in this policy shall be construed as prohibiting the college 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 colleges property to protect the free speech rights of students and teachers and preserve the use of the property for the advancement of the colleges 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.

(D) 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.

(E) Nothing in this policy shall be interpreted as restricting or impairing the colleges 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.

(F) Complaints

(1) As outlined in the "Employee Campus Free Speech Policy Complaint Resolution Procedures," employees may submit a complaint about an alleged violation of the above policy.

(2) The college will investigate the alleged violation as outlined in the "Employee Campus Free Speech Policy Complaint Resolution Procedures," which shall comply with standards adopted by the Ohio chancellor of higher education.

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Ohio chancellor of higher education.