

**3349-1-3 Free speech and harassment.****(A) Purpose**

The purpose of this rule is to support the right of expression on the northeast Ohio medical university (NEOMED) campus.

**(B) Scope**

This rule applies to NEOMED students, student groups, faculty, staff, and any other persons who use space on the NEOMED campus and is adopted in accordance with section 3345.0212 of the revised code, which requires each public university in Ohio to adopt a rule on harassment that is consistent with and adheres strictly to the definition of harassment provided in the statute.

**(C) Rule statement**

(1) The university believes that the right of expression is as necessary as the right of inquiry and that both must be preserved as essential to the pursuit and dissemination of knowledge and truth. The university's commitment to freedom of expression, however, does not extend to harassment. Ohio law defines harassment as conduct and/or expression that is:

(a) Not protected by the first amendment to the united states constitution or article I of the Ohio Constitution (unprotected expression);

(b) Unwelcome; and

(c) So severe, pervasive, and objectively offensive that it effectively denies an individual equal access to the individual's education program or activity.

(2) Expression (either in person, in writing or by telecommunication) must meet all three elements to be actionable under this rule. This rule applies to alleged harassment that takes place on NEOMED property (owned, leased, or controlled premises), at

NEOMED sponsored events, and in connection with a NEOMED recognized program or activity. Students should report alleged violations of this rule to the office of student services. Faculty and staff should report alleged violations of this rule to the office of human resources.

- (3) This rule shall not be construed to impair any right or activity, including speech, protest, or assembly protected by the U.S. Constitution.

Nothing within this rule shall be interpreted as preventing NEOMED from restricting expressive activities that the first amendment of the U.S. Constitution or article I, sections 3 and 11 of the Ohio constitution does not protect. Further nothing in this rule shall be interpreted as restricting or impairing the university's obligations under federal law including, but not limited to, Title IV 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 specified in rules 3349-7-10 and 3349-10-75 of the Administrative Code.

Effective: 4/12/2021

CERTIFIED ELECTRONICALLY

---

Certification

03/31/2021

---

Date

Promulgated Under:	111.15
Statutory Authority:	111.15
Rule Amplifies:	3350.12