

Applies to: Students, student groups, faculty, staff, and employees of COTC and their invited guests.

Responsible Office

Office of the President

POLICY STATEMENT

Central Ohio Technical College (COTC) welcomes diverse beliefs, and values academic freedom and the open exchange and expression of thoughts, opinions, and ideas. COTC considers freedom of expression an indispensable quality of college life, and that active participation in political and social expression both enhances the education of the individual and contributes to the betterment of society. The college is committed to respecting and promoting the rights afforded by the First Amendment to the Constitution of the United States, including the right to free speech, petition, and assembly, and to academic freedom on its campuses.

Purpose of the Policy

To ensure the campus community's free speech is protected, in accordance with *Ohio Revised Code* §§3345.021, §3345.21, 3345.0211, 3345.0212, 3345.0213, 3345.0214, and 3345.0215, and to establish policy, regulations, and expectations regarding legally protected expression on campus.

Definitions

Term	Definition
Campus community	Students, student groups, faculty, staff, other employees of COTC, and their invited guests. See ORC 3345.0211.
Expressive activities	Any lawful verbal, written, audiovisual or electronic means by which individuals may communicate ideas, including all forms of peaceful assembly, protests, speeches, distribution of literature, carrying and displaying signs, and circulating petitions. See ORC 3345.0211.
Free speech	Speech, expression or assemblies protected by the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution, verbal or written, including, but not limited to, all forms of peaceful assembly, protests, demonstrations, rallies, vigils, marches, public speaking, distribution of printed materials, carrying signs, displays or circulating petitions. Does not include the promotion, sale, or distribution of any product or service. See ORC 3345.0211.
Harassment	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. See ORC 3345.0211.
Material and substantial disruption	A disruption that occurs 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 behavior; 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 shall 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. See ORC 3345.0211.
Outdoor areas of campus	Outdoor areas of COTC's campuses are the generally accessible outside areas of campus where members of the campus community are commonly allowed, such as grassy areas, walkways and other similar common areas. This does not include outdoor areas where access is restricted to a majority of the campus community. See ORC 3345.0211.
Student	Any person who is enrolled on a full-time or part-time basis at the college. See ORC 3345.0211.
Student group	An officially recognized group at COTC, or a group seeking official recognition, comprised of admitted students that receive, or are seeking to receive, benefits through the college. See ORC 3345.0211.
Time, place, and manner	The college may limit the time, place and manner of free speech restrictions, so long as a narrowly tailored, significant college interest in restricting the activity exists; the regulation employs reasonable, clear, published, viewpoint- and content-neutral criteria; and the regulation provides for ample alternative

Applies to: Students, student groups, faculty, staff, and employees of COTC and their invited guests.

Term	Definition
	means for expressive activities, and allows for members of a campus community to spontaneously and contemporaneously assemble and distribute literature.

Policy Details

- I. The college affirms the following principles in accordance with the laws of the state of Ohio:
 - A. Students have a fundamental constitutional right to free speech.
 - B. The college is committed to giving students broad latitude to speak, write, listen, challenge, learn and discuss any issue, subject to Ohio Revised Code 3345.0215(E).
 - C. COTC 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.
 - D. It is for COTC'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.
 - E. 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.
 - F. Although COTC 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.
 - G. 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 COTC, 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, COTC has a responsibility to promote a lively and fearless freedom of debate and deliberation and protect that freedom.
 - H. COTC 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.
 - I. 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.

- II. Only students, student groups, and faculty may submit complaints about alleged violations of this policy by college employees to the Free Expression Assurance Team.

- III. Nothing in this policy will be interpreted as preventing or prohibiting the college from imposing lawful 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:
 - A. Constitutional time, place and manner restrictions;
 - B. Reasonable and viewpoint-neutral restrictions in nonpublic forums;
 - C. Restricting the use of college property to protect the free speech rights of students and faculty and preserve the use of the property for the advancement of the college's mission;
 - D. 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; and
 - E. Content restrictions on speech that are reasonably related to a legitimate pedagogical purpose, such as classroom rules and expectations.

Applies to: Students, student groups, faculty, staff, and employees of COTC and their invited guests.

- IV. Nothing in this policy will be construed to interfere with any faculty member's academic freedom under The Agreement between Central Ohio Technical College and The United Faculty/Central Ohio Technical College, AFT/OFT or will be interpreted as restricting or impairing the college'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 1964, 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 the [Equal Employment Opportunity and Non-discrimination](#) and [Sexual Misconduct](#) policies.
- V. Nothing in this policy will be construed to grant students the right to disrupt previously scheduled or reserved activities occurring in a traditional public forum. See ORC 3345.0215.
- VI. Speech activity that disrupts other college activities and functions when a reasonable person is unable to effectively perform a legitimate college activity because of the speech activity taking place is prohibited. Examples of prohibited activities include, but are not limited to:
 - A. Conducting the speech activity at a volume that substantially disrupts the normal use of a learning environment, and other college facilities or grounds,
 - B. Physically preventing persons from entering or leaving a building or premises, including blocking walkways and/or building entrances and exits,
 - C. Destroying or materially damaging any property, or
 - D. Creating a substantial health or safety hazard.
- VII. The Free Expression Assurance Team shall monitor policies, practices, and administration of First Amendment expression on campus and is composed of campus representatives as defined by the procedures in this policy.
- VIII. Due to the varying nature of third-party lease agreements, COTC cannot guarantee access to limited public forum space at its off-campus leased facilities.
- IX. COTC is not responsible for any injury, accident or loss of property that may occur during use of a limited public forum space, whether such injury, accident or loss of property is caused by COTC, an event participant or any other person or cause. Furthermore, all persons requesting use of a limited public forum space pursuant to this policy must agree to indemnify, protect, defend and hold harmless COTC, its trustees, agents, and employees from and against any and all liability, claims, demands, suits, actions, damages, losses or expenses, whether arising in contract or tort, including reasonable attorney fees necessary in the defense of any such action, arising out of their use of COTC property.

PROCEDURE

- I. The Free Expression Assurance Team shall be responsible for determining when First Amendment expression by individuals and groups creates a material and substantial disruption, is unlawful, constitutes a threat, provokes and is likely to produce imminent lawless action, or is otherwise constitutionally unprotected.
 - A. The Free Expression Assurance Team will consist of the director of public safety, the dean of students, and the vice president and chief of staff.
 - B. In the event of emergency situations pertaining to free expression, the Free Expression Assurance Team shall make a decision regarding safety on campus. If speech or activity creates harassment in public forum spaces, the witness can request that the police notify the Free Expression Assurance Team to de-escalate the situation or end the activity. Intervention by the Free Expression Assurance Team may also be initiated directly by a team member.

Applies to: Students, student groups, faculty, staff, and employees of COTC and their invited guests.

1. Decisions may be constituted through cell-phone texting, internet messaging or in-person meeting.
2. At least one member of the Free Expression Assurance Team must be present at the event in question.
3. Decisions will be made by a majority of the group. Should team members be unavailable during the emergency situation, available team members shall make the decision.
4. The transcripts of these decisions will be placed in a publicly accessible place. One group member will record the decision and rationale of the decision for the public.
5. The team will only intervene in cases of harassment.

II. Complaint resolution:

- A. Any student, student group, or faculty member may submit a complaint about an alleged violation by an employee of the college for violations of this policy, including any violation which results in a penalty imposed on a student's grade for an assignment or coursework that is unrelated to ordinary academic standards of substance and relevance, including any legitimate pedagogical concerns, and is instead based on the contents of the student's free speech.
- B. An individual who is concerned that this policy may have been breached may contact any member of the Free Expression Assurance Team to disclose their concern.
- C. All parties are to direct inquiries about the investigation process, timeline and status to the Free Expression Assurance Team. Informal resolution will be considered when requested by all parties, if applicable, and approved by the Free Expression Assurance Team. The parties may request informal resolution after a complaint has been approved for investigation, but prior to the start of a hearing. Informal resolution is intended for parties who prefer to resolve complaints without an investigative/hearing process. Informal resolution is a voluntary process designed to eliminate prohibited conduct, prevent its recurrence and remedy its effects. Participation in informal resolution does not require a finding of responsibility for any policy violation. Informal resolution focuses on restoring access to education/employment and educating parties on the impact of reported behavior to decrease the risk of reoccurrence.
- D. If, after having made inquiries with a member of the Free Expression Assurance Team, an individual wishes to file a formal complaint alleging non-compliance with this policy, they may submit a written complaint to the full Free Expression Assurance Team which contains, at a minimum:
 1. The name and contact information of the complainant, and their relationship to the college;
 2. The names or positions (if known) of the individual(s) alleged to have breached the policy;
 3. The date(s) and time(s) of the alleged breach(es) of the policy; and
 4. A description of the alleged breach(es) of the policy.
- E. Upon receipt of a complaint, the Free Expression Assurance Team will review the complaint to determine whether the complaint falls within the scope of the policy.
 1. The Free Expression Assurance Team may request further information from the complainant and make inquiries in order to assess whether there are reasonable grounds for the complaint.
 2. The Free Expression Assurance Team may dismiss such a complaint if it cannot be addressed under the Freedom of Expression policy.
 3. This determination does not prohibit referral of the complaint to another applicable college process or office, if appropriate.
- F. If the Free Expression Assurance Team determines that the complaint should proceed, then the Free Expression Assurance Team will investigate the alleged violation, which may include interviewing parties and witnesses and requesting additional information.
 1. The Free Expression Assurance Team will draft a summary of evidence and include documentation as deemed relevant by the team. The team will share the summary of evidence with the complainant and respondent.

Applies to: Students, student groups, faculty, staff, and employees of COTC and their invited guests.

2. The complainant and respondent may submit a response to the summary of evidence to the Free Expression Assurance Team within five business days.
 - G. Once the investigation is complete, a hearing officer will be appointed based on the respondent's employment status. The provost or their designee will serve as the hearing officer for matters involving faculty, and the director of human resources or their designee will serve as the hearing officer for all other respondents.
 1. The hearing officer will conduct a fair and impartial hearing via video conference or in-person and will adjudicate the case within 60 days of the Free Expression Assurance Team receiving the complaint, absent extenuating circumstances.
 2. Prior to the hearing, the hearing officer will review the summary of evidence and any responses. During the hearing, the hearing officer will summarize the evidence, and the complainant and respondent will be provided an opportunity to provide a statement. The complainant and respondent may be accompanied by an advisor, who may only provide counsel or support for the party but may not actively participate in the process.
 3. The hearing officer will provide a final determination in writing to the complainant and respondent. A respondent will only be found in violation if a preponderance of evidence supports the allegations in the complaint. Determinations may not be appealed.
 - H. If the hearing determines the college policy has been violated, the hearing officer shall facilitate a resolution to address the violation and prevent any further violation of the policy in accordance with applicable rules, policies or collective bargaining agreements.
 - I. The hearing officer will determine if a violation may merit any disciplinary sanctions or other appropriate measures. If any employee of the college is found to have knowingly restricted the protected speech of a student, or otherwise penalizes a student for protected speech or activities, the employee may be subject to discipline, up to and including termination under the applicable policies, procedures, collective bargaining agreements and Ohio law based on the totality of the facts.
 - J. Retaliation against any member of the college who files such a complaint is prohibited, and any instance of founded retaliation is subject to discipline or other sanctions.
 - K. The resolutions of complaints under this policy are presented to the board of trustees for review.
- III. The college will report complaint information annually to Ohio's chancellor of higher education in accordance with ORC 3345.0215.

Responsibilities

Position or Office	Responsibilities
Vice president and chief of staff	<ol style="list-style-type: none"> 1. Educate the administration, faculty and staff on the policies, regulations, and duties of state-supported institutions of higher education regarding free expression on campus consistent with Ohio Revised Code. 2. Present the resolution of complaints brought forward under this policy to the board of trustees. 3. Report any action brought against the college for an alleged violation to the Ohio State Governor's Office and the General Assembly. 4. Report annually to the chancellor regarding complaints submitted in the academic year.
Dean of students	<ol style="list-style-type: none"> 1. Educate the students on the policies, regulations, and duties of state-supported institutions of higher education regarding free speech protection. 2. Report any violations to the college administration.
Free Expression Assurance Team	<ol style="list-style-type: none"> 1. Respond to direct inquiries about the investigation process, timeline and status. 2. Determine when First Amendment expression by individuals and groups creates a material and substantial disruption, is unlawful, constitutes a threat, provokes and is likely to produce imminent lawless action, or is otherwise constitutionally unprotected. 3. Monitor policies, practices, and administration of First Amendment expression on campus. 4. Investigate alleged violations of this policy and render findings.

Applies to: Students, student groups, faculty, staff, and employees of COTC and their invited guests.

Position or Office	Responsibilities
	5. Work with Human Resources to issue sanctions/corrective action, if appropriate.
Provost and Director of Human Resources	<ol style="list-style-type: none"> 1. Conduct a fair and impartial hearing via video conference or in-person and adjudicate the case within 60 days of the Free Expression Assurance Team receiving a complaint. 2. Provide a final determination in writing to the complainant and respondent. 3. Facilitate a resolution to address the violation and prevent any further violation of the policy in accordance with applicable rules, policies, or collective bargaining agreements, should they determine the college's policy was violated. 4. Determine if a violation may merit any disciplinary sanctions or other appropriate measures.

Resources

- Agreement between Central Ohio Technical College and United Faculty/COTC, AFT/OFT, Article XI. Professional Rights/Academic Freedom, [COTC and UF Contract 2022-2025](#)
- Constitution of the State of Ohio, [Constitution of the State of Ohio | Ohio.gov | Official Website of the State of Ohio](#)
- First Amendment to the Constitution of the United States, [U.S. Constitution - First Amendment | Resources | Constitution Annotated | Congress.gov | Library of Congress](#)
- Ohio Revised Code, 3345.021 Control of use of college facilities for speaking purposes. [Lawriter - ORC - 3345.021 Control of use of college facilities for speaking purposes. \(ohio.gov\)](#)
- Ohio Revised Code, 3345.21 Board of trustees to maintain law and order on campus - administration and enforcement of rules. [Lawriter - ORC - 3345.21 Board of trustees to maintain law and order on campus - administration and enforcement of rules. \(ohio.gov\)](#)
- Ohio Revised Code, 3345.0211, 3345.0212, 3345.0213, and 3345.0214, [Lawriter - ORC - 3345.0211 \[Effective 3/24/2021\] Definitions regarding freedom of expression. \(ohio.gov\)](#),
- Space Usage Rules, <https://www.cotc.edu/post/space-usage-rules>.
- [Newark City Noise Ordinance](#)

Contacts

Subject	Office	Telephone	E-mail/URL
Policy violation complaints	Free Expression Assurance Team: Dean of Students Vice President and Chief of Staff Public Safety Director	740-364-9578 740-366-9407 740-366-9301	Davenport.285@osu.edu Parrill.9@osu.edu Featherling.2@osu.edu
Professional Rights/Academic Freedom (CBA Article XI)	Office of Human Resources	740-366-9360	Wadley.16@mail.cotc.edu
Reservations of space	Facilities	740-366-9363	leedale.5@osu.edu
General policy questions from employees and guests	Office of the President	740-366-9407	Parrill.9@osu.edu
General policy questions from students	Office of Student Life	740-364-9578	davenport.285@osu.edu

History

Issued: 03/22/2021 (Board of Trustees approved delegation to administration for ORC 3345.021 on March 16, 2021)
 Edited: 02/11/2022
 Revised: 10/03/2022 (Approved by the board of trustees on October 18, 2022)
 Revised: 04/21/2026 (Approved by the board of trustees on April 21, 2026)