

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.

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
College community	Students, student groups, faculty, staff, other employees of COTC, and their invited guests.
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. Any activity protected by the First Amendment to the Constitution of the United States.
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.
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.
Public forum spaces/ outdoor areas of campus	Outdoor areas of COTC's campuses are public forums for campus communities. Public forum spaces 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.
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 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).

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- 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. The college will provide **public forum spaces** for the purpose of engaging in legally-protected expression on campus. Members of the **college community** shall be free to engage in legally-protected expressions in public forums without prior notification, as long as the expressive activity is lawful and does not materially and substantially disrupt the functioning of COTC. Nothing in this section shall be interpreted as limiting the right of student expression elsewhere on campus.
- III. COTC nor any administrator acting in an 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.
- IV. The college further recognizes that it has an obligation to maintain an atmosphere that allows it to carry out its broad missions of teaching, learning, and public service in the course of the normal operations of the college. It is essential that free expression be accomplished in a manner that allows for the orderly function of normal campus operations. Thus, the purpose of the **time, place, and manner** regulations defined are to promote opportunities for exercise of the rights protected by the First Amendment to the Constitution of the United States on the college campus and to ensure that these activities do not interfere with the furtherance of the college's mission-related responsibilities for which the campus and grounds were intended.
- V. 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.

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- VI. 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 to this policy.
- VII. 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.
- VIII. 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. COTC faculty, staff, students, or their invited guests, as well as campus visitors, may utilize public forum spaces.
- II. Free speech/expression is permitted until it:
 - A. becomes **harassment** for a COTC faculty, staff, students, or their invited guests; or
 - B. disrupts the campus learning environment.
- III. COTC faculty, staff, students, and invited guests may utilize public forum spaces without prior permission as long as the space is not occupied or reserved for scheduled events. If desired, they may contact the Facilities Office to determine if the space has been previously reserved. In addition, students may choose to reserve the space through the Office of Student Life.
- IV. In order to coordinate multiple uses of limited space, prevent uses that are dangerous to the campus community, and ensure financial responsibility for damage, visitors to the college who are not members of the college community but who wish to utilize COTC property for the purpose of engaging in legally-protected expression must request use of the space from the Facilities Office at least two (2) business days prior to their requesting use of COTC property.
- V. Space will be granted on a first-come-first-served basis without regard to ideology.
- VI. In response to a controversial event on campus, public forum space will be allotted to visitors who are protestors and counter-protestors in close proximity to the controversial event. This access will not require advance notice to the Facilities Office or Office of Student Life.
- VII. Protests and counter-protests are not allowed to stop or prevent First Amendment expressions by other individuals or groups on campus.
- VIII. COTC faculty, staff, students, and invited guests may request equipment such as tables and chairs, if available.
- IX. Visitors will not be supplied with equipment, but may bring their own tables, chairs, canopies, and signage (if space permits).
- X. In the event of damage to college property, there may be costs associated with the use of public forum areas.
- XI. Utilities access cannot be guaranteed.
- XII. No procedure should restrain police officers from intervening in lawless actions and protecting the safety of individuals on campus.
- XIII. Handheld or easel signage is permissible by all participating parties.
- XIV. Generators are prohibited.
- XV. Table placement and activities may not block traffic or passage ways to building entrances and exits.
- XVI. Activities may not create a noise disturbance for classroom or campus activities.
- XVII. In the event of extreme inclement weather, participants may be allotted space inside if it is available. The Office of Student Life and the Facilities Office will make the determination if/what space may be allotted.

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- XVIII. 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.
 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.
 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.
- XIX. 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 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 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. 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.
 - D. 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. 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.
 - E. The Free Expression Assurance Team will investigate the alleged violation and conduct a fair and impartial hearing regarding the alleged violation.
 - F. If the hearing determines the college policy has been violated, the college shall determine a resolution to address the violation and prevent any further violation of the policy.
 - G. 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.
 - H. Retaliation against any member of the college who files such a complaint is prohibited, and any founded instance of founded retaliation is subject to discipline or other sanctions.
 - I. The resolutions of complaints under this policy are presented to the board of trustees for review.

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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	Educate the students on the policies, regulations, and duties of state-supported institutions of higher education regarding free speech protection and report any violations to the college administration.
Free Expression Assurance Team	<ol style="list-style-type: none"> 1. 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. 2. Monitor policies, practices and administration of First Amendment expression on campus. 3. Investigate alleged violations of this policy and render findings. 4. Work with Human Resources to issue sanctions/corrective action, if appropriate.

Resources

- Agreement between Central Ohio Technical College and United Faculty/COTC, AFT/OFT, Article XI. Professional Rights/Academic Freedom, [COTC and UF Contract 2019-2022](#)
- 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. \(ohio.gov\)](#),

Contacts

Subject	Office	Telephone	E-mail/URL
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

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History

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