

Shawnee State University

POLICY TITLE:	FREEDOM OF EXPRESSION
POLICY NO.:	5.10REV
ADMIN CODE:	3362-5-11
PAGE NO.:	1 OF 3
EFFECTIVE DATE:	03/19/2021
NEXT REVIEW DATE:	03/2024
RESPONSIBLE OFFICER(S):	GENERAL COUNSEL
APPROVED BY:	BOARD OF TRUSTEES

1.0 PURPOSE AND SCOPE

1.1 Shawnee State 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 Shawnee State University community, including students, recognized student groups (and those seeking recognition), faculty, staff, and their invited guests enjoy expansive rights to free expression on campus as permitted by the United States and Ohio Constitutions.

1.2 This policy applies to University students, student groups, faculty, staff, and visitors.

2.0 LAWFUL, NON-COMMERCIAL EXPRESSION

The University and its administration will not prohibit any member of the campus community from engaging in lawful, noncommercial free expression to the extent that it does not materially and substantially disrupt the functioning of the University. These rights apply to verbal, written, and electronic means, including protests, speeches, literature distribution, and the circulation of petitions (collectively, “expressive activity”).

3.0 OUTDOOR AREAS OF CAMPUS

Except as noted below, expressive activity is permitted in outdoor areas of campus where the campus community is generally allowed, such as grassy areas, walkways, and common areas.

4.0 LIMITATIONS ON FREE EXPRESSION

- 4.1 The University's commitment to freedom of expression does not extend to speech that takes place on property owned, leased, or controlled by the University, and that:
 - 4.1.1 Is not protected under the United States or Ohio Constitutions ("unprotected speech"); and/or
 - 4.1.2 Constitutes "harassment." Harassment is defined as unprotected speech that is both:
 - 4.1.2.1 Unwelcome; and
 - 4.1.2.2 So severe, pervasive, and objectively offensive that it effectively denies an individual equal access to the individual's education program or activity.
- 4.2 Nothing within this policy shall be interpreted as preventing the University from restricting speech described in sections 4.1.1 or 4.1.2.
- 4.3 The University may maintain and enforce reasonable time, place, and manner limitations on expressive activity as permitted by law.

5.0 REPORTING

- 5.1 Students should report alleged violations of this policy to the Dean of Students.
- 5.2 Faculty and staff should report alleged violations of this policy to the Department Public Safety, Department of Human Resources, or through a union grievance, where applicable.
- 5.3 Visitors should report alleged violations of this policy to the Department of Public Safety.

6.0 OTHER ANTI-DISCRIMINATION LAWS, POLICIES, AND PROCEDURES

Nothing within this policy shall be interpreted as impairing the University'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; the Age Discrimination in

Employment Act; the Age Discrimination Act of 1975; or any similar state laws, as addressed through the University's non-discrimination and Title IX policies and procedures.

History

Effective: 4/11/97

Revised: 03/19/21; 03/13/15; 03/11/11

Applicable Procedure: [5.10:1 Solicitation, Distribution of Material and Demonstrations and Distribution Activity](#)