



## **Report on Freedom of Expression and Preventing Harassment**

**In accordance with Sections 3345.0212 and 3345.0213 of the Ohio Revised Code**

**September 16, 2021**

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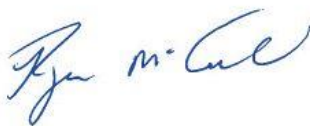
Dear Reader:

The contents of this report are in accordance with requirements established in Sections 3345.0212 and 3345.0213 of the Ohio Revised Code, as enrolled by Senate Bill 40 of the 133<sup>rd</sup> Ohio General Assembly, which became effective on March 24, 2021.

Marion Technical College's mission is to provide the region's most accessible, supportive, and personal pathway to career success. As such, Marion Technical College is committed to protecting the right to free expression as protected by the First Amendment of the United States Constitution and Article I of the Ohio Constitution.

Within this report, you will find the College's rule on freedom of expression and preventing harassment of individuals engaging in free expression. As stated within that rule, Marion Technical College knows "that when people from different backgrounds come together and share their thoughts and perspectives, our College and community can learn and grow."

Respectfully,



Ryan McCall, Ph.D.

President

# Report on Freedom of Expression and Preventing Harassment

- 1. Describe any barriers to or incidents of disruption of free expression occurring on campus, including attempts to block or prohibit speakers, and any investigation of students or student groups on the basis of expression. Description should also include the nature of each barrier, or incident, and the disciplinary action, if any, taken against members of the campus community determined to be responsible for the barriers or incidents.**

Marion Technical College is not aware of any barriers or incidents resulting in the disruption of free expression on campus. Marion Technical College is co-located with the Ohio State University at Marion, sharing campus grounds and select services and buildings. With the disruption to normal activities on campus posed by the Covid-19 pandemic, the number of guests visiting campus has decreased, including since Senate Bill 40 became effective. Prior to the passage of this legislation, Marion Technical College's regular guests included organizations like League of Women Voters, religious organizations, representatives from other higher education institutions or community organizations, and prospective students and their families. We have not regularly seen requests from individuals or organizations to partake in speaking engagements on our campus outside of College-sponsored events or academic purposes. We cannot speak to requests made to the Ohio State Marion as we often receive space and facility requests separately.

- 2. Information Marion Technical College finds necessary and appropriate for the public to evaluate whether the free expression rights for members of the campus community have been adequately protected.**

As a higher education institution, Marion Technical College respects the rights of our students, employees, guests, and community, and encourages respectful and thoughtful discourse in and out of the classroom. As such, and in accordance with state law, Marion Technical College filed Ohio Administrative Code rule 3357:10-1-15 – Freedom of Expression and Preventing Harassment to affirm the institution's commitment to protecting the right to free speech. Included within this rule is the method for which an individual can file a complaint if they believe their right has been violated.

3357:10-1-15**Freedom of expression and preventing harassment.**

- (A) Marion technical college is committed to protecting the First Amendment right to free speech and expression, and encourages individuals to engage in respectful and thoughtful discourse to enrich learning experiences. As an institution, we know that when people from different backgrounds come together and share their thoughts and perspectives, our college and community can learn and grow.
- (B) Marion technical college supports an individual's right to free expression as protected by the First Amendment of the United States Constitution and Article I of the Ohio Constitution. However, the college's commitment to freedom of expression does not condone harassment on college premises (owned, leased, or controlled), at college-sponsored events, or in connection with a college recognized program or activity. In accordance with Revised Code Section 3345.0211, harassment is defined as 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.
- (C) Expression (either in-person, written, or by telecommunication) must meet the definition of harassment under paragraph (B) of this rule to be actionable, and must take place on college premises, at college-sponsored events, or in connection with a college recognized program or activity.
- (D) Students may report allegations of freedom of expression violations or harassment to the college via the student complaint form on the college's website, in accordance with AP 440 - "Student Complaints."
- (E) Employees may report allegations of freedom of expression violations or harassment to the human resources office and president's office.
- (F) This rule shall not be construed to impair any right or activity, including expression or speech, protest, or assembly protected by the First Amendment of the United States Constitution and Article I of the Ohio Constitution.
- (G) Marion technical college is empowered to restrict expressive activities that the First Amendment of the United States Constitution and Article I of the Ohio Constitution do not protect, and noting in this rule shall be interpreted as preventing the college from doing so. Additionally, this rule shall not restrict or impair the college's obligations under federal law related to:
- (1) Title IV of the Higher Education Act of 1965
  - (2) Title VI of the Civil Rights Act of 1964

(3) Title VII of the Civil Rights Act of 1964

(4) Title IX of the Education Amendments of 1972

(5) Section 504 of the Rehabilitation Act of 1973

(6) Title II of the Americans with Disabilities Act

(7) Age Discrimination in Employment Act

(8) Age Discrimination Act of 1975

Effective: 9/20/2021

CERTIFIED ELECTRONICALLY

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Certification

09/03/2021

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Date

Promulgated Under: 111.15  
Statutory Authority: 111.15  
Rule Amplifies: 3345.0211