

Campus Free Speech

Scope: Who is Covered by this Policy?

Undergraduate and Graduate Students and Faculty

law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

Ohio Revised Code 3345.0215 requires each public university in Ohio to adopt a policy on campus free speech that is consistent with and adheres to the principles set forth in R.C. 3345.0215.

Miami University protects the rights of its students, student groups, and faculty in accordance with this policy. The exercise of speech or expression by any student, student group, or faculty shall not be interpreted as reflecting the viewpoints or position of, nor considered to be endorsed by, the University or its leadership.

Policy

Principles of Campus Free Speech

In accordance with the public policy and the laws of the state of Ohio, the University affirms the following principles:

1. Students have a fundamental constitutional right to free speech.
2. The University 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).

3. The University 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.
4. It is for the University'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.
5. It is not the proper role of the University 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.
6. Although the University 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.
7. 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 a state institution of higher education, they may not substantially obstruct or otherwise substantially interfere with the freedom of others to express views they reject or even loathe. To this end, the University has a responsibility to promote a lively and fearless freedom of debate and deliberation and protect that freedom.
8. The University shall be 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.
9. 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.

Nothing contained in this Policy shall be construed as prohibiting the University from imposing 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:

1. Constitutional time, place, and manner restrictions;

2. Reasonable and viewpoint-neutral restrictions in nonpublic forums;
3. Restricting the use of the University's property to protect the free speech rights of students and teachers and preserve the use of the property for the advancement of the University's mission;
4. 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;
5. Content restrictions on speech that are reasonably related to a legitimate pedagogical purpose, such as classroom rules enacted by teachers.

Nothing in this Policy shall be construed to grant students the right to disrupt previously scheduled or reserved activities occurring in a traditional public forum.

Nothing in this Policy shall be interpreted as restricting or 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 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 addressed through its non-discrimination and Title IX policies.

Procedures

Complaints

Further, the University has established the following Complaint process under which a student, student group, or faculty member may submit a complaint about an alleged violation by an employee of the University for violations of the above 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 student's free speech.

A complaint can be submitted [through Ethicspoint](#)

Under this process, which complies with standards adopted by the Ohio Chancellor of Higher Education, the University will investigate the alleged violation and conduct a fair and impartial hearing regarding the alleged violation. If the hearing determines the state institution of higher education's policy was violated, the University shall determine a resolution to address the violation and prevent any further violation of the University policy.

2. The hearing shall normally be conducted in private. Admission of any person to the hearing shall be at the discretion of the Hearing Panel.
3. The Complaining Party and the Respondent shall have the right to be assisted by an advisor of their choice. The role of the advisor is only to be present; they will not be provided documentation or permitted to speak on behalf of any Party during the hearing. If an advisor is determined by the Hearing Officer to be unreasonably interfering with the proceeding, they may be asked to leave.
4. The Complaining Party and the Respondent shall have the right to present testimony and witnesses, subject to the right of cross examination by the other party and the Hearing Panel members.
5. The Hearing Panel may request testimony from witnesses which it believes may be relevant to its decision on the merits. Witnesses who are subject matter experts may be called by either party, or called upon by a member of the hearing panel, to provide expertise in a given academic discipline at any stage of deliberation.
6. Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by the Hearing Panel, but any such records must be exchanged between the Parties prior to the Hearing, in accordance with the directions established during the pre-hearing scheduling conference.
7. All procedural questions are subject to the final decision of the Hearing Officer, in consultation with the Hearing Panel, if appropriate in the judgment of the Hearing Officer.
8. After the hearing, the Hearing Panel shall deliberate and, with the assistance of the Hearing Officer, timely issue its findings of fact and decision on the merits as to whether or not a violation occurred, along with a suggested remediation and/or disciplinary sanction, if appropriate, to the Parties and the Provost.

Appeals Process

An appeal of the Hearing Panel's Findings and Decision will follow the following guidelines:

1. Appeals may be filed for the following reasons:
 - a. A procedural error in the hearing of the case occurred that is determined to be substantial enough to have changed the outcome of the hearing.
 - b. New evidence exists that was not reasonably available at the time the determination was made that is determined to be substantial enough to have changed the outcome of the hearing.

- c. The proposed remediation is not aligned with the hearing panel's findings and decision.
- 2. Within 10 business days of the issuance of the Hearing Panel's Findings and Decision, either Party may submit a written appeal of the Hearing Panel's decision to the Office ng P M indi

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Related Form(s)

Ethicspoint

Additional Resources and Procedures

Right of Expression of Students

Public Speaking, Leaflet Distribution, and Demonstrations

Procedures for Disciplinary Action

Teaching, Clinical Professors and Lecturers (TCPLs)

Interim Disciplinary Procedures

Reporting and Addressing Illegal Activity and Misconduct

FAQ

Not Applicable.

Policy Administration

Next Review Date

7/1/2025

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