

Free Speech and Harassment

Policy Number

1265

Date Created/Revised

03/23/2021

Executive Responsibility

[Office of General Counsel](#)

References

Ohio Revised Code 3345.2011 and 3345.0212

Policy

This policy applies to Wright State University students, student groups, faculty, staff, and campus visitors.

Ohio Revised Code 3345.0212 requires each public university in Ohio to adopt a policy on harassment that is consistent with and adheres strictly to the definition of harassment in section 3345.0211 of the Ohio Revised Code.

The 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. However, the University's commitment to freedom of expression does not extend to harassment. Under section 3345.0211, harassment is defined as conduct and/or expression that is:

1. Not protected by the First Amendment to the United States Constitution or Article I of the Ohio Constitution (Unprotected Expression);
2. Unwelcome; and
3. So severe, pervasive, and objectively offensive that it effectively denies an individual equal access to the individual's education program or activity.

Expression (either in person, in writing or by telecommunication) must meet all three elements to be actionable under this policy. This policy applies to alleged harassment that takes place on Wright State University property (owned, leased, or controlled premises), at Wright State University's sponsored events, and in connection with a Wright State University recognized program or activity.

Some harassment as defined in this policy may also rise to the level of a crime (e.g. a true threat, child pornography) and should be reported to the Wright State Department of Public Safety.

Students, faculty, staff, and campus visitors should report alleged violations of this policy via the University's EthicsPoint reporting portal (<https://secure.ethicspoint.com/domain/media/en/gui/43847/index.html>).

This policy shall not be construed to impair any right or activity, including speech, protest, or assembly protected by the U.S. Constitution.

Nothing within this policy shall be interpreted as preventing Wright State University from restricting expressive activities that the First Amendment of the U.S. Constitution or Article I, Sections 3 and 11 of the Ohio Constitution does not protect. Further 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.