**PLEASE NOTE: The following information explains the submission process for complaints related to Youngstown State University's**[**Campus Free Speech Policy (3356-4-21)**](https://ysu.edu/sites/default/files/users/elhungerman/3356-4-21%20Campus%20free%20speech.pdf)**.  Students intending to submit complaints regarding academic or non-academic-related concerns (not involving free speech and expression) should use the standard**[***Student Complaint Form***](https://cm.maxient.com/reportingform.php?YoungstownStateUniv&layout_id=2)**.**

**3356-4-21.1 Campus free speech complaint process.**

Responsible Division/Office: Office of the President

Responsible Officer: President

Revision History: July 2023

Board Committee: University Affairs

**Effective Date:** **July 24, 2023**

Next Review: As needed

A. The Youngstown State University Board of Trustees passed a Resolution regarding campus free speech on June 23, 2022, adopting the public policy of the state of Ohio set out in [***Ohio Revised Code 3345.0215(B)***](https://codes.ohio.gov/ohio-revised-code/section-3345.0215#:~:text=(1)%20Students%20have%20a%20fundamental,(E)%20of%20this%20section.). The principles are:

1. Students have a fundamental constitutional right to free speech.
2. Youngstown State 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.
3. Youngstown State 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 University’s community to be offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.
4. It is for the University’s 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 by the University 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 content the views expressed on campus, and to state their own views about and content speakers who are invited to express their views on campus, 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 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.
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.

B. **Nothing contained in the 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 1, 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.

C. **Students, student groups, and faculty may submit a complaint about an alleged violation using this webform. Complaints must be filed within one year of the date of the action causing the complaint. Grounds for submitting a complaint include "unlawful, unreasonable, or arbitrary limitations on expressive activity" and/or "harassment as a result of another's expressive activities." The following definitions are provided by the University to aid in determining appropriate grounds for filing a complaint:**

1. **"Campus community"**means students, student groups, faculty, staff, and employees of a state institution of higher education and their invited guests.
2. **“Expressive activity”**means all forms of non-commercial expression that are protected by the First Amendment to the U.S. Constitution, which may include peaceful assemblies, speeches, protests, picketing, leafleting, circulating petitions, distributing literature, and similar expressive communications and activities.
3. **“Harassment”** means unwelcome conduct that is so severe, pervasive and objectively offensive and speech that is not protected by the First Amendment to the United States Constitution or Article I of the Ohio Constitution (Unprotected Expression) that it effectively denies an individual equal access to the individual’s education program or activity. Examples of conduct considered harassment may include but are not limited to, true threats; fighting words or words that provoke immediate violent reaction; obscenity (including child pornography); defamatory or false statements; blackmail, criminal solicitation and other criminal speech, and any other harassing speech that meets the definition of this policy.
4. **“Materially and substantially disrupts”**means 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 engaging in violent or otherwise unlawful behavior or physically blocking or using threats of violence to prevent any person from attending, listening to, viewing, or otherwise participating in an expressive activity.
5. **“Outdoor areas of campus”** means 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.

D. The process for reviewing complaints shall comply with the [***Student complaint process* (*University policy 3356-8-06*)**](https://ysu.edu/human-resources/university-policies/policies-number/8-student-affairs). The University will respond to the complainant within 10 business days of the submission of the complaint. Complaints may also be sent in writing to Deans, Directors and Unit Heads, Division Heads, and the President. Complainants should describe the nature of the complaint, the remedy sought, and a description of all previous attempts to informally resolve the issue. Complainants will receive a receipt of the complaint and notification of resolution within a timely manner. Complainants have the right to withdraw a complaint at any time during the process, in which case, the complaint will be registered as withdrawn in the online repository. The withdrawal should be submitted in writing, include reasons for the withdrawal, and be directed to the person handling the complaint.

After an investigation concludes, the investigator will determine if there is preponderance that the respondent engaged in activity prohibited under [**University policy  *3356-4-21 Campus free speech***](https://ysu.edu/sites/default/files/users/elhungerman/3356-4-21%20Campus%20free%20speech.pdf)*.* If there is preponderance that a student respondent engaged in prohibited activity, the case will be referred to the Office of Community Standards & Student Conduct for adjudication and sanctioning, following the process outlined in [***The Student Code of Conduct* (University policy 3356-8-06)**](https://ysu.edu/dean-of-students/student-conduct/code-of-conduct). If the respondent is a faculty member and the complainant is a student, the complaint will be addressed through the [**Student Academic Grievance Procedure**](http://sga.ysu.edu/wp-content/uploads/2017/10/Grievance-Panel-Procedure-072917.pdf). If the respondent is a staff member, the complaint will be resolved in accordance with the [***Student complaint process* (*University policy 3356-8-06* )**](https://ysu.edu/human-resources/university-policies/policies-number/8-student-affairs). Faculty who have filed a complaint against another faculty member may seek a resolution through the faculty-specific grievance process.

Retaliation against a complainant is prohibited and may result in further action up to and including termination for employees and expulsion for students.

Individuals who complete this webform will receive a confirmation e-mail indicating that their complaint has been received and forwarded to the appropriate authority for investigation and follow-up. **If a confirmation message is not received within 5 business days of submission, please contact Erin Hungerman, Assistant Dean of Students, at****elhungerman@ysu.edu****or 330-941-4704 to request an update.**