

FREE SPEECH COMPLAINT PROCEDURES

- I. Prohibited Conduct
 - a. All faculty and staff are prohibited from taking any action to interfere with the free speech rights of students, student organizations, and faculty, including:
 - i. they may not substantially obstruct or otherwise substantially interfere with the freedom of others to express views they reject or even loathe including all conduct prohibited by CSU Policy 3344-02-07;
 - ii. No faculty or other instructor may impose a penalty 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 a student's free speech.

- II. Making a Complaint
 - a. Where to report
 - i. Complaints may be submitted to the [Concerned Vikes](#) page or [Ethics Point](#).
 - ii. Who may make a report: current CSU faculty or students. A person who makes a complaint is the "Complainant." The person against whom a complaint is made is the "Respondent."
 - b. Information required to report
 - i. Date(s) of occurrence;
 - ii. Names of faculty and/or staff members involved;
 - iii. As detailed a statement of facts as possible and statement as to why it is believed that action violated the complainant's freedom of speech rights;
 - c. Complaints must be received within 60 calendar days from the date of the alleged violation of policy.
 - d. Anonymous complaints are accepted but the University's ability to investigate and resolve an anonymous complaint may be limited.

- III. Initial Assessment
 - a. The General Counsel, or designee, will acknowledge receipt of a complaint in writing within 5 university working days of the complaint. The Office of General Counsel (OGC) will initiate a preliminary assessment to determine if the complaint fits within the policy, and states specific facts to support it so that potential evidence of a violation may be identified.
 - b. If OGC determines that a complaint does not allege a violation that can be addressed under the Campus Free Speech Policy, OGC must give the complainant the opportunity to clarify the nature of the complaint. OGC may dismiss a complaint if it determines that it cannot be addressed under the Campus Free Speech Policy. This determination does not prohibit referral of the complaint to another applicable university process or office, if appropriate.

IV. Investigation

a. Timeframe

- i. The investigation should be completed within 30 university-working days from the date of the complaint. The Investigator may extend the timeframe to 45 University-working days by informing the complainant and the respondent. Any extensions beyond 45 university-working days must be communicated in writing to the complainant and respondent and be for good cause shown.

ii. Investigation steps

1. Within 5 university working days of receipt of a valid complaint, , the Investigator shall provide a copy of the complaint to the respondent(s) via their CSU email address.
2. Respondent has 5 university-working days to respond in writing. The response shall be sent to the Investigator who shall provide a copy to the Complainant.
3. Each party may provide documents, evidence, and witnesses to the investigator.
4. Consequence for failing to participate/respond to Investigator:
 - a. If a Complainant does not respond to inquiries, the University can dismiss the complaint.
 - b. If a Respondent fails to respond to inquiries, the University will proceed with the investigation without information from the Respondent and act only on the information it has and may draw negative inferences from the Respondent's failure to participate.
5. Burden of proof
 - a. The burden of proof is on the Complainant to show that the Respondent violated the policy by a preponderance of the evidence.
6. Written report
 - a. The Investigator will issue a written investigation report containing a summary of the evidence. The report will be provided to all parties, the hearing officer, and any university employee with a need to know in the discretion of the Investigator. The report is a public record under ORC 149.43 with the exception that student information may be withheld or redacted under the Family Educational Rights and Privacy Act.

V. Hearing

- a. The General Counsel, or designee, shall appoint a trained Hearing Officer who shall conduct a fair and impartial hearing (in person or video conference in the discretion

of the Hearing Officer) within 10 university working days of the issuance of the investigation report.

- b. Hearing procedures
 - i. The Hearing Officer shall establish and provide the parties with a fair and impartial written hearing procedure in advance of the hearing.
 - ii. The Hearing Officer has the discretion to impose reasonable limits on deadlines, time, witnesses, documents, questioning, and all hearing matters in the name of efficiency so long as the hearing officer is fair and impartial and does not unreasonably inhibit a party's ability to present or respond to information.
 - c. The Hearing Officer shall issue a written decision and provide it to the Investigator, all parties, and any relevant university official within 10 university working days of the hearing. If the Hearing Officer finds a respondent responsible for a policy violation, the Hearing Officer shall recommend appropriate corrective action/discipline for consideration by the appropriate administrator.
 - d. The Investigator/Hearing Officer will communicate to the parties' university email addresses, as well as by telephone at the number provided by the parties, as needed.
 - e. Resolution Agreement—if at any time all parties agree on an informal resolution facilitated by the Investigator or designee, the resolution agreement shall be in writing, signed by all relevant parties, and is the final, non-appealable resolution of the complaint. The resolution agreement is a public record.
 - f. Support person/advisor—at any point in the investigation process, any party is permitted to have a support person to provide advice and support to the person, but the support person/advisor may not stand in the place of the party or speak for the party or otherwise directly participate in the process.
- VI. Disciplinary Process
- a. The disciplinary process is governed by the collective bargaining agreement and/or personnel policy or contract terms applicable to the Respondent.
- VII. Potential Sanctions
- a. Faculty
 - i. Potential sanctions include any and all discipline including, but not limited to, verbal warning written warning, suspension with or without pay, termination and/or revocation of tenure, in accordance with the terms of the applicable collective bargaining agreement, personnel policy, and/or contract.
 - b. Staff
 - i. Potential sanctions include any and all discipline including, but not limited to, verbal warning written warning, suspension with or without pay, or termination of employment, in accordance with the terms of the applicable collective bargaining agreement, personnel policy, and/or contract.

VIII. Retaliation against an individual making a protected disclosure, or participating in an investigation, proceeding or hearing involving a protected disclosure, is prohibited. “Retaliation” means a materially adverse action against an individual because that individual has made a protected disclosure or has participated in an investigation, proceeding or hearing involving a protected disclosure. The Whistleblower Protection Policy, 3344-2-05, is available at <https://www.csuohio.edu/sites/default/files/3344-2-05%20-%20eff%20%206-2-14.pdf>.

IX. Accommodations

- a. If either party or any witnesses requires accommodations to fully participate in this process please contact the Office for Disability and Testing Services. ODTS can be reached at ods@csuohio.edu, 216-687-2015.

Date: October 2023