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: 3364-5-14

: President

: Provost and Executive Vice

President for Academic Affairs

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(G) Statutory Language

- (1) 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 3345.0122 of the Ohio Revised Code.
- (2) The University's commitment to freedom of expression does not extend to unlawful harassment. Under section 3345.0122, harassment is defined as conduct and/or expression that is:
 - (a) not protected by the First Amendment to the United States Constitution or Article I of the Ohio Constitution;
 - (b) unwelcome; and
 - (c) so severe, pervasive, and objectively offensive on the basis of any of the factors outlined in University policies [3364-50-01](#), [3364-50-02](#), and [3364-50-03](#) that it effectively denies an individual equal access to the individual's education program or activity.
- (3) 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 University property (owned, leased, or controlled premises), at University-sponsored events, and in connection with a University-recognized program or activity.
- (4) This policy shall not be construed to impair any right or activity, including speech, protest, or assembly protected by the U.S. Constitution.
- (5) Nothing within this policy shall be interpreted as preventing the 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, impairing, or expanding the University's obligations under federal or state law including, but not limited to, Title IV of the Higher Education Act of 1965, Title VI of the Civil Rights Act of 1964, 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, the

<p>Approved by:</p> <p><u>/s/</u> Gregory C. Postel, M.D. President</p> <p><u>March 24, 2021</u> Date</p> <p>Review/Revision Completed by:</p> <p>Provost and Executive Vice President for Academic Affairs; Office of Legal Affairs</p>	<p>xNone</p> <p>Initial effective date: June 1, 2015</p> <p>Review/Revision Date: March 6, 2018, March 24, 2021</p>
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