

3357:13-12-041: Free Speech on Campus Complaint Procedure

(A) Purpose

To establish a fair and equitable process for addressing complaints alleging violations of the College's Free Speech on Campus Policy in accordance with ORC 3345.0215.

(B) Scope

Complaints may be filed by someone with standing to file (see "Who May File" at (C)(1) below) for an alleged violation of the Free Speech on Campus Policy by any College employee, including:

- (1) Any 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

- (2) Alleged interference with noncommercial expressive activity in outdoor areas of campus.

Formatted: Indent: Left: 0.25", Hanging: 0.25"

(C) Filing a Complaint

- (1) Who May File: Any student, student group, or faculty member. The complainant need not be the person alleged to have been injured by the alleged violation.

Formatted: Indent: Left: 0.25", Hanging: 0.25"

- (2) Form: Complaints must be submitted in writing through the Free Speech Complaint Form available at <https://ncstatecollege.edu/complaintsandconcerns/>

(3) Required Information:

- (a) Name and contact information of student, student group, or faculty member who filed the complaint (complainant). For a student-group complainant, the name and contact information of the student submitting the complaint on behalf of the student group.

Formatted: Indent: Hanging: 0.25"

- (b) date/time/location of the alleged violation;

- (c) the name of the individual alleged to have violated the Free Speech on Campus Policy (respondent);

- (d) description of the alleged violation, including the identities of the injured individuals;

- (e) explanation of the impact of the alleged violation on the injured individuals

- (f) any supporting evidence, including the name and contact information of any witnesses;

| (f) other verification, as subsequently requested by the Compliance Officer, that the complainant has standing to file a complaint under this Complaint Procedure.

(4) Timeframe: Complaints should be filed within ten (10) business days. Extensions may be granted for good cause.

(D) Initial Review

The Compliance Officer will:

- (1) Confirm that the complaint falls within the scope of this Complaint Procedure.
- (2) Confirm that the alleged conduct, if taken as true, would amount to a violation of the Free Speech on Campus Policy
- (3) Notify the complainant within five (5) business days whether the complaint has been dismissed for failure to satisfy paragraph (1) or (2) above; will proceed to investigation under division (E) below; or requires additional time for initial review.
- (4) Notify the respondent at the same time the complainant is notified that the complaint is proceeding to investigation.
- (5) Provide both the complainant and the respondent (the parties) a written summary of rights and responsibilities.

(E) Investigation

The Compliance Officer or designee will conduct an impartial investigation that may include:

- (1) Interviews with parties and witnesses;
- (2) Review of documents, recordings, or other evidence;
- (3) Consultation with appropriate College offices.

(F) Investigation report

- (1) The Compliance Officer's written investigation report will assess whether a violation occurred by a preponderance of the evidence and whether a remedy is warranted.
- (2) The Compliance Officer will aim to complete the investigation report within forty-five (45) business days of the filing of the complaint.
- (3) If no party appeals an investigation report's assessment that the evidence is insufficient to conclude that a violation occurred, then the investigation report's conclusions comprise the College's resolution of the complaint.

(G) Resolution Process

(1) Informal Resolution

When appropriate and voluntarily agreed to by both parties, the Compliance Officer may facilitate informal resolution.

(2) Formal Hearing

If informal resolution is inappropriate or unsuccessful, and if a party appeals the investigation report's assessment:

- (a) A hearing panel appointed by the President or designee will be convened. The Compliance Officer or designee who conducted the investigation may not serve on the hearing panel.
- (b) The Compliance Officer and each party may present evidence and witnesses at a fair and impartial hearing before the panel.
- (c) The panel issues a written determination on whether the Free Speech on Campus Policy was violated. If the written determination concludes that a violation occurred, the determination shall include a recommendation as to the appropriate remedy, considering remedies previously issued by the Board in response to similar past violations of the Free Speech on Campus Policy. The Compliance Officer and parties shall have ten (10) business days to submit a brief for the Board to consider in its resolution regarding remedy.
- (d) If the panel determines that the evidence is insufficient to conclude that a violation occurred, that written determination comprises the College's resolution of the complaint.

(3) Board of Trustees Resolution regarding Remedy

As required by ORC 3345.0215:

- (1) If the panel determines that a violation occurred, or if the investigation report concludes that a violation occurred and no party appeals for a formal hearing, the matter shall be forwarded to the Board of Trustees.
- (2) The Board of Trustees shall review the panel's written determination (or investigation report, as applicable) as well as any party's briefs and shall issue a formal resolution determining what remedy is appropriate.
- (3) The Board's resolution regarding remedy is final.

(H) Appeals

- (1) A party to the complaint may appeal the Compliance Officer's assessment by requesting a formal hearing. Appeals may be submitted only if:
 - (a) There was procedural error affecting the outcome;
 - (b) New evidence became available that was not reasonably accessible;
 - (c) There is evidence of bias or conflict of interest.
 - (d) The weight of the evidence does not support the Compliance Officer's assessment in the investigation report.
- (2) Appeals must be submitted within ten (10) business days and will be reviewed by the panel presiding at the formal hearing.

(I) Remedies

If a violation is confirmed, remedies shall be tailored to prevent any further violation of the Free Speech on Campus Policy and may include:

- (1) supportive actions for any persons injured by conduct comprising the violation;
- (2) training or education;
- (3) changes to policy or procedures.
- (4) sanctions, such as disciplinary action consistent with College policies, up to and including suspension, expulsion, termination, or dismissal. Sanctions may not be based on viewpoint or protected expression.

(J) Confidentiality and Records

- (1) The College will maintain confidentiality to the extent possible while conducting a fair process. All records will be retained per the College's records retention schedule.
- (2) The Compliance Officer or designee will prepare the annual report required under division (J) of the Free Speech on Campus Policy.

Effective: December 3, 2025

Next Review: December 1, 2026

Review Dates: 12/3/25

Board of Trustees Resolution 2025-36 (December 3, 2025)