



Incidents of Free Speech Violations on Ohio Campuses

Per the request of the Committee, Citizens for Community Values has compiled this list of incidents in Ohio where state universities, or community colleges have violated the free speech rights of students on campus. While this list is long, it is not exhaustive. These situations demonstrate a serious need for the FORUM Act (SB 40/HB 88) to ensure Ohio's college campuses foster free and open discussions.

Miami University, 2017

Summary: Miami University of Ohio policies authorize officials at its Hamilton campus to require students to post signs "warning" others about Students for Life's pro-life display. Students for Life filed a lawsuit against Miami in Federal Court (*Students for Life at Miami University of Ohio, Hamilton v. Trustees of Miami University of Ohio*).



Outcome: The lawsuit was settled when Miami agreed to update their speech code and pay \$22,389 in attorney fees.

Ohio University, 2014

Summary: Ohio University (OU) student Isaac Smith, a member of Students Defending Students (SDS), a student organization that provides free assistance to students accused of campus misconduct, was ordered by OU administrators not to wear an SDS t-shirt featuring the phrase "We get you off for free"—a long-running SDS joke, dating back to the 1970s—claiming that the slogan "objectified women" and "promoted prostitution." Fearing disciplinary action, Smith and his fellow SDS members complied with the order.



Smith's concern about enforcement was well-founded, given OU's vague and overly broad speech codes. Ohio University's Student Code of Conduct forbids any "act that degrades, demeans, or disgraces" another student, rendering a vast amount of speech protected by the First Amendment off-limits and subject to punishment. The Code also prohibits "taking any reckless, but not accidental, action from which mental or bodily harm could result to another person"—but fails to define the terms "reckless" and "mental harm."

Outcome: As part of a February 2, 2015 settlement, OU changed these policies to comply with the First Amendment. It also paid \$32,000 for Smith's damages and attorneys' fees.



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University of Akron, 2015

Summary: On August 30, 2015, law student Anthony Palumbo attempted to sign up new members for a prospective campus organization outside UA's Student Union. An administrator ordered Palumbo to cease this activity, informing Palumbo that he was required to obtain a permit. UA associate general counsel Scott Campbell confirmed this requirement during a meeting with Palumbo a few days later. FIRE wrote to UA on September 18, informing the university that its permitting restrictions unconstitutionally burdened student expression. FIRE also highlighted inconsistencies in its speech and assembly policies, noting that the broad language of its policies subjected potentially all student expression to the requirement that speakers obtain permits for their expression.



Outcome: UA responded on October 2, informing FIRE that it was working to amend its speech and assembly policies to remove unconstitutional permitting requirements and that it would suspend its existing requirements while reforming its policies.

University of Toledo, 2014

Summary: On September 15, 2014, former presidential advisor Karl Rove spoke at UT as part of a university-sponsored lecture series, which was free and open to the public. A group of students and community members aimed to peacefully protest Rove's appearance and prior involvement in President George W. Bush's foreign policy by distributing literature outside the lecture venue and carrying signs of protest. Campus police, however, prevented them from entering the event with their signs despite the students' assurances that they would not be disruptive to other attendees and repeatedly failed to cite any UT policy justifying their censorship of the students' protest.



THE UNIVERSITY OF
TOLEDO
1872

FIRE wrote to UT regarding its unconstitutional censorship of the protesters' activity on October 10, 2014, having been alerted to the incident by the American-Arab Anti-Discrimination Committee (ADC).

Outcome: In response, UT worked with the organizations to craft a new "Expression on Campus" policy, which took effect June 1, 2015, and includes protections for students' right to peaceful protest and demonstration.



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Columbus State Community College, 2013

Summary: Columbus State Community College prohibited a student from distributing pro-life fliers anywhere on campus except a small “speech zone.” The college limited student speech to two small speech zones that occupied less than one percent of the college’s main campus and required students to get permission to use the zones 48 hours in advance. The student’s attorneys filed suit for violation of his Constitutionally-protected speech (*Anderson v. Harrison*)

COLUMBUS STATE

COMMUNITY COLLEGE

Outcome: CSCC entered into a settlement agreement with the student, adopting a new policy governing speech on campus and agreed not to enforce the challenged provisions of their previous policy. CSCC also paid attorneys’ fees and costs in the amount of \$13,512.01

University of Cincinnati, 2012

Summary: In 2012, FIRE coordinated a legal challenge to an unconstitutional free speech zone policy at the University of Cincinnati (UC) that limited all “demonstrations, pickets, and rallies” to a “Free Speech Area” comprising just 0.1% of the university’s 137-acre West Campus. The policy further required all activity in the free speech zone to be registered ten working days in advance, threatening that “[a]nyone violating this policy may be charged with trespassing.” After UC’s Young Americans for Liberty (YAL) chapter was told it could not gather signatures and talk to students across campus in support of a statewide “right to work” ballot initiative, FIRE secured the assistance of Ohio’s 1851 Center for Constitutional Law for YAL’s lawsuit.

UNIVERSITY OF
Cincinnati

Outcome: In June 2012, United States District Judge Timothy S. Black held that the policy “violates the First Amendment and cannot stand” and issued a preliminary injunction against its enforcement. Black then issued a permanent injunction in August 2012, forbidding the policy’s reinstatement. UC’s loss in court follows years of ignoring FIRE’s warnings about the policy’s constitutional flaws dating back to December 2007, when it was named FIRE’s Speech Code of the Month.



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Sinclair Community College, 2012

Summary: On June 8, 2012, SCC's Traditional Values Club student group hosted an on-campus religious freedom rally to protest health coverage mandates from

the U.S. Department of Health and Human Services. SCC police declared that signs of any kind, pro or con, were not allowed at the event and ordered all signs to be placed on the ground. SCC police reportedly have been banning signs at campus events at least since 1990, despite a lack of support for doing so in SCC policy. FIRE wrote to SCC on June 15, asking it to immediately reject this blatantly unconstitutional censorship.



Outcome: On July 6, the Thomas More Society, in discussion with FIRE and working with Ohio attorneys Curt C. Hartman, Christopher P. Finney, and Bradley M. Gibson, brought a First Amendment lawsuit against SCC in the U.S. District Court for the Southern District of Ohio. In March 2013 SCC settled the lawsuit, agreeing to revise its Campus Access Policy in addition to paying \$9,681 in attorney fees.

Sinclair Community College, 2010-2011

Summary: Ethel Borel-Donohue, a student in SCC's Paralegal Program, peacefully distributed fliers regarding abortion, birth control, and breast cancer,

after a class session. Days later, Borel-Donohue was summoned to the office of Judge Michael Brigner, Paralegal Program Chair. In a meeting in November 2010, Brigner reportedly stated that another student had complained to him about being "offended by the material in the brochures."



Brigner then told her she "had no right to hand out any materials to students in the classroom." FIRE wrote to SCC President Steven Lee Jackson on March 16 in defense of Borel-Donohue's free speech rights. FIRE also pointed out SCC's unconstitutional speech code banning the distribution of literature throughout much of the SCC campus.

Outcome: After FIRE wrote SCC Board of Trustees Chair Lawrence Porter, however, Porter replied to FIRE on May 10, 2011, stating that SCC was reviewing its speech policies after all.