



SR212208

A Resolution Condemning Ohio House Bill 327

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Sponsors

Presented to Student Senate on: 30 November 2021

- Whereas:** Miami University is a higher education institution that has committed to providing a liberal arts education for its students;
- Whereas:** A liberal arts education is built on the principles of facilitating interdisciplinary inquiry and teaching students critical thinking skills that extend beyond the classroom;
- Whereas:** Miami University's policy for the Right of Expression of Students states: "The University believes that the right of expression is as necessary as the right of inquiry and that both must be preserved as essential to the pursuit and dissemination of knowledge and truth" (see Appendix A);

Whereas: Miami University's Mission Statement states: "As an inclusive community, Miami strives to cultivate an environment where diversity and difference are appreciated and respected. Miami instills in its students intellectual depth and curiosity, the importance of personal values as a measure of character, and a commitment to life-long learning. Miami emphasizes critical thinking and independent thought, an appreciation of diverse views, and a sense of responsibility to our global future" (see Appendix A);

Whereas: Miami University states in the Code of Love and Honor that every Miamian should "respect the dignity, rights, and property of others and their right to hold and express disparate beliefs" and to "defend the freedom of inquiry that is the heart of learning" (see Appendix A);

Whereas: Miami University has repeatedly stated its commitments to Diversity, Equity, and Inclusion initiatives this year in press releases such as January 15th's "Martin Luther King Jr. Day 2021" and March 3rd's "DEI Task Force Update", as well as through actively maintaining a dashboard for DEI Task Force Recommendation Updates gathered through critical reflection on Miami's community and culture (see Appendix A);

Whereas: At the vigil of George Floyd on June 8th, 2020, President Crawford lamented how "our society, law enforcement, and legal system have failed the Black community over and over again" (see Appendix A);

Whereas: President Crawford said that the fight for racial justice "starts with us at Miami and Oxford – with acknowledging our local and national history and acts of racism" and that "we must call out white supremacy. We must call out white privilege... And, we must start by looking within ourselves";

Whereas: Under House Bill 327, President Crawford's statements would be classified as "promoting divisive concepts to students" because he called for students to acknowledge white privilege, systemic racism, and recognition of everyone's role in allowing racism to continue" (see Appendix A);

Whereas: Miami University has a responsibility to protect the free speech of its students, staff, faculty, and administrators, especially when members of the institution are working towards making our campus more inclusive, and equitable;

Whereas: House Bill 327 would ban the discussion of divisive concepts in favor of a unified, exclusive narrative, which directly contradicts Miami University's Code of Love and Honor, Mission Statement, and policy regarding the Right to Expression of Students;

- Whereas:** House Bill 327 would censor and punish diverse views, independent thought, and critical thinking that could be potentially considered “divisive”, restricting students’ rights to expression and inquiry, thereby compromising the integrity and intellectual depth of curricula at Miami University;
- Whereas:** Under the First Amendment, the government guarantees that citizens have the unalienable right to free speech: “Congress shall make no law... abridging the freedom of speech”;
- Whereas:** The Bill of Rights was designed to protect citizens from future authoritarian governments that would seek to violate and restrict their rights;
- Whereas:** As public sector employees working under the Ohio state government, Miami University employees are entitled to civil liberties under the Constitution that their employer cannot violate;
- Whereas:** Ohio House Bill 327, as proposed by the Ohio House of Representatives, is a bill that would restrict educators’ right to free speech and place further restrictions on their ability to do their job;
- Whereas:** Ohio House Bill 327 would restrict the teaching and creation of a space to critically discuss the lived experience of protected classes such as religion, sex, nationality, color, race, and ability, silencing marginalized perspectives in the classroom to prevent division;
- Whereas:** Title VII of the Civil Rights Act of 1964 directly prohibits discrimination on the basis of race, color, religion, sex or national origin, which may occur as a result of silencing marginalized perspectives;
- Whereas:** Title IX of the Education Amendments of 1972 also prohibits discrimination on the basis of sex in any education program that receives federal funding, which again may occur as a result of Ohio Bill 327’s silencing of marginalized voices;
- Whereas:** The First Amendment was intended to prevent government sponsored censorship and restrictions on civil liberties like Ohio House Bill 327;
- Whereas:** Legislation like Ohio House Bill 327 must be categorically opposed to avoid setting a precedent of legitimizing carte blanche censorship;
- Whereas:** The language used to define “divisive concepts” in Ohio House Bill 327 is ambiguous and subjective, which could cause inconsistencies in implementation even for institutions who intend to be in full compliance;

- Whereas:** A well intentioned but vaguely defined piece of legislation can be selectively enforced or interpreted to oppress marginalized groups across a wide range of potential violations, topics, and interpretations;
- Whereas:** The penalties for being found in contempt of this statute are undemocratic for such vaguely defined criteria: a three strike system is all that stands in the way between the university and a complete forfeiture of public funding;
- Whereas:** Under House Bill 327, the University's Board of Trustees would have the discretion to revoke tenure, suspend teaching licenses, and terminate the employment of any faculty;
- Whereas:** Miami University has a duty to uphold Title VII of the Civil Rights Act of 1964 which forbids discrimination on the basis of sex, race, and other protected classes in hiring, promoting, and firing and House Bill 327 may disproportionately affect marginalized faculty and students;
- Whereas:** Further restrictions on faculty would discourage members of academia from joining the Ohio public university system, which would deprive Miami University of qualified candidates who would choose to work under other institutions that would provide them with the freedom they expect to have in their classroom;
- Whereas:** The Ohio House Bill 327 would prevent Miami University from being able to make decisions regarding what content and coursework is appropriate for its students, forcing the university to artificially limit the breadth of knowledge available to students;
- Whereas:** Miami University's Significant Course Changes policy would be required to alter the material of every course, department, and school that may be interpreted as "divisive", forcing bureaucratic deadlock as every change would need to be debated upon and approved by University Senate;
- Whereas:** Miami University has students currently enrolled or registered to take courses that would likely be completely transformed or even scrapped to be in compliance with House Bill 327;
- Whereas:** Many university positions, departments, and programs either explicitly or implicitly center topics that could be considered "divisive" would require complete reform, restructuring or even full termination if full compliance with the proposed legislation isn't plausible;
- Whereas:** Students majoring in American Studies, Anthropology, Criminal Justice, Critical Race and Ethnic Studies, History, Political Science, Sociology,

Social Work, or Women's Gender and Sexuality Studies, just to name a few, will be severely disenfranchised of diverse perspectives and critical thinking in the classroom after their curricula are watered down to exclude and censor divisive topics;

Therefore, be it resolved: The Miami University Associated Student Government hereby condemns Ohio House Bill 327.

Further be it resolved: The Diversity, Equity, and Inclusion committee of Miami University's Associated Student Government will partner with the Academic Affairs and Government Relations committees to plan and hold an informative forum about Ohio House Bill 327 and the teaching or learning of "divisive" concepts (per the language used in this bill) in higher education.

Further be it resolved: The Diversity, Equity, and Inclusion committee of the Associated Student government will work with administration at Miami University to urge the continuation of the university's commitment to upholding civil rights legislation and higher education by making a stance against Ohio House Bill 327.

Further be it resolved: Should the bill continue through the Ohio Statehouse hearing process (such as the Ohio State Senate beginning to consider Ohio House Bill 327), members of the Associated Student Government's Diversity, Equity, and Inclusion committee (and other voluntary members of the Associated Student Government) will testify at the statehouse against it and voice the aforementioned concerns with this bill.

Appendix A:

Referenced Materials:

- [Ohio House Bill 327](#)
- [Code of Love and Honor](#)
- [DEI Task Force: Letter from the Co-Chairs](#)
- [Miami University Mission Statement](#)
- [President Crawford's Remarks at the Vigil for George Floyd](#)
- [Right of Expression of Students Policy](#)
- [Title VII of the Civil Rights Act of 1964](#)
- [Title IX of the Education Amendments of 1972](#)
- [The Bill of Rights](#)