

An Emergency Resolution to Formally Condemn Ohio Senate Bill 83

Carla Unzueta (for herself, Nova Brinkman, Miranda Broehl, Madison Brown, Yondris Ferguson, Nigel Gore, Angela Harper, Paul Huang, Anushree Jakate, Sarah Lord, Zoe Matsusaki, Aidan McLaughlin, Brayon Miller, Tyler Monk, David Okocha, Emma Patterson, Alex Poling, Michael Restuccia, Jacqueline Roshetski, and Justin Smith) introduced the following resolution to the floor where it passed.

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Whereas the Undergraduate Student Government represents all undergraduate students at The Ohio State University; and

Whereas on March 14th, 2023, Senate Bill 83, A Bill to amend sections ... of the Revised Code to enact the Ohio Higher Education Enhancement Act regarding the operation of state institutions of higher education; was introduced in the Ohio Senate; and

Whereas this bill, while purporting that institutions must be “committed to free speech protection(s) for students, staff, and faculty” in its first lines,¹ contradicts itself heavily with the further provisions it seeks to legalize; and

Whereas Senate Bill 83 creates sweeping contingencies on the ways in which institutions of higher learning, hereinafter to be referred to as “public post-secondary educable institutions”, in the State of Ohio can receive governmental funds; and

Whereas Senate Bill 83, should it pass into law, would deem it illegal for chancellors of public post-secondary educable institutions within the state of Ohio to distribute public funds to universities that mandate “diversity, equity, and inclusion courses or training for students, staff, or faculty”;² and

Whereas Senate Bill 83 utilizes rather vague and ambiguous language in its promulgation that public post-secondary educable institutions must promote intellectual diversity in all of its facets, yet, the bill seeks to squelch the usual and proper discourse on college campuses; and

Whereas such squelching is introduced in the bill’s definition of a “controversial belief or policy”; as defined by Senate Bill 83, “controversial belief or policy’ means any belief or policy that is the subject of political controversy, including issues such as climate change, electoral

¹ *Appendix A, Sec. 1713.57(B)(2)*

² *Sec. 1713.57 (B)(3)*

politics, foreign policy, diversity, equity, and inclusion programs, immigration policy, marriage, or abortion”;³ and

Whereas Senate Bill 83, should it pass into law, would require all public post-secondary educable institutions within the state of Ohio to adopt policies within ninety (90) days after the bill’s effective date⁴ which “prohibit ... mandatory programs or training courses regarding diversity, equity, or inclusion”;⁵ affirms and guarantees that respective institutions “will not endorse, oppose, comment, or take action, as an institution, on the public policy controversies of the day, or any other ideology, principle, concept, or formulation that requires commitment to any controversial belief or policy, specified concept, or specified ideology”;⁶ “prohibit the institution from engaging in or abetting activities such as boycotts, disinvestments, or sanctions”⁷; “prohibit political and ideological litmus tests in all hiring, promotion, and admissions decisions, including diversity statements and any other requirement that applicants describe their commitment to a specified concept, specified ideology, or any other ideology, principle, concept, or formulation that requires commitment to any controversial belief or policy”;⁸ and which affirms and guarantees that institutions “will not use a diversity statement or any other assessment of an applicant’s commitment to specified concepts in any hiring, promotions, or admissions process or decision”,⁹ among other things; and

Whereas as defined in Senate Bill 83, a ‘specified concept’ “means a concept such as allyship, diversity, social justice, sustainability, systematic racism, gender identity, equity, or inclusion”;¹⁰ and

Whereas as defined in Senate Bill 83, a ‘specified ideology’ “means any ideology that classifies individuals within identity groups, divides identity groups into oppressed and oppressors, and prescribes advantages, disadvantages, or segregation based upon identity group membership”;¹¹ and

Whereas Senate Bill 83 makes specific provisions against a public post-secondary educable institution funding, or even supporting, programs, scholarships, grants, organizations, and all entities therein, that promote principles of diversity, equity, and inclusion, or that preference, or specifically service, marginalized and minority groups; and

Whereas the bill states that “no state institution shall fund, facilitate, or provide any support to any position, material benefit, policy, program, and activity that advantages or disadvantages,

³ *Sec. 3345.0217(A)(1)*

⁴ *Sec. 3345.0217(B)*

⁵ *Sec. 3345.0217(B)(1)*

⁶ *Sec. 3345.0217(B)(6)*

⁷ *Sec. 3345.0217(B)(8)*

⁸ *Sec. 3345.0217(B)(9)*

⁹ *Sec. 3345.0217(B)(11)*

¹⁰ *Sec. 3345.0217(A)(3)*

¹¹ *Sec. 3345.0217(A)(4)*

faculty, staff, or students by any group identity, except that the institution may advantage citizens of the United States or this state”;¹² and

Whereas the bill also states that “each state institution shall prohibit all policies designed explicitly to segregate faculty, staff, or students by group identities such as race, sex, gender identity, or gender expression, including in orientations, majors, financial awards, residential housing, administrative employment, faculty employment, student training, extracurricular activities, and graduations”;¹³ and

Whereas if one were to interpret the above mentioned provisions tightly and with strict scrutiny, courses that teach aspects of critical race theory, even if such were perceived therein; would be prohibited, and departments such as that of African American and African Studies would be sincerely encumbered in their coursework and syllabi, and may even be altogether abolished, considering the program’s necessitated need to talk about race and its place in the world historically and contemporarily, which this bill would deem as “controversial”; and

Whereas all ethnic, cultural, and religious student organizations on Ohio State’s campuses, not the least of which being the Black Student Association, National Association for the Advancement of Colored People, African Youth League, Latinx Student Association, Asian American Association, Taking Back Our Campus, Muslim Students’ Association, all historically Black fraternities and sororities, Multicultural Understanding Through Non-Traditional Discovery Opportunities, and OSU Hillel, would be in danger of reaping consequences varying from fierce censorship to the revocation of university charters thereof should Senate Bill 83 be enrolled into law, as all student organizations are eligible to receive university funding, and as the aforementioned organizations, and others, could be deemed as “exclusive” on the basis of race and/or ethnicity, and religion and culture, which would then preclude said organizations from receiving university funding or support; and

Whereas the same standard as in the above whereas clause could be applied towards the Undergraduate Black Caucus within the Undergraduate Student Government, which is totally funded by the university, as Senate Bill 83 would indubitably hinder the Black Caucus from undertaking the many advocacy points it does in the areas of race and diversity, as they would be deemed, by this law, as “controversial”; and

Whereas scholarship programs, such as the Morrill Scholarship Program, which is a meritorious diversity scholarship offered at The Ohio State University, would become illegal, should Senate Bill 83 be enrolled into law, and the above-mentioned standards were strictly applied; and

Whereas strict scrutiny of the law as it would be created in Senate Bill 83 would criminalize such events as the African American Farewell Celebration, an annual celebration of Black and

¹² *Sec. 3345.87(C)*

¹³ *Sec. 3345.87(I)*

African American seniors at The Ohio State University, which has been a campus tradition for more than three (3) decades; and

Whereas Senate Bill 83 would mandate that “disciplinary sanctions”, such as the ones prescribed heretofore, be employed against any university entity that comprises the pursuit of supposed “intellectual diversity” at these public post-secondary educable institutions;¹⁴ and

Whereas Senate Bill 83 also seeks to impose egregiously unreasonable and hindering expectations on the graduation requirements of future post-secondary students, stating that students who will be graduating from public post-secondary educable institutions in and following the spring semester, or equivalent thereof, of the year 2027, will be required to take a course of no fewer than three (3) credit hours in American Government or History, in which students will be required to read, and pass a cumulative final exam on, the full United States Constitution, Declaration of Independence, Emancipation Proclamation, Gettysburg Address, *Letter from the Birmingham Jail*, and the entirety of any five (5) pre-prescribed essays from *The Federalist Papers*; failure to do so will preclude a student from receiving an Associate’s or Bachelor’s degree from a public post-secondary educable institution;¹⁵ and

Whereas such a requirement is inane in nature as forty (40) states within the Union, including the state of Ohio, already require students to take a course in American History while they are in a secondary education institution;¹⁶ and

Whereas fifteen (15) of those states, including the state of Ohio, require the administration of an examination, and the passage of such thereof, in American History before a diploma from a secondary education institution can be conferred upon a student;¹⁴ and

Whereas thirty-six (36) states, including the state of Ohio, require students to take a course in civics or American Government while they are in a secondary education institution;¹⁴ and

Whereas nineteen (19) of those states, including the state of Ohio, require the administration of an examination, and the passage of such thereof, in either civics or American Government before a diploma from a secondary education institution can be conferred upon a student;¹⁴ and

Whereas given the above-disseminated data, it is reasonable to assume that students entering a public post-secondary educable institution within the state of Ohio have had education and examination in American History and Government during their secondary education careers; and

Whereas the specific materials in which Senate Bill 83 is requiring students be educated in, and examined on, are a reflection of the wholly partisan nature with which this bill was written; and

¹⁴ Sec. 3345.0219(B)

¹⁵ Sec. 3345.382(A)(1)(2)(3)(4)(5)(6)

¹⁶ [Data: Most States Require American History. But Not Civics](#), *EducationWeek*, (2018)

Whereas other expressions of partisanship within the bill are reflected in its excepting provisions to which a university can make a statement regarding a concept or policy deemed as a “controversial belief”; such provisions give credence for a university to make an endorsement of the United States Congress should it establish “a state of armed hostility against a foreign power”, and does not include within this provision a university’s acknowledgment of “national and state holidays, support for the Constitution and laws of the United States or the state of Ohio, or the display of the American or Ohio flag”;⁶ and

Whereas Senate Bill 83 also establishes a treacherous anti-Chinese and anti-Asian precedent, with its proposed abolishment of Confucius Institutes, which is defined by the bill as an institution which has been “established by an institution of higher education in China and an institution of higher education in a different country”¹⁷ and that is “funded and arranged by an entity affiliated with the People’s Republic of China”;¹⁸ and

Whereas furthermore, Senate Bill 83 seeks to ban all public post-secondary educable institutions within the state of Ohio from entering into a relationship with any other post-secondary institution in the country of China, or any general institution within the country of China;¹⁹ the bill also mandates that public post-secondary educable institutions within the state of Ohio cannot renew any existing relationships they may have with institutions of higher learning, or general institutions, within the country of China;²⁰ and goes so far as to bar public post-secondary educable institutions from accepting “gifts, donations, or contributions” from an individual with supposed Chinese association, included a “student or a student’s family member”;²¹ and

Whereas such a sweeping provision specifically targets students at public post-secondary educable institutions within the state of Ohio who are of Chinese descent, nativity, or heritage unjustly and without merit, and thusly, fosters a non-inclusive, prejudicial, and discriminatory environment for the Chinese college student population in Ohio; and

Whereas Senate Bill 83 further encroaches upon the first amendment rights of citizens in its strike prohibition provision, in which “employees of any public retirement system,”²² and “employees of any state institution of higher learning” would be legally prevented from striking against their respective employer,²³ should this bill be enrolled into law; furthermore, ‘offenders’

¹⁷ *Sec. 3345.591(A)(1)(a)*

¹⁸ *Sec. 3345.591(A)(1)(b)*

¹⁹ *Sec. 3345.591(E)*

²⁰ *Sec. 3345.591(F)*

²¹ *Sec. 3345.591(B)*

²² *Sec. 4117.14(D)(1)(g)*

²³ *Sec. 4117.14(D)(1)(n)*

of this provision can be subject to legal repercussions brought on by their respective employers, in accordance with this bill;²⁴ and

Whereas the right to strike is a fundamental right that should be afforded to all tax-paying employees, irrespective of the entity or sector of industry in which they work; taking such a right away, or restricting it based on the type of occupation, only allows for disparate treatment in the workplace, be it in condition, or in wage; and removes the right for such retribution to be received by employees should such matters arise; and

Whereas Senate Bill 83 seeks to undermine the core values that foster the uniqueness of the college and university experience, including the freedom to protest, the preservation of academic freedom, and the squelching of diverse opinion and thought amongst the student body; furthermore, this bill seeks to eliminate the values of diversity, equity, and inclusion that have been responsible for the momentous strides in diversity and equality that has been made on college campuses; and

Whereas academic freedom is defined as “the freedom of a teacher or researcher in higher education to investigate and discuss the issues in his or her academic field, and to teach or publish findings without interference from political figures, boards of trustees, donors, or other entities” by the American Association of University Professors;²⁵ and

Whereas Senate Bill 83 would infringe on academic freedom, a right of university professors that acts as a protection for them against retaliation from outside bodies as well as the protection of the quality of education university students pay thousands of dollars to receive; and

Whereas The Ohio State University holds a prominent position as a lobbying force in the Ohio State government; and

Whereas Senate Bill 83 seeks to harm all minority and marginalized college and university students; eliminate the rights of faculty and employees at public post-secondary educable institutions; and will obliterate all ethnic, cultural, and religious college student organizations, and simply cannot pass our Ohio Legislature.

Therefore, Let it Be Resolved that the full text of Senate Bill 83 is affixed to this resolution as ‘Appendix A’; and

Let it Further Be Resolved that the Undergraduate Student Government vehemently opposes Senate Bill 83, and calls for the Ohio Senate Workforce and Higher Education Committee to not recommend its passage to the Senate floor; and

²⁴ Sec. 4117.15(A)

²⁵ <https://www.aaup.org/programs/academic-freedom/faqs-academic-freedom>

Let it Further Be Resolved that the Undergraduate Student Government calls on all senators within the 135th General Assembly of the Ohio Senate to vote 'no' on Senate Bill 83, should it pass out of committee and is considered on the floor; and

Let it Further Be Resolved that the Undergraduate Student Government supports the rights of professors to engage in free and fair dialogue in their respective classrooms unencumbered by the fear of termination or reprisal; and

Let it Further Be Resolved that the Undergraduate Student Government supports the rights of all ethnic, cultural, and religious student organizations at The Ohio State University to exist freely and fairly, unencumbered in mission or content by the state legislature; and

Let it Further Be Resolved that the Undergraduate Student Government supports programs and grants such as the Morrill Scholarship Program in their pursuit of ensuring an equitable access to education for minority and marginalized students at an affordable cost; and

Let it Further Be Resolved that the Undergraduate Student Government calls upon The Ohio State University to use its prominent position in state decision making bodies to oppose Senate Bill 83, along with any other actions taken to further marginalized students and suppress the right to representative education; and

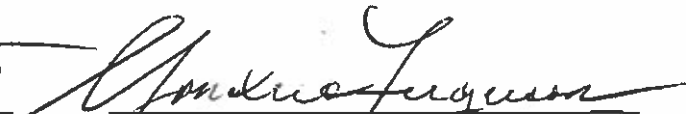
Let it Further Be Resolved that the Undergraduate Student Government supports student and faculty employees and their full rights to unionize and strike against unfair wage practices and workforce conditions; and

Let it Finally Be Resolved that the Undergraduate Student Government condemns any and all counterpart pieces of legislation to Senate Bill 83 on the municipal, state, or federal level.

Floor Vote: Unanimous Consent



Andrew B. Pierce, II
President



Yondris Ferguson
Speaker of the 55th General Assembly

Date Adopted: March 22, 2023

Date Terminated: _____