

To Whom It May Concern,

The Undergraduate Student Government Senate took up consideration of the University student organization non-discrimination religious carve-out policy on January 15, 2011 under my direction as Speaker of the Senate. The discussion was presented in a way that allowed for four distinct options that the Senate body could pursue in regards to the religious exemption. Those options are as follows. (1) The opinion of the Undergraduate Student Government is that the carve-out should be removed in its entirety. (2) The opinion of the Undergraduate Student Government is that the carve-out should be removed except for where it would pertain to student organization officers. (3) The opinion of the Undergraduate Student Government is that the carve-out should remain in place as currently worded. (4) The Undergraduate Student Government shall take no opinion on the carve-out.

In order to make sure that the discussion was as well-educated as possible, I invited Kerry Hodak, Coordinator of Student Involvement, to present on the topic during the meeting prior to the issue's consideration. Senators were provided with resources and external opinions relevant to the topic, including the pertinent Supreme Court case. Additionally, Ms. Hodak, Matt Couch, Senior Associate Director of the Ohio Union, and Bryan Ashton, Chair of the Council on Student Affairs, were all present during the discussion to answer questions in a non-biased way dealing with the issue's many components.

After lengthy and thorough discussion and consideration, a secret-ballot vote count made it the opinion of the Undergraduate Student Government that the carve-out should be removed in its entirety according to the attached legislation. The vote count that made this USG's opinion was 19 for, 15 against, and 2 abstentions.

Due to this extremely close vote on a contentious issue with potentially large ramifications, I decided, as Speaker, to allow each Senator to write an opinion of up to 500 words on the decision. I received five written opinions from the 36 votes cast on the issue, and have included them attached to the legislation according to the alphabetical order of the Senator's last name.

Please feel free to contact me with any questions or concerns regarding this or any other issue.

Sincerely,

Andrew Mikac

Speaker of the Senate
Undergraduate Student Government
The Ohio State University
Mikac.2@osu.edu

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3 **A Resolution to Support the Repeal of the Exemption in the Registration Guidelines for Student**
4 **Organizations**

5 Niraj J. Antani (for himself) introduced the following resolution.

6 * * *

7 **Whereas** the Undergraduate Student Government represents all undergraduate students, and

8 **Whereas** new legal precedence set by the U.S. Supreme Court case Christian Legal Society Chapter of
9 the University of California, Hastings College of Law vs. Martinez Et al. brings reason to review the
10 current Registered Student Organization exemption that enables “A student organization formed to foster
11 or affirm the sincerely held religious beliefs of its members may adopt a nondiscrimination statement that
12 is consistent with those beliefs,” and

13 **Whereas** the University has fostered a culture of inclusion, involvement, and opportunity and the
14 exemption is in direct conflict with the vision and goals of the University, and

15 **Whereas** the exemption is counterintuitive to the Philosophies and Guiding Principles outlined in the
16 Registration Guidelines for Student Organizations at this university, and

17 **Whereas** this organization should take positions affirming mutual respect and fair treatment of all
18 individuals at The Ohio State University as this exemption denies certain students opportunities;

19 **Therefore Let it Be Resolved** that the Undergraduate Student Government urges The Ohio State
20 University to repeal the exemption outlined in the Registration Guidelines for Student Organization at this
21 university that states “A student organization formed to foster or affirm the sincerely held religious beliefs
22 of its members may adopt a nondiscrimination statement that is consistent with those beliefs,” and further
23 urges the university to not adopt or allow any exemption that provides student organizations the
24 opportunity to deny students the ability to participate in the organization as a member of leadership, a
25 voting member, or a member based on a religious belief.


26 **Therefore Let it Further Be Resolved** that the Undergraduate Student Government charges its
27 representatives on University committees to vote in accordance with this resolution.

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29 **Therefore Let it Further Be Resolved** that an official copy of this resolution be transmitted to the Vice
30 President for Student Life to indicate the opinion of the undergraduate student body.

31 Floor Vote: 19 Aye 15 Nay 2 Present

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33 Micah Kamrass
34 President


33 Andrew Mikac
34 Speaker of the Senate

Maria Ahmad
Senator, College of Social and Behavioral Sciences
Ahmad.85@osu.edu

As a USG senator, I am to represent my constituency and vote for what I find to be the best in supporting them and making the University the way they want to see it. As the president of a religious student organization myself, I did have my own feelings but that is not all that I could stand on. I met with various student organizations, and many strongly and adamantly stood up and made their point clear that the carve out cannot and should not be taken out. By taking out the carve out completely, the University would be limiting diversity, an idea this University prides itself in. Diversity is having a variety of rich thoughts, ideas, and beliefs. Those beliefs are mirrored in the numerous student organizations that firmly believe in a certain religion or faith. The richness and values of the group is in the hands of the leader of that group. The leader of that religious group becomes the face of that group and also that religion. That leader becomes the representation of what this University will know about that religion. Therefore it is crucial that the members, or any selection process, be able to select or elect their leaders on the basis of religion- the basis of the group's creation. The leader is not only the leader of that group, but also a leader on campus, and so having devout and dedicated leaders will make the University's student life stronger. But just as the leader is a representative, the group itself also becomes a representation of the religion on campus. Religion is one of the oldest ideas in history and comes in many forms. To have all that variety being represented at a university is diversity. So to learn or to get to know more about the religion and its followers, the membership of the group should be open to all students. Student groups should have the right to determine who can be in the group and who cannot, but cannot have the criteria of belief be the determining factor of membership. College is a time for growth and that growth may be spiritual growth, and unless there is no room to explore, we will be unable to grow. Reading many mission statements of various religious student organizations, two main goals keep repeating. The first goal of the group is to uphold sincerely held beliefs whether that is through meetings, events, or retreats. And the second goal is to spread the knowledge about the religion and its beliefs. The first goal is accomplished only if the leader steers in that direction, so it is important to be able to chose a leader on the basis of belief. The second goal is fulfilled by having open membership and not denying someone membership due to their personal beliefs, and so the group is able to share their ideas of belief with someone who may not have the same beliefs. Student group leaders and members are OSU's diversity.

Niraj J. Antani
Senator, College of Social and Behavioral Sciences
Antani.2@osu.edu

To Whom It May Concern:

The Founding Fathers of this nation made one notion clear: the will of the majority is to be the will of the people. While this resolution that passed the Undergraduate Student Government Senate had numerous Senators dissenting, it remains clear that the resolution passed with a majority and is thus the opinion of USG and the undergraduate student body. One can take into account the individual opinions of Senators, but it is to be respected that this resolution passed with a majority vote, and has subsequently signed by the president, indicating his support. A four vote margin seems small, but it indicates the will of the majority.

This resolution is not about any partisan issue. It is about the right that every student should have an opportunity to join every student organization at this university. The current policy denies students this right afforded to them in the Registration Guidelines for Student Organizations. All students pay a Student Activity Fee, a portion of which goes to operating funds for student organizations. This means that under the current policy, money from students are going to organizations in which they cannot participate. The leadership of each organization are the ones who decide what they buy with the money. Students pay an Ohio Union Fee, yet student organizations can use rooms in the Ohio Union for free, despite the fact that not all students can join these organizations, be it as a regular member, a voting member, or a leader. If a student pays for something, they have the right to utilize what they are paying for to the fullest extent.

It is reprehensible for those in favor of the carve out to put forth the “hostile takeover” situation, which I believe they think will happen if this carve out policy is removed. The belief is that if the carve out policy is repealed, it will result in students without these strongly held religious beliefs to take over a student organization of these strongly held religious beliefs in order to wreck the organization. In order to hold this belief, one must have sincere distrust in fellow Buckeyes. At this university, we are one community- one university- and the fact that students have distrust in their fellow Buckeyes is very disappointing to me. We should all have trust for all of our fellow students.

I sincerely apologize if any of this is inflammatory or controversial. I do not wish to offend any individual or group. Simply, I represent the undergraduate students of the Social and Behavioral Sciences, and it is my duty to stand up for their rights. As is reflected in the resolution that was passed by USG, I urge you to repeal this carve out.

James DeFrance
Senator, South Campus Living Area
DeFrance.2@osu.edu

Faith is a complex concept and each individual's specific faith is unique and personal. Groups of people gathering to share a common set of beliefs is how many organizations could be described. When those beliefs are religious in nature they frequently take on a greater than average meaning their members; they concern each member's origin, morality, perspective, and existence beyond both the physical and the present. It is a reasonable expectation for a public university to expect its registered student organizations each to be open to all wishing to attend, as established by *Christian Legal Society v. Martinez*. Given that, I agree with the removal of any provision allowing religious organizations at The Ohio State University from discriminating eligibility for membership based on beliefs.

It is also a reasonable expectation that an organization may determine the qualifications of its leaders. In a religious organization, leadership can be an especially delicate role as it may affect changes on the manner in which a group of people commune with their god, a sacred act by definition. There are many divisions within each major religion, some are formal schools or sects and others are simply comprised of individuals who find they have beliefs in common. An institution may not instantly reform its lengthened shadow to resemble a new leader, but changes will be felt. Those changes can, in religious organizations, constitute major ideological affronts to the membership even if they are seemingly small. Whether they be Qu'ranic suras, Old Testament verses, sayings from the Talmud, or papal bulls, practitioners of faith have to disagree on. Such disagreements are not petty and are not to be glossed over, the change or preservation or ignorance of even in a word in matters of faith can transform its practice and meaning. In order to preserve the mission of an organization, its members are responsible for selecting leaders who share its tenets. It is my sincerely held belief that new language in the student organization non-discrimination policy be added that protects the members of organizations founded on religious beliefs to question and decide their leadership on the basis of doctrinal beliefs.

Such a provision is not cover for discrimination against protected classes. It would allow members of an organization to find leaders that share in their beliefs and will aid in their practice. It is nondiscriminatory as it would not allow questions into the nature or practices of an individual in pursuit of leadership, merely his beliefs. It is possible to be engaged in a practice that one is morally opposed to, if not common; answering about one's stance on a practice is non-indicative of one's engagement in it. This preserves nondiscrimination protections as well as they could be were no doctrinal questioning allowed. The complete removal of the religious carve-out without the protection of a member's right to question her leader's faith leaves open such an act as questionable in permissibility though it may be vital to the preservation of individuals' righteous self-determination of religious practice.

Jennifer Flis
Senator, College of Engineering
Flis.4@osu.edu

Without the carve-out clause, student religious organizations will be required to adopt a nondiscrimination policy that will either (1) eliminate student access to university facilities and resources through noncompliance or (2) supersede the faith held by student members. The removal of the clause suggests that the University gives preference to students who choose total nondiscrimination over students who choose a sincerely held religious belief.

Without the clause, religious student organizations lose the ability to select leaders, be they large group leaders, small group leaders, or holy text study leaders that exemplify the beliefs of the organization. If a group chooses to still exercise such leadership selection, it is liable to lose access to University facilities and general student funds. But what is the meaning of “an organization” if those involved are not distinguishable from those not involved? Without the carve out clause, a religious student organization that expects members to uphold certain moral standards is powerless to remove from power an officer that commits repeated, public, immoral actions. Such an officer will reflect poorly on the organization and its charter. It is within the right of a religious group displaying sincerely held religious beliefs to define its membership according to a certain set of religious expectations, just as it is within the right of any student group to hold its members accountable to a certain pattern of behavior and participation and expression. For example, devout Muslims do not eat pork, as dictated by their religious beliefs. Were a leader of the Muslim Student Association to eat pork (maybe pepperoni pizza) in the company of others, the leader would be acting in opposition to a sincerely held religious belief of the students the leader represents. Should the students not have the ability to remove the leader from power because of a lack of sincerely held belief? Conservative Christian groups do not approve of drinking in excess. If a leader in the organization was found to frequently be publicly intoxicated, drinking to excess no matter what the reason, those students should be able to remove the leader from a position of power.

If a student organization is expected to not “discriminate” according to religious expectations, should members of such a group be expected to deny their own religious expectations? Such denial would reduce the meaning of a sincerely held religious belief. A student is allowed the respect of forming her own religious opinion – she should also be afforded the ability to choose to organize with those with whom she agrees. The University should not remove a student’s ability to choose to organize with students of agreeable, sincerely held religious beliefs.

The US Constitution does not support a reduction in religious freedoms by denying the assembly of religious organizations in public University facilities. If we want to force students to decide between organizing based upon common religious expectations and organizing with the ability to use University facilities and resources, removing the carve out clause will do exactly that.

Radhika Kedia

Senator, College of Math and Physical Sciences

Kedia.9@osu.edu

The carve out policy is inherently discriminatory. Every student organization is formed based on commonly held interests. I agree that a lot of people are adamant about religion, but I also believe that a lot of people are adamant about politics or their eating habits, like being a vegetarian. Some people are concerned with a violent takeover situation that could occur—for example, an atheist bringing a lot of friends to vote him into presidency and taking over the Muslim Student Association for the sole purpose of ruining the organization. Although this is a valid concern, this is a concern every organization faces. The OSU barbeque club could have a vegetarian do this to their club; a law student could take over the Business Builders Club, etc. Therefore, why should there be an exception for religious organizations? Growing up as an Indian Hindu vegetarian in a school where I was not only the only Indian in my grade, but the only non-Christian, and the only vegetarian, I have faced a lot of discrimination. I understand the effects it has on people, and do not think that The Ohio State University should tolerate any kind of discrimination because OSU is better than that. I am okay with organizations who wish to discriminate existing, I just do not think they should have the OSU seal on it, nor should they get student activity fee money because people who they are discriminating against are paying for that. The same thing goes for the Ohio Union fee, which helps subsidize student organizations' meeting room reservations. There is no opt-out for the student activity fee nor the Ohio Union fee—every student has to pay it.