

A Resolution to Support the United States Bill of Rights and that of Ohio within the Miami Community

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Whereas: Our campus community strives to create a climate that maximizes each individual's capacity to learn, which requires an institution where a rich intellectual and cultural life is not only necessary, but embraced, valued, and celebrated;

Whereas: The Constitution of the United States of America Bill of Rights promises that our constitutional rights include:

Amendment I - Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Amendment IV - The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment VI - In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Amendment IX - The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Whereas: The Constitution of the State of Ohio, Article I, Bill of Rights promises that our constitutional rights include:

Section I - All men are, by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and seeking and obtaining happiness and safety.

Section VII - All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience. No person shall be compelled to attend, erect, or support any place of worship, or maintain any form of worship,

against his consent; and no preference shall be given, by law, to any religious society; nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality and knowledge, however, being essential to good government, it shall be the duty of the General Assembly to pass suitable laws, to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools, and the means of instruction.

Section XIV - The right of the people to be secure in their persons, houses, papers, and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the person and things to be seized.

Whereas: Over the years, Miami Universities Associated Student Government (ASG) has supported various actions designed to increase civil liberties on this campus and to encourage the implementation of current rights as United States citizens, which include, but are not limited to, the expansion of the free speech policy, enabling students access to free legal advice, increasing due process rights in discipline proceedings, and securing students' religious freedoms;

Whereas: The actions of ASG as a governing body, both past and present, reinforce that preserving and working for the rights and freedom of all citizens and communities is necessary and mandatory in order to cultivate, maintain, and encourage the intellectual integrity that is the basis and roots of our, and all, academic communities.

Whereas: Miami University strives for an increasingly diverse population, including many foreign faculty, staff, and students, whose contributions are vital to the culture, character, and learning environments of our campus and community best formulated in the University Statement Asserting Respect for Human Diversity in hardcopy *The Student Handbook* of 2000-2001 (back of front cover).

Whereas: In 1998 President Garland implemented a Plan for Institutional Diversity. In Garland's statement, he said: "A more diverse environment makes good sense for Miami University, for four reasons, one being:

1. The heart of a college education is the development of critical thinking skills, and the development of these skills requires a process of challenge, debate, argument, and reflection. Our students would be greatly handicapped in their educational goals were we to deny them opportunities to encounter others having different ideas, backgrounds, values and perspectives;

Whereas: Miami's initiative "First in 2009" outlines the goals and standards by which Miami University wishes to achieve;

Goal 4: A richer intellectual and cultural life

A love of ideas and an appreciation for culture in its many forms pervades campus life at Miami, and First in 2009 aims to enhance this richness of understanding and interaction. By creating a community that exemplifies the life of the mind, that draws on ideas and ideals from across communities and continents, Miami will extend its reputation as one of the most intellectually and culturally rich universities in America;

Goal 5: Greater campus diversity

Both the content and context of a Miami education are shaped by the students and faculty who form the core of our community. To encourage the energetic exchange of ideas and to provide the broadcast exposure to different cultures, languages, and ways of understanding, Miami has long sought a diverse student body and faculty. First in 2009 provides a detailed strategy for pursuing this goal, with the ultimate aim of creating a climate in which difference is respected and diversity is valued

Whereas: According to the faculty and staff Miami University Policy and Information Manual (MUPIM), Section 5: Rights and Responsibilities of the Instructional Staff:

5.1 - Principles of Academic Freedom

Institutions of higher education are conducted for the common good ... The common good depends upon the free search for truth and its free exposition...Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

Whereas: According to the current Miami University Student Handbook, Chapter 6, Appendix B, Policies Guaranteeing the Right of Expression of Students, Part I. Right of Expression, SECTION 06B.101:

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. Consequently, students, individually and collectively, may express their views through the normal faculty, administrative, and student channels of communication. Students also may express their views by demonstrating peacefully for concepts they wish to make known, and the University will make every reasonable effort to protect that right.

Whereas: The ASG Preamble of the Constitution states the Senates responsibility is “to play a clearly defined and significant role in the formation and application of institutional policy affecting both academic and student affairs;”

Whereas: Article I of the ASG Constitution indicates that it is our responsibility “to promote and further the educational experience and opportunities of the student body” (Sec. 2) and “to coordinate activities, communication, and services of general benefit to students; (Sec. 3)

Whereas: The stated goals of ASG are inconsistent with the suppression of academic and personal freedom(s);

Whereas: The optimum and/or ideal academic environment and greater community that is sought and strived for by Miami University is not obtainable with oppression of academic (and guaranteed personal) freedom, thus resulting in discriminatory and oppressive practices and environments;

Whereas: The Family Education Rights and Privacy Act (FERPA) of 1974 is designed to protect the right to privacy of students from unreasonable search and seizure by refusing the release of student records without a court order or subpoena;

Whereas: The Congress of the United States adopted without significant debate, and the Federal Executive has implemented a bill for "Uniting and Strengthening America by Providing

Appropriate Tools Required to Intercept and Obstruct Terrorism," better known as The USA PATRIOT Act;

Whereas: Sections of the PATRIOT Act (specifically including, but not limited to PATRIOT Act Title II, Title IV, and Title V) and implementing Executive orders (ironically) harm United States unity and strength by undermining traditional American rights and our more recent understanding of *E Pluribus Unum* to include finding strength in diversity—by:

- Limiting visas for foreign students and scholars and increasing the burden for foreign students to travel to and study in the United States through programs such as SEVIS and Special Registration (NSEERS);
- Increasing surveillance of public and private communications, including infiltrating and monitoring student organizations engaged in political advocacy or religious practice, wiretap phones, monitor e-mail and internet use, collect and inspect the library, medical, and financial records of anyone— without showing "probable cause";
- Allowing agents of the Federal Bureau of Investigation to collect information from academic libraries while placing gag orders on librarians from disclosing occurrences of providing that information;
- Restricting the implementation of the Freedom of Information Act, which can affect the quality of academic research;
- Restricting who may conduct scientific research using certain biological materials;
- Giving Federal agencies the power to conduct "sneak and peek" searches of homes, personal effects, and/or workplaces in secret, without presenting a warrant or informing the subject of the search;
- Secretly monitor the political and religious activities of any group or individual without any indication of criminal activity;
- Arrest, hold without charge, and/or deport thousands of foreign nationals and immigrants from Muslim and other countries;
- Define "domestic terrorism" so broadly that a person acting and speaking legally in opposition to government policy could be labeled a terrorist;
- Detain American citizens indefinitely without charges, without judicial appeal, and often without access to legal counsel;
- Require universities to provide personal and private information about foreign students and faculty;
- Collect and disclose personal information on all American citizens, without suspicion or evidence of criminal wrongdoing.

Whereas: We, the Associated Student Government, believe that secret surveillance of individuals or groups based on racial, religious, national, or ideological profiling, or the monitoring of university records by law enforcement without probable cause has a chilling, oppressive effect on (not only our constitutional rights, but also) free inquiry, free discussion, and the overall intellectual community, which are cornerstones of any institution of higher learning;

Whereas: Moreover, cooperation with the Federal Bureau of Investigation and other Federal Agencies in implementation of problematic provisions the USA PATRIOT Act may put sworn officers of Miami University in violation of their oaths of office;

Whereas: Police and other officers of Miami University (including some long-employed faculty) have sworn or affirmed that they will support the Constitutions of the United States and of the State of Ohio, including the Bill of Rights in each document. According to the Ohio Revised Code 3345.1-3345.26 (stemming from Ohio House Bill 1219), certain provisions of the PATRIOT Act forces law enforcement officers and other appointed officials to break their Oath of Office, thus jeopardizing their employment;

3345.23. Oath of office of judges and other officers.

The oath of office of each judge of a court of record shall be to support the constitution of the United States and the constitution of this state, to administer justice without respect to persons, and faithfully and impartially to discharge and perform all the duties incumbent on him as such judge, according to the best of his ability and understanding. The oath of office of every other officer, deputy, or clerk shall be to support the constitution of the United States and the constitution of this state, and faithfully to discharge the duties of his office.

Therefore Let it Be Resolved: The Associated Student Government of Miami University, acting on behalf of the best interest of the student body and faculty, in a nonpartisan way, reaffirm our support and dedication for academic freedom, personal privacy, protection from unreasonable searches and seizures, and freedom of speech, religion, and assembly, and opposes those portions but not the entirety nor the spirit of the USA PATRIOT Act, the Homeland Security Act, and related Executive Orders and Federal Regulations that threaten those constitutionally guaranteed rights;

Further Be it Resolved: The Associate Student Government affirms that Miami University is a hate-free zone, and denounces all attempts to discriminate against or intimidate students and staff on account of status or identity—rather than upon actions—including but not limited to nationality, religion, ethnicity, race, gender, sexual orientation, or political ideology;

Further be it Resolved: The Associate Student Government will vigorously defend our constitutionally protected rights of all students and staff to exercise their rights under the U.S. and Ohio Constitutions to peacefully protest and express their political views without fear of scrutiny unjustified before a court;

Further be it Resolved: That the Associated Student Government shall take steps to educate the Student Body on the implications of the USA PATRIOT Act and their civil rights.

Further be it Resolved: The Associate Student Government will remain firmly and publicly committed to the protection of rights and freedoms for all students, faculty, and staff of the Miami University community, to which end we instruct the Administrative Committee of ASG to send copies of this resolution to (including, but not limited to) the following organizations and individuals:

- The Secretary of Miami University and Officers of University Senate to be placed upon the agenda of University Senate for their adoption;
- The American Association of University Professors;
- The National Bill of Rights Defense Committee;
- The Miami News and Information Bureau for transmission to appropriate news outlets in the "Tri-State" region;
- The Miami Student and other news and/or media interested in or affiliated with Miami University and its community;
- The Miami University Police Department;
- Representative John Boehner, Ohio 8th Congressional District;
- Hon. Mike Dewine, United States Senator, Ohio;
- Hon. John Voinovich, United States Senator, Ohio.