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## Ohio State's on FIRE

### The university is red-hot, and not in a good way

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As the largest university in the nation, one could only hope that The Ohio State University would be an open canvas for academic and intellectual exchange, as well as a free zone for sharing opinions, ideas, and values. However, according to the Foundation for Individual Rights in Education (FIRE), Ohio State is preventing such an open environment from existing. According to its website, TheFIRE.org, FIRE works to "defend and sustain individual rights at America's colleges and universities." Some of the rights mentioned are freedom of speech, due process, and legal equality, "the essential qualities of individual liberty and dignity." Unfortunately, Ohio State has earned a "red-light" classification from FIRE, identifying the school as having at least one policy which violates freedom of speech.

In support of the red-light classification, FIRE specifically identified the university's "Diversity Statement" as a clear violation of freedom of speech. Selected in September of 2007 as FIRE's Speech Code of the Month, FIRE reported on the explicit regulations that are detailed in the Diversity Statement which, not only cross the line in terms of constitutionality, but are also self-defeating, if indeed they are meant to actually encourage diversity.

The first grievance which FIRE cites is a section of the Diversity Statement which at the time read "Do not joke about differences related to race, ethnicity, sexual orientation, gender, ability, socioeconomic background, etc." Considering the ramifications of this instruction, it seems preposterous that only a year or two ago the university commanded that its student body refrain from joking about controversial matters. As FIRE points out, and as Ohio State students already know, joking in a certain manner about brash and seemingly offensive topics often diffuses tense situations and can aid in fostering understanding and communication between different students. Regardless of whether or not one agrees with OSU as to whether or not making jokes is a malevolent behavior, the policy still treads on first amendment rights. FIRE makes the point that "There is no exception to the First Amendment for ethnic jokes or dumb blonde jokes."

Another violation that the organization lists against Ohio State is also pulled from the Diversity Statement. In 2007, it stated that "Words, actions, and behaviors that inflict or threaten infliction of bodily or emotional harm, whether done intentionally or with reckless disregard, are not permitted." In an anecdotal manner, FIRE points out the ridiculousness behind this instruction. The foundation argues "How exactly does one threaten to inflict emotional harm? Would that mean shouting, "Hey you! Get out of here or I'm going to hurt your feelings..."? When highlighted this way, one can see how it would be extremely hard to explain what the university's housing department was trying to say. It seems absurd to imagine such a situation being punishable, but luckily the Diversity Statement has been rewritten since FIRE's investigation. The new

statement is far more pragmatic, and offers a more ethical, and constitutional set of guidelines for creating a safe environment on campus.

Although Ohio State has amended its Diversity Statement, a part of the Student Housing Handbook still proves reminiscent of the old guidelines mentioned. Under "Resident's Rights", the handbook guarantees residents "Freedom from harassment, including sexual harassment, as well as threats of intimidation and physical or emotional harm. This includes acts of ethnic or racial intimidation, hazing, or harassment for reasons of race, religion, gender, gender identity or expression, sexual orientation, age, disability, or veteran status." Again, threats of emotional harm are listed as a prohibited act. The ambiguity of this statement is just as baffling as the one which was listed in Ohio State's old Diversity Statement. As students, it is important to examine these policies and understand them so as not to become entangled in consequences of seemingly harmless actions which, if not for these ambiguous, ill-conceived policies, would not cause anyone to raise an eyebrow.

In 2006, FIRE established the Campus Freedom Network, which is designed to help create a network and community of faculty and students at higher learning institutions across the nation. By providing resources and opportunities for students, the network helps FIRE to liberate students and allow for the truly free exchange of ideas on campus. By igniting awareness and constitutional passion amongst students and professors, it creates an incentive for those who attend colleges and universities to demand more from their administrations.

Brandon Stewart, a Program Associate of the Campus Freedom Network, pointed out how the elusiveness of campus speech codes can often be the worst part, "Most people can recognize the unconstitutionality of policies which are obviously in the wrong. However, the vague policies and those disguised as harassment policies are the ones that lend themselves to the most abuse. We see these cases all the time at FIRE. So often, students are accused of harassment or some other offense when they did nothing but practice their First Amendment right to free speech."

Without fully understanding the policies of an institution, it is not only easy to violate them, but even easier to be prosecuted for it. "I can certainly understand when students don't give their rights on campus a second thought, but it's simply too important an issue to wait until you are a victim of an unconstitutional policy," Stewart says, reflecting on his own time spent on campus. Further, he suggests that students "be familiar with your school's policies, especially on your rights during judicial hearings."

Although it is important for students to protect themselves and learn about university regulations, it is more important that they look to the future and consider what the ramifications of attending a university which has unconstitutional policies are. Working to reform these violations of liberty should be the number one priority of students and faculty members, especially given the consequences of suppressing speech and ideas. Ohio State is an immense and great force in the nation's academic realm. Like any institute of higher learning, it should uphold the rights upon which it was founded, rather than creating obstacles for communication and the free exchange of ideas.

For more information, visit [TheFIRE.org](http://TheFIRE.org) and enter "Ohio State" into the right-hand sidebar. It will direct the reader to Ohio State's page which lists why it is a red-light school, along with the university's offending policies. The FIRE website also provides myriad resources for learning more about the fight for liberty on campus as well as a link to the Campus Freedom Network at [TheCFN.org](http://TheCFN.org) where one can register and learn more about how to make Ohio State a green-light school. For literature about FIRE and speech codes, visit <http://www.thefire.org/guides> to register to receive a free booklet titled FIRE's Guide to Free Speech.