

1 RESOLUTION 2324-SP-001

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3 A RESOLUTION TO ENSURE EQUITABLE ACCESS TO BATHROOMS AND OTHER  
4 FACILITIES AT THE OHIO STATE UNIVERSITY IN RESPONSE TO THE PROPOSED  
5 OHIO HOUSE BILL 183  
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10 Health, Wellness, and Safety Committee; Charlie Mace (.103), Delegate; Krutant Mehta  
11 (.337), Delegate and Senator; Deb Pathak (.89), Delegate  
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13 Sponsor: Government Affairs Committee; Health, Wellness, and Safety Committee  
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15 WHEREAS the Council of Graduate Students, thereafter “the Council” or “CGS,” is the  
16 representative body of all graduate students enrolled at The Ohio State University as  
17 established by Article II Section 1 of the CGS Constitution; and  
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19 WHEREAS the Council of Graduate Students or its appointed representative(s) have the  
20 power to act as an advisory agency on behalf of graduate students on all matters brought  
21 before personnel, committees, or agencies of The Ohio State University involving the  
22 interest of graduate students as established in Article III Section 3 of the CGS  
23 Constitution; and  
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25 WHEREAS Ohio House Bill 183 “Regards single-sex bathroom access in schools,  
26 universities: To amend sections 3314.03 and 3326.11 and to enact sections 3319.90 and  
27 3345.90 of the Revised Code regarding single-sex bathroom access in primary and  
28 secondary schools and institutions of higher education” was introduced into the Ohio  
29 House of Representatives on May 23, 2023<sup>1</sup> and is thereafter referred to as “HB 183”;  
30 and  
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32 WHEREAS as of January 11, 2024, HB 183 is in the House Higher Education Committee;  
33 and  
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35 WHEREAS HB 183 defines “biological sex” as “the sex listed on a person's official birth  
36 record, as defined in section 3705.01 of the Revised Code;” and  
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38 WHEREAS section 3345.90 of HB 183 shall not permit “a female biological sex to use a  
39 student restroom, locker room, changing room, or shower room that has been designated  
40 by the school for the exclusive use of the male biological sex;” and  
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42 WHEREAS section 3345.90 of HB 183 also shall not permit “a male biological sex to use  
43 a student restroom, locker room, changing room, or shower room that has been  
44 designated by the school for the exclusive use of the female biological sex;” and  
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<sup>1</sup> <https://www.legislature.ohio.gov/legislation/135/hb183>

WHEREAS section 3345.90 HB 183 does not “prohibit an institution of higher education from establishing a policy providing accommodation such as single-occupancy facilities or controlled use of faculty facilities at the request of a student due to special circumstances;” and

WHEREAS the Ohio State University’s Shared Values<sup>2</sup> states that we shall “intentionally foster a sense of belonging where all are valued,” and “strive to understand and appreciate each other’s backgrounds and experiences;” and

WHEREAS HB 183 is then retroactive in providing accommodation and places the burden on students to make requests for access to bathrooms and other facilities; and

WHEREAS The Ohio State University Building Design Standards (BDS) Section 00 00 38.15<sup>3</sup> stipulates that the University must “provide one family or assisted-use restroom (gender-inclusive) in all new buildings, and, when feasible, existing buildings” with a location which “should be adjacent to either entrance or elevator lobby on the ground floor,”

THEREFORE, BE IT RESOLVED that the Council of Graduate Students finds that some of the proposed changes in HB 183 regarding single-sex restroom access to be harmful to graduate students, and to higher education as a whole, for the reasons described below; and

BE IT FURTHER RESOLVED that the Council of Graduate Students finds the definition of “biological sex” as “the condition of being either female or male, and the sex listed on a person’s official birth record [...] may be relied upon if the birth record was issued as or near the time of the person’s birth” to interfere with The Ohio State University’s *Shared Values* pertaining to “Inclusion and Equity” and “Care and Compassion,” as HB 183 would prohibit “intentionally foster[ing] a sense of belonging where all are valued” and “striv[ing] to understand and appreciate each other’s backgrounds and experiences,” and furthermore, HB 183 would prohibit the full realization of giving “compassion and meet[ing] people where they are” and “support[ing] each other’s physical and mental health;” and

BE IT FURTHER RESOLVED that ready access to restrooms and other facilities is critical to the health and wellbeing of graduate students at The Ohio State University; and

BE IT FURTHER RESOLVED that HB 183 would directly interfere with The Ohio State University’s commitment to “creating a safe, respectful and uplifting environment for [The Ohio State University’s] LGBTQ community” as highlighted in the website *LGBTQ at Ohio State*<sup>4</sup>; and

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<sup>2</sup> <https://www.osu.edu/shared-values>

<sup>3</sup> [https://fod.osu.edu/sites/default/files/div\\_00.pdf](https://fod.osu.edu/sites/default/files/div_00.pdf)

<sup>4</sup> <https://lgbtq.osu.edu/support>

BE IT FURTHER RESOLVED that the Council of Graduate Students calls upon The Ohio State University Facilities and Operations Development (FOD) to amend BDS Section 00 00 38.15 to establish a more transparent and legible standard for how the establishment of a “family or assisted-use restroom (gender-inclusive)” in “existing buildings” is determined to be “feasible,” as the present language is sufficiently vague so as to place the onus in advocating for the retroactive creation of gender-inclusive restrooms and other facilities on students, faculty, and staff; and

BE IT FURTHER RESOLVED that all of The Ohio State University public-facing materials (i.e., apps, websites, and so on) regarding gender-neutral restrooms should be regularly and publicly updated no less than once per academic year: and

BE IT FURTHER RESOLVED that in anticipation of the volume of student accommodation requests for gender-neutral single-occupancy restrooms and other facilities as included in HB 183 Sec. 3345.90 (C), the Council of Graduate Students finds that the relevant units of The Ohio State University must undertake the construction of at least one gender-neutral single-occupancy restroom facility that is accessible in accordance with the Americans with Disabilities Act of 1990 in every existing academic building, and ensure the preservation of all existing such physical facilities, thereby keeping in line with The Ohio State University’s repeated and public commitments to providing an equitable environment to all students.

BE IT FINALLY RESOLVED that the Council of Graduate Students directs its President to distribute this resolution and express both its letter and spirit to all proper leadership and authorities of The Ohio State University and its partners.

Approved: **Yes** / No  
Date: 12 January 2024



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Jorge E. Clavo Abbass, President