

EXHIBIT 2

Guiding Principles

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Below are Guiding Principles that a majority of the Name Committee approved to not only assist the reader's review and analysis but also to inform the Law School's and University's ultimate decision-making process. These are meant to inform and assist in the decision-making process and as such are not meant to be limiting or prescriptive in nature nor should any one Guiding Principle be given more weight than another.

Consequential Decision

- Removing "Marshall" from the Law School's name or renaming the Law School after another individual would be a very consequential decision by the Law School and Cleveland State University and requires careful study and thoughtful consideration of different viewpoints.
- Names matter. It cannot be that a naming in honor of a person never should be changed. We ² all can imagine naming a building or institution in honor of a person that we would want changed. But it also cannot be that such names should be easily changed.
- We should study how other institutions have approached naming and renaming issues, while understanding that each case differs and needs to be decided on its own merits.
- Whatever decision is finally made by the Board, our goal is that those on all sides of the issue will respect the process that the Law School and University undertook.

Reckoning With Our History

- In considering a name change, we should conduct a thoughtful and inclusive process, informed by deep and careful historical research. ³
- History comprises both facts and interpretations of those facts. To change the name of a school is not to erase history, but rather to expand on a previous interpretation of history in light of new facts or circumstances. A naming is not

¹ These Guiding Principles are based in large part on research about guidelines used by other institutions when deciding to name or rename a building, school, college, university, or law school. See [Other University and Law School Guiding Principles and Processes](#)

² The references in the Guiding Principles to "We" are meant to refer to the Law School and the University.

³ AMERICAN HISTORICAL ASSOCIATION, AHA LETTER EXPRESSING SUPPORT FOR THE NEW ORLEANS CITY COUNCIL STREET RENAMING COMMISSION (Mar. 2021), [https://www.historians.org/news-and-advocacy/aha-advocacy/aha-letter-expressing-support-for-the-new-orleans-city-council-street-renaming-commission-\(march-2021\)](https://www.historians.org/news-and-advocacy/aha-advocacy/aha-letter-expressing-support-for-the-new-orleans-city-council-street-renaming-commission-(march-2021)).

history itself; a naming commemorates an aspect of history, representing a moment in the past when a decision defined who would be honored.⁴

- Naming decisions should complement and supplement other initiatives to achieve equity and inclusivity. Names and symbols matter to our campus and community, but the addition, removal, or contextualization of names and images are neither the sole nor the primary ways by which the Law School and University fulfill its aspirations to become more fully inclusive to people from all backgrounds.⁵
- History is the past that affects our present and future realities. A primary reason we study history is for a moral purpose: to learn from past behaviors and actions – good and bad – with the hope of adjusting future behaviors to reflect the positive actions and avoid past moral mistakes. History often involves painful recollections of our past, but we are shaped and influenced by that history and must allow ourselves to learn from it. We must take care in the process of discernment related to contested names not to obfuscate our history and thus avoid challenging conversations that could result in a healing dialogue in our communities.⁶
- Naming articulates the Law School, University, and community values, identifying a person whom the Law School and University have chosen to honor for their accomplishments, recognizing that few, if any, individuals can meet a standard of perfection.⁷
- Many of our historical figures after whom institutions are named led contradictory lives that serve as a constant reminder of our nation's contradictions. Many of their stories hold multiple truths—that they did truly great things and they did reprehensible things that we should unequivocally condemn and never excuse.

Chief Justice Marshall's Complex Legacy

- We should encourage a robust debate about the way Chief Justice Marshall should or should not be memorialized.⁸
- When considering the naming or renaming after Chief Justice Marshall, we should examine his principal legacy in light of multiple criteria. These should

⁴ AMERICAN HISTORICAL ASSOCIATION, AHA STATEMENT ON CONFEDERATE MONUMENTS (Aug. 2017), <https://www.historians.org/news-and-advocacy/aha-advocacy/aha-statement-on-confederate-monuments>.

⁵ PRINCETON UNIVERSITY COMMITTEE ON NAMING, PRINCIPLES TO GOVERN RENAMING AND CHANGES TO CAMPUS ICONOGRAPHY, <https://namingcommittee.princeton.edu/principles>.

⁶ RHODES COLLEGE, PRINCIPLES FOR THE PROCESS OF DISCERNMENT RELATED TO CONTESTED NAMES (Apr. 13, 2018), <https://www.rhodes.edu/about-rhodes/palmer-hall-discernment-committee/principles-process-discernment-related-contested>.

⁷ AMERICAN HISTORICAL ASSOCIATION, SCHOOLS, HISTORY, AND THE CHALLENGES OF COMMEMORATION (Feb. 2021), [https://www.historians.org/news-and-advocacy/aha-advocacy/schools-history-and-the-challenges-of-commemoration-\(february-2021\)](https://www.historians.org/news-and-advocacy/aha-advocacy/schools-history-and-the-challenges-of-commemoration-(february-2021)).

⁸ *Id.*

include his actions during his lifetime, and, most significantly, his principal legacy in the present. His history and legacy should be appropriately chronicled and explained. ⁹

- Allegations of Chief Justice Marshall's relationship with slavery should be supported by documentary evidence that demonstrates both the extent and the intentionality of his actions. ¹⁰
- The removal of Chief Justice Marshall's name should not fail to acknowledge the historical complexity or holistic contributions of Chief Justice Marshall. ¹¹
- Regardless of the decision whether to change the name, the law school and the university should actively acknowledge Chief Justice John Marshall's association with slavery and the harmful impact on marginalized communities.

Wide Input

- In considering a name change, we should incorporate wide input. We should consider the perspectives of students, staff, faculty, alumni throughout the world, the broader CSU community, and the Greater Cleveland and Northeast Ohio legal and general communities.
- We have a special responsibility to listen to and respect Law School and University community members who are particularly affected by and sensitive to Chief Justice Marshall's association with slavery.
- We also have a responsibility to listen to and respect those graduates for whom the name of the Law School has meant access to careers and life-long accomplishments.

Our Mission, Vision, and Values

- We should be guided by our proud history, our guiding values, our Law School's present mission Learn Law, Live Justice, and the present values and mission of Cleveland State University.
- Decisions about naming and renaming must be made with due regard for the Law School's and University's educational mission and core values, including its commitments to teaching, quality research, truth-seeking, and inclusivity. ¹²

⁹ WILLIAM & MARY, FINAL REPORT OF THE WORKING GROUP ON PRINCIPLES OF NAMING AND RENAMING (Feb. 2021), https://www.wm.edu/about/history/reconciliation/naming-renaming/_documents/naming-renaming-final-report.pdf.

¹⁰ UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL, BOARD OF TRUSTEES' POLICY FOR THE CONSIDERATION OF THE REMOVAL OF NAMES ON UNIVERSITY BUILDINGS AND PUBLIC SPACES (July 16, 2020), <https://bot.unc.edu/wp-content/uploads/sites/160/2020/07/Final-Policy-Adopted-7.16.2020.pdf>.

¹¹ *Id.*

¹² PRINCETON UNIVERSITY COMMITTEE ON NAMING, PRINCIPLES TO GOVERN RENAMING AND CHANGES TO CAMPUS ICONOGRAPHY, <https://namingcommittee.princeton.edu/principles>.

- The name of the Law School should foster an inclusive space for all students that affirms and respects their identity. Our campus naming practices should indicate our goal that all students, faculty, and staff be welcomed and their presence valued on our campus especially those groups of people who may feel isolated or alienated as a result of their underrepresentation on our campus.¹³

Contextual Considerations

- Consideration should be given to whether the namesake of the law school has any ties, connection, or relationship to the law school, the university, its graduates, and the community.¹⁴
- Consideration should be given to whether the namesake undertook specific acts that mitigated, or led to the mitigation, of the historical harms done.
- Consideration should be given to whether the namesake's actions/behaviors had the effect of, oppressing groups of people based on their race, ethnicity, gender or sexual orientation, and the oppressive actions, behaviors or viewpoints in question are inextricably connected to the namesake's career, public persona, or life as a whole.¹⁵
- Though other aspects of the namesake's life and work are noteworthy to the Law School or the greater community, consideration should be given to whether the namesake exhibited offensive behavior or viewpoints outside of their career or public persona.¹⁶
- Consideration should be given to whether honoring the namesake significantly contributes to an environment that excludes some members of the law school community from opportunities to learn, thrive, and succeed and contradicts our mission of diversity, equity, and inclusion.¹⁷
- Consideration should be given to whether removal of the name would impede viewpoint diversity or fail to acknowledge the historical complexity or holistic contributions of the individual to the Law School or the public.¹⁸

¹³ RHODES COLLEGE, PRINCIPLES FOR THE PROCESS OF DISCERNMENT RELATED TO CONTESTED NAMES (April 13, 2018), <https://www.rhodes.edu/about-rhodes/palmer-hall-discernment-committee/principles-process-discernment-related-contested>.

¹⁴ GEORGE WASHINGTON UNIVERSITY NAMING TASK FORCE, GUIDING PRINCIPLES FOR RENAMING CONSIDERATIONS, <https://trustees.gwu.edu/sites/g/files/zaxdzs2786/f/downloads/Naming%20Task%20Force%20Recommendations%20Final.pdf>

¹⁵ UNIVERSITY OF SOUTH CAROLINA PRESIDENTIAL COMMISSION ON UNIVERSITY HISTORY, CRITERIA FOR REMOVING NAMES, https://sc.edu/about/our_history/university_history/presidential_commission/commission_reports/final_report/appendices/appendix-10/index.php

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

- The case for renaming is strengthened where a name undermines the ability of a significant number of students, faculty, or staff of a particular gender, sexual orientation, race, religion, national origin or other protected characteristic, to engage in or belong to the university community.¹⁹
- The case for renaming is considerably more compelling where the conduct in question became widely known after the initial naming decision, or where the university has not previously examined the issue with reasonable rigor, as determined by members of the special committee. The case for renaming is less compelling, and names more appropriately left to stand, where the university was aware of the namesake's behavior and, based on reasonable diligence and research, nonetheless decided to confer the honor; or where the university has previously examined and rejected another request to change the name. While decisions following previous reconsideration of a name should be shown some deference, such decisions should receive less deferential treatment where decision-makers ignored, or were not aware of, history of the behavior in question.²⁰

¹⁹ GEORGE WASHINGTON UNIVERSITY NAMING TASK FORCE, GUIDING PRINCIPLES FOR RENAMING CONSIDERATIONS, <https://trustees.gwu.edu/sites/g/files/zaxdzs2786/f/downloads/Naming%20Task%20Force%20Recommendations%20Final.pdf>

²⁰ *Id.*