



Testimony of John T. McNay, Ph.D.
Ohio Conference of the American Association of University Professors
Before the House Finance Committee
Representative Ryan Smith, Chair
April 27, 2017

Chairman Smith, Ranking Member Cera, and distinguished members of the House Finance Committee: my name is John McNay, and I am president of the Ohio Conference of the American Association of University Professors (AAUP). We represent about 6,000 college and university faculty at both public, private, as well as two- and four-year, institutions across the state. I am a Cold War historian who teaches at Ohio's largest regional university campus, University of Cincinnati-Blue Ash. I am here today to share my organization's concerns and opposition to several amendments that were added to Substitute House Bill 49.

1) Post-Tenure Review

First, I would like to address the addition of unnecessary language requiring that "post-tenure review" be conducted at least once every five years for each tenured professor at our public institutions of higher education. Our colleges and universities already have post-tenure review or some other form of recurrent evaluation of tenured faculty. Institutions already have determined what works best for them, and have created systems that provide for faculty improvement, should that be necessary. Conversely, the language in Sub. HB 49 dismantles tenure, creating a one-size-fits-all punitive system that essentially would amount to a series of five-year contracts for tenured faculty. This kind of unwarranted mandate will dampen academic freedom, deter quality faculty from coming to and staying at Ohio institutions, and also will add costs to our already bloated administrations.

It is important that we all understand what tenure is and is not. Approval for tenure comes only after an arduous process, usually five to seven years, in which the candidate has annual performance reviews and faces a reappointment decision every two years. Not everyone earns tenure. The purpose of tenure is to protect faculty who speak out about their research, their expertise, and have provocative discussions in their classrooms – the kinds of discussions that challenge students and help them develop critical thinking skills.

Students benefit from an experienced faculty and institutions benefit from a stable workforce. Tenure is a mutual investment: of the faculty in their institution, and of the institution in the expertise of its educators who generate the revenue and attract the students. Academic programs are developed, modified, and delivered by tenured faculty who have national reputations, institutional history, and extensive teaching experience with – and knowledge of – their student population.

Tenure is not a job for life. Anyone familiar with our institutions can point to a tenured professor who lost their job for failing to do their job. These are rare and unfortunate events coming after an individual has devoted perhaps 20 years or more of education and experience to their craft. The point of tenure is to require due process before removal, so that a faculty member cannot be dismissed without cause. The changes added to Sub. HB 49 run roughshod over already existing processes that have been agreed to either in contracts or in faculty handbooks.

Additionally, tenure is not costly. Faculty compensation is tied to qualifications, promotions, merit, and, at our union campuses, negotiated annual increases. No money is tied to tenure.

We have tenured faculty in Ohio who are national experts, who testify to Congress, and who bring great prestige to our public institutions. Overlooked is the fact that much of the innovation

that drives our competitive economy comes from faculty doing research on new inventions, drugs, treatments, and technology. They would be unlikely to take the risks that they do to make these advances without tenure protections, or if they believe that their job is in jeopardy every five years.

As a result, we encourage you to eliminate this language from the bill and allow our institutions to continue with the faculty evaluation systems they already have in place that promote excellence in teaching and research.

2) Standardized and Reduced Sick Leave for University Employees

We strongly oppose the provision in Sub. HB 49 that standardizes and reduces sick leave for university employees, including faculty. What is the justification for a 33 percent reduction in sick leave for university employees? Not only does this infringe upon institutional autonomy, which typically has been respected by the General Assembly, it is an attack on campus unions' collective bargaining rights. Placing language into statute that prohibits institutions from agreeing to certain terms and conditions of employment for their unionized employees is Senate Bill 5 in piecemeal fashion. It is an attack on our collective bargaining rights. The people of Ohio already spoke on this when they overwhelmingly voted to repeal SB 5 in 2011. We encourage you to remove this language to avoid another unnecessary battle over collective bargaining rights.

3) Financial Disclosure Filings for Faculty Who Assign Textbooks

We applaud that this committee removed the unfunded mandate that would have required institutions to provide textbooks to students. However, we are puzzled by the amendment that would require annual financial disclosures by any faculty member who assigns textbooks. At best this is a solution in search of a problem, and we encourage its removal from the bill.

Faculty assign textbooks with which they are most familiar, that suit their teaching styles, and that they believe best will help students learn the material. Faculty do not assign textbooks on account of personal gain or because of influence by textbook companies. We have been hard-pressed to find any of our members who have become wealthy off of assigning their own textbooks or who have been wined and dined by a textbook representative in order to influence their book assignments. Might there be these rare occurrences? Perhaps. But these are not widespread problems to warrant an entirely new program that will amount to busy work and fees for faculty, as well as more administrative costs at the institutional and state levels to ensure compliance. And we can be absolutely sure that this burdensome mandate will do nothing to address textbook affordability. If there is a recurring problem in textbook costs, it lies with the publishers. Their continual creation of new editions after only two to three years kills the used textbook market and imposes higher and higher costs on students for new and only superficially changed volumes.

If we want to target the things that actually are driving up costs at our institutions, we should be looking at the decline in State Share of Instruction, deficit athletic spending, the construction arms race, and administrative bloat. Unfortunately, the amendments to Sub. HB 49 only will add to administrative bloat, which many of our institutions have been making efforts to reduce. Please know that my organization stands ready, as always, to be partners in helping to solve the problems at our institutions. We would be happy to have any one of you shadow a tenured professor for a day, or talk to a group of faculty about the processes that they use to choose textbooks.

Mr. Chairman and Members of the Committee, thank you for your time. I welcome any questions that you may have.