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REP. ANDREW O. BRENNER

October 25, 2017

Chairman Duffey, Vice Chair Antani, Ranking Member Sweeney, and members of the House Higher Education and Workforce Development Committee, thank you for the opportunity to provide sponsor testimony on House Bill 363.

As my joint sponsor has waxed so eloquently as to why we need this common-sense piece of legislation, I will now walk you through the meat of how this bill works. There are seven key measures in House Bill 363 which I will enumerate in the following paragraphs. The overarching goal of all of these is to preserve, for our college and university students, the ability to participate in meaningful and impactful educational experiences that, in turn, prepare them to be active and productive members of society.

Number One – *House Bill 363 prohibits universities and administrators from taking action, including communicating in an official capacity, that limits or chills the expression of any member of the campus community or their invited guests based on the content of the expression.* Recently, my office spoke with a group of students who posed the question to us, “If a student organization brings a speaker to campus, can the university send out an email letting the student body know about the event?” The answer to that question is absolutely – so long as the email in no way limits the expression of the student group or their invited speaker. By all means, we want universities to let students know that there are speakers on campus giving lectures or TED Talks on topics that align or challenge their views.

Number Two – *House Bill 363 eliminates “free speech zones” by declaring generally accessible areas traditional public forums for expression and prohibiting universities from limiting the space for expression within those areas.* Again, my office spoke with another group of college aged students about how their university offers an online portal for student organizations to schedule spaces for speakers. Sitting in my office, they scheduled me to speak in one of their lecture halls in five minutes. No muss, no fuss, and it was free. Now, I was told that if I were a celebrity and would require a larger venue, there are some maintenance costs attached to the larger venue, but the method for scheduling the speaker is the same.

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Number Three – *House Bill 363 prevents “heckler’s vetoes” by prohibiting universities from disinventing speakers based on the potential reaction, opposition, offense, or irritation taken to that speaker’s expression.* As my joint sponsor mentioned in his testimony, our nation has seen this happen often at places like the University of Missouri and UC Berkeley. We have been fortunate in Ohio on this point to where such incidents have not been as severe. With our current political climate, I don’t believe that it will continue to be that way and, therefore, House Bill 363 will provide guidance to a university when confronted with such a situation.

Numbers Four and Five – *House Bill 363 makes student activity fees optional and requires universities to distribute student activity fees in a manner that is neutral to each organization’s viewpoint and expression.* Student activity fees include a general fee that, though minimal, is charged to all students at certain universities and is collected into a general fund. Making this fee optional would reduce costs to all students. This bill makes all other student activity fees, such as the fees charged by a college or university, to host a speaker on campus, equal for all organizations. A university should not set the monetary amount to host an individual to such a degree as to make it unattainable for students to bring their desired guest to campus.

Numbers Six and Seven – *House Bill 363 allows those aggrieved by violations of the act to bring a cause of action against the state institution and/or other responsible individuals and requires universities to develop a free speech policy consistent with the act, and to educate their students, faculty, and administrators about the policy.* As our Constitutional rights are of the utmost importance, House Bill 363 provides a pathway through which an aggrieved party can take action against a state institution and/or other responsible individuals for violating any part of this “Campus Free Speech Act”. Additionally, we feel it is vitally important that colleges and universities form and disseminate free speech policies consistent with this act so as to prevent potential legal actions taken by the aforementioned individuals.

Ladies and gentlemen of the committee, the goal is free speech. Our colleges and universities should be places where students have their views challenged again and again. Insulating and indoctrinating them with only a certain viewpoint does not help them once they reach the “real world”. This will only keep them closed minded to a multitude of cultures, ideologies, and beliefs that make up our state, our country, and our planet. To prepare them for the future, we must challenge them in the present. Mr. Chairman, members of the committee, again, thank you for the opportunity to provide sponsor testimony on House Bill 363 and my joint sponsor and I would be happy to take any questions at this time.