



Ohio Conference of the American Association of University Professors

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Testimony of John T. McNay, Ph.D.

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Before the Senate Finance Higher Education Subcommittee

Senator Randy Gardner, Chair

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Chairman Gardner, Vice Chair Williams, and distinguished members of the Senate Finance Higher Education Subcommittee: 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 members across the state at every type of institution – two-year and four-year, as well as public and private. I am a Cold War historian who teaches at the University of Cincinnati-Blue Ash. I am here today to share my organization's concerns and opposition to several amendments that were added by the House to Sub. House Bill 49.

A budget bill that started with a modest increase in SSI has turned into a budget bill with reduced SSI, unnecessary administrative mandates, and provisions targeting college and university faculty. We are hard-pressed to find anything in the current version of HB 49 that addresses quality, access, affordability, or efficiency. In fact, if this legislation stands as is, it will increase costs for students, add layers of new bureaucracy at the institutional and state levels, and raise a red flag to faculty across the country and the world that Ohio is not a place that values the pursuit of unfettered scholarship. Allow me to address the specific pieces of HB 49 with which we are concerned.

1) Post-Tenure Review

The 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 is unnecessary. Our colleges and universities already have some form of recurrent evaluation of tenured faculty. Institutions have determined what works best for them, and have created systems that provide for faculty improvement, should that be necessary. Conversely, the language in 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. That is not tenure.

This kind of unwarranted mandate will dampen academic freedom, deter quality faculty from coming to and staying at Ohio institutions, and also add to administrative costs. On average, about 40% of institutional budgets are spent on administration. We should be seeking ways to reduce that number, not add to it.

It is important to address 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 periodic reappointment decision. 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 attract the students and generate the revenue. 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 HB 49 run roughshod over 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 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 risks to make these advances without tenure protections, or if they believe that their job is in jeopardy every five years.

As a result, we respectfully request that you eliminate this language from the bill and allow our institutions to continue with existing faculty evaluation systems.

2) Reduced Sick Leave for University Employees

We strongly oppose the provision in HB 49 that reduces sick leave for all university employees. We are yet to hear any open support or rationale for this language, which reduces sick leave by 33 percent and also bars institutions from offering a greater amount or agreeing to a greater amount in a collective bargaining contract. Not only does this infringe upon institutional autonomy, which typically has been respected by the General Assembly, it infringes upon campus unions' collective bargaining rights. This language comes directly from Senate Bill 5 (of the 129th General Assembly). The people of Ohio already spoke on this when they overwhelmingly voted to repeal SB 5 in 2011.

Faculty do not receive the other benefit leave time (e.g. personal and vacation days) of other state employees. If a faculty member were to encounter a serious illness, their sick leave is all they have to draw upon. The current amount of sick leave has allowed us to establish sick leave pools that give those with severe sicknesses the ability to obtain more leave time. The proposed reduction would hurt our ability to “fund” these sick leave pools, which have been so valuable to ensuring that employees get the time they need to recover.

3) Financial Disclosure Filings for Faculty Who Assign Textbooks

The provision in the bill instituting a system for financial disclosure statements by all faculty who assign textbooks – which even goes so far as to establish criminal penalties for faculty who fail to file – is at best a solution in search of a problem. We ask for 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, the gain of friends or colleagues, or because of influence by textbook companies. 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. And we can be absolutely sure that this burdensome mandate will do nothing to address textbook affordability.

4) SSI and OCOG

We appreciate that the governor and General Assembly have held the line on tuition and fees for the last several years. We never want to see our students going into debt for trying to achieve an education and better their lives. However, institutions cannot meet current demands with yet another two years of freezes and no increases to State Share of Instruction (SSI). Colleges and universities need adequate instructional funding from the state to maintain educational quality.

The primary reason that most students do not finish their degree is money. Without greater state support in the form of SSI, as well as the Ohio College Opportunity Grant (OCOG), we will see more students slip through the cracks. OCOG is especially important for those students with fewer means. If we are serious about substantially increasing the number of Ohioans with degrees or certificates, we must help lift up those who do not have the financial resources to attend one of our fine public colleges or universities.

In conclusion, my organization stands ready, as always, to be partners in helping to solve the real problems at our institutions. We would be happy to have any of you shadow a tenured professor for a day, or talk to a group of faculty about the processes that they use to select textbooks. Mr. Chairman and Members of the Subcommittee, thank you for your time. I welcome any questions that you may have.