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Legislation (Bill/Resolution Number): _____

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**Opponent Testimony for House Bill 322
Jason Boergerhoff, Associate Professor
State and Local Government Committee
9/21/2021**

Chairman Wiggam, Vice Chairwoman John, Ranking Member Representative Kelly, and Members of the State and Local Government Committee,

Thank you for allowing me to testify today. My name is Jason Boergerhoff. I am a university professor in the state of Ohio. I strongly oppose HB 322. It should be noted that I am speaking as a concerned citizen and educator. I do NOT speak for my university.

As an Associate Professor I oppose this bill for several reasons, but my main concerns are as follows...

This bill seems to be a clear violation of an instructor's and/or student's right to free speech. Open and clear discussions, on any issues, have but one goal, understanding. They do NOT drive thought and behavior directly but inform future decisions so that past mistakes might be avoided. The students, and their instructors, deserve the chance to have such conversations. If not, this turns into oppressive censorship. Yes, proponents may cite Hazelwood v. Kuhlmeier (1988) or Bethel School District v. Fraser (1986), but those cases represent a dangerous idea. Such censorship means that the U.S. Constitution and all the rights derived from it may not apply to schools. Ultimately, this could mean that one must be 18 to be a citizen. In my opinion, that is as unpatriotic and un-American as you can get.

It also devalues students by assuming they cannot handle complex and sometimes conflicting ideas. Here is a similar example from my own life. As a university professor, I have discussions on the possible consequences, legal or otherwise, of driving while impaired. These discussions do not encourage drinking and driving, but rather inform the students what may happen if they engage in that behavior. The question that comes to my mind is... "If I were not allowed to discuss these topics, how are the students supposed to learn? The only other option I see is for these students to naïvely engage in that dangerous

behavior and get slammed by the repercussions. Students have the capacity to discuss these complex matters BEFORE they are faced with them directly. That way they can make informed decisions, rather than strictly reactionary/emotional choices.

As a university professor, I ask you to strongly consider my testimony opposing HB 322 and vote NO on this bill.

Thank you, again, for the opportunity to testify. I would be happy to answer any additional questions or provide input as needed. You may reach me at jboerger@kent.edu.

Respectfully submitted,
Jason Boergerhoff
Associate Professor
Kent State University