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# OHIO LEGISLATIVE SERVICE COMMISSION

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Legislative Budget  
Office

S.B. 117  
135<sup>th</sup> General Assembly

## Bill Analysis

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**Version:** As Passed by the Senate

**Primary Sponsors:** Sens. Cirino and McColley

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### SUMMARY

#### **Salmon P. Chase Center for Civics, Culture, and Society**

- Establishes the Salmon P. Chase Center for Civics, Culture, and Society as an independent unit within the Ohio State University.
- Makes an appropriation.

#### **Institute of American Constitutional Thought and Leadership**

- Establishes the Institute of American Constitutional Thought and Leadership as an academic unit within the University of Toledo.
- Makes an appropriation.

#### **Other centers for civics, culture, and society**

- Establishes other centers similar to the Salmon P. Chase Center at the University of Cincinnati, Miami University, and Cleveland State University.
- Makes an appropriation.

### DETAILED ANALYSIS

The provisions of this bill were enacted as part of H.B. 33 of the 135<sup>th</sup> General Assembly.

#### **Salmon P. Chase Center for Civics, Culture, and Society**

The bill establishes the Salmon P. Chase Center for Civics, Culture, and Society as an independent academic unit within the Ohio State University, physically located in the College of

Public Affairs. The Center is required to conduct teaching and research in the historical ideas, traditions, and texts that have shaped the American constitutional order and society.<sup>1</sup>

The bill grants the Center the authority to establish its own bylaws but requires that the Center do all of the following and that the following must take priority over any other bylaws adopted by the Center:<sup>2</sup>

1. Educate students by means of free, open, and rigorous intellectual inquiry to seek the truth;
2. Affirm its duty to equip students with the skills, habits, and dispositions of mind they need to reach their own informed conclusions on matters of social and political importance;
3. Affirm the value of intellectual diversity in higher education and aspire to enhance the intellectual diversity of the university;
4. Affirm a commitment to create a community dedicated to an ethic of civil and free inquiry, which respects the intellectual freedom of each member, supports individual capacities for growth, and welcomes the differences of opinion that must naturally exist in a public university community.

The bill permits the university board of trustees to change the name of the Center in accordance with the philanthropic naming policies and practices of the university.<sup>3</sup>

### **Instructional requirements**

The bill requires the Center to offer instruction in all of the following:<sup>4</sup>

1. The books and major debates which form the intellectual foundation of free societies, especially that of the United States;
2. The principles, ideals, and institutions of the American constitutional order;
3. The foundations of responsible leadership and informed citizenship.

The bill further requires the Center to focus on offering university-wide programming related to the values of free speech and civil discourse as well as expanding the intellectual diversity of the university's academic community.<sup>5</sup>

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<sup>1</sup> R.C. 3335.39(A)(1).

<sup>2</sup> R.C. 3335.39(A)(2).

<sup>3</sup> R.C. 3335.39(A)(3).

<sup>4</sup> R.C. 3335.39(C)(1).

<sup>5</sup> R.C. 3335.39(C)(2).

The bill grants the Center the authority to offer courses and develop certificate, minor, and major programs as well as graduate programs.<sup>6</sup>

### **Academic council**

The bill requires the university board of trustees to appoint, with the advice and consent of the Senate, a seven-member Chase Center academic council by November 20, 2023. An initial member cannot begin service until confirmation by the Senate. Four members constitute a quorum.<sup>7</sup>

The bill requires the academic council be comprised of scholars with relevant expertise and experience. Not more than one member of the council may be an employee of the university. Best efforts must be made to have no fewer than three members from Ohio.<sup>8</sup>

The bill further prescribes the term length for initial members of the academic council. Three members of the council are required to serve initial terms of two years and four members are required to serve initial terms of four years. The bill states that members must determine which members will serve which terms at its first meeting and select replacements for vacant seats as needed. However, the bill does not specify the duration of terms after the initial ones.<sup>9</sup>

### **Director search and responsibilities**

The bill requires the academic council described above to conduct a nationwide search for candidates for the director of the Center. The bill specifically requires that the nationwide search adhere to all relevant state and federal laws. The academic council must submit a list of finalists to the university president, from which the president must select and appoint a director. This appointment is subject to the approval of the board of trustees. Future directors must be chosen in the same manner.<sup>10</sup> Upon appointment, the director of the Center will have the protection of tenure or tenure eligibility. The bill further requires that the director consult with the Dean of the College of Public Affairs; however, the director must report directly to the provost or the president.<sup>11</sup>

The bill grants the director the sole and exclusive authority to manage the recruitment and hiring process and to extend offers for employment for all faculty and staff, as well as to

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<sup>6</sup> R.C. 3335.39(E)(3).

<sup>7</sup> R.C. 3335.39(D)(1).

<sup>8</sup> R.C. 3335.39(D)(2).

<sup>9</sup> R.C. 3335.39(D)(3).

<sup>10</sup> R.C. 3335.39(E)(1).

<sup>11</sup> R.C. 3335.39(E)(2).

terminate the employment of all staff of the Center. The director also must oversee, develop, and approve of the Center's curriculum.<sup>12</sup>

In addition, the director must submit an annual report to the board of trustees and the General Assembly. The report must provide a full account of the Center's achievements, opportunities, challenges, and obstacles in the development of the academic unit.<sup>13</sup>

## **Faculty**

As stated above, the bill establishes the Center as an independent academic unit of the university and, thus, grants the Center the authority to house tenure-track faculty.<sup>14</sup> The bill further permits, but does not require, faculty appointed to the Center to hold joint appointments within any other division of the university. The bill requires that the Center allot not fewer than 15 tenure-track faculty positions to teach under the Center. The bill prohibits faculty outside of the Center from having the authority to block faculty hires into the Center.

## **Appropriation**

The bill appropriates \$5 million in both fiscal years 2024 and 2025 to the Ohio State University to support the Salmon P. Chase Center for Civics, Culture, and Society established under the bill.

## **Institute of American Constitutional Thought and Leadership**

The bill establishes the Institute of American Constitutional Thought and Leadership as an independent academic unit physically located at the college of law within the University of Toledo. The purpose of the institute is for the pursuit of creating and disseminating knowledge about American constitutional thought and to form future leaders of the legal profession through research, scholarship, teaching, collaboration, and mentorship.<sup>15</sup>

The bill requires the Institute to pursue all of the following goals:<sup>16</sup>

1. To enrich the curriculum in American constitutional studies, including the core texts and great debates of western civilization;
2. To educate university students in the principles, ideals, and institutions of the American and Ohio constitutional order;
3. To educate university students in the foundations of responsible leadership and informed citizenship and to cultivate the next generation of leaders in the legal profession;

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<sup>12</sup> R.C. 3335.39(E)(3).

<sup>13</sup> R.C. 3335.39(F).

<sup>14</sup> R.C. 3335.39(B).

<sup>15</sup> R.C. 3364.07(A).

<sup>16</sup> R.C. 3364.07(B).

4. To offer university-wide programming related to the values of open inquiry and civil discourse;
5. To expand the intellectual diversity of the university's academic community and to create a rich forum for the development of ideas across the political and ideological spectrum;
6. To support faculty and graduate student scholarship that advances understanding of American constitutional thought and institutions;
7. To promote scholarly collaboration within the university and beyond; and
8. To host lectures, debates, and symposia, and sponsor visiting scholars, jurists, and teachers.

The bill grants the Center the authority to offer courses and develop certificate, minor, and major programs as well as graduate programs, and offer degrees.<sup>17</sup>

The bill permits the board of trustees to change the name of the Institute in accordance with the philanthropic naming policies and practices of the university.<sup>18</sup>

### **Policy requirements**

The bill requires the Institute to adhere to the following policies:

1. The Institute must educate students by means of free, open, and rigorous intellectual inquiry to seek the truth;
2. The Institute must equip students with the skills, habits, and dispositions of mind they need to reach their own informed conclusions on matters of legal, social, and political importance;
3. The Institute must value intellectual diversity in higher education, including in faculty recruitment, hiring, and appointment, and aspire to enhance the intellectual diversity of academic life at the university; and
4. The Institute must create a community dedicated to an ethic of civil and free inquiry, which respects the intellectual freedom of each member, supports individual capacities for growth, and welcomes the differences of opinion that naturally occur in a public university community.<sup>19</sup>

### **Academic council**

Not later than 60 days after the bill's effective date, the Talent, Compensation, and Governance Committee of the university board of trustees, if such a committee exists, must appoint, with the advice and consent of the Senate, a seven-member Institute academic

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<sup>17</sup> R.C. 3364.07(G)(1).

<sup>18</sup> R.C. 3364.07(I).

<sup>19</sup> R.C. 3364.07(C).

council. If no such committee exist, the bill requires the board of trustees to appoint the members of the council. An initial member cannot begin service until the member is confirmed by the Senate. Four members constitute a quorum.<sup>20</sup>

The bill requires the academic council be comprised of scholars with relevant expertise and experience. Not more than one member of the council may be an employee of the university. Best efforts must be made to have not fewer than three members from Ohio.<sup>21</sup>

The bill further prescribes the term length for initial members of the academic council. Three members of the council are required to serve initial terms of two years and four members are required to serve initial terms of four years. The bill states that members must determine which members will serve which terms at its first meeting and select replacements for vacant seats as needed. However, the bill does not specify the duration of terms after the initial ones.<sup>22</sup>

To fill a vacancy for the director of the Institute, after the initial director, the bill requires the academic council to, following a national search, transmit to the university president a list of finalists from which the president must select a director, subject to the approval of the Talent, Compensation, and Governance Committee of the board of trustees.<sup>23</sup>

### **Director appointment and responsibilities**

The bill requires the Institute to be led by a director who must report directly to the president and provost and consult with the Dean of the College of Law.<sup>24</sup> The president of the university must appoint an initial director not later than 30 days after the bill's effective date. The director's term is for five years and may be renewed. The bill further requires the director to be an expert of the western tradition, the American founding, and American constitutional thought, and have shown a commitment to the purposes, goals, and policies of the Institute.

Upon appointment, the director of the Institute will have the protection of tenure or tenure eligibility.<sup>25</sup> Any existing tenure with the university held by a director must be maintained with the university.

The bill grants the director the sole and exclusive authority to manage the recruitment and hiring process and the authority to extend offers of employment for all faculty and staff, as

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<sup>20</sup> R.C. 3364.07(D)(1).

<sup>21</sup> R.C. 3364.07(D)(2).

<sup>22</sup> R.C. 3364.07(D)(3).

<sup>23</sup> R.C. 3364.07(D)(4).

<sup>24</sup> R.C. 3364.07(E)(1).

<sup>25</sup> R.C. 3364.07(E)(2).

well as the authority to terminate the employment of all staff. The director must oversee, develop, and approve the Institute's curriculum.<sup>26</sup>

Finally, the director must submit an annual report to the board of trustees and the General Assembly. The report must provide a full account of the Institute's achievements, opportunities, challenges, and obstacles in the development of the Institute.<sup>27</sup>

### **Faculty**

As stated above, the bill establishes the Institute as an independent academic unit of the university and, thus, grants the Institute the authority to house tenure-track faculty who hold appointments within the Institute. Not fewer than five tenure-track faculty positions must be allocated to the Institute.<sup>28</sup> The bill further permits, but does not require, faculty appointed to the Institute to hold joint or courtesy appointments within any other division of the university. The bill prohibits faculty from outside the Institute from having the authority to block faculty hires into the Institute.

Employment contracts offered to tenure-track faculty appointed to the Institute must guarantee reappointment elsewhere in the university, at the same rank and compensation, in the event the Institute is discontinued.<sup>29</sup>

### **Appropriation**

The bill appropriates \$1 million in both fiscal years 2024 and 2025 to the University of Toledo to support the Institute of American Constitutional Thought and Leadership established under the bill.

### **Other centers for civics, culture, and society**

In addition to the Salmon P. Chase Center and the Institute of American Constitutional Thought and Leadership, the bill establishes, as independent academic units, centers for civics, culture, and society at the University of Cincinnati, Miami University, and Cleveland State University. Each Center must conduct teaching and research in the historical ideas, traditions, and texts that have shaped the American constitutional order and society.

Each Center must establish bylaws requiring the Center to:

1. Educate students by means of free, open, and rigorous intellectual inquiry to seek the truth;
2. Affirm its duty to equip students with the skills, habits, and dispositions of mind they need to reach their own informed conclusions on matters of social and political importance;

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<sup>26</sup> R.C. 3364.07(G)(1).

<sup>27</sup> R.C. 3364.07(H).

<sup>28</sup> R.C. 3364.07(F).

<sup>29</sup> R.C. 3364.07(G)(2).

3. Affirm the value of intellectual diversity in higher education and aspire to enhance the intellectual diversity of the university; and
4. Affirm a commitment to create a community dedicated to an ethic of civil and free inquiry, which respects the intellectual freedom of each member, supports individual capacities for growth, and welcomes the differences of opinion that naturally exist in a public university community.

The Centers at the University of Cincinnati and Miami University must be physically located in their respective college of arts and sciences. The Center at Cleveland State University must be located in the Levin College of Public Affairs and Education. Each board of trustees may name a Center in accordance with its philanthropic naming policies and practices.<sup>30</sup>

### **Instructional requirements**

The bill requires the Centers to offer instruction in:

1. The books and major debates which form the intellectual foundation of free societies, especially that of the United States;
2. The principles, ideals, and institutions of the American constitutional order;
3. The foundations of responsible leadership and informed citizenship.<sup>31</sup>

The bill further requires each Center to focus on offering university-wide programming related to the values of free speech and civil discourse as well as expanding the intellectual diversity of the university's academic community.<sup>32</sup>

The bill grants each Center the authority to offer courses and develop certificate, minor, and major programs as well as graduate programs, and offer degrees.<sup>33</sup>

### **Academic council**

The bill requires the university board of trustees to appoint, with the advice and consent of the Senate, a seven-member Center academic council by December 31, 2023. An initial member cannot begin service until confirmation by the Senate. Four members constitute a quorum.<sup>34</sup>

The bill requires the academic council be comprised of scholars with relevant expertise and experience. Not more than one member of the council may be an employee of the university. Best efforts must be made to have no fewer than three members from Ohio.<sup>35</sup>

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<sup>30</sup> R.C. 3339.06(A), 3344.07(A), and 3361.06(A).

<sup>31</sup> R.C. 3339.06(C)(1), 3344.07(C)(1), and 3361.06(C)(1).

<sup>32</sup> R.C. 3339.06(C)(2), 3344.07(C)(2), and 3361.06(C)(2).

<sup>33</sup> R.C. 3339.06(E)(3), 3344.07(E)(3), and 3361.06(E)(3).

<sup>34</sup> R.C. 3339.06(D)(1), 3344.07(D)(1), and 3361.06(D)(1).

<sup>35</sup> R.C. 3335.39(D)(2), 3344.07(D)(2), and 3361.06(D)(2).



The bill further prescribes the term length for initial members of the academic council. Three members of the council are required to serve initial terms of two years and four members are required to serve initial terms of four years. The bill states that members must determine which members will serve which terms at its first meeting and select replacements for vacant seats as needed. However, the bill does not specify the duration of terms after the initial ones.<sup>36</sup>

### **Director search and responsibilities**

The bill requires the academic council to conduct a nationwide search for candidates for the director of each Center. The bill specifically requires that a search adhere to all relevant state and federal laws. The academic council must submit a list of finalists to the university president, from which the president must select and appoint a director. This appointment is subject to the approval of the board of trustees. Future directors must be chosen in the same manner.<sup>37</sup> Upon appointment, the director of a Center will have the protection of tenure or tenure eligibility. The bill further requires that the director consult with the Dean of the College of Public Affairs; however, the director must report directly to the provost or the president.<sup>38</sup>

The bill grants the director of each center the sole and exclusive authority to manage the recruitment and hiring process and to extend offers for employment for all faculty and staff, as well as to terminate the employment of all staff of the Center. The director also must oversee, develop, and approve of the Center's curriculum.<sup>39</sup>

In addition, the director must submit an annual report to the board of trustees and the General Assembly. The report must provide a full account of the Center's achievements, opportunities, challenges, and obstacles in the development of the academic unit.<sup>40</sup>

### **Faculty**

As an independent academic unit, a Center must have the authority to house tenure-track faculty who hold appointments within the Center. Faculty appointed to a Center may hold joint appointments with any other division of the university. Not fewer than ten tenure-track faculty positions must be allocated to teach under a Center. Faculty outside a Center are prohibited from having the authority to block faculty hires into it.<sup>41</sup>

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<sup>36</sup> R.C. 3339.06(D)(3), 3344.07(D)(3), and 3361.06(D)(3).

<sup>37</sup> R.C. 3339.06(E)(1), 3344.07(E)(1), and 3361.06(E)(1).

<sup>38</sup> R.C. 3339.06(E)(2), 3344.07(E)(2), and 3361.06(E)(2).

<sup>39</sup> R.C. 3339.06(E)(3), 3344.07(E)(3), and 3361.06(E)(3).

<sup>40</sup> R.C. 3339.06(F), 3344.07(F), and 3361.06(F).

<sup>41</sup> R.C. 3339.06(B), 3344.07(B), and 3361.06(B).

## Appropriation

The bill appropriates \$2 million in both fiscal years 2024 and 2025 to each of the University of Cincinnati, Miami University, and Cleveland State University to support their centers established under the bill.

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## HISTORY

Action	Date
Introduced	05-03-23
Reported, S. Workforce & Higher Education	06-07-23
Passed Senate (25-7)	06-28-23

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