

## **Testimony on sub. HB 151 on behalf of the Ohio Faculty Council from Dr. Ben Givens - 5/17/2023**

Chairman Young, Ranking Member Miller, and members of the Higher Education Committee. Thank you for the opportunity speak with the committee today about substitute House Bill 151.

Today, I speak as the vice-chair of the Ohio Faculty Council, an organization that represents the faculty at the 14 state-supported universities in the great state of Ohio. Faculty uphold the core academic mission of any institution of higher education. We are committed to working with the legislature in the best interests of our universities. However, substitute House Bill 151 is not written in the spirit of collaboration and is premised on a distrust of faculty which leaves us no choice but to oppose the bill in its entirety.

### **Administrative Costs and Reporting Requirements**

The faculty at Ohio's universities are concerned with the significant growth in administrative processes required by this bill. Increasing administrative costs reduces the budget available for the providing students an outstanding academic experience. Not only are the administrative costs of this bill enormous, they also are unnecessary and show a fundamental misunderstanding of our universities. For example, universities already post syllabi and have student evaluations of teaching. To mandate that all institutions re-develop their process is unnecessarily costly and redundant. Note that requiring fifty percent of teaching evaluation to be based on student evaluations would institutionalize a well-documented bias<sup>1</sup> inherent in that instrument. There are other administrative costs. The bill requires every institution, in every "position, program, and activity" to hold every faculty, staff and student to equal standards and opportunity, and not to advantage or disadvantage them based on group identity. Specifically, what does this mean? How will we know if this requirement has been met if not with a tremendous expansion of institutional data collection and analysis? Faculty currently undergo comprehensive annual evaluations. To reconfigure that process according to the undefined requirements of this bill will add additional burdens and costs, and to what end? These new administrative mandates and others not mentioned, will increase the cost of education to students or lead to larger class sizes.

### **Contradictions in language around DEI and Group Identity**

In Senate Bill 83 our institutions must guarantee "the fullest degree of intellectual diversity" in fulfilling our core mission, yet when hiring faculty or admitting students to our institutions, the bill forbids asking perspective employees or students if they value intellectual diversity or how they would contribute to it. In its treatment of group identity, the bill aims to eliminate the negative effects of group identity by prohibiting any training involving group identity, but then requires each institution to report and post statistics about qualifications and retention based on group identity. Such a glaring contradictions undermines the credibility and intention of this bill.

### **A Welcoming Environment**

Universities thrive when faculty have the academic freedom to explore new avenues of inquiry. Faculty research, innovation, and scholarship can generate economic opportunities. The national reputation and ranking of universities depend on the excellence of faculty. When deciding where to locate, the best faculty and students are drawn to the highest ranked institutions and to environments that are welcoming and supportive. House Bill 151 creates an environment of mistrust of faculty that makes our universities less attractive to top scholars. Reducing the number of outstanding scholars eager to come to Ohio will impact our university's rankings and diminish Ohio's standing among institutions of higher

education. Scaring off or away the best faculty will result in less faculty-generated commercialized technology and fewer start-ups, diminish the quality of the trained workforce, and reduce Ohio's ability to attract corporations to locate here. All of these factors will negatively impact our state's competitive edge and economy.

### **Free Speech and Intellectual Diversity**

Faculty want nothing more than to have open, balanced, and robust discussions in their classrooms. We work hard to create classrooms that encourage all viewpoints and that break down barriers that inhibit students from speaking. These principles of openness are central to what we do and are already articulated in our mission and values statements in ways that reflect our individual institutions. These principles are how universities have operated for decades, and indeed for centuries. In this bill, universities are asked to implement disciplinary sanctions for alleged violations of training and classroom conduct that creates an Orwellian environment that violates the foundational principle of academic freedom. Legislation that implies that our classrooms are not already a place for free and open exchange and that dictate that each institution must adopt identical statements and imposes sanctions for violations is misinformed, patronizing, a significant overreach, and historically dangerous.

### **Civics Course**

The curriculum of any university is in the hands of the faculty. University faculty are highly trained, knowledgeable, and thoughtful about selecting courses for every program of study including the general education curriculum. It is a dangerous breach of precedent for the legislature to dictate a specific course with specific readings to be taught to all students. By requiring specific readings, this legislation violates academic freedom and the freedom of expression for departments expected to offer such a course and for faculty who would teach them. This bill purports to champion the same basic freedoms that it violates by dictating what and how curriculum must be taught.

### **Other Concerns**

The faculty leaders at Ohio's universities have additional concerns with this bill, including bureaucratic barriers to forming academic partnerships with China. Interactions between US and Chinese universities benefit the world. The worldwide pandemic has highlighted the need for more global collaboration, not less. A second topic the Ohio Faculty Council has deep concern is with the prohibition on employee strikes. While not all our faculty are represented by collective bargaining, we believe the attempt to curtail employees' right to strike effectively disarms the entire purpose of collective bargaining and ends any ability to negotiate in good faith.

### **In Conclusion**

House Bill 151 is premised on a mistrust of faculty. The faculty at Ohio's universities work hard every day, producing outstanding and non-controversial results that fuel a powerful economic engine in Ohio. The fundamental misconceptions and mistrust about who we are, what we do and how we do it is inaccurate and disturbing. I invite committee members to come to our campuses, sit in on our classes, visit our labs and studios, and meet with us, as well as with students and staff. We would love to talk with you about developing good legislation that can build up our universities and address real issues facing our campuses.

Chairman Young, thank you for the opportunity to testify today. I welcome questions.

<sup>1</sup>Kreitzer, R.J., Sweet-Cushman, J. Evaluating Student Evaluations of Teaching: a Review of Measurement and Equity Bias in SETs and Recommendations for Ethical Reform. *J Acad Ethics* 20, 73–84 (2022).  
<https://doi.org/10.1007/s10805-021-09400-w>