

Testimony of Amber Peplow, Ph.D.
Before the House Higher Education Committee
Rep. Tom Young, Chair
May 16, 2023

Chairperson Young, Ranking Member Miller, and members of the Higher Education Committee,

Thank you for allowing me to testify today. My name is Amber Peplow, Ph.D., and I am a professor of Communication at University of Cincinnati Blue Ash College, where I have taught for 13 years. I do not represent the University of Cincinnati, but rather am submitting testimony as a private citizen in opposition to Substitute House Bill 151. I am also a member of the UC chapter of the AAUP and currently serve as an at-large member of the executive council. In the past, I have also served as the chair of the AAUP Budget and Compensation Committee and on our Contract Bargaining Team. I am strongly opposed to HB 151.

Traditionally, the Republican party has stood for smaller government, free market capitalism and deregulation. Despite being introduced by members of the Republican caucus, this bill has several provisions that create government overreach and add a significant amount of new unnecessary and unfunded regulations for higher education. The amount of manpower hours needed to fulfill these bureaucratic processes will provide an undue burden on our state institutions that will divert precious resources and time away from the academic missions of our universities.

Many of these provisions are simply unnecessary and duplicate processes that are already in existence. Recently, AMC started airing a new series "Lucky Hank," based on the novel *The Straight Man*. In the 2nd episode, Hank, the title character, declares to his students that he "can't be canceled because I have tenure." This statement is based on a misunderstanding of tenure and academic freedom that is frequently held by the public and occasionally faculty members. Academic freedom promotes the common good - not that of the individual or the institution. In order to do so, both faculty and institutions must be free to seek the truth and freely express it. Hence, academic freedom is extended to both research and teaching. Academic freedom is the freedom to research and publish the results of that research as well as the freedom to discuss their subject in their teaching. It does not extend to controversial issues that are unrelated to their subject. Provisions in this bill to limit discussions on diversity, equity and inclusion in the classroom violate academic freedom as these topics are deeply relevant to the curriculum of many disciplines such as Communication, English, Social Work, Sociology, History, Medicine, Nursing, and many others. Academic freedom allows the instructors to discuss diversity, equity and inclusion as it relates to the subject matter of their course. As a Communication faculty member, I would be shirking my responsibilities as an educator if I did not cover these elements. DEI is often a critical component of the rhetorical situation, and any communicator needs to analyze these elements and adapt their message based on this analysis. Neglecting student's training in this area would be a disservice to our

students as they would be less effective communicators and less competitive in the job market. Currently, the larger swaths of the Communication discipline, save for Public Relations and Journalism, does not have accrediting bodies. Our discipline would not be eligible to apply for exemption with the Chancellor provided for in this bill because of the lack of accreditation.

Tenure is the mechanism that protects academic freedom in teaching and research and extramural activities. Tenure is not a guarantee of a job for life and does not preclude faculty from being fired. According to the AAUP 1940 Statement on Academic Freedom and Tenure, tenure allows for termination for “adequate cause.” The 2022-2025 UC AAUP Collective Bargaining Agreement defines adequate cause as “a violation of this Agreement or of the University's rules, policies or standards of professional conduct including consistent failure to fulfill responsibilities in the Academic Unit.” Article 9 also establishes the process of progressive discipline that can and does lead to termination of tenured faculty. In Academic Year 2021-2022, 3 tenured UC faculty members were terminated under the Article 9 procedures. Both unionized and non-unionized state institutions already have policies and procedures in place that allow for and lead to termination for adequate cause. Post tenure review as established by HB 151 would undermine academic freedom and tenure to the point that it is meaningless. This does not serve the public good, the good of the institution or the good of the students.

I ask you to consider my testimony and vote NO on this harmful bill. Thank you again for the opportunity to testify.

I will now take any questions you may have.