



Ohio Conference of the American Association of University Professors

222 East Town Street, 2W, Columbus, OH 43215

Testimony of Stephen Mockabee, PhD
Ohio Conference of the American Association of University Professors
Before the House Higher Education Committee
Representative Tom Young, Chair
May 17, 2023

Chair Young, Ranking Member Miller, and Members of the Higher Education Committee:

My name is Steve Mockabee, and I submit this testimony on behalf of the Ohio Conference AAUP–American Association of University Professors. By way of background, I am an Associate Professor of Political Science in the School of Public and International Affairs at the University of Cincinnati (UC), where I direct the Graduate Certificate in Public Opinion and Survey Research. At UC, we have had a faculty union for almost 50 years. The AAUP has a strong presence across Ohio, with 25 chapters that account for more than 6,000 members at both public and private institutions of higher education.

Our association strongly opposes Substitute House Bill 151. Unfortunately, the changes that were made between the original and substitute versions are inadequate to assuage our very serious concerns about this bill's impact on collective bargaining rights, academic freedom, tenure, and student success. Sub. HB 151 represents a bill largely modeled after language developed by out-of-state interests, and we do not believe that Ohio higher education stakeholders ever had sufficient input, despite multiple offers to collaborate.

Below are the Ohio Conference AAUP's greatest concerns with the current version of this legislation.

- **Union Rights**: This legislation is the worst attack on union rights since Senate Bill 5 in 2011. It takes away all campus unions' ability to strike, and the substitute version of the bill goes one step further by adding language that would ban faculty unions from negotiating over important issues such as tenure, retrenchment, evaluations, and workload (Section 3345.455, lines 1162-1172). Ohio voters made it clear that they stand with workers and support union rights, including the right to strike. Why would the legislature seek to have this divisive and costly fight again? In a bill that purports to promote the free expression of all ideas, these provisions attempt to silence the voices of campus workers, especially faculty. As we have noted in previous testimony, it is the faculty holding minority viewpoints who are the most in need of the due process protections that are guaranteed by collective bargaining agreements. If the contention is that conservative viewpoints are underrepresented on campuses, then removing due process protections for faculty is absolutely the *last* thing that should be done.

- Academic Freedom: The language that would require “intellectual diversity” for course approval, as well as the language that would forbid faculty from constricting “intellectual diversity,” remains deeply ambiguous and threatens the academic freedom of faculty to teach according to their expertise. It exposes faculty to potentially baseless complaints without prescribing due process for faculty who might be accused of constricting intellectual diversity. These restrictions ultimately will harm student learning.
- Tenure: The bill abolishes real, meaningful tenure and replaces it with forced post-tenure review (PTR), which gives broad authority to administrative officials to call for PTR at any time. It allows PTR to occur if a tenured faculty member goes outside of what is deemed “allowable expression” under Ohio law. This is not tenure. This is not academic freedom. This will hurt faculty recruitment and also could result in current tenured faculty leaving Ohio.
- Accreditation: For accreditation purposes, course curriculum must be squarely in the purview of faculty. The proposed mandate that the chancellor develop an American government/history course would jeopardize accreditation. This provision also takes academic freedom out of the hands of the expert faculty who are qualified to develop such course curriculum and teach these subjects.
- Diversity, Equity, and Inclusion (DEI): While the substitute bill allows for certain exemptions that assuage some of our concerns about the initial bill’s restrictions on DEI, the substitute bill still would broadly restrict public institutions of higher education from having required DEI training and programs. What this signals is that success for underrepresented students is not important. Institutions should be able to make these decisions for themselves to best decide how to serve their diverse student populations.
- Mandates on Workload, Evaluations, and Syllabi: Colleges and universities already have a myriad of tailored policies that govern workload, evaluations, and syllabi. The various proposed mandates that attempt to micromanage these policies are completely unnecessary, will add to administrative bloat and student costs, and take away valuable attention and resources from student instruction.

In conclusion, Sub. HB 151 would degrade academic freedom and student learning, shift scarce resources from instruction to bloated administrations, and make Ohio less prepared to compete economically. If the legislature wishes to explore solutions to the very real problems that higher education faces, the AAUP stands ready to engage.

Sub. HB 151 is now the third “campus free speech” bill that we have seen over the past three General Assemblies. It is a dangerous precedent to set for the legislature to dictate what is and isn’t free speech, and what is acceptable for classroom instruction at our institutions of higher education. Legislation that projects hostility toward faculty and autonomous higher education overall will drive away quality faculty and students. The mere introduction of this bill has resulted in faculty withdrawing their names for positions in Ohio. If the bill becomes law, this will be a perennial problem.

Ohio's faculty are proud of the role that we play in educating Ohioans—in preparing them to enter the workforce and to be good citizens. As our state continues to attract and to keep employers, as well as to foster communities in which people want to live and work, we should not forget the critical role played by high-quality colleges and universities. Ohio's public colleges and universities are in every area of Ohio—rural, urban, and suburban. They provide good jobs, and they have helped to create and sustain the middle class, the backbone of our economy. Higher education is a public good that benefits everyone, directly and indirectly. The educated, skilled, well-rounded, and adaptable citizens that our colleges and universities help to produce are crucial to Ohio's success.

Please do not undermine higher education by passing Sub. HB 151.

You can view a synopsis of the original bill and our concerns here:
<https://tinyurl.com/y7phta9c>.