

Opponent Testimony for HB151
House Higher Education Committee
May 17, 2023

John Davis

Chairman Young, Ranking Member Miller, and members of the Higher Education Committee, thank you for allowing me to testify today. My name is John Davis. I am an assistant professor in the Knowlton School of Architecture at Ohio State University. I am speaking on my own behalf, and not for my employer. I want to acknowledge several revisions made to the bill since I testified in opposition to its identical twin in Senate committee last month. After reviewing this new language in the bill, there are a number of sections that still pose major problems to effectively carrying out the research and teaching missions of the state universities. In light of the flaws remaining, I would urge you to not vote this bill out of committee.

My criticism of the bill primarily deals with what I perceive to be violations of academic freedom. I have outlined particular areas below, where from my perspective as a “front line” professor who teaches several hundred students a year, has an active research agenda, and moved my family to Ohio a few years ago for this job and imagined, at that point at least, a long and happy career here at this world class research university.

Sec. 3345.029 (A, B and C): relating to syllabi. When I taught in Texas we had a similar “three click” rule. I don’t know if anyone used the database, but dutifully uploaded my syllabi every semester. I do want to note the problems with copyright this poses, however: syllabi take a lot of time to make and a lot of effort. They are very much copyrightable works as much as an article I write is. Perhaps edit this section to include copyright provisions for our work, and that the state will vigorously protect our intellectual property claims if the legislature believes that this exposure of our work is in the public interest.

On lines 749-751: “intellectual diversity.” This concept appears several times in the bill and is not clearly defined. I can imagine it is intended to describe political worldviews but could also extend to other areas of disagreement in the world of ideas, down to technical disputes over certain practices, ideas about policy reform based on expertise, etc., and even to cranks and those proposing ideas well outside of disciplinary consensus. The bill, as it reads, makes it a mission of the university to without fail bring in ideas that may in some cases be outright wrong, disproven, or idiosyncratic wastes of time. The language isn’t sufficiently clear to understand what the intention is. Further, on lines 892-895, there is a vague reference to faculty members “remain committed to expressing intellectual diversity.” This is completely unclear, and there is no mention at all of a mechanism or rubric that faculty can follow so they know they are not running afoul of the law. Because of this lack of clarity, I would urge you to remove all mentions of “intellectual diversity” from the bill.

On Sec. 3345.0217: segments dealing with “controversial belief or policy,” “specified concepts” and “specified ideology.” This section imposes, in my opinion, rather extreme restrictions on what the universities can teach. For example, again, “sustainability” is named. In the college of engineering we have a whole raft of courses on sustainable architecture, sustainable water

management, sustainable transit planning, etc. In the way this bill is written, the college would need to seek onerous written permission in order to offer these courses and do the important work of educating the people who will design the cities of our future. To me this seems like a huge waste of time and money, requiring thousands of hours of work to no benefit. I doubt the aim of the bill is to make it harder for us to teach how to design efficient buildings. But because the language is so ambiguous, I believe this whole section should be removed until the intentions of what exactly the legislature is trying to achieve can be clarified and be more readily apparent in the text of the bill.

On lines 901-904: disciplining faculty who “interferes with the intellectual diversity rights.” This statement is ambiguous. Who determines when someone’s “intellectual diversity rights” have been “interfered” with? It doesn’t take much of an imagination to think of a completely innocuous scenario, where a professor of planning makes the case for the removal of parking minimums in zoning codes, or advocates for revision of the building code to allow one egress stair, or mass timber construction. A student may complain that their “diverse viewpoints” on parking regulations are infringed upon by being asked to work on a mock policy or design project. Any number of routine challenges to a student’s thinking can be elevated to a charge of “indoctrination” under this language. It is deeply flawed and should be removed.

On Sec. 3345.382: the American government or American history requirement. This is a textbook infringement on academic freedom. The history and political science faculties at the various universities have the expertise to determine what is in their courses and what readings make up their syllabi. The state legislature does not, and should refrain from imposing crude curricular requirements. This entire section should be removed.

On lines 1012-1028: on faculty workloads. This is a blanket and imprecise policy and will only cause administrative headaches. Within my own college my duties and the duties of the chemical engineering faculty vary drastically. Even within my unit my research and teaching varies considerably between my colleagues. I will not envy the person whose task it becomes to mathematically try to equate apples, oranges, Volkswagens, and sand dunes. There is a reason why local control over faculty workload exists: within disciplines we have developed effective means of quantifying and assessing output that work for our wildly differing research and teaching modes. Sweeping away all of that accumulated wisdom would be a grave mistake. This whole section should be removed.

On lines 1041-1057: using anonymous student evaluations to police “bias” in faculty and tying these scores crudely to performance reviews. In committee on April 19, 2023, I described my own personal experience of when a student used an end-of-semester course evaluation to make assumptions (and very wrong assumptions, as well) about my personal beliefs when I hadn’t spoken about those beliefs at all in the classroom or anywhere else in the university. The anecdote serves to show that anonymous student evaluations can be useful in some instances but have a well-documented propensity to illuminate the students’ bias more than anything else. To base discipline and the potential destruction of my career on these flawed instruments is troubling. I would recommend that this entire section be removed from the bill.

On Sec. 3345.455: on stripping faculty of their right to collectively bargain for wages and working conditions. This is an egregious violation of our rights as workers and should be removed from the bill. In the sponsor testimony, Rep. Demetriou stated that this was to align university faculty with police, firefighters and nurses. From my understanding, first responders and health care workers are restricted from striking as a matter of public safety. Despite some academics' belief in their own self-importance, no one will die and no buildings will burn down if the professors strike. Striking and collective bargaining are methods for leveraging our labor to insure we have fair wages and safe working conditions. Taking them away while disingenuously using first responder legislation to do so is anti-worker.

On Sec. 3345.591: on barring relationships with academic institutions in China. While I recognize the need to safeguard against espionage, the bill as it is written would make it onerous for me to, for example, arrange a study abroad trip to visit historic defensive infrastructure sites and fortresses to study their architecture with colleagues I have worked with in the past at Chinese universities. This is another example of the crudeness of the way the bill conceives of how the universities conduct business, and the section should be removed until it can be rewritten to not stymie research and teaching.

On lines 1335-1337 and 1344-1346: on prohibiting certain conclusions being made from historical evidence. These lines indicate another overreach of the legislature into the classroom. "Fault...should be assigned to a race..."—this in particular is troubling, as much of what we understand historically about the development of the Caribbean Basin, for example, has much to do with the development of white supremacist ideology and the violent enforcement of its boundaries. To risk disciplinary action for merely describing this historical process is an onerous burden to place on faculty. It, like several other instances in this bill, is an example of something that will deal out considerable harm but will not benefit Ohio a whit.

In my opinion, there are too many very troubling flaws in this bill for me to advocate that you pass it out of committee. I would urge you to consider my testimony above and excise the problematic areas I've identified. Should that prove impossible, I would ask that you please consider my testimony as opposed to the bill in its entirety, and that I ask you to vote no. Thank you.