

Testimony of Jo El J. Schultz, PhD,

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Before the House Higher Education Committee

Rep. Tom Young, Chair

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

My name is Jo El Schultz, and I am an Associate Professor of Pharmacology at the University of Cincinnati, College of Medicine, where I have taught in the medical and graduate curriculum for 22 years. I do not represent the University of Cincinnati nor the College of Medicine, but rather I am submitting testimony as a private citizen in opposition to Substitute House Bill 151.

As a stakeholder and voting constituent in the State of Ohio, I am extremely disappointed that no legislators involved in the sponsorship or co-sponsorship consulted with those that will be impacted by this Bill, i.e., residents of the State of Ohio, prior to HB151 being introduced to this Committee. Yet, the Ohio legislators in the majority within the State House and Senate listened to a third-party think tank (special interest group) about what is best for Ohio educators, students, staff, and the Ohio workforce. This is both hypocritical and ironic based on the recent HJR1 bill that was passed in the Ohio legislature with proponents of the bill stating “it would protect Ohio from outside special interests.”

I am also speaking from experience and expertise as an educator and scientific researcher that Substitute House Bill 151 will not increase intellectual diversity (lines 188-192, and as stated throughout the bill) as implied but will, in fact, restrict intellectual diversity. Although HB151 states to “affirm and guarantee that its primary function is to practice, or support the practice, discovery, improvement, transmission, and dissemination of knowledge by means of research, teaching, discussion, and debate” (line 210-212), it will restrict my ability to practice my profession as an educator and a research scientist in higher education. This is government overreach, surprising (but not really) for the majority of Ohio legislators that voice less government and not more government involvement. This bill will limit (to name a few) the exposure to and discussion of: 1) research and medical topics that relate to racial and gender inequities in medical treatment/care, 2) lack of representation of women, people of color in biomedical sciences and other areas of science, technology, engineering, and math (STEM), 3) implementation to overcome barriers of scientific mistrust in the drug discovery process, 4) drug products that affect racial minority health or people who can become pregnant for a range of diseases including cardiovascular. These discussions occur in classroom lectures in the medical, graduate and undergraduate curriculum; these discussions occur in faculty meetings; these discussions occur at student organizations. This then would reduce the intellectual diversity exposure of the student body and not as stated in the bill, “the institution shall ensure the fullest degree of intellectual diversity” (line 214-215). It is unclear to me as an educator why

this bill is even up for consideration in the State of Ohio. Eleven years ago, the American Council on Education in published a report in 2012 that indicated: 1) “Diversity enriches the educational experience”, 2) “It promotes personal growth and a healthy society”, 3) “It strengthens communities and the workplace”, and 4) It enhances America’s economic competitiveness. Furthermore, as an educator that interacts with faculty, staff, and undergraduate, medical, and graduate students from a wide range of racial/ethnic backgrounds, religious or spiritual beliefs, life experiences, socioeconomic status, HB151 would limit their collective voices in higher education training and in the sense of academic community. HB151 dismisses lived experiences as “controversial beliefs”. In fact, a 2023 BestColleges survey of 1,000 current undergraduate and graduate students, only about 1 in 4 students say they would support legislative efforts to limit the promotion of DEI (26%), the discussion of race or national origin (23%), and the discussion of gender or sexuality (25%) at public colleges. Moreover, the sponsors of HB151 suggest that its duty is to treat all faculty, staff, and students as individuals, to hold them to equal standards, and to provide them equality of opportunity (lines 638-644); yet within the same bill “the institution may advantage citizens of the United States or this state” (line 653-655), which does not represent equality for all and affects international or non-resident faculty, staff, and student opportunity and success.

Secondly, as a tenured faculty member, HB151 wants to significantly alter my academic freedom that encompasses tenure and modify the post-tenure review process, essentially giving at least 50% of decision-making on at least one of the faculty member’s responsibilities (e.g., teaching) to students and student evaluations (line 467-468). As stated in *Inside Higher Education*, “tenure remains essential to the core mission of higher education: the creation, preservation and dissemination of knowledge, without fear or favor” and this is vital in the current environment. Tenure helps attract and retain talented people, particularly in the STEM fields. Furthermore, it is well-documented, and most recently by one of my esteemed colleagues at the University of Cincinnati via a 2023 publication in the peer-reviewed *Proceedings of the National Academy of Science (PNAS)*, that bias occurs in student evaluations and that there is much potential for error when using student evaluations to determine employment. The *PNAS* publication provided an added source of bias in student evaluations which is being in the gender minority of one’s academic department. The researchers noted “that if more men were in a department, women had lower average student evaluation ratings when teaching higher level courses, and vice versa.” The proposed post-tenure review process linking it with student evaluations in HB151 is flawed and dangerous.

As a research scientist who has been funded by the National Institutes of Health, the American Heart Association, the Pharmaceutical Research and Manufacturer’s of American Foundation which all support diversity, equity, and inclusion initiatives in the research and educational training of students, my research program as well as that of other faculty would be significantly impacted which then would impact the economic health of the University and of the State of Ohio. For example, the University of Cincinnati research community secured \$268.3 million in extramural funding in fiscal year 2021-2022, and many of these research programs are supported by our diverse graduate student population engagement in the laboratory, leading to a culture of success. It has been demonstrated in the business world “the desire to associate with similar people can bring social benefits to those who exhibit it, including a sense of shared culture and belonging; yet, it can also lead investors and firms to leave a lot of money on the

table” “Homogeneity imposes financial costs and diversity produces financial gains” (*Harvard Business News* July/August 2018). Similarly, a study from the Harvard Business School showed “that members of traditionally underrepresented groups were more likely than white men to seek out people unlike themselves when forming entrepreneurial teams. That result implies that qualified members of dominant groups aren’t in much danger of being locked out of diverse organizations.” DEI is not indoctrination or inculcation, but provides opportunity for “additional seats at the table, not removing seats that are already there”. DEI provides a place for empathy, tolerance, sharing of lived experiences and a belonging for all and not for a few. Removal or restriction of DEI would be missed opportunities in not only the education sector but also the corporate, healthcare job market, technology/innovation arena, etc. if HB151 were to pass, and set-up our graduates to be unprepared for the multicultural workplaces. HB151 would also significantly undermine our competitiveness in the academic education and research space and create a national disadvantage for the State of Ohio, leading to a “brain drain” and reduced workforce and economy and affecting the JobsOhio Innovation, Talent, and Inclusion Strategies, the Ohio Department of Development Third Frontier and Technology, the Ohio Department of Higher Education Ohio Innovation Exchange program, the InnovateOhio initiative.

In summary, my voice, academic freedom, and ability to practice my profession would be significantly impacted if HB151 is passed. I appreciate the Committee Members’ time and thank all of you with your consideration to not approve this bill to move forward.