

Opposition Testimony on Senate Bill 83
Prof. Scot Kaplan
Senate Workforce and Higher Education Committee
Senator Jerry Cirino, Chair
November 27, 2023

Chair Cirino, Vice Chair Rulli, Ranking Member Ingram, and Members of the Workforce and Higher Education Committee, thank you for providing me this opportunity to correspond with you in opposition to SB 83, and now that The Ohio State Buckeyes have lost three consecutive years to Michigan we can address the true function and value of the university system; which is the education of the citizens of Ohio for the advancement of our people individually and the state collectively.

By way of introduction my name is Scot Kaplan, and I am a professor in the Department of Art at The Ohio State University where I have been working as tenured faculty for more than 20 years.

During the legislative process for SB83 I have had the opportunity to attend several hearings at the Statehouse, I have additionally viewed many recorded testimonies, and have read still more of the written testimonies that were submitted. In further tracking the amendments and revisions to SB83 since April what I have discovered is what many lawmakers themselves have discovered, which is that this is neither an advancing nor simply benign legislative effort to, empower students, strengthen and diversify Ohio institutions, or provide more inclusive views or speech within the academic forum, but rather it is a poorly conceived, evidenced, researched or broadly considered act of political grandstanding that underserves the citizens of Ohio and devalues the significance of a degree earned within the state of Ohio.

What legislators have heard from across the spectrum and in overwhelming numbers from students and professors, from liberals and conservatives, and from business owners and workers alike is that this is flawed policy that is unwanted by the citizenry. The question facing the committee is a simple one: Is this going to be yet another attempt to grab power and attempt to legislatively bully a vast constituency in defiance of the will of the people, which has become a hallmark of the Ohio Republican Party, from the utility bail-out legislation, to the three time court rejected gerrymandered electoral maps, to the attempt to change the system of amending the state constitution, to attempting to prevent implementation of the constitutional right for reproductive choice, to marijuana legalization legislation? In every case the citizens of Ohio have made clear their wishes and in each case the legislature has said they know better than the public itself; and you do not.

Here too the experienced and informed are being set aside, in this case for the whims of a medical device salesman who's educational experience spans teaching a few adjunct courses. Teachers, University Presidents, Board of Trustee members, current students, and prestigious

alumni have all taken time to compose testimony to present in opposition to this legislation and You do not know better.

This is the purest example of the type of “government overreach” that was once decried by the party that now embraces and advances it.

But for a moment let us consider our current state and see what effect that this legislation would have in our real world.

While the war rages in Israel protesters from all sides are expressing their wills in the US in the streets, in public schools, and on college campuses specifically, in some cases targeting, silencing and even physically threatening teachers to the point where they are leaving their classes and even their jobs. Your legislation simplifies, emboldens, and advances this behavior. Where once conversations and discourse could be engaged and advanced within the safety of secure academic positions, under this legislation a “post tenure review” would be triggered if any student feels as though their position about a subject (relevant to the coursework or not) is not being included, even if that student’s position includes support for violence, and kidnapping, and murder, purposely targeting civilians in violation of United Nations and Geneva conventions.

Since these subjects would also be considered “current political issues” and “controversial subjects” as such they would further be banned from discussion or academic engagement within the classroom and so any clarity that might be brought to these issues must give way to the ignorance of silence. A professor may choose to endure this legislation’s putative actions in fulfillment of the university’s mission of “teaching and learning” but does so at the express and directed peril of those who seem to prefer to extend violence through ignorance rather than advance peace through understanding.

As the self-identified “most conservative professor in Ohio” testified in his HR151 hearing, the outsized priority that this legislation places on student reporting and student evaluations “puts a target on every conservative faculty member” in more contemporary terms what this legislation does is create the newest Tic Tok challenge “get a professor fired” not for cause but just for whim, the threat of which serves as the core of this legislation.

While it is noteworthy that OSU Professor Pierre Agostini recently won the Nobel Prize in physics, making him the second (2) faculty member in OSU history to win the prize, as the “flagship” institution in the state of Ohio this does not speak well of the significance of the academic contribution of The Ohio State University. As we strive to advance the recognized value of an Ohio based degree, which in turn advances the degree holders who are most significantly Ohio citizens, I would remind you of the record of achievement of our Big 10 colleagues with whom we compete for faculty, with regard to Nobel Laureate faculty they are University of Minnesota - 30, University of Illinois Urbana – 30, University of Michigan – 26, University of Wisconsin – 26, Northwestern University – 22, University of Maryland – 9, Purdue University – 9, Indiana University – 8, Rutgers University – 6.

I mention this because with the millions of dollars spent in attracting and retaining excellent faculty to our statewide institutions for the purpose of student instruction, and further that faculty bring competitive research funding and jobs to the state, we can begin to understand the outsized impact that academic faculty have on our state. In weighing this considerable impact and the opportunities presented to such faculty what significant academic would even consider taking a faculty position in Ohio under the proposed restrictions with the potential for dismissal under “post tenure review”, which none of our peer institutional competitor’s permit?

In summary, SB83 disadvantages the state of Ohio and its citizens. The legislation runs counter to academic rigor and to the mission of teaching and learning that universities regularly subscribe. It has been overwhelmingly denounced by the citizens of Ohio and professionals within the field and has significant negative consequences beyond the faculty that it attempts to control.

I would urge all representatives of the people of Ohio to vote against SB83.

Thank you for your time and consideration of this written testimony.

Scot Kaplan, Citizen of Ohio