

TESTIMONY OF RICHARD K. VEDDER  
OHIO HOUSE OF REPRESENTATIVES  
HIGHER EDUCATION COMMITTEE  
NOVEMBER 29, 2023

Chairman Young and members of the committee. I am Richard Vedder, Edwin and Ruth Kennedy Distinguished Professor Emeritus at Ohio University. As King Henry the Eighth told his fourth wife, "I'll be brief." I plan to testify for only five or six minutes, although I would point out that I have tenure and you have term limits, so I possibly may cheat a bit.

I favor the proposed legislation. Let me speak briefly to five parts of it: the provisions for diversity, equity and inclusion or DEI; those regarding university governing boards; those advocating professorial post tenure review; those mandating institutional policy neutrality, and the history/civics subject requirements. Time prohibits discussion of other provisions.

First, *DEI is the single biggest enemy of academic excellence and the biggest friend of racism in American college life.* As the revelations of Mark Perry, John Sailer and others show, at Ohio State DEI has not only been extremely expensive, overtly and viciously racist, but is clearly unconstitutional and tragically possibly the cause of a future loss of life, as less qualified OSU trained medical personnel hired via DEI are less skilled than traditional hires would have been. From published accounts, I would estimate the OSU DEI effort is costing about \$25 million annually, or roughly \$400 per student, or enough to fund nearly two thousand in-state tuition scholarships. A massive misuse of resources. Kudos to OSU's trustees for taking the first step to rectifying this tragedy, namely by changing presidential leadership.

Second, the OSU DEI problem ultimately required *trustee* resolution, and this bill along with the stated intentions of Senator Cirino show that university trustees are expected to be more than honorific rubber stamps, but are truly mandated to exercise an important oversight role and veto or punish inappropriate campus behavior, such as students harassing campus speakers, or rioting in a menacing way over issues of the day. The six-year term provision is about right in my opinion, with an option for gubernatorial reappointment of particularly useful, resourceful and conscientious trustees. Periodic meetings of all trustees with state leaders and experts on university governance is very appropriate.

Third, one of the most important provisions, maybe THE most important provision of this bill *has been totally neglected.* Referencing the bottom of page 27 of the bill, *universities*, quote, "*will not endorse or oppose, as an institution, any controversial belief or policy, except on matters that directly impact the institution's funding or mission of discovery, improvement, and dissemination of knowledge.*" This conforms with the Kalven Report of 1967 of the University of Chicago and tells universities that it is their job to provide a forum *—a space—*where all sorts of ideas can be expressed civilly and peacefully, but the schools *themselves* shall not take *NO* positions on issues of the day.

Fourth, I have spent parts or all of seven decades, from the 1960s through this one, teaching how our respect for the rule of law, the protection of private property, and the ability to do one's own thing with minimal government taxation or interference led to this becoming the world's most exceptional nation, which to this day attracts millions to its shores. Yet over time I found increasing student *ignorance* regarding the historical background leading to this achievement, and even hostility at my own university over my modest efforts to deal with this issue. Our history provides the glue that proudly unites us diverse peoples into a tribe which we call "Americans." This bill contributes to providing some of that glue for Ohio college students.

Lastly, tenure has its positive attributes, mainly allowing professors to express their perspectives on issues without fear of reprisal. Yet the awarding of tenure typically imposes a liability on universities with a cost of literally millions of dollars. Unfortunately, I have seen some faculty receiving tenure then go into semi-retirement, skimping on their duties as teachers and researchers. The possibility that the most irresponsible of those professors will face some post-tenure consequences is highly desirable.

Thank you, Mr. Chairman.