

Ohio Higher Education Committee: Proponent Testimony, SB 83, David Randall

Chair Young, Vice-Chair Manning, Ranking Member Miller, Distinguished Members, thank you very much for listening to my proponent testimony in favor of Senate Bill 83, the Enact Ohio Higher Education Enhancement Act. I urge you to support the bill, which would strengthen Ohio public universities' long commitment to intellectual freedom and intellectual diversity.

It would also help to bring an end to the racial discrimination now running rampant at Ohio's public colleges and universities. Those outside the universities often have a hard time believing in the extent of racial discrimination, mostly because the universities are so good at hiding it. But two weeks ago, a large chunk of the stonewall was breached by my NAS colleague, John Sailer, who made careful use of freedom of information requests to get hold of the internal "DEI" reports of faculty search committees at OSU. He published some of his findings in *The Wall Street Journal*.

What John Sailer found is that in pursuit of "diversity, equity, and inclusion" OSU routinely turned down not just the best candidates for faculty positions, but the second best, the third best, and all the way down to candidates that were marginally qualified. Academic departments were rewarded by senior administration for their help in sticking Ohio taxpayers with support for new faculty who come nowhere close to proper standards of achievement.

I don't want to repeat John's article, which should be part of the record, but to give one or two examples, he found that a committee searching for a professor of freshwater biology selected finalists by considering their so-called "contribution to DEI" to count for a third of their merit. A candidate who responded to DEI questions only by acknowledging the existence of racism in the academy was zeroed out and had no chance at all of being hired on the basis of his research and teaching, no matter how outstanding.

How has OSU responded to these revelations? Predictably: by circling the wagons. The dean of OSU's College of Arts and Sciences promptly emailed faculty saying: "We will be working with our communications colleagues to coordinate our response...I am proud of the wonderful hires we have made in the college, focused on helping them to thrive, and steadfast in our college's commitments to our shared values."

The dean's pride is misplaced. A university should take pride in hiring faculty members on the basis of their scholarly and scientific accomplishments, their capacity to teach and to inspire the next generation to take up the work of sustaining the pursuit of truth, as well as the promise of their current research. None of this is reflected in DEI.

Indeed the dean's pride in what amounts to driving OSU towards intellectual ruin is a powerful reason why you should support Senate Bill 83, the Enact Ohio Higher Education Enhancement Act.

That bill will not all by itself cure problem, now deeply embedded at OSU and at other Ohio public colleges and universities, but it will be a powerful start.

John Sailer's article confirms that SB 83's prohibition of political and ideological litmus tests in hiring decisions addresses a real and major problem affecting Ohio's public universities. SB 83 also is good policy because it uses tailored means to achieve reform. For example, it doesn't try to prohibit the discriminatory concepts of DEI in orientations or training courses—it prohibits mandatory DEI orientations and training courses. SB 83 restores liberty in Ohio higher education.

SB 83 also is mainstream policy. Laws restricting the divisive concepts of DEI already have passed in 8 states, including Florida, Iowa, Mississippi, North Carolina, North Dakota, South Dakota, Tennessee, and Texas. Syllabus transparency has been law in Texas for years, and University of

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Texas faculty have no problem posting their syllabi on the web. A state university general education requirement in American history and government is law in ten states. The prohibitions against race discrimination echo all of America's highest principles, and just have been reinforced by the Supreme Court in its decision in *SFFA v. Harvard*. University financial transparency is standard in Arkansas, Idaho, and South Carolina. Institutional neutrality has been an ideal of American higher education since the publication of the University of Chicago's Kalven Report in 1967. SB 83 would be good policy even if it weren't mainstream policy, but what it does is bring the best existing practices of American liberty and education policy to Ohio's public universities.

SB 83 is necessary policy. SB 83 is well-tailored policy. SB 83 is mainstream policy. SB 83 is policy that will reinforce America's highest ideals of intellectual freedom and intellectual diversity. I urge you to support, and to pass, SB 83.