

Testimony of John M. Herbert, Ph.D.
Before the House Higher Education Committee
Rep. Tom Young, Chair
November 27, 2023

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

My name is John Herbert, and I am a Professor of Chemistry at The Ohio State University, where I have taught for 17 years. I do not represent Ohio State, but rather am submitting testimony as a private citizen in opposition to Substitute Senate Bill 83.

In my view, the proposed legislation fails to appreciate the purpose of academic freedom and significantly misconstrues the purpose of diversity, equity, and inclusion (DEI) initiatives. If passed, *this legislation will severely and negatively impact the ability of to recruit and retain top talent in higher education*. This will have direct and significant economic consequences, and I believe it will accelerate the exodus of young people out of the state of Ohio. Let me address each of these issues.

By forbidding university faculty from discussing "controversial" topics, the proposed legislation directly undermines academic freedom, which is the cornerstone of the academic tenure system and is intended precisely to protect scholarly research on controversial topics. Honest debate requires evidence and scholarly critique. If the academic community's ability to provide those functions is subject to the political whims of the day, then the result will be a critical lack of information. I do not want the scholarly activities at Ohio State or elsewhere to be subject to the political winds that blow through a given state capital, be those winds Republican or Democratic in nature.

Scholarly engagement on leading-edge issues (which are often by their nature controversial) is a primary function of universities, and protection from political interference is crucial to that work. Scholars need to be able to engage deeply with a subject, without altering course depending on itinerant political pressure. This drive toward relentless pursuit of truth is the reason that I became an academic, and I would find it difficult to remain remain at an institution that would not or could not protect my academic freedom. Many others likely feel the same, therefore the effect of this legislation will be a "brain drain" on a scale that Ohio has not seen before. It will destroy higher education in this state, by eliminating the ability of Ohio's colleges and universities to recruit and retain the best faculty. This will hasten the exodus of young people, who will leave Ohio in search of a high-quality college degree that they might once have been able to obtain in-state. The best scholars and educators will not stay here, and future faculty will not be recruitable, if their scholarly activities are to be micromanaged by state government.

At the moment, The Ohio State University is a world-class academic institution that should be a point of pride for residents of our state. Our students are taught by scholars who are leaders in their respective disciplines, but that is likely to change quickly if this legislation is passed. Top talent will go elsewhere, and we will be left to recruit faculty from amongst whomever could not find jobs at institutions supportive of academic freedom. The consequences of this go far beyond loss of prestige and human talent, and will directly impact Ohio's economy. For example, I am currently the principal investigator on almost \$2 million in grant funding, from agencies that include the National Science Foundation, the Department of Energy, the National Institutes of Health, and the American Chemical Society's Petroleum Research Fund. Nearly all of this money goes to support the salaries of researchers under my supervision, who are Ohio taxpayers, but it is money that I will take to another university if I leave. It is also worth noting that broadening workforce participation (i.e., diversity efforts) is a required component of many of these proposals.

Let me address those diversity activities directly. In political conversations, I have heard it asserted that "DEI bureaucracies" have taken over academia, and that academics spend a significant amount of their time on DEI training. Both of these assertions misrepresent reality. Instead, diversity initiatives at Ohio State and elsewhere often amount to mentoring efforts and procedures to avoid implicit bias in hiring. These are good-faith efforts to understand and counter the ways in which certain groups are structurally disadvantaged within our current system. There can be no denying that certain groups *are* disadvantaged; it is surely no accident that only 6% of college and university faculty nationwide are Black (as compared to 13% of undergraduates) and only 5% of faculty are Hispanic (as compared to 22% of undergrads nationwide). This underrepresentation is even more pronounced in the disciplines of science, technology, engineering, and mathematics (STEM), and it deprives underrepresented students of role models in those fields. It may be difficult for someone from a majority group to fully appreciate, but it sends a message when a young student in STEM looks around and fails to see anyone who looks like them. This is true in primary education as well, and insofar as university faculty are training future teachers, diversity efforts at the university level propagate to lower grade levels. This lifts everyone up, as there is a wealth of research indicating that diverse teams are more creative and more productive in the workplace.

To counter the structural disadvantages experienced by underrepresented students, mentoring programs in higher education are increasingly common. Yes, these efforts are often couched in terms of "group identity" because different groups have different needs. For example, I am the faculty advisor to the "Out in STEM" student group at Ohio State, which serves LGBTQ students. What I find that many of these students are seeking is a place where they can have frank conversations about the manner in which their LGBTQ identity impacts their education, their training, and their professional prospects. My ability to have those conversations with students is a big part of what it means to create an inclusive atmosphere at Ohio State. Other colleagues in my department are equally engaged with mentoring other underrepresented groups.

Consider also that there are various kinds of identities, and that we (as a university community) are engaged in recruiting and educating diverse students along many different dimensions. For example, I recently wrote a successful National Science Foundation grant to fund a

summer research experience for undergraduate students who hail from small, underserved institutions in Rust Belt and Appalachian regions in and around Ohio. Given the demographics of these areas, the targeted students are overwhelmingly White but many are first-generation college students who are often unaware of the exciting and lucrative careers that are available to a person with an advanced degree in STEM. Today, I am the director of this program, which brings students from underserved areas to Columbus and places them into research groups in the Chemistry & Biochemistry department, for a 10-week immersive research experience in the laboratories of my faculty colleagues. This is a program that is very much tilted toward a "group identity", namely, first-generation college students.

I hope you will see there is nothing nefarious about these various efforts to help lift young people upward. Such efforts are frequently based on "group identity" because different groups have different needs. This is increasingly recognized by industry, and with an eye toward Intel's new semiconductor fabrication facility that is planned for New Albany, I note that DEI information is featured prominently on Intel's website. Backing away from efforts to broaden workforce participation, in STEM and other disciplines, is not going to cause industry jobs to pour into Ohio. It could have the opposite effect.