

Testimony of Sara Watson, Ph.D.
Before the House Higher Education Committee
Rep. Tom Young, Chair
November 29th, 2023

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

My name is Sara Watson, and I am an associate professor of political science at The Ohio State University. I do not represent OSU, but rather am submitting testimony as a private citizen in strong opposition to Substitute Senate Bill 83.

SB 83 covers vast terrain, including issues as varied as the right to strike, tenure protections, retrenchment, “bias” in the classroom, mandatory DEI trainings, partnerships with Chinese institutions, and mandatory coursework/reading in American government and history, among others. In today’s testimony, I’m sure you will hear from opponents on most, if not all, of these areas. However, I wish to focus my comments on two contradictory components of SB 83: its rhetorical emphasis on ensuring intellectual diversity on university campuses and its actual provisions, which would stifle intellectual diversity by chilling speech.

In multiple passages, this substitute SB 83 bill calls for “intellectual diversity”— which it defines as “multiple, divergent, and varied perspectives on an extensive range of public policy issues.” College professors are to “express intellectual diversity” and maintain classrooms “free of bias.” Both charges are laudable. What is worrisome about this bill are provisions which would penalize faculty for failure to meet these poorly defined goals. Consider the charge to promote intellectual diversity. Although SB 83 claims not to substitute “the exercise of professional judgment about how to accomplish intellectual diversity within an academic discipline,” it then negates this with a qualification: “unless that exercise is misused to constrict intellectual diversity.” How one would adjudicate whether a professor is exercising professional judgment, or misusing it, remains opaque.

Even more worrisome, SB 83 also threatens to chill speech in the classroom. One of its requirements is that faculty members maintain classrooms “free of political, racial, gender and religious bias.” Again, this a laudable goal. What is alarming are the vague parameters, and also the sets of penalties associated with violating this mandate. In real-world classrooms, containing students with divergent perspectives, some students will express opinions with which their classmates disagree. Disagreements between students in a classroom setting mean that faculty members could be easily misconstrued as permitting “biased” perspectives to be aired—and therefore of maintaining a “biased classroom”. This is not a theoretical point. In the wake of the current Israel-Hamas conflict, campuses across the country are now witnessing (conflicting) demands from students and donors for the protection of free speech—and also demands to shut down the speech of those with whom they disagree. In light of this complex terrain, it is very likely that college instructors will shy away from teaching around crucial “controversial” topics entirely.

Concerns about chilling speech are especially a risk for vulnerable faculty without the protections of tenure. Tenure is a core component of academic freedom because it allows faculty to interrogate difficult topics with students—and with colleagues—without fear of reprisal. And yet, ironically, SB

83 also threatens to weaken tenure protections through the imposition of post-tenure review and vague retrenchment policies. Tenure—and academic freedom—are not secure if a faculty are subject to arbitrary retribution and layoff. We see this in cases across the country. For example, earlier this year, at Hamline University in Minnesota, a lecturer lost her position for showing images of the Prophet Mohammed in an art history class. Indeed, a recent survey by FIRE show that faculty members today are more fearful than during the Second Red Scare—and that untenured faculty are more afraid of losing their jobs and reputations due to a misunderstanding of their teaching or research than are tenured faculty. By further eroding the institution of tenure, SB 83 also threatens to undermine the freedom of speech and intellectual diversity it purports to uphold.

The sad reality is that SB 83 threatens Ohio universities' proud history of promoting engaged citizenship through open debate and deliberation. Far from protecting intellectual diversity and eliminating “bias” in college classrooms, the bill threatens to censor students’ ability to critically engage with competing perspectives by chilling—if not outright restricting—instructor speech. I urge the members of this Committee to stand up for true intellectual diversity -- and to resoundingly reject Senate Bill 83.