



Ohio Conference of the American Association of University Professors

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Testimony of Stephen Mockabee, PhD
Ohio Conference of the American Association of University Professors
Before the House Higher Education Committee
Representative Tom Young, Chair
November 29, 2023

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

My name is Steve Mockabee, and I'm a professor at the University of Cincinnati. I am here today on behalf of the Ohio Conference AAUP–American Association of University Professors, which represents more than 7,000 professors at both public and private institutions of higher education.

First, we would like to thank Chair Young for holding this hearing, given that SB 83 has gone through many iterations since the last time public testimony was heard on it in the Senate, when a record-setting number of opponent testimonies were submitted. We also would like to thank the entire committee for their careful consideration of what is a wide-ranging bill that has numerous implications for Ohio higher education. Despite multiple offers to collaborate, we have not been invited to the table to discuss this bill outside of formal committee meetings. We are puzzled by the sponsor saying repeatedly that he isn't anti-union, but then failing to engage the unions that would be most impacted by the bill.

Although we welcome the removal of the no-strike provision, we must be clear: Substitute Senate Bill 83 remains an anti-union, anti-faculty bill and our association strongly opposes it. As we explained to this committee in a letter that was emailed to you on November 7, co-signed by the Ohio Federation of Teachers and Ohio Education Association, these are our top five concerns with the current version of the bill:

1. Prohibition on collective bargaining subjects: The bill still would ban retrenchment, tenure, and evaluations as subjects for collective bargaining. These are some of the most fundamental aspects of the terms and conditions of faculty employment; so removing them as subjects for bargaining is a thinly-veiled form of union-busting. Moreover, the definition of retrenchment (lines 1124-1130) is far too broad, requiring only “a reduction” in enrollment or funding, or an unspecified “change” to programs, or the mere presence of “fiscal pressures.” This wording would give *carte blanche* to administrators and trustees to shut down academic programs and terminate faculty positions without warning or due process. This mandate would lend itself not only to short-sighted decision-making and instability for students and faculty, but also to undue political influence in program and faculty termination decisions. It also ignores the myriad of processes that both unionized and non-unionized campuses have

developed over years of cooperation for keeping course and degree offerings relevant for today's students and employers.

2. Post-tenure review: The language that grants broad authority for certain administrators to call for post-tenure review “at any time” (lines 1096-1101) would effectively end meaningful tenure in Ohio. Our institutions would struggle to attract and retain quality faculty if this becomes law.
3. Academic freedom: The bill still contains broad and confusing language about “intellectual diversity” and faculty maintaining a commitment to allow students to “reach their own conclusions about all controversial beliefs or policies” discussed in the classroom (lines 767-770). The bill fails to explain how it will be determined whether a student has been sufficiently allowed to “reach their own conclusions.” This ambiguity would leave faculty open to frivolous complaints. The legislature should avoid creating laws that dictate the manner in which faculty members must run their classrooms. Such prescriptive language would chill academic freedom and would actually stifle the honest conversations that are essential for quality education. This bill would inhibit free speech, not enhance it.
4. Faculty evaluations: Colleges and universities already have created and effectively implemented systems of faculty evaluations. Imposing a one-size-fits-all evaluation process is a completely unnecessary, big-government attempt to micromanage what institutions already have figured out for themselves.
5. Public posting of syllabi and instructor information: The requirements in this bill to post online the instructor’s course schedule, contact information, as well as a detailed calendar of course topics cannot possibly be well-intentioned. This mandate will expose faculty to harassment by off-campus trolls, invite disruptions of classes on days when certain topics are being discussed, and could even pose a threat to the physical safety of faculty and students.

If someone who doesn't know much about Ohio public colleges and universities picked up and read SB 83, they likely would assume that Ohio institutions don't already have faculty evaluations, tenure and retrenchment policies, partnerships with business and industry, a commitment to free speech and open dialogue, or the processes to determine policies regarding all of these issues and more. But we know this couldn't be further from the truth; through shared governance and collective bargaining, faculty, staff, and management have *agreed* to the way institutions operate. There is no need for big-government mandates to dictate what institutions already do.

This bill has been dubbed the “Ohio Higher Education Enhancement Act,” but it is far from anything that would enhance our public colleges and universities. We have to call things what they are. The bill was largely designed by national interests to undermine, not enhance, public higher education across the country. It is intended to union-bust. It is intended to tenure-bust. If you look at the states that have passed similar bills, what you see is lawsuit after lawsuit, professors leaving the state, and the future of higher education in question. Ohio would be at a competitive advantage by *rejecting* SB 83. This bill would hurt academic freedom and student learning, shift scarce resources away from instruction to further bloat administrations, deter quality faculty and students from coming to and staying in Ohio, and make Ohio less prepared to compete economically by exacerbating “brain drain.”

Before today's hearing, between the previous House and Senate hearings on SB 83 and HB 151, there have been more than 600 opposition testimonies submitted, compared to only 13 proponent testimonies. More than 50,000 letters have been emailed to legislators urging them to oppose SB 83. I'm not sure how much clearer it could be that Ohioans oppose this bill. We believe that lawmakers should listen to the people.

We urge this committee to reject SB 83. We ask that you bring together stakeholder groups in a meaningful way to discuss the problems we face in higher education. Rather than using higher education as a wedge to divide people, let's work constructively and collaboratively to strengthen Ohio's public colleges and universities.

Thank you for your time. I would be glad to answer any questions.