

Opponent Testimony for HB151
House Higher Education Committee
November 29, 2023

John Davis

Chairman Young, Ranking Member Miller, and members of the Higher Education Committee, thank you for allowing me to testify today. My name is John Davis. I am an assistant professor in the Knowlton School of Architecture at Ohio State University. I am speaking on my own behalf, and not for my employer. I want to acknowledge the many superficial revisions made to the bill this summer that indicate both how contested this piece of legislation is and how fatally flawed it continues to be. After reviewing this new language in the bill, there are a number of sections that still pose major problems to effectively carrying out the research and teaching missions of the state universities. In light of the flaws remaining, I would urge you to not vote this bill out of committee.

My criticism of the bill primarily deals with what I perceive to be violations of academic freedom. I have outlined particular areas below, where from my perspective as a “front line” professor who teaches several hundred students a year, has an active research agenda, and moved my family to Ohio a few years ago for this job and imagined, at that point at least, a long and happy career here at this world class research university.

On sections relating to: “intellectual diversity.” This concept appears several times in the bill and is not clearly defined. I can imagine it is intended to describe political worldviews but could also extend to other areas of disagreement in the world of ideas, down to technical disputes over certain practices, ideas about policy reform based on expertise, etc., and even to cranks and those proposing ideas well outside of disciplinary consensus. The bill, as it reads, makes it a mission of the university to without fail bring in ideas that may in some cases be outright wrong, disproven, or idiosyncratic wastes of time. The language isn’t sufficiently clear to understand what the intention is. Further, vague references to faculty members “remain committed to expressing intellectual diversity.” This is completely unclear, and there is no mention at all of a mechanism or rubric that faculty can follow so they know they are not running afoul of the law. Because of this lack of clarity, I would urge you to remove all mentions of “intellectual diversity” from the bill.

On segments dealing with “controversial belief or policy,” “specified concepts” and “specified ideology.” This section imposes, in my opinion, rather extreme restrictions on what the universities can teach. For example, again, “sustainability” is named. In the college of engineering we have a whole raft of courses on sustainable architecture, sustainable water management, sustainable transit planning, etc. In the way this bill is written, the college would need to seek onerous written permission in order to offer these courses and do the important work of educating the people who will design the cities of our future. To me this seems like a huge waste of time and money, requiring thousands of hours of work to no benefit. I doubt the aim of the bill is to make it harder for us to teach how to design efficient buildings. But because the language is so ambiguous, I believe this version of the bill should be entirely scrapped, and

that the legislature try to figure out exactly what it is they are interested in, and write a bill around that.

On disciplining faculty who “interferes with the intellectual diversity rights.” This statement is ambiguous. Who determines when someone’s “intellectual diversity rights” have been “interfered” with? It doesn’t take much of an imagination to think of a completely innocuous scenario, where a professor of planning makes the case for the removal of parking minimums in zoning codes, or advocates for revision of the building code to allow one egress stair, or mass timber construction. A student may complain that their “diverse viewpoints” on parking regulations are infringed upon by being asked to work on a mock policy or design project. Any number of routine challenges to a student’s thinking can be elevated to a charge of “indoctrination” under this language. It is deeply flawed and should be removed.

On faculty workloads: This is a blanket and imprecise policy and will only cause administrative headaches. Within my own college my duties and the duties of the chemical engineering faculty vary drastically. Even within my unit my research and teaching varies considerably between my colleagues. I will not envy the person whose task it becomes to mathematically try to equate apples, oranges, Volkswagens, and sand dunes. There is a reason why local control over faculty workload exists: within disciplines we have developed effective means of quantifying and assessing output that work for our wildly differing research and teaching modes. Sweeping away all of that accumulated wisdom would be a grave mistake. This whole section should be removed.

On using anonymous student evaluations to police “bias” in faculty and tying these scores crudely to performance reviews: In committee on April 19, 2023, I described my own personal experience of when a student used an end-of-semester course evaluation to make assumptions (and very wrong assumptions, as well) about my personal beliefs when I hadn’t spoken about those beliefs at all in the classroom or anywhere else in the university. The anecdote serves to show that anonymous student evaluations can be useful in some instances but have a well-documented propensity to illuminate the students’ bias more than anything else. To base discipline and the potential destruction of my career on these flawed instruments is troubling. I would recommend that this entire section be removed from the bill.

In conclusion, this entire bill is deeply flawed and should be scrapped in favor of considered legislation, not boilerplate from out of state. This bill and the ongoing attempts to ram it through the legislature have made me strongly consider leaving the state. The sheer amount of opposition Sen. Cirino has encountered indicates to anyone paying attention how bad this bill is. Thanks for letting me testify, and please vote no on this bad bill.