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Testimony of Richard Finlay Fletcher, PhD.
Before the House Higher Education Committee
Rep. Tom Young, Chair

November 29, 2023

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

Thank you for allowing me to testify today. My name is Richard Finlay Fletcher, I am a British-born US citizen, Ohio voter, associate professor at The Ohio State University in the Department of Arts Administration, Education, and Policy, and I am here today to offer my testimony in strong opposition to Senate Bill 83.

As someone who has previously testified against this deeply concerning and frankly unnecessary legislation, I want to begin by expressing my relief that several of the most damaging components of the bill have been removed in the current version (e.g. the obscene no-strike provision, the damaging challenge to faculty governance over the curricular with the required American government/history course, and the vague and potentially harmful references to ‘specified concepts’ and ‘specified ideologies’).

To my extreme disappointment, however, not only has this misguided legislation not been abandoned, but the revised version of the bill still contains provisions that, if implemented, would destroy the effectiveness and integrity of public higher education in Ohio. For example, the limitations enforced on faculty labor unions, so they are not only prevented on their rights as workers to bargain over retrenchment and evaluations, but also the vital protections of academic freedom enabled through the tenure system. The prospect of tenure was one of the reasons I sought academic employment in the US and Ohio after completing my PhD at the University of Cambridge in 2006. It is a system that provides essential job security for the highly educated and committed workers within the academic profession, as well as a robust form of protections needed to carry out cutting edge scholarship without the threat of compromising our work due to pressure from political or other powerful forces. Senate Bill 83 gives far too much influence and power to boards of trustees and administrators to terminate faculty positions, without due process, and also using the guise of ‘post-tenure review’ to do so. While I could speak against these and other aspects of the bill, such as the one-size-fits-all annual evaluations of faculty, when there are already systems of evaluation in place (which is the same for tenured professors like myself), I want to focus on the curricular impact of the bill.

While I am testifying here as a private citizen, my decision to focus on the curricular matters in the bill is informed by my ten plus years of work on the Curriculum Committee in the College of Arts and Sciences at The Ohio State University. This body and its panels of faculty members and staff enacts an impressively rigorous process of curricular oversight – approving new and revised courses and degree programs, as well as oversight of General Education requirements in our College and in an advisory role for the whole university. In a public statement in *The Columbus*

Dispatch when the bill was first introduced, Senator Cirino stated that “The bill places NO restrictions or prohibitions on ANY curricula or classroom material.” Yet just as the previously proposed American history/government course was remarkably restrictive and prohibitive, so too are several of the remaining provisions in the bill.

While language of ‘specified concepts’ and ‘specified ideologies’ have thankfully been removed, the bill still contains troubling language about how state universities need to affirm and declare that faculty will allow and encourage students to reach their own conclusions when it comes to so-called “controversial beliefs or policies”. These are described as, but are not limited to, topics of climate policies, electoral politics, foreign policy, immigration policy, marriage, abortion, or diversity, equity, and inclusion programs.

My classes on visual culture, philosophies and theories of art, decolonial arts education, settler colonialism, and global Indigenous arts, all directly engage students in respectful and robust dialogue around questions that fall among several of these topics, and it is essential to the learning outcomes of the class that students do so much more than ‘reach their own conclusions’, especially as a way for them to refuse engagement with the topics at hand. For example, how are we meant to discuss how Indigenous artists center conceptions of land, water, sovereignty, and relation beyond present-day environmental damage, imposed borders of settler states, historical facts of genocide, removal, and cultural erasure, and citizen rights of sovereign Tribal nations within a climate of nervous protection for student preference rather than established and documented fact? These are deeply challenging topics for settler, non-Indigenous students to grapple with, and no student could pass the class without engaging in some way with controversies swirling around both policies (climate, electoral, foreign, and immigration) and politics (including electoral) when it comes to Indigenous artmaking.

Furthermore, within the historically white settler institution of the university, how are we to understand the centering of Indigenous artists and other knowledge holders in our curriculum, than through the lens of diversity, equity, and inclusion? The Ohio State University is uniquely positioned to point to a proud historical tradition of welcoming Native American thinkers and leaders to our campus dating back to the 1911 when the Society of American Indians, the first American Indian activist association organized and run by Native people themselves, held their annual meeting here. In fact, the university’s Office of Marketing & Communications mentions this history in its ‘Key Issues’ initiative, updated September 2023, where it enacts a commitment by the University Senate to review a Land Acknowledgment resolution. (Here is the link: <https://omc.osu.edu/key-issues>). The same statement notes that “support for diversity and inclusion has never been stronger at Ohio State, which offers programs specifically for Native American members of our community, courses in American Indian Studies, and the university operates the Newark Earthworks Center.” The statement concludes that “Ohio State strives to create an inclusive campus community that is open, welcoming and accessible to all.” This is precisely the lesson that is central to my classes, and which is jeopardized by the dangerous curricular overreach of Senate Bill 83.

Finally, given the politically motivated attacks on higher education, censorship, and controlling student groups and free speech in the aftermath of Hamas’ brutal attack on Israeli citizens, and the ensuing devastating bombing of Palestinian citizens, when complex concepts like settler colonialism and genocide are being applied to give historical context to this long-standing

conflict and its recent explosion of violence, how can I as an instructor safely teach about how global Indigenous artists engage with historical and cultural memories of genocide of their peoples and tribes, and with the ongoing structures of settler colonialism in the US? With the attack on tenure, unfounded claims of restricting “intellectual diversity” in our classrooms, and detailed syllabi and instructor contact information and course schedules be easily accessible and searchable on university websites, I am deeply concerned about how this proposed requirement is intended to intimidate me as a faculty member who is just doing their job as an educator, opening me up to potential harassment from beyond the university, because my work is not understood within an necessarily educational context. The very presence of the term ‘indoctrination’ in the bill, and the recent imposition of ‘intellectual diversity’ Centers on several Ohio university campuses (which failed to proceed through regular legislative channels by being pushed through the budget) does not give me confidence that there are not political forces at work that would create an environment, and possibly actively enable, such harassment that would prevent me from doing my job.

I ask you to consider my testimony and vote NO on Ohio Senate Bill 83. Thank you again for the opportunity to testify. I am happy to take any questions you may have.

Thank you for your time and consideration,

Richard Finlay Fletcher
Dr. Richard Finlay Fletcher