

Good morning. I am Michael Poliakoff, president of the American Council of Trustees and Alumni (ACTA for short). My roots are in academic life: I founded and chaired the Department of Classics at Hillsdale College and have taught Latin, Greek, and Classical Civilization at Wellesley College, Georgetown University, George Washington University, and still slip away from my day job at ACTA to teach a course each semester at George Mason University. I have served as Pennsylvania deputy secretary of education, director of education programs at the National Endowment for the Humanities, and vice president for academic affairs and research at the University of Colorado. My heart is in higher education, and since 1995, ACTA has advocated on behalf of high academic standards, accountability, and the free exchange of ideas at America's colleges and universities. We are pleased to offer our support today to SB 83, the Enact Ohio Higher Education Enhancement Act. As is the case with many large omnibus bills, there are sections which we hope will be refined and improved during the amendment process, but overall, we enthusiastically commend this legislation's visionary boldness at a time when American higher education is in urgent need of a course correction.

We are very pleased to see the emphasis on thorough training of university trustees and a long-overdue call for a required course in American government or history. Although ACTA prefers boards of trustees themselves to initiate such requirements, when this does not happen, it falls to state legislatures to address the growing, well-documented disease of civic ignorance among college graduates. The clear prescriptions of sections 3333.0419 and 3345.382 are highly commendable.

The bill's proactivity is timely because it addresses another campus disease: the stifling of sociopolitical debate and discussion and the erosion of intellectual diversity. Over the past few months, ACTA surveyed students at the Ohio State University (OSU). Unique in its robust number of respondents (2,003), our survey provided solid data on not only the overall state of freedom of expression at the university, but also the experiences of campus population subgroups. The findings, soon to be published in full, are not reassuring, and they encourage us to embrace the bold thinking that SB 83 contains. No one should imagine that what we found at OSU does not apply to many more institutions in Ohio and throughout the nation.

Here is one example from the survey. We asked the student sample, "On your campus, how often have you felt that you could not express your opinion on a subject because of how students, a professor, or the administration would

respond?” Our preliminary data found that 21% answered “Fairly often” or “Very often”, but that is not the whole story. A frightening 48% of our Republican sample answered either “Fairly often” or “Very often”; that figure fell to just 8% among Democrat students.

To give one more example, we asked students, “How many friends on campus do you have who adhere to a different political ideology?” Among Republicans, 62% said “About half” or more. But among Democrats, only 28% answered “About half” or more. A surprising 35% of Democrats said “Just one or two” or “None”; only 9% of Republicans selected either of those choices.

How can OSU live up to its motto, “Education for Citizenship,” when so many students affiliated with one of America’s two major political parties are afraid to speak up on campus? Is OSU helping to form citizens who are prepared to live together and negotiate with one another when so few students have friends from across the political aisle? It would be a mistake to think that these findings at OSU would not be paralleled elsewhere.

The data show that OSU must do more to encourage free and open discourse from a diversity of perspectives on its campus. Thus, we are impressed to see that section 3345.0217 echoes the magisterial words of the American Association of University Professors’ (AAUP) Declaration of Principles on Academic Freedom and Academic Tenure, when it admonishes that faculty and staff shall allow and encourage students to reach their own conclusions. The AAUP laid down the principle that,

The university teacher, in giving instruction upon controversial matters, while he is under no obligation to hide his own opinion under a mountain of equivocal verbiage, should, if he is fit for his position, be a person of a fair and judicial mind; he should, in dealing with such subjects, set forth justly, without suppression or innuendo, the divergent opinions of other investigators . . . and he should, above all, remember that his business is not to provide his students with ready-made conclusions, but to train them to think for themselves, and to provide them access to those materials which they need if they are to think intelligently.¹

¹ The American Association of University Professors, “1915 Declaration of Principles on Academic Freedom and Academic Tenure,” January 1915, <https://www.aaup.org/NR/rdonlyres/A6520A9D-0A9A-47B3-B550-C006B5B224E7/0/1915Declaration.pdf>.

The Ohio State University is not unique in its lack of support for intellectual diversity. A 2021 survey found that over one-third of faculty say they would discriminate on the basis of political ideology.² It is not surprising that the 2017 National Communication Association survey of over 7,000 college faculty found that the ratio of registered Democrats to registered Republicans teaching history was 33.5 to 1. Sixty percent of both history and journalism/communication departments report employing no registered Republicans.³ Do we wonder at the erosion of intellectual diversity and vibrant discussion?

We are pleased to see that Ohio lawmakers are both asking how your state can be a leader in campus freedom of inquiry and expression and recognizing that fostering the free exchange of ideas will require remedial action.

I doubt that anyone in this room would disagree with the statement that diverse perspectives foster breakthroughs in our understanding. Scott Page's 2007 book, *The Difference: How the Power of Diversity Creates Better Groups, Firms, Schools, and Societies*, makes that abundantly clear. What SB 83 seeks to redress is the power of bureaucratic offices, commonly known as Diversity, Equity, and Inclusion (DEI), which, despite their fair-sounding name, do more to *obstruct* the intellectual diversity that is the very lifeblood of higher education and American progress rather than improve it. The news in American higher education is riddled with stories about conflicts between DEI and free expression and intellectual diversity. The story of Stanford Law School's DEI dean's intervention during the shout-down of Fifth Circuit Judge Kyle Duncan is just the latest widely reported example.

Mandatory diversity statements in hiring, promotion, and admissions are an especially troubling trend. The title of an article in the February 4, 2023, issue of *The Economist* of London tells us that we are making fools of ourselves in the eyes of the world: "American universities are hiring based on devotion to diversity: Mandatory statements are quickly taking hold of academia."⁴

² Eric Kaufmann, "Academic Freedom Is Withering," *Wall Street Journal*, February 28, 2021, <https://www.wsj.com/articles/academic-freedom-is-withering-11614531962>.

³ National Communication Association, "Political Party Affiliation Among Academic Faculty," C-Brief 1, no. 7 (2017),

⁴ *The Economist*, "American universities are hiring based on devotion to diversity," February 4, 2023, <https://www.economist.com/united-states/2023/02/04/american-universities-are-hiring-based-on-devotion-to-diversity>.

At this moment, it appears that one in five faculty hires is to some degree dependent on the candidate's diversity statement. At the University of California–Berkeley, the hypothetical answer, “I always invite and welcome students from all backgrounds to participate in my research lab, and in fact have mentored several women,” would likely end the applicant's eligibility for a faculty position.⁵ How many young Albert Einsteins are being cut on Berkeley's diversity chopping block? Some programs at Ohio's public universities are already using mandatory diversity statements for hiring and promotion. Such requirements are likely to spread without bold legislative action such as SB 83.

As is normal with major legislation, there are amendments and tweaks that will improve this bill, but please note the importance of SB 83 and be aware of the danger of inaction. Heed the words of Keith Whittington, a political scientist at Princeton University, “There are a lot of similarities between these diversity statements as they're being applied now and how loyalty oaths (which once required faculty to attest that they were not communists) worked.”⁶

It is worth noting, regarding section 3345.80, that Berkeley's Division of Equity & Inclusion had a budget of \$36 million in 2020. This money goes to salaries and programming in DEI; it does not increase diversity by the logical process of awarding more need-based scholarships to worthy students.

To reiterate, SB 83 is a strong and visionary bill. ACTA looks forward to being a resource for this legislature as it works on refinements and improvements of this omnibus bill.

⁵ Berkeley Office for Faculty Equity & Welfare, “Rubric for Assessing Candidate Contributions to Diversity, Equity, Inclusion, and Belonging,” <https://ofew.berkeley.edu/recruitment/contributions-diversity/rubric-assessing-candidate-contributions-diversity-equity>.

⁶ *The Economist*, *Ibid*.