

Testimony of Jillian Bornak, Ph. D.
Before the Senate Workforce and Higher Education Committee
Senator Jerry Cirino, Chair
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Chair Cirino, Vice Chair Rulli, Ranking Member Ingram, and Members of the Workforce and Higher Education Committee:

My name is Dr. Jillian Bornak, and I am a professor of astronomy and physics at The University of Toledo, where I have taught for nine years. I do not represent The University of Toledo, but rather am submitting testimony as a private citizen in opposition to Senate Bill 83.

The language of SB83 gives the impression the authors have little familiarity with how a university works and the proposed policy suffers in its aims because of that point. It seems better at revealing the Identity Politics of the day, hedging sound policy with a basic assumption that my students are unable to think critically about the curriculum and ideas expressed in my classrooms.

From my viewpoint as a lecturer (instructionally focused), I approached this bill with curiosity in the hopes of finding some good points. I do agree with one point. Lines 123-125 regarding posting a syllabus a week before class are reasonable and necessary. Even if most students don't read the syllabus, it is helpful to have the schedule and the course policies outlined, as well as instructions for any material that needs to be purchased. Even though our university has a syllabus template, its implementation is sadly non-uniform, which is ridiculous.

Lines 148-149 Universities will need to spend money on another administrator (lines 141-145) to make a report when that money could be put toward hiring teachers or infrastructure upkeep. This is especially confusing since later parts of this bill are very concerned about teaching equality and the new mission statement specifically mentions keeping an eye on infrastructure costs (lines 94-98). A decade of delayed upkeep has certainly already put this university in a tight spot.

Regarding section Sec. 3345.382 (lines 318-345) Universities try to stay competitive by keeping degrees around 120 credit hours. Are they proposing to replace a 3 credit hour course in every single degree program? That reduces the instructional value of those programs, and every program will have to decide what course should be dropped in favor of this new requirement. Who will teach this course? If they intend this bill to take effect Fall 2023, the course needs to be designed now. To do any less is to invite total chaos. This looks like an opportunity for the state to easily chastise every institution when they can't meet this standard. This also seems to contradict their desire to reduce all degree programs to three years (lines 1079-1088).

Reading section 3345.0217 regarding diversity training, intellectual diversity, and controversial topics, in an effort to promote the perceived absence of certain topics, the language implies a restriction of topics the authors feel are unnecessary. For example, "sustainability" isn't a bad word; it is another word that implies a budget to conserve resources and balance usage rate.

A diversity of thought is necessary when creating products used by diverse people. Car safety used to be measured using on an average male test dummy, leading to 47% higher injuries for women (especially pregnant women). Initially both Microsoft's Kinect facial recognition feature and Twitter's initial image cropping algorithm didn't work well with darker skinned people. Excessive false positives with type 3 and 4 hair ("black" hair) in airport scanners lead to excessive body searches. Add a small dose of humanity to the process (looking over resumes for interview callbacks, for example) and the bias soars ([2002](#), [2014](#), [2015](#), [2021](#)). Even something as concrete as house appraisal shows these [biases](#).

The definition of "intellectual diversity" (lines 188-192) neglects the issue that some ideas are strongly supported by science and yet not so much by the general public. Can our medical classes not discuss vaccines because it is suddenly fashionable to reject them? Should they not discuss screening for genetic cancers since too many people believe in leaving it in the hands of deity? Can we can teach a scientific consensus that non-scientists don't like? I teach astronomy. Does this mean I can't teach about the Big Bang and the many observations supporting it? There are some people who find these ideas controversial. I am not trained in religion and have no background in theology, so I can't really introduce any mythological or religious alternatives to a scientific idea. Also, science works by testing of predictions against reality by observation; without proof there is no science. Religion works in the absence of observational proof. These aren't opposite sides of a coin, they are two completely different ways of looking at reality. They can be complementary, but they really don't function the same way at all. Those ideas would be better taught in a philosophy or religious studies department by experts in those fields, and they should definitely be taught.

"Professional judgment" is nebulous in lines 225-228. For example, it impossible to tell whether I could teach about the Big Bang or not. When dictating terms through legislation, saying that professional judgment can be exercised except when it can't is disingenuous. I can see this part of the bill acting as a chilling force, preventing faculty from broaching any topic, regardless of how well-supported, out of fear of a McCarthy-like attack on themselves.

Lines 220-224 demand that the University Board of Trustees stop their own work and develop intellectual diversity rubrics that prescribe and proscribe every single topic taught, course evaluation given, and every student learning outcome in every syllabus for every single class. I thought the point of this bill was to ensure the freedom and diversity of education, not restrict it.

The concept is unrealistic in terms of the person-hours required. This is assuming each board member is a master of every single topic taught at the university. Will the board members be meeting with each of the faculty one-on-one or will they group them by department? If they meet one-on-one, assuming each meeting is 5 hours (that's unrealistically short for an entire class, but let's be optimistic, here) and there are 9 board members working 8 hours a day uninterrupted (assuming they don't have other jobs, which in fact they do), that is 44 solid days of work or 8.75 solid weeks. It's insulting that they value the board so little as to waste their time like this. Again, that is a logistical nightmare.

Where is the intellectual freedom that the bill writers champion if they are controlling so many aspects of every single course?

In lines 241-246 there is great concern that a university not force students to support or rail against "climate change, electoral politics, foreign policy, diversity, equity, and inclusion programs, immigration policy, marriage, or abortion ... allyship, diversity, social justice,

sustainability, systematic racism, gender identity, equity, or inclusion” and yet again there is no such concern that students not support other controversial ideals like neo-nazis or racist or sexist superiority ideas. The issue about not denouncing neo-nazis is especially pertinent to Ohio given the recent news about a [neo-nazi homeschooling network in Sandusky](#). I’m not saying that if you add “neo-nazis” to the list it will fix this. The point is that this is an oddly specific list of topics that the bill writers insist is important that students not be forced into, rather than leaving just a general statement about student beliefs.

While the university as a whole is restricted from endorsing that climate change is happening, what of an individual faculty member called to make a statement regarding climate change when it is within their academic purview? That seems to contradict the demand that universities treat all students, faculty, and staff as individuals (lines 179-181). Universities are repositories of knowledge and are institutions people turn to for information regarding “controversies of the day”. This directly contradicts the new mission statement requirements, in particular lines 170-173 “no aspect of life at the institution, within or outside the classroom, requires, favors, disfavors, or prohibits speech or action to support any political, social, or religious belief” and lines 179-181 which confirm that faculty, staff, and students are individuals. In a bill devoted to free speech, it is unexpected to see a list of topics that must not be discussed.

Throughout this bill I see a concern that students not be indoctrinated by teachers. I have to say, if I could indoctrinate my students I would indoctrinate them to read the syllabus and check the schedule. I am not even joking a bit and I am not alone in this feeling.

Regarding the demand to post numerical teacher evaluations (lines 424-428) I invite you to review just the tip of the massive amount of research indicating that student evaluations are biased

- [“Gendered Language in Teacher Reviews”](#) looked at 14 million RateMyProfessor reviews and found many words students used were heavily gendered
- [Innovative Higher Education study regarding evaluation bias based on the perceived gender of the teacher](#) found in online classes that teaching styles thought to come from a man are considered much more favorably than when they are thought to come from a woman even when the same person taught the course the whole time
- Another [Innovative Higher Education study](#) showed that identical courses taught by the same person received lower rating if students perceived the teacher as female
- [Yet another controlled study showing students consistently rate instructors lower if they are perceived as female or not white](#)

This contradicts the bill’s firm stance against discrimination by race, gender, or any other group identity. It harms the students looking to take courses from instructors: those students will not, in fact, see numbers that show them the highest rated instructors, just the most white and male instructors. Now, if they wanted to post the comments that students make, it would be extremely educational for the general public to see the racist, sexist, and bigoted statements that students use.

Lines 366-370 empower the board of trustees to make changes to tenure to promote excellence, specifically listing instructional excellence first. The largest number of students taught in departments are in fact taught by lecturers, who are not tenured. I’m grateful that the writers of this bill seek to empower the board of trustees to create a tenure system for lecturers to ensure instructional excellence. This is especially welcome as lecturer salaries tend to be 70% of tenure-track faculty salaries, which is a situation that is not set up to promote the strongest educational methods.

Tenured faculty are by definition splitting their time and attention between instruction and research while lecturers are free to focus fully on instruction. However, I must point out that research does provide value that the bill writers also included in lines 366-370. Without tenured faculty research, graduate programs would shut down and cutting-edge research would no longer be done in the state of Ohio.

I welcome the more balanced workload between myself and other faculty members, honestly. I would like to express my relief in not always relying on the Usual Suspects to pick up many important tasks that do not related to promotion. However, I find it unlikely that a single workload rubric would work for every single university in the state. From experience I would be shocked at a single workload that works for just two departments in a single university.

Lines 429-433 initially seemed welcomed since they emphasize the need for faculty to invest in professional development regarding instruction rather than just their research topics. At the very least the baseline should be taking two courses in how to use Blackboard (or any course management system) and how to create a well-designed and accessible course. However, I realize that the peer observation work is merely being offloaded to the other faculty. Peer reviews of teaching take time if done well, and it is a waste of time to do them poorly. Will there be course releases for the peers to evaluate each other? What happens in a department when only one or two people are considered excellent teachers and must evaluate everyone else? Is that included in the workload agreement developed according to lines 366-370?

Sec. 3345.452 and Sec. 3345.453 outlines faculty review and post-tenure review as if such processes did not already exist. Are these policies intended to overwrite current review methods or supplement them?

Lines 709-715 are fascinating. The bill describes how “orientations, majors, financial awards, residential housing, administrative employment, faculty employment, student training, extracurricular activities, and graduations” should never be segregated by “group identities such as race, sex, gender identity, or gender expression”. Classes should never be segregated, as we’ve learned that separate is usually not equal. However, the insistence that financial awards and extra curricular activities also not be segregated leads to an interesting idea. It seems like they want to eliminate various scholarships that are set aside for specific genders and races, against the explicit wishes of the founders who generously donated the large sums of money to start said scholarships. That is a lawsuit ready to happen and again seems to violate the idea that money is free speech. The bill writers proscribe having gender-segregated sports, which seems directly in conflict with the current excitement regarding transgender athletes.

Lines 522-523 specifically stating what a “Confucius institute” is but only uses that term once in the rest of the bill, instead using the general “academic institution located in China”. This is oddly specifically to define this for no purpose. Did the writers intend for this to stay in the final version of the bill? It comes across as very specifically racist unless there is some other association with the phrase “Confucius institute” that I am not aware of.

Lines 560-567 shut down any collaboration with academic peers in China. Does this mean faculty members are not allowed to collaborate with their peers in China, even when they are working on the same project? That’s a waste of money and makes US research less competitive. China is heavily investing in renewable technology including solar power, for example. This part of the bill seems like it is aimed at the photovoltaics researchers at the

university, who are a powerhouse in terms of receiving grants and getting graduate students through their degrees. That is just the effect on one specific field.

Sec. 4117.14 attempts to reduce delays in contract negotiation but ends up steamrolling any complaints by the union since lines 346-365 negates any Collective Bargaining Agreement in favor of whatever policy is adopted by the board of trustees without the need for any additional legal work. This proposal strips faculty of any say in how an educational institute works and indeed strips them of any recourse to make their voices heard. I do not see how this leads to more freedom of speech.

Finally, while this bill is called "The Ohio Higher Education Enhancement Act" other careers might be interested in how lines 907-932 prevent them from striking.

In short, while this bill proposes to encourage free speech it is instead restricting speech. It purports to create a more supportive environment for students but actively restricts initiatives that support student success. It suggest reducing the time to earn degrees but insists on including a new course. It demands review processes that already exist. It aims to improve instruction and research while actively restricting them. It tries to support teachers but ends up removing their voice and their protections against partisan attack.

I realize that many of you may be taken aback by the lack of tact I demonstrate in my writing. I invite anyone reading this to sit in on my class to experience me when I am full of tact, enthusiasm, and excitement.

Yours respectfully,

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