

Opponent Testimony for SB83
Senate Workforce and Higher Education Committee
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John Davis

Chairman Cirino and members of the Workforce and 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, drawing on my professional expertise and decade of experience as a teacher in higher education at public and private institutions in three different states. I have grave concerns about SB83, which I believe, should it become law, will damage our public universities' ability to deliver world class education. Specifically, I am going to address the "controversial belief or policy" section of the bill today.

I am a historian. I am an expert on the development of cities, infrastructure, and working landscapes in the United States. Every year I get to teach a class called "The Making of the American Landscape." It is my favorite class to teach. In this course we talk about indigenous versus European farming techniques, how the planning of Philadelphia reflected the principles of the new Republic, Jefferson's continental grid, railroads, plantations, canals, highways, zoning, national parks, Central Park, military proving grounds, the Las Vegas strip, you name it. My aim is to teach the students how to observe, research, and come up with their own interpretations of the everyday environments created by Americans, sometimes recently, sometimes long ago, that the students will encounter in their lives.

I am writing a book about Reconstruction, and how the US Army's engineer corps rebuilt the war-torn South. I bring my research and the things I have found in the army's archives into the classroom. My concerns arise when I look at this bill and see the language on lines 218 and 219 restricting faculty from "seek[ing] to inculcate any social, political, or religious point of view," in particular, relating to "controversial matters" or certain "specified concepts." The bill defines a controversial belief or policy as anything that anyone could disagree with, specifically naming climate change, social justice, sustainability, and systematic racism.

I can't teach about the Reconstruction South without acknowledging that there was indeed systematic racism after Emancipation, or that newly freed African Americans (and some northern soldiers too, as I've found in my research) tried to rebuild in a way that righted the injustices of the past. I can't talk about much of anything in the US landscape without running afoul of concepts named in the bill. How can I not encourage students to see through the eyes of a Louisiana shrimper who sees his family's land eroded daily by flooding due to climate change? To choose not to would be a dereliction of my professional duties as a historian. To choose to follow my expertise and speak about systemic racism or climate change would open me up to accusations of "indoctrination."

The bill at lines 225 through 226, carves out an exception in the "exercise of professional judgment...within an academic discipline." This is a relief, but it is short-lived. A caveat follows on line 228 stating that an academic's professional judgment cannot be "misused."

Who will be the judge of me misusing my professional judgment? The bill is not clear. It is a small jump in logic to imagine that this bill materially increases my exposure to discipline or litigation for merely brushing against a “controversial matter” in a routine lecture. How will I defend myself in court if a student or a parent sues me for “constricting” their diversity by talking about climate change or sustainability? Who will pay my attorney fees? How am I going to come up with the money to pay high premiums on professional insurance that this bill will almost certainly cause? I have small children and a mortgage. These questions aren’t rhetorical for me.

I imagine thousands of my colleagues are right now running the exact same calculus. It will become even more difficult to recruit top faculty to Ohio because of legislation hostile to faculty and the research that we do. Ohio State, my employer, tallied a grand total of 1.38 billion dollars in research expenditures last year. That figure includes 636 million dollars in federal research and development expenditures. These dollars have an enormous economic impact on the entire state of Ohio. They are the direct result of dedicated faculty and grad students here at OSU. What happens when my colleagues get tired of cumbersome, hostile bills in search of non-existent problems? What happens when we can’t recruit promising graduate students? What happens when even a quarter of the faculty take their research grants and flee to places like Michigan or Pennsylvania, where the legislature is less interested in attacking their public universities? The loss of half a billion dollars in economic activity will likely be felt severely and quickly.

This is why academic freedom is the foundation of what we do at the university. We are free to conduct cutting edge research, unearth stories about our past, teach our students to compose symphonies or design great buildings. We can do this because we are free from laws like the one proposed, which interfere with our work, make our jobs harder, add layers of bureaucrats to surveil us, make us look for positions in other states. But mostly it hurts the students, who will be deprived of the world-class education that OSU and Ohio’s other public institutions offer.

The public university system in this country is the envy of the world. It is one of the United States’ best ideas. We need to protect our state universities, not attack them. I ask that you please consider my testimony and vote no on this bill. Thank you.