



*A Union of Professionals*

1251 E. Broad Street  
Columbus, OH 43205

**Senate Workforce and Higher Education Committee  
SB 83 Opponent Testimony  
Presented by Darold Johnson, Ohio Federation of Teachers Legislative Director**

**April 19, 2023**

Chair Cirino, Vice Chair Rulli, and Ranking Member Ingram, I am Darold Johnson, Legislative and Political Director for the Ohio Federation of Teachers (OFT). Thank you for this opportunity to testify in opposition to SB 83.

I am here today, on behalf of OFT and AFT members who work in higher education and on behalf of all Ohioans who are concerned about academic freedom, to ask you to reject this legislation. I will detail some of our specific concerns with this bill in a moment, but first, as a whole, SB 83 represents a drastic overreach by this legislature into the policies, composition, and curriculum of Ohio's public and private institutions of higher education. This bill will do real harm to faculty, students, and administration, and will lower the standing of Ohio's colleges and universities in relation to our neighboring states. I urge you to step back from the brink and discard this divisive and unnecessary legislation.

**Makes campuses safe for hate speech and prejudice**

The provision in this bill that stops colleges and universities from having the ability to “disfavor or prohibit speech or actions to support any political, social, or religious belief” will make our campuses powerless to respond to overt acts of racism, anti-semitism, and other forms of hate speech. Likewise, provisions of the bill that forbid colleges and universities from training staff on issues related to diversity, equity, and inclusion, leaves schools unable to address issues of prejudice or bias, even if there are specific documented incidents that the school needs to address. While the bill is written to prohibit only “mandatory” DEI training for students or staff, the reality is that voluntary training programs would not be useful. For workplace training to be effective, and for the standards and policies in those trainings to be uniformly adopted, everyone must take part.

**Imposes onerous unfunded mandates on faculty and staff**

Throughout many sections of this bill new administrative, reporting, and evaluation requirements are foisted on colleges and universities, including a labor-intensive requirement for public posting of searchable, highly detailed syllabi for every single undergraduate course. These administrative requirements, without corresponding funding for compliance, create an unfunded mandate that will be a heavy burden for state institutions of higher education. Additionally, the requirements for syllabi to include every class reading, every assignment, and a summary of

every lecture or discussion, will create an excessive amount of uncompensated extra work for faculty.

### **Threatens academic freedom and could jeopardize accreditation**

SB 83 threatens academic freedom in a number of ways. Most prominently, it creates a culture of micromanagement and overlapping restrictions that may force faculty to avoid covering sensitive topics or presenting views that might challenge students to think about a controversial topic differently. For example, it's unclear if prohibitions against political stances by faculty extends to things like stating in a history class that the actions of Hitler, Mussolini, Pol Pot, etc. were reprehensible. Additionally, faculty may feel like they need to shy away from presenting challenging content to students, due to a rigid "post tenure review" process that is heavily influenced by student evaluations that are subjective and unreliable.

SB 83's requirement for a 3-credit American Government or History class, which includes specific mandatory readings, is a radical overreach of the legislature's role in regulating state colleges and universities. Though the course description sounds innocuous, this level of political interference in higher education curriculum sets a bad precedent and may even jeopardize accreditation for Ohio's colleges and universities.

That course's required readings include Martin Luther King Jr.'s Letter from a Birmingham Jail, which was written 60 years ago this week. This inclusion is disingenuous given the overall context of this bill. Dr. King's letter calls each of us to take a stand on issues of justice, to peaceably demonstrate, and to push for change. SB 83 would prohibit faculty and staff at colleges and universities from doing this. The letter even marks the deep connection between academic freedom and political activism, stating that "academic freedom is a reality today because Socrates practiced civil disobedience."

Most pointedly, Dr. King decries those who prefer "a negative peace which is the absence of tension to a positive peace which is the presence of justice." SB 83 would force a negative peace, an absence of tension, in higher education. That is an unjust restriction on staff and faculty, and more importantly it is a disservice to the students they educate.

### **Puts Ohio colleges and universities at a competitive disadvantage**

Given all these restrictions on speech, actions, and advocacy, and onerous reporting requirements, Ohio's colleges and universities will struggle to recruit and retain highly skilled faculty and staff. The context of these restrictions – the fact that this bill is a statement against promoting diversity, equity, and inclusion on campuses – will be off-putting to many potential students. Additionally, the bill's restriction against academic relationships with China and Chinese institutions could create a competitive disadvantage in many cutting-edge research areas.

### **Rollback of labor rights**

Finally, we are also appalled by the attack on collective bargaining rights that is hidden in this bill. By and large, Ohioans support public sector workers' rights to join unions and collectively bargain for a fair contract. This was proven resoundingly in 2011 when Ohio voters overwhelmingly rejected SB 5. SB 83's ban on strikes for many public employees is just as insidious as the restrictions in SB 5. Without the ability to threaten a strike, it will be harder for college faculty and other affected workers to win fair contracts that improve working conditions for staff and learning conditions for students.

SB 83 is unneeded, unproductive, and unwelcome. I urge you to oppose this legislation and find more productive and collaborative ways to advance the mission and effectiveness of Ohio's colleges and universities.