



Ohio Conference of the American Association of University Professors

222 East Town Street, 2W, Columbus, OH 43215

Testimony of Stephen Mockabee, PhD
Ohio Conference of the American Association of University Professors
Before the Senate Workforce and Higher Education Committee
Senator Jerry Cirino, Chair
April 19, 2023

Chair Cirino, Vice Chair Rulli, Ranking Member Ingram, and Members of the Workforce and Higher Education Committee:

My name is Steve Mockabee, and I am here on behalf of the Ohio Conference AAUP—American Association of University Professors. By way of background, I am an Associate Professor of Political Science in the School of Public and International Affairs at the University of Cincinnati (UC), where I direct the Graduate Certificate in Public Opinion and Survey Research. At UC, we have had a faculty union for almost 50 years. The AAUP has a strong presence across Ohio, with 25 chapters that account for more than 6,000 members at both public and private institutions of higher education.

On a national level, the AAUP has existed for more than 100 years. The AAUP has helped to shape American higher education by developing the standards and procedures that have made American higher education a model for much of the rest of the world. The AAUP defines fundamental professional values and standards for higher education, advances the rights of academics, particularly as those rights pertain to academic freedom and shared governance, and promotes the interests of higher education teaching, research, creative activity, and librarian effectiveness. Unfortunately, the AAUP, one of the foremost authorities in American academia, was not consulted in the development of Senate Bill 83.

Our association strongly opposes SB 83.

SB 83 is modeled after language developed by out-of-state interests that have a national political agenda that has nothing to do with enhancing Ohio higher education. These are not unique solutions to Ohio problems. In reality, the bill fails to address any of the actual problems that we face in Ohio higher education: underfunding and disinvestment, administrative bloat, misplaced spending priorities, and an overreliance on adjunct faculty, to name a few. In fact, SB 83 would exacerbate many of the aforementioned problems. Indeed, this bill represents a skewed, distorted view of higher education, one that simply does not comport with our experiences on Ohio's campuses.

Not only is SB 83 unnecessary, it could create irreversible damage. SB 83 would have broad and unintended consequences that would degrade student learning, hamper student and faculty recruitment, impinge upon academic freedom and shared governance, leave institutions mired in legal challenges, and ultimately harm workforce development and Ohio's

ability to attract and keep employers. The bill attempts to micromanage higher education, imposing one-size-fits-all unfunded mandates that violate the autonomy and uniqueness of our individual institutions. The differences among our public colleges and universities have long been one of the major strengths of our state system of higher education, and SB 83 would impose a narrow vision of higher education on our institutions whose missions are intentionally varied to best serve the needs of our state. In the remainder of my testimony, I will first discuss the bill's harmful effects on academic freedom and then review our concerns about several of its specific provisions.

Academic Freedom

Academic freedom is the fundamental principle of the AAUP, but more importantly, it is the centerpiece of quality education for students. American higher education is the envy of the world because of academic freedom. Academic freedom is the ability of faculty to teach, research, write, and engage in other scholarly endeavors without interference, including political interference. It is only without interference that scholars can engage in the uninhibited pursuit and dissemination of knowledge. The U.S. Supreme Court has ruled consistently that academic freedom is a constitutional right under the First Amendment.

We must be clear: Senate Bill 83 is political interference. It contains several provisions that would impact the content and manner in which certain topics can be discussed. For example, SB 83 blacklists certain “controversial beliefs or policies,” “specified concepts,” and “specified ideologies.” While the language attempts to make an exception for professional judgment within an academic discipline, the bill still requires what is referred to as “intellectual diversity” by faculty, and prohibits faculty from engaging in the so-called “inculcation” of students. The bill is silent on the critical questions of who will decide what constitutes “inculcation,” how that determination will be made, and what due process will be afforded to someone facing an accusation of “inculcation.” The ambiguous nature of how intellectual diversity or inculcation might be perceived would generate tremendous uncertainty and thus create a chilling effect on academic freedom, stifling honest, academically-supported conversations about a variety of topics.

SB 83 would set a dangerous precedent for state government to get into the business of regulating the content and manner in which certain topics can be addressed on college and university campuses. The bill could be interpreted as forbidding institutions from hiring faculty who might teach on certain topics that are listed in the bill, ones dealing with race, gender, and sexual orientation. It could also be interpreted as prohibiting majors dealing with race and gender identity. A controversial belief or policy is defined in the bill as anything that is the “subject of political controversy.” To preserve the integrity of our institutions of higher education, they must not be subject to the political whims of the day. In this era of hyperpartisanship, in which seemingly anything and everything can be and is politicized, SB 83 would create unsettling classroom environments—that any discussion of what could be deemed controversial might result in accusations of indoctrination. By attempting to legislate intellectual diversity, the bill would likely hinder the free expression of ideas.

A prime illustration of the problematic nature of this effort is one of the examples listed in the bill: climate change. Within the discipline of environmental science, the theory that human

activities generate emissions that are causing changes in the Earth's climates is widely accepted. The fact that climate change has been politicized for various reasons doesn't make the science less valid. Students deserve an honest education, but that isn't achievable with a state-imposed pedagogy putting constraints on their professors.

We live in an era in which people are told that their opinions are just as valuable as facts or prevailing wisdom. But, in fact, there are right and wrong answers in many academic disciplines. Students do not attend institutions of higher learning because they already have all of the answers. In many situations, a student's opinion simply may not be supported by the research in an academic discipline. A professor should be expected to point that out, and should not be criticized or penalized for pointing it out.

The idea that professors across campuses are spending a great deal of time discussing controversies in a highly partisan manner and inculcating students is simply not supported by rigorous research. In fact, one recent study showed that politics comes up directly in classrooms only eight percent of the time.¹ Certainly, there are particular disciplines—such as in the arts and humanities—that likely have a greater number of faculty who identify with what are considered progressive ideologies. However, in the business schools, engineering colleges, and the sciences, faculty members tend to identify with more conservative ideologies. The fact that a professor has personal political leanings does not mean that they are suppressing the speech of students or are punitive to students who may have views contrary to their own.

According to a 2007 AAUP report, education becomes indoctrination only when “an instructor insists that students accept *as truth* propositions that are in fact *professionally* contestable,” and presents “such propositions dogmatically, without allowing students to challenge their validity or advance alternative understandings.” In other words, it is not indoctrination, or inculcation, for a professor to assert a belief based upon their research and disciplinary expertise, including on subjects dealing with race, gender, and what otherwise may be considered “controversial.” Students are welcome to raise alternative viewpoints and challenge ideas, and it is precisely those kinds of discussions that help students develop critical thinking skills. These sorts of discussions occur every day in college and university classrooms. State-imposed rubrics that could have the effect of forcing faculty to be intellectually dishonest for the sake of “intellectual diversity” have no place. The running joke among faculty when we are accused of indoctrinating students is, “If we could indoctrinate students, we would get more of them to read the syllabus.”

Recent student surveys about free speech on campuses have yielded clear results: the vast majority of students are more concerned with how their peers might react to their speech than they are with a reaction from a professor. In other words, very few students worry that a faculty member will shame or punish them for their views, but many care about how their peers perceive them.² Similar research has demonstrated that the vast majority of students

¹ <https://thehill.com/opinion/education/3941143-the-myth-of-woke-indoctrination-of-students/>

²

https://www.chronicle.com/article/the-real-source-of-self-censorship?utm_source=lterable&utm_medium=email&utm_campaign=campaign_6443438_nl_Academe-Today_date_20230322&cid=at&source=&sourceid=

don't significantly change their political views throughout college. Surveys show that college students generally become more tolerant of all perspectives—conservative and progressive—not that students' fundamental worldviews change. Moreover, new research suggests that a key reason why potential students are not choosing to attend college is stress, which accompanies other factors such as cost concerns, work conflicts, and childcare responsibilities.³ We are not aware of evidence to support the idea that potential students are not choosing higher education due to free speech concerns. We urge this committee to exercise extreme caution in passing a sweeping legislative overhaul of higher education based on anecdotes rather than systematic empirical evidence.

We fully acknowledge that there have been situations in which faculty members have behaved in a variety of ways that are deemed inappropriate. In those situations, faculty should face and have faced disciplinary action. The AAUP does not protect professors who deserve discipline; we merely seek to ensure that faculty members—tenured or not—receive due process before disciplinary action is taken. The reality is, however, that most student complaints with free speech undertones are unsubstantiated, and institutions are capable of distinguishing between perceived and actual bias. As the great American transcendentalist Ralph Waldo Emerson once wrote, "Let me never fall into the vulgar mistake of dreaming that I am persecuted whenever I am contradicted."

"Campus Free Speech" Legislation

SB 83 represents the third "campus free speech" bill that we have seen in the last three legislative sessions. We don't have to make a slippery slope argument, because we are already on a downward slope with now this third piece of legislation attempting to dictate what is and is not free speech, and what is and is not appropriate for all colleges and universities.

During the 133rd General Assembly, SB 40, dubbed the "FORUM Act," was introduced purportedly to address the issue of fairness in accommodating campus speakers. It was passed and signed into law. During the 134th General Assembly, SB 135, sponsored by Sen. Cirino, was introduced in an attempt to address in-classroom free speech. SB 135 contained extensive language guaranteeing that colleges and universities are marketplaces of ideas, which we include as an addendum for your reference.

The law created by SB 135 mandates that public institutions of higher education develop policies and procedures for handling free speech complaints. The ink has barely dried on these policies. They have not been given a chance to work. Why is the legislature now attempting to layer on additional mandates when a new law governing the same topics has not fully taken effect? A more conservative and measured approach would be to allow the law to be fully implemented before passing more legislation.

3

<https://insidehighered.us2.list-manage.com/track/click?u=ed1d2ff123b6b83dd97022f88&id=dc3b062f9&e=cea85d802b>

Faculty Tenure

After earning an undergraduate degree, faculty undertake years of post-graduate training, professional development, and scholarly research to earn the right just to compete for a position at a college or university. Faculty on a tenure track must undergo various evaluations of their teaching, research, and service over a five to seven year period before earning the right to have a final review to earn full tenure. If they are successful, they obtain the academic freedom to teach their classes in a manner that corresponds to their professional training and expertise, as well as the curriculum requirements of their department, college, and university. Becoming a faculty member and earning tenure is an arduous process undertaken by educators who are passionate about their discipline, teaching, and research.

If the state government begins to meddle in tenure policies, that in and of itself violates the purpose of tenure, which, in part, is to insulate faculty teaching and research from political pressures. Tenure in Ohio would become “tenure light,” and tenure-track positions would no longer be attractive to the national and international pools of faculty that institutions seek. Why would a quality faculty member pick up their lives to move to Ohio for a position that fails to offer real job protections?

Tenured faculty can be and are terminated from time to time. We don’t hear about it much, because it is rare, and typically a faculty member will choose to resign rather than go through a termination process. It is supposed to be difficult to fire tenured faculty; otherwise, tenure is meaningless and academic freedom is unprotected. While the post-tenure review proposal in this bill may seem harmless on its face, it gives broad authority to administrative officials to call for a tenure review at any time, which most certainly undermines tenure protection. Tenured faculty already can be and are terminated if they have “a documented and sustained record of significant underperformance.” Administrations already have the tools they need to handle these situations, and if they do not use them, it is a failure in management.

Tenure protects the academic freedom of professors no matter where they fall on the political spectrum. As such, if the contention is that institutions are liberal bastions that seek to quash conservative ideas, then one would expect post-tenure review to be of greatest threat to academic freedom and job protections for *conservative* faculty.

Faculty Workload

Faculty workloads, which account for the total work of a faculty member, including teaching, research, service, and other activities, are tailored to suit college and departmental needs. Institutions have determined policies that accommodate these needs. The state need not intervene. As just one example of how this bill fails to understand the complexities of higher education and what is actually happening on the ground, the wording of the bill could actually *decrease* some faculty workloads, which we highly doubt was the sponsor’s intention.

Faculty Evaluations

Each institution of higher education has established guidelines for faculty evaluations based on many factors, including peer assessments, student surveys, and scholarship. The state need not micromanage matters which institutions already have tailored to fit their needs. Moreover, making quantitative scores from student surveys count for half of a faculty member’s teaching assessment, and making those numbers public, creates a perverse

incentive for instructors to avoid controversial subjects or challenging assignments for fear that they will be accused of political bias and receive low ratings.

Syllabus Requirements & Micromanagement

Dictating syllabi content and requiring that syllabi and other reports mandated by this bill be made available through the main page of an institution's website by no more than three clicks are the ultimate examples of non-value-added, big government micromanagement. This type of busywork not only is unnecessary, but it also would shift valuable resources away from student learning and into more bureaucratic bloat.

Syllabi are the intellectual property of faculty and/or the college or university. Ohio would be willingly exposing the intellectual property of all faculty by requiring that such detailed course curriculum be made public. From a logistical standpoint, it would be nearly impossible for institutions to post the syllabi within the time constraints imposed by the bill. We have yet to hear the public clamoring for professors' syllabi to be made available. On the other hand, it could have real, damaging effects on faculty safety by opening up faculty to intimidation and harassment based on their biographical information, courses, and course content. This sort of harassment from off-campus trolls would have a very chilling effect on academic freedom. This portion of the bill is ill-advised to say the least.

Diversity, Equity, and Inclusion (DEI)

One of the central aspects of higher education is that it brings together students, faculty, and staff from every imaginable background. Meeting different people, learning other perspectives, and hearing new ideas makes the collegiate experience uniquely valuable. We have to acknowledge that there are groups of people who face particular challenges to their educational experiences based on: their physical and learning abilities; their racial, ethnic, and cultural backgrounds; and their sexual orientations. If they didn't face such serious challenges, people who fit these categories would have degrees in proportion to other students. But they do not.

DEI gives underrepresented students the opportunity to succeed. That's it. Giving first-generation students, older adult learners, or yes, racial or sexual minorities more inclusion opportunities does not limit anyone else's ability to succeed. It's not a zero-sum game. It's a win-win. One of the things that we hear from graduates of diverse backgrounds is, "I never would have graduated without the DEI office." If Ohio is serious about more degree-holders, DEI offices, programs, and other initiatives are critical. By banning required DEI training, we are signaling that some student success is less important than others, whether intentional or not. In fact, I'm certain that is not the intention, as I think we all want successful students from all backgrounds to become successful members of the workforce and society.

But as corporate America moves in a direction that embraces and even promotes DEI, Ohio would be sending a message that it is out of touch with workforce needs. Large corporations such as Intel, Goodyear, Gojo, the Cleveland Clinic, and many others have diversity and inclusion policies, which they understand is vital to expanding the pipeline of talent for their business and to making it easier to work with diverse supply chains or clients. In virtually any field, the ability to work effectively with people of all backgrounds is an essential skill.

The lack of DEI will make it more difficult for Ohio colleges and universities to attract and retain students and faculty, particularly with diverse interests and of course diverse backgrounds. This includes student athletes, who might be inclined to choose Michigan over Ohio State when they realize not only has Michigan won “*the game*” the last 2 years, but Ohio State no longer has the programming they need to feel welcome and to achieve academic success. Eliminating DEI would be handing our academic and athletic competitors in other states the gift that keeps on giving.

Training is about learning, preparing, and effectiveness. Clearly, with the trustee training requirements in another portion of this bill, there is an acknowledgement that training is essential in order to serve effectively in a particular role. DEI training doesn’t compel beliefs or force anything upon campus employees or students. It simply trains employees how to support underrepresented student populations to help them succeed.

On another front, certain academic programs, such as social work, physical therapy, audiology, speech-language therapy, dietetics, and psychology have DEI training components which are mandated by accrediting bodies. The language in SB 83 could result in the loss of program accreditation, potentially shuttering these programs. At a time when health and human services are more critical than ever, as well as such an enormous piece of our economy, the loss of accreditation could be incredibly detrimental. Again, students will be choosing programs outside Ohio for more comprehensive learning opportunities.

According to the Higher Learning Commission, the independent entity that accredits degree-granting postsecondary educational institutions, including Ohio institutions, inclusion is “[t]he intentional and demonstrable creation of safe and welcoming environments in which individuals are attuned to and hold themselves and others accountable for addressing power imbalances that inhibit the full participation of all people. Inclusion is achieved when diversity, equity and accessibility permeate an organizational culture.”

Of course, what SB 83 ultimately conveys is that “we don’t want *this* kind of diversity, we want *that* kind of diversity.”

Segregation and Non-Discrimination

The section of the bill dealing with discrimination based on membership in groups is not only unnecessary given the many protections under federal law, but it could lead to a myriad of unintended consequences. Affinity groupings of students do not isolate or divide, as “segregation” implies. Sometimes students associate themselves with similar students to find and build communities of support, such as with Black and Latino Student Union groups. Seemingly, the bill would not allow institutions to support such groups.

The wording of the bill prohibits separation of students based on sex. Legitimate questions have arisen as to whether institutions could still have single-sex sports teams, single-sex dormitories, or formal recognition of sororities and fraternities. The broad wording in SB 83 could even prevent literature, presentations, and trainings aimed at distinct student demographics on such topics as preventing and/or dealing with sexual assault, human trafficking, or birth control, as well as LGBTQ issues and concerns.

Collective Bargaining

Twelve years ago, Ohio went through a highly contentious battle over collective bargaining rights for public employees. Despite overwhelming public opposition, Senate Bill 5 was

passed and signed into law. The issue was taken to the voters, and Ohioans sided with the rights of unions, including the right to strike. Yet, here unions are again fighting an attempt to undermine workers' rights.

Strikes in the public sector are very rare, but when they happen, they are necessary. Strikes most often occur because management will not return to the bargaining table. In fact, during the last strike by an AAUP union, it took a full two weeks into the strike before management was willing to come back to the table. We came to the Statehouse to ask lawmakers and other state officials to intervene and get the other side to start negotiating again. It was only then that talks resumed.

Employees don't collect a salary or benefits when they strike. It is not a pleasant experience, and certainly not something taken lightly. Faculty working conditions are student learning conditions, and faculty have every right to bargain for fair working conditions in a way that compels management to bargain in good faith. A faculty strike often happens over conditions related to student instruction. So, the idea that faculty frivolously and callously strike for pure personal benefit is simply not true and is a distortion used to undermine worker power.

Faculty unions go through a variety of mediation steps before considering a strike. Mediators and arbitrators are inclined to look at precedents and "split the difference," and don't necessarily understand what might be appropriate solutions for a specific institution. Allowing an outside third party to always decide on a collective bargaining contract creates a lack of incentive for both sides to come to the table and bargain earnestly. The right to strike must be maintained.

American Government/History Requirement

We agree that there is value in students taking courses that help them become more civically aware and engaged. As College Credit Plus has swept away much of colleges' abilities to teach these kinds of comprehensive, introductory courses, there is certainly a cadre of faculty in these fields who would love the opportunity to have those students back. However, not only is this an unfunded mandate that could increase costs for students, it also dictates course curriculum.

Unequivocally, curriculum must be the purview of faculty; and in fact, this is one of the key factors in accreditation. Even allowing a department chair to choose which Federalist Papers to read could be problematic. For instance, a Political Science department chair may be an expert in International Relations, not American Government, which is the subfield that covers The Federalist Papers. This is one example of why it makes the most sense to allow faculty to have full control over the courses they teach. It is an issue of practicality as much as academic freedom and accreditation.

Academic Relationships with China

Academic relationships, such as study abroad programs, between American and foreign universities are a way not only for American students to be exposed to different cultures, but also a way for other cultures to be exposed to American ideals, like democracy and free expression. Attempting to shut down relationships with the country that has the second

largest economy in the world not only deprives us of greater cultural understanding, but it also makes Ohio appear to stick its head in the sand to global economic realities.

The mere introduction of this bill has created a fear among Chinese students studying in Ohio—Chinese students who bring significant revenue to institutions and Ohio's economy. At a time when our state is welcoming Intel, one of the world's largest semiconductor chip manufacturers, an industry strongly rooted in Asian markets, Ohio risks an anti-Chinese, anti-Asian sentiment that not only appears biased, but also is just plain “bad for business.”

Educational Programs for Board of Trustees

This is the one piece of the bill that we can support. If Ohio is to maintain boards of trustees as institutional governing bodies, Ohio should give trustees the tools they need to be effective rather than attempt to micromanage with legislative edicts. Our institutions of higher education are multi-million dollar, and in some cases, multi-billion dollar enterprises. They are complex educational systems dealing with instruction, research, labor relations and much more. Let's train trustees to be good stewards and allow them to manage in a way that best supports their institutions.

In Conclusion

Senate Bill 83 is fraught with ambiguity, contradictions, and untenable mandates that would do nothing to enhance Ohio higher education and instead would create minefields for classroom instruction. The bill would degrade academic freedom and student learning, shift scarce resources from instruction to bloated administrations, and make Ohio less prepared to compete economically. If the legislature wishes to explore solutions to the very real problems that higher education faces, the AAUP stands ready to engage.

The piece of paper that someone receives when they earn a degree is not education. College graduates have better lifetime earnings than those with a high school diploma only because of the skills that faculty help them to develop, such as critical thinking and communication, which are vital to graduates no matter which field they enter. We must not lose sight of that indisputable reality by watering down the rigors of a college education.

Ohio's faculty are proud of the role that we play in educating Ohioans—in preparing them to enter the workforce and to be good citizens. As our state continues to attract and to keep employers, as well as to foster communities in which people want to live and work, we should not forget the critical role played by high-quality colleges and universities. Ohio's public colleges and universities are in every area of Ohio—rural, urban, and suburban. They provide good jobs, and they have helped to create and sustain the middle class, the backbone of our economy. Higher education is a public good that benefits everyone, directly and indirectly. The educated, skilled, well-rounded, and adaptable citizens that our colleges and universities help to produce are crucial to Ohio's success.

Addendum: SB 135 as enacted language governing free speech

(B) In addition to complying with sections 3345.0212 to 3345.0214 of the Revised Code, each state institution of higher education board of trustees shall adopt a policy that affirms the following principles, which are the public policy of this state:

(1) Students have a fundamental constitutional right to free speech.

(2) A state institution of higher education shall be committed to giving students broad latitude to speak, write, listen, challenge, learn, and discuss any issue, subject to division (E) of this section.

(3) A state institution of higher education shall be committed to maintaining a campus as a marketplace of ideas for all students and all faculty in which the free exchange of ideas is not to be suppressed because the ideas put forth are thought by some or even by most members of the institution's community to be offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.

(4) It is for a state institution of higher education's individual students and faculty to make judgments about ideas for themselves, and to act on those judgments not by seeking to suppress free speech, but by openly and vigorously contesting the ideas that they oppose.

(5) It is not the proper role of a state institution of higher education to attempt to shield individuals from free speech, including ideas and opinions they find offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.

(6) Although a state institution of higher education should greatly value civility and mutual respect, concerns about civility and mutual respect shall never be used by an institution as a justification for closing off the discussion of ideas, however offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed those ideas may be to some students or faculty.

(7) Although all students and all faculty are free to state their own views about and contest the views expressed on campus, and to state their own views about and contest speakers who are invited to express their views on the campus of a state institution of higher education, they may not substantially obstruct or otherwise substantially interfere with the freedom of others to express views they reject or even loathe. To this end, a state institution of higher education has a responsibility to promote a lively and fearless freedom of debate and deliberation and protect that freedom.

(8) A state institution of higher education shall be committed to providing an atmosphere that is most conducive to speculation, experimentation, and creation by all students and all faculty, who shall always remain free to inquire, to study and to evaluate, and to gain new understanding.

(9) The primary responsibility of faculty is to engage an honest, courageous, and persistent effort to search out and communicate the truth that lies in the areas of their competence.

(C) Each board of trustees shall establish a process under which a student, student group, or faculty member may submit a complaint about an alleged violation by an employee of the state institution of higher education of the policy established under this section, including any penalty imposed on a student's grade for an assignment or coursework that is unrelated to ordinary academic standards of substance and relevance, including any legitimate pedagogical concerns, and is instead based on the contents of student's free speech. The process shall comply with standards adopted by

the chancellor of higher education.

Under the process, the state institution of higher education shall investigate the alleged violation and conduct a fair and impartial hearing regarding the alleged violation. If the hearing determines the state institution of higher education's policy was violated, the board of trustees shall determine a resolution to address the violation and prevent any further violation of the state institution of higher education's policy.

(D) Each state institution of higher education annually shall report to the chancellor, in a form and manner prescribed by the chancellor, both of the following regarding complaints submitted in the academic year under the process prescribed under division (C) of this section:

(1) The total number of submitted complaints;

(2) For each submitted complaint, a description of all of the following:

(a) The state institution's investigation regarding the complaint;

(b) The outcome of the hearing conducted by the state institution regarding the complaint;

(c) If the hearing determines the state institution's policy was violated, the resolution determined by the board of trustees to address that violation.

(E) Nothing contained in this section shall be construed as prohibiting a state institution of higher education from imposing measures that do not violate the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution such as:

(1) Constitutional time, place, and manner restrictions;

(2) Reasonable and viewpoint-neutral restrictions in nonpublic forums;

(3) Restricting the use of the state institution's property to protect the free speech rights of students and teachers and preserve the use of the property for the advancement of the institution's mission;

(4) Prohibiting or limiting speech, expression, or assemblies that are not protected by the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution;

(5) Content restrictions on speech that are reasonably related to a legitimate pedagogical purpose, such as classroom rules enacted by teachers.

(F) Nothing in this section shall be construed to grant students the right to disrupt previously scheduled or reserved activities occurring in a traditional public forum.

Sec. 3345.064. (A) As used in this section:

(1) "Ohio resident" means a resident of this state under rules adopted by the chancellor of higher education under section 3333.31 of the Revised Code.

(2) "State university" has the same meaning as in section 3345.011 of the Revised Code.

(B) Each state university shall endeavor to avoid prioritizing the admission of an applicant who is not an Ohio resident over an applicant who is an Ohio resident if both applicants apply in the same general timeframe, as determined by the university, and have substantially similar qualifications that satisfy the university's admissions criteria. To the extent practicable, a state university shall ensure that Ohio resident applicants are given ample and sufficient opportunity to be admitted, as compared to applicants who are not Ohio residents, if the Ohio resident applicants satisfy the university's admissions criteria.