

Testimony of Tara D. Hudson, PhD  
Before the Senate Workforce and Higher Education Committee  
Senator Jerry Cirino, Chair  
May 15, 2023

Chair Cirino, Vice Chair Rulli, Ranking Member Ingram, and Members of the Workforce and Higher Education Committee: My name is Tara Hudson, and I am an assistant professor of Higher Education Administration at Kent State University, where I have taught for six years. I do not represent Kent State University, but rather am submitting testimony as a private citizen in opposition to Senate Bill 83.

As someone who studies higher education, I can confidently state that SB 83 will critically damage public higher education in the state of Ohio, with disastrous consequences for our democracy, workforce, economy, and the citizens of our state, for the following reasons:

1. The Sub-section (D.1.b of Sec. 3345.45) on workload policies (lines 1016-1024) has been revised in such a way that it would increase the workload of Kent State's full-time tenured and tenure-track faculty on nine-month appointments by 25%.
  - This mandate, unilaterally imposed by the state, would be the single most radical change in the terms and conditions of employment of Kent State's tenured and tenure-track faculty in over fifty years.
  - This policy will also detract future faculty from wanting to be employed by Kent State University and other public Ohio universities across the state. I urge you to consider the way in which Ohio can be the leader in higher education across the U.S. and reflect language in this bill that recognizes full-time tenured/tenure track faculty that have nine-month appointments.
2. Although the bill styles itself as a bill promoting free speech and intellectual diversity, it contains provisions that would explicitly censor the speech of the University on specified "controversial" topics (lines 744-748, 752, 754, and 795-797). The longstanding purpose of higher education is to promote the free exchange of intellectual ideas and evidence; censoring institutional speech prevents our state's public higher education institutions from doing precisely what they exist—and have always existed—to do. If the purpose of the bill is to promote free speech and intellectual diversity within and among institutions, these provisions are fully incompatible with that goal.
3. Although substitute SB 83 contains a provision (lines 892-895) that makes clear that it would not violate the law for a faculty expert to present content that involved a controversial belief or policy, specified concepts, or specified ideologies, the bill would still have a chilling effect on the academic freedom of faculty.
  - Of particular concern are provisions requiring that the detailed syllabi created by faculty for each of their classes be posted in a searchable format on the University's website in a way that is accessible to the public without any sort of sign-in or registration (see lines 656-699).
  - Furthermore, allowing faculty syllabi to be searchable by all will give away our intellectual property to other institutions in different states and/or across the

globe, compromising the competitiveness of Ohio's public colleges and universities. Please consider how Ohio can continue to lead higher education and reflect language in this bill that allows only enrolled students to access an institution's syllabi.

4. Finally, substitute SB 83 is an existential threat to the collective bargaining rights of faculty:
  - It would rob faculty unions of the right to strike.
  - It would eliminate the right to collectively bargain important terms and conditions of faculty employment, including annual performance review of full-time faculty (which would now be mandatory for all full-time faculty), tenure, post tenure review (which would now be required in certain circumstances), and retrenchment.
  - The inclusion of the new Sec. 3345.455 (lines 1163-1173) into the ORC creates the framework for excluding more and more aspects of the terms of conditions of employment of faculty from collective bargaining over time.
  - In these regards, it resembles 2011's infamous SB 5 that was ultimately repealed in a citizens' veto referendum.

Regardless of one's ideological position on intellectual diversity, faculty workloads, or unions, the reality is that if this bill becomes law, it will seriously harm the ability of Ohio's excellent public colleges and universities to continue to be national and international leaders because they will be unable to attract talented scholars to their faculties. As a further consequence, it will seriously harm economic and workforce development within the state, as graduates of Ohio's public colleges and universities will no longer be seen as competitive and desirable candidates once the quality of our faculty, and therefore of our public institutions, inevitably declines. The damage this bill will cause will reverberate far beyond our public higher education institutions, and the consequences will irreparably damage the great state of Ohio that I have been proud to call home for the last six years.

I respectfully submit this testimony as a private citizen,  
Tara D. Hudson, PhD