

Benjamin Noah Woods, 3rd-year law student at the University of Toledo College of Law,  
Testimony in Opposition to SB 117, May 30th, 2023.

Senators of the Higher Education Workforce,

I submit this testimony in opposition to SB 117 as a concerned law student whose university will be directly impacted by this bill's proposed Institute of American Constitutional Thought. Further, I write to provide a counter perspective to the contrived political narrative that there is a detrimental liberal bias at the University of Toledo College of Law (Toledo Law). Toledo Law is certainly in great need, but I urge that SB 117 fails to honestly address any of the actual problems that are currently impacting the educational opportunities for students. Instead, this bill proposes a solution to an alleged (non-existent) problem that will have negative impacts on Toledo Law both in the immediate and long-term.

I am a rising 3rd year law student at Toledo Law and have spent my past two years being highly involved in campus affairs and student government at the law school. As chair of our Student Bar Association's Pro Bono committee and vice president of the Environmental Law Society, I have worked tirelessly to help add to the student experience at Toledo Law. Further, as an elected class representative in the Student Bar Association (SBA), I have been highly attuned to the needs of my constituents and developed close relationships with many faculty, staff and administrators both within the College of Law and the greater University of Toledo. As a result of my extensive involvement, I was a recent recipient of the SBA Student Involvement Award given to student members who have demonstrated dedication to enhancing the Toledo Law student experience both within the College of Law and in the legal community. Moreover, I have been privileged with being asked to assist with evaluations of candidates for professor positions and to serve as student representative on the Information Technology and Law Library Advisory. I could continue with credentialing myself, but I believe the aforementioned is sufficient to show both my commitment to the bettering of Toledo Law and my awareness of the true issue our law school faces.

At their foundation, both SB 83 & 117 are premised on the false assertion that higher education is being negatively impacted by a liberal bias. As a result of this bias, students are allegedly being robbed of a proper education and conservatives are being unfairly silenced. Additionally, this alleged liberal bias has led students to become less tolerant and struggle with engaging in "civil" political discussions. Yet, those making these allegations have failed to provide any objective evidence or peer-reviewed studies to support their claims. While there is data showing that university faculty, on average, tend to be more left-leaning in their personal political beliefs, this has not been shown to have a detrimental impact on educational outcomes nor influence students' political ideologies. Due to a lack of objective evidence, proponents of SB 117 rely on mere anecdotal data that fails to show a systemic ideological bias or negative impact on student outcomes.

The claim that there is a lack of "intellectual diversity" in higher education, and Toledo Law specifically, which causes "a single ideological perspective to dominate academia" as the

sponsor of this bill has alleged, is patently untrue.<sup>1</sup> The implicit notion underlying this bill is that Toledo Law has an institutionalized liberal bias that is hostile to right-wing and conservative beliefs. However, my experience over the past two years at this law school has shown anything but this – conservative and right-wing voices have been given ample and fair treatment. Just this past semester, there have been speakers from conservative and rightward leaning groups that include: (1) the Alliance Defending Freedom, (2) the Heritage Foundation, (3) the Cato Institute, and (4) the US Chamber of Commerce. Further, our law school has hosted several controversial presentations, including a "debate" on transgender rights and an anti-choice presentation shortly after the Dobbs decision.

Our law school has and will continue to welcome presentations by advocates of far-right legal philosophies despite their inflammatory nature and has consistently abided by a strict adherence to free speech principles. Ironically, the only instance of potential censorship that our law school administration engaged in this past year was directed towards displays that were pro-LGBTQIA+ and pro-Palestinian. In this particular instance, students innocently hung two flags, a pride flag and a palestinian flag, in the forum of our law school while hosting events to celebrate these respective groups and our student members that identify with them. After the respective events concluded, the flags were left up and remained there without issue until our administration suddenly reacted to have them removed (ostensibly due to a complaint or in anticipation of such due to an upcoming federalist society speaker event).

Every class I have taken at Toledo Law has been very mindfully taught to encourage students to feel comfortable expressing their opinions. Professors are diligent to provide counter perspectives and not silence students. Those that continue to slander Toledo Law with claims of a harmful liberal bias cannot provide objective evidence or scientific data supporting their position – because it does not exist. While I too have relied thus far on merely anecdotal evidence from my own experience, the burden of proof should rest on those bringing forth allegations to prove their existence and not on others to disprove the unsupported allegations. I urge this committee to demand greater evidence of this alleged harmful liberal bias beyond mere anecdotal accounts.

While conservative voices flourish at Toledo Law (in part thanks to a robust Federalist Society that receives outside support that is incomparable to any other student organization at Toledo Law), our law school is facing steep budget cuts and the financial struggle is being felt University-wide. Rather than funding our current institutions that are in great need, SB 117 seeks to allocate \$3m in an unfunded mandate to create an entirely new, independent academic unit. The bill compels our law school to provide this unit with space that we do not have to offer. Hardly anyone in our law school administration, faculty, or student body was made aware, let alone meaningfully consulted, about this bill or its proposal. This bill is not a good-faith attempt to improve the educational quality or student experience at the University of Toledo. It is a clear

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<sup>1</sup> Megan Henry, Senate bill would create 'intellectual diversity' centers at Ohio State and the University of Toledo, Ohio Capital Journal (May 16, 2023) (Quoting Senator Jerry Cirino, the primary sponsor of SB 117).

partisan effort to influence the ideological composition of our campus and entrench particular perspectives under the guise of cultivating “intellectual diversity.”

Toledo Law does not need an institute for constitutional thought, we have 4 professors specializing in constitutional studies that represent a diverse range of legal philosophies and approaches to constitutional thought. Instead, what we *actually* need is a family law professor and more criminal law experts. We need more contract law professors, as well as those specializing in estate planning. Toledo Law continues to bleed professors, administrators, and staff. We need a dean, as we currently do not have even an interim dean appointed. We also need to still replace individuals that have left our Office of Professional Development and library staff whose positions remain unfilled. We have outdated technology and numerous infrastructural needs to our building, which I am aware of due to my job at the law school’s library and my experiences with the several issues from leaking roofs and rodents to complaints of library hours being cut due to lack of budget and staff. SB 117 does not propose to address these very real issues that are driving the declining bar passage rates at the university of Toledo.

I hope to submit further oral testimony on Wednesday, as the sudden hearing announcement during a holiday weekend has constrained the time available to prepare this statement and hindered my ability to fully articulate all of the issues and concerns that are present in SB 117’s current proposal – but please know that the issues are numerous and the concerns are great. As a committed student at Toledo Law that strives daily to better the university for future students, I urge the Senate and this committee to please do not support this partisan attempt to address a nonexistent issue and instead earnestly commit to addressing the alarming issues that are truly impacting our law school.

Thank you for your time,

B. Noah Woods

Class of 2024

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