

Senate Workforce and Higher Education Committee
Opponent Testimony on SB 117
Kailyn Gullatt

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Dear Chair Cirino, Vice Chair Michael Rulli, Ranking Member Kent Smith, and members of the Senate Committee of higher education:

My name is Kailyn Gullatt, I am a student at the University of Toledo College of Law. I am writing to critique not the ambitions of the bill, but the approach. I think the bill hints at the much needed education of how to interact with people when you feel disrespected.

However this bill does not pose a solution to the problem, as the issue at hand here is not whether there is intellectual diversity at these institutions. I am sure many of the students I joined in the federalist society agree that there is robust intellectual diversity and conflict amongst peers. In fact SB 117 admits that differences of opinion “occur naturally.”¹ The actual issue here is how do we handle diverse and sensitive issues. The idea that we can just impose an institution to teach a narrative (even if you do deem the narrative to be the minority at your school) gives rise to many issues.

Firstly, the students at both of these fine institutes of higher learning are known for going above and beyond to compete academically. The idea that we need someone to teach us an opinion, or that despite learning the factual matters in the law we would never form a contrary opinion to our professors is an insult to our intellect. No one needs to spoon feed me an opinion nor would they be able to if they tried.

Secondly the proposal offers no guidelines to what is considered an environment where one is free to disagree. When half of the nation cannot agree on what is insulting or disrespectful, we cannot declare any discussion open. If we all agree that an environment is free where there are no legal or physical ramifications, then the universities are already free. There are no current ramifications of the sort imposed on students or faculty for having differing views. Anyone worried about social ramifications is either saying something extremely misinformed or something they strongly believe in. If a student strongly believes in something they should be taught to stand against the crowd and not made to believe they can subdue another's reaction to them. Diversity training helps people interact with diverse populations and helps them engage in civil discussion.

Finally, I am concerned about the abuse of the institution's goals. This goes further than concerns about the gains of political parties. I worry that a fascist, a marxist, an anarchist, or a tyrant could easily use this institution as a guise to gain influence over the legal profession. The protection of tenure and selection process protect the freedom of thought. This includes thoughts

¹ Line 142 S.B 117 As Introduced

that are antithetical to our constitution and common morality. After all everything is debatable but we should leave that to philosophers and scholars. Lawyers need to solve real issues, and prioritize solutions that are going to move our nation forward.

The second issue I take is with the lack of specificity. There are many terms that go undefined that lead to bias and potentially hinder the free dialogue they were meant to introduce. These terms include “relevant expertise,”² “rigorous intellectual inquiry,”³ and “intellectual diversity.”⁴

The term relevant legal expertise is subject to great variance. How many years must one study the constitution, must they have legal expertise, and what is an expert? The failure to define this term allows the selectors the option to deny a person with relevant legal experience due to an opposing view by denying the relevance of their experience.

The term rigorous intellectual inquiry does not provide any detail on how to engage in such methods. Many already consider the intellectual inquiry that happens at law school rigorous. I am a firm believer that you should only play devil’s advocate for the devils you can vanquish. However there are people who play devil’s advocate simply to be contrarian but without factual thought. This leads to the dissemination of misinformation and unnecessarily crowds true intellectual inquiry.

The essential term to this bill is intellectual diversity but there are no people on Earth who are intellectually the same. Amongst those who are intellectually similar there is great diversity. A more efficient way to encourage intellectual diversity is to gather students and faculty with differing experiences. Differing experiences lead to differing views and differing factual bases for those views. Intellectual diversity cannot be observed or measured to be encouraged. We can however encourage diverse experiences through encouraging diverse income status, age, race, religion.

I suggest that we hold this bill back so that we can have further discussion about it during the academic year. Under the loose principles of free speech and due process, I believe the students are owed an opportunity to give input on the future of their institution. This is best done when students are available to have discussion in person. Thank you for the opportunity to provide testimony.

² Line 72 S.B 117 As Introduced

³ Line 128 S.B 117 As Introduced

⁴ Line 24 S.B 117 As Introduced