

Opponent Testimony for SB 117
Workforce and Higher Education Committee
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B. Noah Woods,
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Chair Cirino, Vice Chair Rulli, Ranking Member Ingram, and members of the Workforce and Higher Education Development Committee,

My name is Noah Woods and I am a law student at the University of Toledo writing to oppose SB 117. While I maintain a position of total opposition to SB 117 for reasons I have already expressed to this committee, I write to highlight important ambiguities with the text of the proposed bill that this committee should seek to clarify.

First, there are differing selection processes laid out in SB 117 for each respective institute without any rational or sound justification provided. The “Salmon P. Chase Center for Civics, Culture, and Society” at Ohio State University requires its academic council to “conduct a nationwide search for the director of the center” in order to submit a list of finalists to the university president, who *then* shall appoint a director from said list, which then must get approval by the board of trustees.¹ In contrast, the proposed institute at the University of Toledo lacks such thorough procedural requirements to ensure a fit and qualified candidate is selected to be director. Instead, the proposed bill merely provides that the president of the university shall be vested with the sole authority to appoint a director that is “an expert of the western tradition, the American founding, and American constitutional thought, and shall have shown a commitment to the purposes, goals, and policies of the institute.”² There has been no clear rationale provided for the discrepancy in these appointment processes. It does not make sense to require such an extensive “nationwide search” for the director of one institute, yet make no similar requirement for the other – why implement a multi-step procedure to ensure selection of a fit candidate at one institute yet abandon these same procedures for the other?

Additionally, the current language of SB 117 provides for the formation of an academic council that has significant influence over the selection of a director for the Institute at Ohio State University. Conversely, the institute being proposed for the University of Toledo envisions the exact opposite: it requires the appointment of a director “not later than *thirty days* after the effective date of this section”³ while allowing for the

¹ Lines 79-86 of SB 117 (as introduced)

² Lines 158-167 SB 117 (as introduced)

³ Lines 161-162 SB 117 (as introduced) (emphasis added)

appointment of the academic council to occur “not later than sixty days after the effective date of this section.”⁴ The effect of this will be to have a director in place that is able to influence the composition of the academic council, whereas the inverse appears to be envisioned for the Institute proposed at Ohio State. Again, there is no reasoning that has been provided for this alternative structure despite its potentially significant implications.

The bill fails to provide term limits for members of the academic councils beyond what those provided for the *initial* terms. Further, the bill’s language provides a loophole that would enable the academic council to become heavily slanted towards a particular ideological perspective by creating the potential for a bloc of 4 members on an academic council to “determine at their first meeting” that the other 3 other will serve the shorter two year initial terms, and also select replacements for their “vacant seats” at this same meeting.⁵ The concern here is that an ostensibly bipartisan and “intellectually diverse” academic council could quickly be usurped by a simple 4-member majority at the very first meeting of each respective council.

The goals of the proposed Institute of Constitutional Thought and Leadership at the University of Toledo are inherently contradictory. How can an institute abide by the mandates to both pursue “expand[ing] the *intellectual diversity* of the university’s academic community and [creating] a rich forum for the development of ideas across the political and ideological spectrum” when it simultaneous must prioritize “enrich[ing] the curriculum in *American constitutional studies*, including the core texts and great debates of *western civilization*”?⁶ Indeed, these latter goals are even listed above those that are committed to expansion of so-called “intellectual diversity,” suggesting their priority as the top goals that the institute should follow. Thus, it seems impossible for an institute genuinely to be both committed to the creation of an intellectually diverse and “rich forum” of constitutional study if it must also prioritize to an even greater degree the teachings of one particular nation and its western culture.

In addition to these concerns, I seek to reiterate my concerns that I have raised in prior testimony. **The students of the University of Toledo College of Law have genuine needs, but this bill does nothing to address those needs – instead it exacerbates existing concerns.** SB 117 is a clear political effort to stymie students’ education under the guise of saving it from a problem that does not exist. This bill should be opposed entirely, but, at minimum, amended to address provide:

⁴ Lines 143-144 of SB 117 (as introduced)

⁵ Lines 77-78, 156-157 SB 117 (as introduced)

⁶ Cf Lines 116-119 and 106-108 SB 117 (as introduced)

1. The same appointment process for director at the Institute at the University of Toledo as is required for the Institute at Ohio State University
2. Correct the potential loophole on the academic council by more precisely defining the appointment procedures for subsequent vacancies occurring after initial appointments are made, and defining the term lengths for those subsequent appointments.
3. Provide term limits for the members of the academic councils and clarify the appointment procedures for re-appointment.
4. Remove language from the Institute of Constitutional Thought and Leadership that prioritizes the teaching of “American constitutional studies, including the core texts and great debates of western civilization.”

Thank you for the opportunity to provide additional testimony.

Noah Woods.