

TO: House Workforce & Higher Education Committee

FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio

DATE: March 11, 2025

RE: Sub. Senate Bill 1 - Opponent Testimony

To Chairman Young, Vice Chair Ritter, Ranking Member Brown Piccolantonio, and members of the House Workforce & Higher Education Committee, thank you for this opportunity to provide opponent testimony on Substitute Senate Bill 1.



4506 Chester Avenue
Cleveland, OH 44103
P: (614) 586-1959
F: (216) 472-2210

1108 City Park Avenue
Suite 203
Columbus, OH 43206
P: (614) 586-1959
F: (614) 586-1974

acluohio.org
contact@acluohio.org

Dr. Ebony Speakes-Hall, LISW-S
President

J. Bennett Guess
Executive Director

Like its predecessor, last session's Senate Bill 83, Senate Bill 1 is an often confusing and contradictory mix of language and provisions that appears to have much less to do with actual policy than it does to inflame culture wars, which for many decades have targeted our colleges and universities.

Not every issue in SB 1 is a civil liberties one and time does not permit me to fully opine on the ACLU of Ohio's numerous concerns within this bill. So, I will instead focus exclusively on the anti-DEI provisions throughout SB 1.

The ACLU of Ohio believes the most glaring problem with SB 1 and its ban on so-called DEI efforts is this bill contains zero definition of "diversity, equity, and inclusion." Whether by design or oversight, the end result is the same. That is, with almost nothing to limit anyone or everyone's interpretation of "DEI," it means everything is on the table for banishment.

Supporters of SB 1 continue to frame this as merely a ban on racial quotas. But, such quotas are already illegal, have been for a long time, and nowhere in SB 1 is its language limited to this concern. So, what exactly will the General Assembly ban with passage of SB 1? Here is a short, non-exhaustive list:

Some of Ohio's universities offer scholarships to traditionally and currently marginalized and/or underrepresented people and communities. For example, scholarships exist to exclusively benefit military veterans, physically disabled students, and victims of human trafficking, among many others. But not after passage of SB 1.

The same is true for any and all outreach efforts. One might think it is a positive thing for a university to look around, see the demographics of their students and staff are not reflective of society around them, and then make efforts to diversify. So, they revisit and redouble their recruitment and retention efforts. Again, not quotas. Just a recognition their past and current practices have fallen short.

So, using just one example, perhaps they increase recruitment efforts at Ohio high schools with largely black and brown students. Or rural students. Or first-generation college students. Or maybe it is something as simple and effortless as including language on application and employment paperwork reading something like, “All are encouraged to apply, regardless of race, sex, religion, national origin, sexual orientation, military status, or physical ability.”

All of this and much more is diversity, equity, and inclusion in action. All of it is apparently so objectionable and distasteful it must be totally banned, as is required under SB 1.

Indeed, Senate Bill 1:

- Outlaws “**any** orientation or training course regarding diversity, equity, and inclusion.” (Lines #625-626);
- Axes “the continuation of existing diversity, equity, and inclusion offices or departments.” (Lines #627-628);
- Forbids “establishing new diversity, equity, and inclusion offices or departments.” (Lines #629-630);
- Scraps “using diversity, equity, and inclusion in job descriptions.” (Lines #631-632);
- Prohibits “the establishment of any new institutional scholarships that use diversity, equity, and inclusion **in any manner**” and places severe limits on existing scholarships that include diversity, equity, and inclusion efforts. (Lines #637-647)

And, to demonstrate SB 1 seeks to ban any and all DEI efforts no matter how small or big, no matter who may be affected, this bill also makes clear “a state institution shall not replace **any** orientation, training, office, or position designated for the purpose of diversity, equity, and inclusion that is prohibited under this division with an orientation, training, office, or position under a different designation that serves **the same or similar purposes**, or that uses **the same or similar means**.” (Lines #648-653)

Proponents of SB 1 feign surprise when opponents claim this bill requires widespread bans of each and every diversity, equity, and inclusion effort, proposal, position, and more. They proclaim opponents are reading too much into it. But all we are doing is reading the actual bill language, as cited above.

But, if all these bans and prohibitions are not the goal of SB 1’s supporters, then the answer is simple – amend the bill to make abundantly clear to all involved what is acceptable versus what is illegal. Again, a great place to start would be actually defining “diversity, equity, and inclusion” for the purposes of this bill.

That said, it is also highly doubtful an actual definition of “diversity, equity, and inclusion” would satisfy our concerns given the primary goal here appears to be erasure of each and every diversity and inclusion effort by universities. With that realization, combined with other assorted concerns with this legislation, the ACLU of Ohio urges this committee to reject Substitute Senate Bill 1.