



Ohio Conference of the American Association of University Professors

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Testimony of David Jackson, PhD

Ohio Conference of the American Association of University Professors

Before the House Workforce and Higher Education Committee

Representative Tom Young, Chair

March 11, 2025

Chair Young, Vice Chair Ritter, Ranking Member Piccolantonio, and Members of the Committee:

My name is David Jackson. I am a professor at Bowling Green State University and the president of the BGSU Faculty Association, a proud affiliate of the American Association of University Professors (AAUP). I am here today to provide opponent testimony on Substitute Senate Bill 1 on behalf of the Ohio Conference AAUP, which represents 7,000 college and university faculty across our state.

SB 1 is a censorship bill.

It would silence college and university faculty unions over the fundamental terms and conditions of employment by banning collective bargaining subjects. Unions aren't third parties. Faculty are the unions.

It would take away the right of faculty unions to protest over unfair treatment. If institutions have metaphorical contracts with students, isn't it the institution's failure for the very rare instance when there is a strike? What rights does management lose under SB 1?

It would end tenure in Ohio, leaving professors unprotected to teach, research, and write without fear of retaliation. Good luck retaining and attracting quality faculty, which is already a problem due to the mere introductions of this bill and its predecessor, SB 83.

It would create a list of "controversial beliefs or policies," some of which are not controversial at all within their disciplines. We all agree that students must be free to form their own opinions, but we owe it to students as their mentors to point out when they get facts wrong.

While attempting to censor speech on controversial topics, it simultaneously tries to impose what it calls "intellectual diversity"—edicts that ultimately would suppress academic freedom.

While claiming to promote "intellectual diversity," it completely bans *diversity*, equity, and inclusion, explicitly eliminating scholarships for underrepresented students. Let's be clear that the U.S. Supreme Court's affirmative action ruling was a decision on race-conscious

admissions. Attempting to codify an overly broad interpretation of that decision when it so obviously would disadvantage already disadvantaged students is misguided.

The bill, full of contradictions, will leave stakeholders wondering: What can I say? What can't I say? What is intellectual diversity when there is clear disciplinary consensus? Can I give a student a poor grade for making unsupported claims? Will disability services be affected? Will veterans' services be affected? If I'm a faculty member with 29 years of service, will I be laid off without due process? What's going to happen to my scholarship? Will I face retaliation on account of my research?

We have attempted to ameliorate the worst problems with this bill by proposing a list of specific amendments in the Senate, which were summarily rejected along partisan lines. Our amendments would have provided clarity and tamped down on the unfunded mandates and unnecessary bureaucratic micromanagement. The failure to incorporate thoughtful input from stakeholders to improve the legislation makes us wonder if this bill is about policy, or if it is about political punishment.

We have approached members of this committee with reasonable amendments that would allow faculty unions to maintain collective bargaining rights and real tenure. Collective bargaining agreements are, in fact, *agreements*. They require workers and management to *agree* upon policies and processes for faculty layoffs, tenure, and evaluations. Collective bargaining ensures fundamental fairness and the long-term interests of the institutions. It also needs to be made clear that faculty strikes are not any kind of regular occurrence that need to be addressed. Of the 13 AAUP collective bargaining units in Ohio, only one has gone on strike in the last 10 years.

There are very good reasons not to give blanket authority to administrations over what are currently collective bargaining topics. First, faculty are the experts on these subjects. Second, upper level administrators, frankly, don't stick around for long. SB 1 would arm the people who will jump at the next biggest title and paycheck at another institution with total authority over the workers who are committed to students and to the institution. Third, imagine essentially being able to negotiate over salaries and benefits only, while knowing that, because you can no longer bargain over layoffs, there is a good chance that management will fire the highest-earning and most experienced faculty members when it might come time for cost-cutting measures. This is neither fair, nor in the best interests of students.

On the issue of tenure, we've asked for the removal of two sentences from the bill (lines 1017-1025) that effectively end tenure in Ohio. The bill already prescribes a very detailed faculty evaluation process, including post-tenure review. Giving special authority to a few administrators to call for post-tenure review and fire a tenured faculty member without due process removes any protections that tenure currently affords. Institutions will not be able to retain and recruit quality faculty with this language in the Ohio Revised Code. Tenure will exist in name only, which will diminish Ohio's research economy.

SB 1 would require civics education, but what will you be teaching students about civics if you pass a bill that Ohioans have overwhelmingly given a failing grade? The widespread opposition to SB 1 couldn't be clearer or more justified. There were more than 1,000 opponent testimonies in the Senate. There have been rallies, speak-outs, protests, op-eds, letters to the editor, hundreds of thousands of emails, and more. Yet, not one single substantive change was made to the bill in the Senate. It has been stated that the legislature does not make policy based on the number of testimonies, but that seems a convenient way to justify ignoring The People. We know the House can do better.

Some of SB 1 might be well-intentioned, but this bill will be enforced within the parameters of the law; and whether or not an outcome was intended does not prevent that outcome from occurring. SB 1 will end up spending more time in the courthouse than it has in the Statehouse. The First Amendment issues that it presents are rampant and obvious. The idea that there shouldn't be more time taken to clean up the issues with the bill in the interests of good policy and taxpayer resources is troubling.

If you want censorship, grade inflation, participation trophies for conspiracy theories, and placing Ohio institutions at a competitive disadvantage, then SB 1 in its current form is the bill for you. But we think that members of this committee understand that our public colleges and universities are assets worth protecting, so let's figure out how to make this bill one that all of us can live with in order to provide long-term stability.

Thank you for your time and consideration.