

Testimony of Stephen Mockabee, Ph.D.  
Before the House Workforce and Higher Education Committee  
Rep. Tom Young, Chair  
March 11, 2025

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

My name is Steve Mockabee, and I am a professor at the University of Cincinnati, where I have taught political science for 23 years. I do not represent the university, but rather I am submitting written testimony as a private citizen in opposition to Substitute Senate Bill 1. I am the President of the University of Cincinnati Chapter of the American Association of University Professors (AAUP-UC), which represents over 1800 full-time faculty through collective bargaining. We strongly oppose SB 1.

SB 1 is full of unfunded mandates, government overreach, and censorship. It would weaken job security for faculty and would make it far more difficult for Ohio's public universities to recruit and retain excellent faculty and students. Our top concerns are as follows.

1. In prohibiting retrenchment and faculty evaluations as subjects for collective bargaining, SB 1 strips faculty of their fundamental right to negotiate over key aspects of working conditions and terms of employment. This is the worst attack on unions since the infamous SB 5 back in 2011. Moreover, the definition of retrenchment is far too broad, requiring only "a reduction" in enrollment or the mere presence of undefined "fiscal pressures." This wording would give administrators *carte blanche* to shut down academic programs and fire faculty without warning or due process. This would create uncertainty and chaos for both faculty and students. In addition, the bill's stated educational goals of promoting free speech and free inquiry do not provide any justification for limiting collective bargaining. In fact, faculty's working conditions are students' learning conditions, so undermining the faculty's voice does nothing to advance the quality of education students receive, or to promote free speech. It is difficult to see how this provision limiting collective bargaining is anything but a political attack.
2. In attempting to defend banning faculty from striking, the bill's sponsor has derisively referred to unions as "third parties" that disrupt a metaphorical contract between student and university. But unions *are* the faculty, not a third party, and we enter into literal contracts with universities that ensure a stable and qualified workforce. It is important to understand that faculty strikes are extremely rare; at UC, we have only had two in fifty years, and none in the past thirty years. Strikes will always be few and far between, because faculty hate to miss time with their students or delay their learning. But the possibility of a strike provides faculty unions with leverage that helps to get intransigent administrations back to the bargaining table to negotiate in good faith.
3. The language granting administrators the authority to call for a termination proceeding that the bill euphemistically calls "post-tenure review," for reasons outside of the annual review process "at any time" (p. 36, lines 1017-1025), would effectively end tenure in Ohio. Being terminated at any time without due process or the right to appeal is *not* tenure in any meaningful sense of the word. With other states still offering real tenure, Ohio institutions would struggle to recruit and retain quality faculty if this provision becomes law. The result would be not only an exit of faculty, but also a loss

of student recruitment as Ohio's programs would become less and less attractive to prospective students. This spiraling "brain drain" would be devastating to Ohio's economic future.

4. SB 1 imposes a statewide, one-size-fits-all employee evaluation process that ignores the different needs of institutions with widely varying missions and histories. This is a classic example of legislative oversight morphing into big-government overreach. The idea that all faculty should have annual performance reviews is reasonable. Indeed, at UC we have had annual performance reviews as part of our collective bargaining agreement for decades. But when state legislators write the minute details of the process and impose it on everyone statewide, regardless of how well current systems are working, that crosses over into micromanagement by the government. A glaring example is the mandate to include on student evaluation forms a hopelessly muddled question combining "political, racial, gender, and religious bias" into a single yes/no item that has no hope of providing useful data for assessment purposes (p. 32, lines 929-930).
5. Another example of legislative overreach is the mandate that undergraduate degree programs not conferring an annual average of five degrees over a three-year period must be eliminated (p. 37, lines 1059-1062). Why is five the magic number? Why average over a three-year period? These numbers are completely arbitrary. A reasonable oversight approach would be to commission a study by the Department of Higher Education that includes meaningful benchmarking to similar programs nationwide, analysis of how faculty and staff resources are utilized in these degree programs, and a careful assessment of whether deleting a program actually produces net savings for an institution.
6. The bill's requirement to post detailed course syllabi online violates faculty members' intellectual property rights. It also makes the intellectual property of Americans readily available to adversarial countries such as China and Russia. In addition, although we appreciate the clarification in the substitute bill that there is no requirement to disclose the time and location of in-person class meetings, the bill still requires posting details about faculty course schedule, contact information, and dates when specific topics will be covered. This mandate will expose faculty to harassment by off-campus trolls and invite disruption of classes (since class time and location can already be looked up via a university's publicly accessible course scheduling website). Simply requiring a course description or general syllabus should be more than enough to satisfy the public's interest in curricular content.

In addition to the provisions mentioned above that we believe are damaging policy choices, SB 1 also contains provisions that we believe are blatantly unconstitutional. We anticipate that the sections mentioned below, if signed into law, would immediately be challenged as infringements of the First Amendment. Beyond the legal arguments, however, we believe there are also compelling reasons to oppose these provisions simply on the basis of their negative consequences (even if unintended).

7. The vague language about "intellectual diversity" and allowing students to "reach their own conclusions about all controversial beliefs or policies" will raise more questions than it answers. The bill fails to explain how it will be determined whether a student has been sufficiently allowed to "reach their own conclusions" and who will make that determination. This ambiguity would leave faculty open to frivolous complaints and would chill academic freedom. Faculty members would have to risk discipline to engage in the honest conversations that are essential for quality education. Rather than promote free speech as it purports to do, this section of the bill would stifle it.

8. The bill contains broad language banning all DEI, but, remarkably, fails to provide a definition of DEI. Perhaps the bill's sponsors only think of race when they think of DEI, but the reality on our campuses is that diversity is a much broader concept. Thus, banning diversity and inclusion will lead to wide-ranging effects that go well beyond the training sessions that were banned in the old SB 83. Now, students would lose scholarships, and accessibility offices that often include assistance for people with disabilities and for veterans would be shut down. These new obstacles will make it even more difficult for Ohio's colleges and universities to attract and retain students, and will further exacerbate "brain drain."

At the University of Cincinnati, we have a collective bargaining agreement that has shielded academic freedom and guaranteed faculty rights with robust due-process protections for fifty years. Both sides respect the rules, because they were mutually agreed to, and refined, over years of collective bargaining. Over time, this has created a stable campus environment where conflict between faculty and administration has been minimized. This stability has contributed to a period of unprecedented growth and prosperity for UC. We have set records for enrollment and research output, and our rankings and reputation have risen. There is no reason why the General Assembly should disrupt this momentum with a series of unfunded mandates that change policies for the sake of change. The University of Cincinnati's faculty, staff, students, and alumni deserve better.

I hope that you will reject SB 1 entirely and restart the process of engaging with stakeholders to develop a better bill that strengthens, not weakens, higher education in Ohio. The AAUP-UC Chapter stands ready to engage in this process of constructive discussion. But, if you choose to advance SB 1, I urge you to amend it to remove the harmful provisions noted above. Please reject the legislative overreach and the attacks on union rights, and instead allow healthy institutions such as the University of Cincinnati to continue our positive impact on the communities we serve.

Thank you for your consideration of this testimony.