

## HOUSE WORKFORCE & HIGHER EDUCATION COMMITTEE

### SB1 OPPOSITION TESTIMONY

MARCH 10, 2025

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

Thank you for accepting this testimony. I write in strong opposition to Senate Bill 1. I believe this bill is an unnecessary, overbroad, and ill-intentioned attempt to micro-manage higher education in Ohio. This bill, should it be enacted, would destroy the traditional American exchange of ideas and debate at higher education institutions.

Aside from the overall chilling effect on every aspect of academic pursuit, there are several specific provisions that are the most objectionable. Many provisions present clear violations of the First Amendment freedom of speech.

First, on page 21, the bill defines a “controversial belief or policy” as “issues such as climate, policies, electoral politics, foreign policy, diversity, equity, and inclusion programs, immigration, policy, marriage, or abortion” Prohibitions are placed upon the expression of these “controversial beliefs or policies.” For example, there may be no “endorsement or opposition” of these policies and beliefs. How can anyone, especially in a learning classroom, discuss these issues without fear of running afoul of having an opinion or expression of these ideas??

In 1969, Justice Thurgood Marshall wrote for the United States Supreme Court, stating: “It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” *Tinker v. Des Moines Independent Community School District*, 393 US 503 (1969). While I am aware of continuing attacks on free speech in academic settings, nothing has yet undermined this core principle in American First Amendment rights. Nor should it. We must be the country the founders and our Constitution envisioned us to be. Free from tyranny, free from indoctrination, free from restrictions on speech regarding public issues.

The ideas deemed “controversial” and restricted from discussion are not even limited to the definition in the bill. The bill states that this list of banned topics is not even exclusive. These are only examples of some topics that cannot be discussed without running afoul of the bills prohibitions. This open ended ban on speech means that anyone, at any time, who finds themselves offended by a topic of discussion at higher education, could turn around and report the speaker. On any topic at all!

Second, the alleged purpose of the bill is to prohibit hiring and admissions based an individual’s race, gender, or other personal identities. Yet what is actually banned is “diversity, equity and

inclusion.” This term is undefined. Each individual word in this phrase is an incredibly complex multilayer concept that defies easy definition. It is impossible to declare that “equity” cannot be involved in school decisions. It does not make sense.

Third, the ban on faculty strikes is simply anti-union. It is the antithesis of what labor organizing rights are.

If you truly wanted merit-based admissions, this bill would look entirely different. Instead of providing a level playing field, this legislation attempts to silence any discussion of quite literally every major issue in our collective society. Instead narrowly tailoring a solution to an alleged problem, this legislation paints with the broadest brush possible, prohibiting undefinable concepts.

Please, listen to the many sincere and concerned citizens, students, and teachers of this state. Do not pass Senate Bill 1.

Thank you,

Elaine Lutz, Esq.