

Testimony of Jwayyed Jwayyed, CAIR-Ohio.
Before the Senate Higher Education Committee
Senator Kristina Roegner, Chair
February 10, 2025

Chair Roegner, Vice Chair Cirino, Ranking Member Ingram, and Members of the Higher Education Committee:

My name is Jwayyed Jwayyed and I am the Legal Director of the Ohio Chapter of the Council on American Islamic Relations. I am submitting this testimony in strong opposition to SB 1 on behalf of the Ohio Chapter of the Council on American-Islamic Relations (CAIR-Ohio), the nation's leading Muslim civil rights and advocacy organization. This legislation poses significant risks to free expression, academic independence, and democratic civic engagement—values that CAIR-Ohio advocates for on behalf of the communities we serve.

As an organization dedicated to promoting justice, protecting civil rights, and ensuring equity for all Ohioans, we are deeply concerned that SB 1 creates an unprecedented framework for state overreach in higher education. This bill threatens to stifle open dialogue, suppress marginalized voices, and undermine the very principles that make Ohio's universities spaces for intellectual growth and civic engagement.

This legislation is vague, overbroad, and ripe for misuse in its requirements for universities to remain "neutral". It would give state schools broad discretion to suppress speech the state disfavors, while permitting other viewpoints, effectively creating a double standard. For example, if enacted, SB 1 would allow universities to crack down on speech critical of state policies—such as pro-Palestinian advocacy—while allowing other viewpoints to flourish unchecked. Universities, to avoid potential penalties, may refrain from engaging in discussions on important topics, even when such discussions would be within the bounds of free speech. In *Grayned v. City of Rochford* (1972), the Court ruled that laws that are vague or overly broad violate the First Amendment because they may encourage people to avoid engaging in protected speech due to uncertainty about what is prohibited.

SB 1 also undermines free expression and faculty protections by enforcing political interference, restricting open dialogue, and creating a chilling effect on academic discourse. If enacted, SB 1 will result in severe and lasting damage, including:

- **Government-Imposed Restrictions on Free Speech** – By forcing universities to remain "neutral" on pressing social and political issues, SB 1 censors' debate and stifles critical thinking. Learning institutions should be spaces of open inquiry, not state-controlled silos of silence.
 - In *Sweezy v. New Hampshire* (1957), the Supreme Court held that academic freedom is a "special concern of the First Amendment." Limiting debates and

discussions around social and political issues would run contrary to this long-standing principle.

- Wrong Level of Scrutiny
 - In order for the government to restrict free speech in a public setting like a university, courts generally apply strict scrutiny to determine whether the law is constitutional. This means the government must show that the law serves a compelling governmental interest, and that the restriction is narrowly tailored to achieve that interest. In this case, the government's interest in "neutrality" is not a compelling enough reason to limit speech and academic freedom, especially since universities already have mechanisms to ensure balanced and respectful discourse. Also, the law is likely not narrowly tailored, as it seems to broadly limit all discourse on social and political issues, regardless of how the discussions might contribute to the educational environment.
- Viewpoint Discrimination
 - Viewpoint discrimination- SB 1, if enacted, would have the state of Ohio engaged in viewpoint discrimination. If the law is requiring universities to refrain from supporting or engaging with certain social and political issues, this might unfairly target specific viewpoints, especially those that challenge the status quo or that involve social justice, civil rights, or political reform.
 - By forcing universities to remain neutral, SB 1 would be suppressing certain viewpoints, effectively making it harder for certain voices (such as marginalized or progressive perspectives) to be heard in academic settings. Viewpoint discrimination, even under the guise of neutrality, is unconstitutional.
- **Stripping Faculty Rights and Job Protections** – The bill bans faculty strikes and implements excessive post-tenure reviews, undermining academic independence and faculty advocacy. Educators should not fear retribution for engaging in discourse that challenges political ideologies.
- **Politicized, State-Controlled Curriculum** – By mandating a state-approved civics course, SB 1 paves the way for government intervention in education, historical revisionism, and ideological control over course content. Higher education must foster independent thought, not state-driven narratives.
- **Silencing Student Advocacy** – The ability to protest and organize is fundamental to democracy. SB 1 discourages student activism, making it harder for students to voice concerns on issues affecting their lives and education.

SB 1 seeks to dismantle diversity, equity, and inclusion (DEI) programs within Ohio's public universities. The dismantling of such programs could limit resources, funding, and support systems for Muslim and other minority students, impacting their ability to access culturally

competent services, student organizations, and mentorship programs. Muslim student groups along with cultural groups such as MSA, SSA, ASU, PWA.