

February 6, 2025

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

I write in opposition to Senate Bill 1.

SB 1 seeks to impose legislative control of universities from top to bottom, including increased surveillance, increased costs of unnecessary reporting, and the suppression of academic freedom by way of persistent threats of review of content and punishment/litigation.

Here is a quote from the 1967 Supreme Court decision: *Keyishian v Board of Regents* 385 US 589 (1967) which set precedent for how academic freedom should be understood:

“Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom.”

The vagueness of the terms and the complexity of the New York legislative regulatory scheme for higher education being challenged in this case led Justice Brennan to conclude: “It would be a bold teacher who would not stay as far as possible from utterances or acts which might jeopardize his living by enmeshing him in this intricate machinery.” Brennan also warned that the breadth of the regulations threatened the concept of academic freedom, which he regarded as “a special concern of the First Amendment.” Guarding against the chilling effect on free speech requires “sensitive tools” that make clear what speech and conduct are prohibited.

SB 1 is NOT clear about what speech and conduct will be allowed or prohibited in university classrooms. It says it is promoting "Intellectual diversity" but this concept is far more vague than the NY laws addressed by Brennan that affirmatively prohibited the "teaching and advising of the overthrow of the government." It is obvious to anyone paying attention that "intellectual diversity" here stands in for "more conservative views being taught." This cannot be imposed by legislative mandate--academic freedom does not tolerate vague, ideologically biased laws prohibiting OR promoting content in research and teaching. The idea that legislators wish to mandate required curriculum and course content in higher education is even more absurd.

SB 1 is a recipe for ideological litmus tests grounded in narrowly defined ideological perspectives. Intellectual work, scholarship, does NOT track the ideological spectrum assumed by those attacking teachers and scholars for being "too liberal" or, presumably, not conservative ENOUGH.

Intellectual diversity already exists in our public universities in Ohio. There is **no** evidence to the contrary. There is **NO** evidence aside from anecdotes about discomfort from a few individuals that universities are “inculcating guilt” or “indoctrinating students to be leftist liberals” or that universities are failing to help students succeed in the workforce.

With the decline in state support and the increasing privatization of “public” universities, students are ever more stressed to find funds to achieve their dream of a four-year or two-year degree without going into unmanageable debt. This situation will be made worse by Sub SB 1 which will mire our system of

higher education in unfunded reporting mandates and the costs of litigation in defense of academic freedom.

Academic freedom is of primary importance to our democracy and to enhancing the public good. Please vote no on SB 1 in the interest of Ohio students and their futures.

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