

TESTIMONY OF Jan Nesor, PhD  
ON S.B. 1  
Ohio Senate Higher Education Committee  
February 10, 2025

Chair Roegner, Vice Chair Cirino, Ranking Member Ingram, and members of the Ohio Senate Higher Education Committee

My name is Jan Nesor. I am a professor of Educational Policy at The Ohio State University. However, I write today to express my views as a citizen and do not represent any organization.

I write in opposition to SB1. Although I object to most parts of the legislation I focus here on portions related to teaching and learning about ‘controversial’ issues. As SB1 defines it:

*(1) "Controversial belief or policy" means any belief or policy that is the subject of political controversy, including issues such as climate policies, electoral politics, foreign policy, diversity, equity, and inclusion programs, immigration policy, marriage, or abortion.*

Although SB1 refers **only** to “political controversy” the line between politics and science is easily blurred. For example, there is no **scientific** controversy about global warming or the fact that it’s caused by human activity. As the NASA website puts it<sup>1</sup>: “There is unequivocal evidence that Earth is warming at an unprecedented rate. Human activity is the principal cause. . . . It is undeniable that human activities have produced the atmospheric gases that have trapped more of the Sun’s energy in the Earth system. This extra energy has warmed the atmosphere, ocean, and land, and widespread and rapid changes in the atmosphere, ocean, cryosphere, and biosphere have occurred.”<sup>2</sup> As we know, however, properly incentivized politicians<sup>3</sup> can and do argue that such statements are “political,” even claiming that climate change is a “hoax.” Although the examples given in the definition of “controversial policy or belief” above presumably illustrate the sponsor’s main concerns, it is difficult to imagine **any** topic that might not be made “subject to political controversy.”

All instruction, therefore, must exhibit “intellectual diversity,” defined in SB1 this way:

*(2) "Intellectual diversity" means multiple, divergent, and varied perspectives on an extensive range of public policy issues.*

Given that it is impractical in a single course to address every perspective on an issue, should an instructor attempt to select the perspectives that are best supported by scientific evidence or that reflect the widest range of opinion? Should they use their learning and expertise to help students compare and evaluate these multiple perspectives? No and no, according to SB1. Instead, the University must:

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<sup>1</sup> <https://science.nasa.gov/climate-change/evidence/>

<sup>2</sup> This is true as of Feb. 8<sup>th</sup>, 2025, 6pm. However, as *The New York Times* (<https://www.nytimes.com/2025/02/02/upshot/trump-government-websites-missing-pages.html>) reported a week ago, more than 8,000 pages had been removed from the websites of various agencies, including the Census Bureau, the FDA, and the CDCs, NASA, and NOAA. Indeed, if you click on the link “Do Scientists Agree on Climate Change?” on the webpage cited in footnote 1, you find that it’s been taken down.

<sup>3</sup> Stokes, L. (2020). When the fog of enactment lifts: Utilities drive rapid retrenchment of Ohio’s renewable energy laws. In *Short circuiting policy*. Oxford University Press.

*(4) Affirm and declare that faculty and staff shall allow and encourage students to reach their own conclusions about all controversial beliefs or policies and shall not seek to indoctrinate any social, political, or religious point of view;*

A particular conception of the university underlies this view. It is that of the university as a big store. In some ways this is nothing new. Over 100 years ago, an American economist observed that administrators wanted to operate universities “corporations of learning ... after the pattern of a well-conducted business concern. In this view the university is conceived as a business house dealing with merchantable knowledge”(p. 62).<sup>1</sup> The students, in this model, are “customers” – an idea SB1 endorses. But what kind of business? Writing about the same time, a German sociologist observed that “the American’s conception of the teacher who faces him is: he sells me his knowledge and his methods for my father’s money, just as the greengrocer sells my mother cabbage. And that is all.”<sup>2</sup> Knowledge here is conceived as an object of exchange. What kind of exchange? About the same time Veblen and Weber were writing, a Piggly Wiggly store in Memphis, Tennessee introduced the self-serve grocery with “shopping baskets, open shelves, and no clerks to shop for the customer.”<sup>3</sup> There’s SB1’s model: the university as a Piggly Wiggly of the mind, where students are self-serve customers and faculty keep the shelves stocked with varieties of cabbage but otherwise stay out of the way.<sup>4</sup>

Well, not quite. And here’s where the implications of SB1 become clearer. The proposed legislation also states that:

*Each state institution of higher education shall respond to complaints from any student, student group, or faculty member about an alleged violation of the prohibitions and requirements included in the policy adopted under this section using the process established under division (C) of section 3345.0215 of the Revised Code.*

Division C of section 2245.0215 reads:

*(C) Each board of trustees shall establish a process under which a student, student group, or faculty member may submit a complaint about an alleged violation by an employee of the state institution of higher education of the policy established under this section . . . The process shall comply with standards adopted by the chancellor of higher education. **Under the process, the state institution of higher education shall investigate the alleged violation and conduct a fair and impartial hearing regarding the alleged violation.** If the hearing determines the state institution of higher education’s policy was violated, the board of trustees shall determine a resolution to address the violation and prevent any further violation of the state institution of higher education’s policy.*

This would be a system in which a student, student group, or faculty member – it need not be a student actually taking the course, and the term “student group” is ambiguous enough (there are student groups organized across campuses) that it need not even be students attending the university being challenged -- could complain that a course was offering an inadequate variety of cabbages – for example, that it explored the implications of climate change on poor communities without also addressing the benefits of global

<sup>1</sup> Veblen, T. (1957 [1918]). *The higher learning in America*. Hill and Wang.

<sup>2</sup> Weber, M. (1946). Science as a Vocation. In H. Gerth and C.W. Mills (Eds.) *From Max Weber: Essays in Sociology* (pp. 129-156). Oxford University Press.

<sup>3</sup> <https://www.pigglywiggly.com/about-us>

<sup>4</sup> I mean no disrespect to Piggly Wiggly, which is a fine store as well as the originator of self-service grocery shopping. Other likely inspirations for SB1 are the technophile fantasies in which teachers are replaced by “technology-based delivery and instructional support systems” (the phrase is from Wallhaus, R. (2000). E-learning: From institutions to providers, from students to learners. In R. Katz and D. Oblinger (Eds.) *The “E” is for Everything: E-Commerce, E-Business, and E-Learning in the future of higher education* (pp. 21-52). Jossey-Bass), and the attacks on education by libertarian billionaires such as Peter Thiel (in particular his attacks on all forms of ‘diversity’ except “intellectual diversity” for example, in *The Diversity Myth*).

warming for the super-rich – or it was not taught in a fashion that allowed students to make up their own minds. Or a student taking an introductory class in neoclassical micro-economics could complain that there were no readings in Marxist, Keynesian, or environmental economics. Such complaints, regardless of merit, would under SB1 necessitate an investigation and a hearing.

Taken in conjunction with SB1's stipulations that all syllabi must be searchable with three clicks from the institution's main webpage, this is an invitation for groups internal and external to the university to search through syllabi for objectionable words, phrases, or assignments.

Related forms of surveillance are already being implemented at the U.S. Federal level. According to the *Washington Post*,<sup>1</sup> the presence of certain words (the list runs to more than 100) in National Science Foundation reports or research trigger automatic reviews. NASA has a similar though shorter list (although the memo states that it may grow).<sup>2</sup>

Under SB1, groups will be able to construct their own lists of objectionable terms, scan syllabi for them, decide whether assignments allow adequate “diversity,” target professors whose views they dislike, and bring complaints.

In the short run this plan will waste a lot of time as syllabi and professors are challenged and investigated. In the long run it encourages new faculty members to produce vapid, unchallenging curricula in the very areas where students should be challenged to think and consider a range of ideas.

There is, of course, an exception to the surveillance and challenge provisions that SB1 would write into law: The “American civic literacy,”

*(B) Each state institution of higher education shall develop a course with not fewer than three credit hours in the subject area of American civic literacy. The course shall include a study of the American economic system and capitalism. The course shall comply with the criteria, policies, and procedures established under section 3333.16 of the Revised Code. The course may be offered under the college credit plus program established under Chapter 3365. of the Revised Code. The course shall, at a minimum, require each student to read all the following:*

- (1) The entire Constitution of the United States;*
- (2) The entire Declaration of Independence;*
- (3) A minimum of five essays in their entirety from the Federalist Papers. The essays shall be selected by the department chair.*
- (4) The entire Emancipation Proclamation;*
- (5) The entire Gettysburg Address;*
- (6) The entire Letter from Birmingham Jail written by Dr. Martin Luther King Jr;*
- (7) The writings of Adam Smith, including a study of the principles written in The Wealth of Nations. Any student who takes the course shall be required to pass a cumulative final examination at the conclusion of the course that assesses student proficiency about the documents described in divisions (B)(1) to (7) of this section.*

The listed documents are obviously important (although it's unclear what “proficiency” in them would mean). All are worth study. The *Letter from Birmingham Jail* contains magnificent arguments for some of the very forms of protest that the Ohio Republican Party has been at pains to prohibit on college campuses. Adam Smith was a harsh critic of the kinds of big business interests now dominating US society:

Our merchants and master-manufacturers complain much of the bad effects of high wages in raising the price, and thereby lessening the sale of their goods both at home and abroad. They say nothing concerning the bad effects of high profits. They are silent with regard to the pernicious

<sup>1</sup> <https://www.washingtonpost.com/science/2025/02/04/national-science-foundation-trump-executive-orders-words/>

<sup>2</sup> <https://www.404media.co/nasa-dei-drop-everything-executive-order/>

effects of their own gains. They complain only of those of other people. (Adam Smith, *The Wealth of Nations*)

Smith most often comes down on the side of labor rather than capital:

what improves the circumstances of the greater part can never be regarded as an inconveniency to the whole. No society can surely be flourishing and happy, of which the far greater part of the members are poor and miserable. It is but **equity**, besides, that they who feed, clothe, and lodge the whole body of the people, should have such a share of the produce of their own labour as to be themselves tolerably well fed, clothed, and lodged (Smith, *Wealth of Nations*)<sup>1</sup>

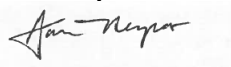
Still, it's a peculiar list, but unlike every other course in the university, the legislation leaves no way for a student, student group, or faculty member to protest its lack of intellectual diversity. Why not the *Anti-Federalist Papers* as well as the *Federalist Papers*? If the U.S. Constitution, why not a major influence on it, the Iroquois Confederacy? Why not interrogate the production of the *Declaration of Independence* by including a study of Jefferson's original draft of it (and the reasons it was changed)? Why not W.E.B. Du Bois' *Black Reconstruction*, or any number of other key texts on U.S. history? True, one might add such items (likely igniting an endless stream of challenges and hearings), but the legislation stipulates that the assessment for the entire course must focus on "proficiency" related to the original named documents. It's a small example of Wilhoit's Law:

"Conservatism consists of exactly one proposition, to wit: There must be in-groups whom the law protects but does not bind, alongside out-groups whom the law binds but does not protect."<sup>2</sup>

This is the ideology running through SB1 and much of the education legislation coming out of the Ohio Legislature in recent years.

In closing I reiterate that the lack of discussion of other aspects of the legislation does not mean that I find them less objectionable, simply that I rely on others to deal with them in other opposition testimony. I urge the Committee to reject SB1.

Sincerely,



Jan Nespor

<sup>1</sup> <https://darkwing.uoregon.edu/~rbear/wealth/wealth.html>

<sup>2</sup> <https://slate.com/business/2022/06/wilhoits-law-conservatives-frank-wilhoit.html>