

Testimony of Ryan Thoreson, DPhil, JD
Before the Senate Higher Education Committee
Senator Kristina Roegner, Chair
February 11, 2025

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

My name is Ryan Thoreson, and I am an assistant professor at the University of Cincinnati College of Law, where I teach Torts, Constitutional Law, and topics in gender, sexuality, and international human rights. I do not represent the University of Cincinnati or the College of Law, and am instead submitting this testimony as a private citizen to express my concerns and strong opposition to Senate Bill 1.

As a law professor, I deeply cherish academic freedom both as a core First Amendment value and as a means to foster discussion and debate in my classroom. I write to share my own personal experience with state restrictions on the academy, and then convey some concerns about particular portions of SB 1 that I think would jeopardize my ability to be an effective educator for our students.

In 2021, when I first went on the teaching market, I accepted a tenure-track position teaching international human rights at the University of Hong Kong. I began the position remotely due to pandemic travel restrictions, and even as I was getting up at 4am to teach a three-hour seminar over Zoom, I loved my work and the privilege of teaching students who were bright, curious, and engaged. As I eventually prepared to move to Hong Kong to teach in person, however, immigration authorities evaluating my visa application sent an additional questionnaire inquiring about my previous teaching and work on human rights issues. Months later, my visa was denied without explanation, to my surprise and the surprise of the university and faculty that hired me. As a result of the visa denial, I was one of the first academics prevented by the government from taking up a teaching post in Hong Kong after the passage of the National Security Law.

The visa denial was disruptive for my family and my career, but I would not do anything differently if I was in the same position today. As an educator, I value my ability to freely teach the subjects I was hired to teach and to do so effectively, without censorship or self-censorship.

And I believe that the greatest strength of our higher education system will be undermined, perhaps irreparably, if faculty or students have reason to doubt whether they can research, teach, and learn about controversial topics or viewpoints that have fallen out of favor with state officials.

After being unable to take up my teaching position in Hong Kong, I applied to teach at the College of Law in large part because of its robust human rights programming, its innovative joint degree program with the Department of Women's, Gender, and Sexuality Studies, and its many opportunities for students interested in social justice and public interest careers. I know many of our students choose to attend UC over other institutions for similar reasons. I feel extraordinarily lucky to teach at UC and love that I work with colleagues and students who are equally passionate about UC's offerings in corporate law, criminal justice, health law, environmental law, intellectual property law, and other specialties. As a small law school, I appreciate that our faculty and staff are able to encourage students to pursue these individualized paths while preparing them to be well-rounded lawyers, and want the full range of these options to remain open to those students who are interested in pursuing them.

As a faculty member at UC, I've been proud to advise and mentor students who hold a range of views that differ from my own, and to work with our student groups across the ideological spectrum. I deeply value diverse perspectives in higher education and the robust exchange of ideas, but I believe that is best achieved by supporting more free speech, not less, and that using the kinds of prohibitions, restrictions, and investigations contained in SB 1 to achieve those ends is ultimately counterproductive. I also believe that constraints on what and how I teach make me a less effective educator for all of my students, and want to share two examples of how I think SB 1 would practically affect my capacity to do my job well.

First, I value my ability to direct my own professional development as an educator. I pride myself on being interested and invested in the success of all of our students, whether that's students with disabilities, students from different faith backgrounds, students of color, LGBT students, students who are parents, liberal and conservative students, or first-generation students, among others. I worry that a sweeping prohibition on DEI limits my ability to learn about challenges that particular students might face, and to engage even in optional professional development opportunities that I want to pursue. I also worry that a ban on DEI in practice serves to chill discussion around a wide range of topics that are relevant to our students, to their careers, and to

the practice of law. Our whole community benefits when faculty are encouraged to learn about how we might better meet the needs of a diverse student population, and have the freedom to do so as we see fit.

Second, I am deeply committed to intellectual diversity, but believe that diverse perspectives function best when they are introduced sincerely and organically, and not when they are introduced artificially to satisfy external requirements or avoid sanction from the state. I pride myself on presenting a range of viewpoints in the classroom, structured around a central concern with teaching students the doctrinal and theoretical landmarks they need to know to be effective attorneys and advocates. I believe I am able to do this effectively because I have broad leeway to respond dynamically to student questions and discussions, introduce hypotheticals that challenge students to think about issues from all sides, and focus our very limited time only on those arguments and counterarguments that feel most relevant to the case at hand. I would do this less effectively if I felt I had to be sure to work in particular perspectives that some students or state officials might think I should teach, regardless of what those perspectives might be. And I believe strongly that colleagues with different views than my own would similarly be hamstrung if students could set investigations into motion when they disagreed with the perspectives being taught in class rather than raising these kinds of concerns within the law school community.

In my own teaching, I worry in particular that any government regulation of discussions around controversial topics makes teaching constitutional law and law and sexuality, among other subjects, exceptionally difficult. Students have strongly held beliefs about many of the issues we discuss in these courses, and I actively encourage them to articulate and defend those beliefs in our discussions. At the same time, there are established precedents and methodologies in these fields, which I have a responsibility to help our students understand and navigate. I think it would do a disservice to students to blur the line between personal convictions and prevailing standards or rules, and that state restrictions to that end would jeopardize my ability to prepare students to be competent advocates and practitioners of law.

As a final consideration, I want to convey a concern about the proposed requirement that faculty publicly share syllabi with our contact information, schedule, and assignments. I already receive, and I'd imagine many educators receive, communications from individuals who are not affiliated with the university who have strong personal views about the topics I teach as well as those who appear to be experiencing serious mental health issues. I am not at all shy about sharing my

syllabi with colleagues, students, or prospective students, and would be happy to share and discuss them with lawmakers as well. But I do worry about any requirement that I publish what days I will be teaching certain topics and what readings I assign – not because of any self-consciousness on my part, but because it actively invites interference with the learning environment I cultivate for students. As law professors at other institutions have noted, it is already extraordinarily difficult to create a classroom environment where students feel comfortable freely discussing their views on controversial issues like free speech, religious liberty, the right to bear arms, marriage equality, abortion, the death penalty, discrimination, and citizenship. Advertising when we will be discussing these topics, in a large lecture hall in a building that is open to the public, has the potential to chill student speech and compromise the classroom as a space for open and frank discussion, to the very real detriment of the students who actually attend UC.

As SB 1 comes under consideration, I hope that lawmakers will be attentive to these costs of greater state scrutiny of academic spaces. I always welcome constructive feedback, but am concerned that spurious complaints, investigations, and politicization will necessarily take finite time and energy away from preparation for teaching, working with students, and providing mentorship and support. I also worry that it will result in our public universities losing talented students and faculty to peer institutions with more freedom to teach, learn, and offer programming free from state interference. More intangibly, I cherish my academic freedom as someone who has faced professional repercussions from the government for my association and expression in the past. I would be disheartened to see Ohio adopt a law that would invite significant scrutiny of what can and cannot be taught and erode academic freedom and free expression in the state. I appreciate your consideration of these thoughts, and thank you for your time.

Sincerely,

Ryan Thoreson