

Testimony of Dr. Chris Crews
Before the Senate Higher Education Committee
Senator Kristina Roegner, Chair
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Chair Roegner, Vice Chair Cirino, Ranking Member Ingram, and Members of the Higher Education Committee:

My name is Dr. Chris Crews, and I am a professor at Denison University, where I teach in the International Studies programs. I am also the founder of Ohioans for Critical Race Theory, and I am submitting my testimony in this capacity in opposition to Senate Bill 1.

There are numerous problems with this bill, all of which were imported from the previous SB 83 that Senator Cirino introduced in the 135th Legislative Session. Rather than restate all of those objections once again, I want to call attention to a number of core problems with this bill.

First, regarding section 3345.029 of SB 1.

Many of these requirements create additional burdens on faculty and universities, making them in effect unfunded mandates whose cost will be passed on to already underfunded state universities. In addition to these added costs, this section combines both redundant requirements as well as intrusive requirements that intrude into areas covered by academic freedom that are unreasonable requests, such as publicly posting a list of all "required or recommended readings for the course" or the posting publicly the "course instructor's contact information." It is unclear how such information benefits the Ohio public, to say nothing of how it could possibly lead to an improvement in Ohio's higher education institutions.

Rather, the intent is clear—to create yet another place where conservative pundits can look in search of educational materials they might object to, using any arbitrary standard of evaluation they may choose. As we have already seen in other states, these are then fed into the right-wing legal machine, as evidenced by supporting testimony in recent Senate hearings from reactionary ed policy groups like the America First Policy Institute or the National Association of Scholars.

Second, regarding section 3345.0217 of SB 1.

As was the case with SB 83 (and its earlier incarnations), SB 1 creates an arbitrary series of topics that is designates as a "controversial belief or policy," which section (A, 1, lines 600-604) defines as "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." As someone trained in political science, and who has been teaching about politics for over a decade, I can state without reservation that there is no such thing as a belief or policy that is not a "subject of political controversy" to at least a small fringe group somewhere.

The practical impact of this language is to make everything a "controversial belief or policy." If everything is a controversial belief or policy, then the concept of a "controversy" becomes meaningless as a descriptive term.

Third, and also regarding section 3345.0217 of SB 1.

The requirement to prohibit anything related to "diversity, equity, and inclusion," commonly referred to as DEI, makes no sense except when seen as a purely reactionary and partisan move to suppress any challenges to systemic racism and the ongoing hegemonic role of white supremacy in our country. There is no other plausible reason that DEI would be a target for intentional restrictions or outright bans, as proposed in this bill. As we have seen in recent weeks emanating from the Trump administration, the attack on DEI serves one, and only one purpose: to legitimate a white nationalist and white supremacist worldview that sees diversity as a threat to the weakening grip of white power in the US.

Let us not bother mincing words or hiding behind claims about reverse discrimination, the importance of meritocracy, individual merit, colorblind politics, or any of the euphemisms that racists like to use and hide behind while advancing their true political aims.

Equally important, the sponsors and supporters of this bill fail to realize a fundamental fact—all workplaces, whether public or private—have been proven time and again in studies to be more productive, have greater employee satisfaction, and lead to better workforce outcomes when they are more diverse, and prioritize maintaining that diversity over time. There are no rigorous empirical studies that have shown that workplaces or universities do better when they are less diverse—in fact, the exact opposite has been born out in study after study.

In an increasingly multicultural and globalized world, intentional efforts (by the Ohio legislature or anyone else) to limit diversity in educational institutions will make Ohio less competitive, less welcoming and less productive. These facts undermine the stated logic for the bill in the first place, which raises the question of what exactly is the bill really trying to accomplish?

Fourth, regarding section 3345.382 of SB 1.

Subsection (B) declares that every "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."

Senator Cirino has made it clear that one of his supposed goals with this legislation is to address what he sees as a gap or lack in Ohio students' knowledge about US history and civics. While this is a laudable concern, the approach to addressing these issues in this bill fails miserably. As a very simple example, it is unclear how mandating every student who takes a course in American civic literacy must learn about capitalism will address a lack of civic knowledge or engagement. Civic engagement has nothing to do with capitalism or the "American economic system."

Instead, this is a patent attempt to force a free market capitalist political ideology into the classroom while dressing it up as "civic literacy." This is precisely the kind of arbitrary imposition of a "controversial belief or policy" that the bill prohibits in section 3345.0217. So if we follow the bill's own language and logic, such a proposal would be immediately prohibited.

Further, and related to the first point I raised, this is another section in the bill that creates an unfunded mandate. In fact, this is likely the most expensive portion of the entire bill, as it will require public universities in Ohio to entirely restructure their curriculum in order to accommodate this new class without any support from the Ohio legislature.

If Senator Cirino, or any of his supporters, had actually served on a university curriculum committee, they would know you cannot arbitrarily insert a new required course in the university curriculum without major overhauls to every major on campus. This will require a major commitment of time and money to implement, and for many schools, may also require the hiring of additional new faculty to teach such a course, which adds yet another unfunded mandate this bill will impose on Ohio.

The lack of awareness about how Ohio universities actually operate is also made clear in subsection (B, 3), which demands that "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*."

Requiring that a department chair select a minimum of 5 essays from the Federalist Papers is antithetical to academic freedom and is not a practice welcomed in higher education. Furthermore, having a department chair randomly select 5 essays makes no sense from a pedagogical perspective, as professors always select readings for specific purposes that are unique to their individual course aims and teaching aims. This is not something a department chair should be arbitrarily imposing on an instructor.

Similarly, it is unclear why Dr. King's 1963 "Letter from Birmingham Jail" is included in this list. There are hundreds of possible texts that could help students gain a better understanding of the foundations of US civics written by authors of color. In other words, the inclusion of Dr. King is completely arbitrary from a pedagogical perspective. Rather, it seems it is meant to signal "this bill is not hostile to Black folks and the Civil Rights movement because, look, we included a short piece from Dr. King!" I have great respect for Dr. King, and use his writings in my own classes, but the issue here is arbitrary selection and state imposition in our classrooms.

In the same vein, the requirement that students must read excerpts from Adam Smith and his book *The Wealth of Nations* has no clear connection to improving student's "civic literacy." Here again, this appears to be nothing more than a crass attempt to force-feed a right-wing view that there is a special role for free market capitalism in understanding "civic literacy" in the US.

Further, because of how subsection (B, 7) is written, there is actually an even more arbitrary imposition on instructors in this course. "Each state institution shall submit that plan to the chancellor of higher education. The chancellor shall review and approve each plan. Prior to approving a plan, the chancellor may require a state institution to revise the plan and the course." So not only is a department chair arbitrarily selecting 5 texts for this class, the choice of text, potentially including those texts selected by a department chair, can be arbitrarily rejected or changed by a chancellor who is even more out of touch with that is happening in the classroom and the pedagogical aims of such a course.

This is, literally, the definition of an unaccountable and out of touch policy that will fail.

Fifth, regarding section 3345.451 of SB 1.

Every Ohio university already has a process in place for course evaluations. Forcing the addition of a new, arbitrary question that reads "Does the faculty member create a classroom atmosphere free of political, racial, gender, and religious bias?" makes no sense, except if one understands the real aim of this bill as creating new causes and mechanisms that right-wing and reactionary actors can exploit to harass and target educators.

More importantly, this question assumes that faculty can impose a level of control on students in their class that is unrealistic. A simple example will illustrate the absurdity of this section. Imagine a classroom with five vocal white nationalists who repeatedly make unfounded and racist comments in class. Even if the professor makes a genuine attempt to address such disruptive behavior in the classroom, students may still check (No) on this question because the very existence of these students in the class created a hostile class atmosphere in their mind, which is completely independent of any interventions the professor might have made. Under these new rules, the professor is being penalized for actions they cannot control, and which have nothing to do with their abilities as a teacher.

Alternately, we can imagine the exact same scenario as above, but the professor chooses not to intervene in the class for fear they will be charged with imposing a "controversial belief or policy" on the class by openly challenging these same white nationalist. So here, a professor who avoids such an intervention in the name of following the law could then be faulted in reviews precisely because they failed to address this hostile classroom atmosphere. It's a devil's bargain that cannot be won no matter which way a professor might act.

This bill fails to account for this and other similar problems likely to arise from such an arbitrary course evaluation question.

Sixth, regarding section 3345.452 in SB 1.

The imposition of the many new tenure review and evaluation requirements are arbitrary and capricious, and redundant with existing university teaching evaluation and review processes. Here again, the bill is creating new rules that replace activities that already take place.

Seventh, regarding section 3345.453 and 3345.454 in SB 1.

The creation of a new series of post-tenure review policies and new retrenchment guidelines appear to only serve one purpose—to create yet another legislative mechanism by which reactionary political agendas can be inserted into educational spaces in order to target faculty. Existing tenure review and periodic assessment processes in Ohio universities provide all the necessary checks and balances that are needed.

Eight, regarding section 3345.455 and 3345.456 in SB 1.

Any attempts to impose any regulations or prohibitions on the right of faculty to organize or participate in any form of union activities, including collective bargaining and strikes, are an arbitrary and illegal imposition on the academic and legal rights of Ohio faculty.

Ninth, regarding section 3345.591 of SB 1.

This section is another example of fear mongering and xenophobia dressed up as a faux national security concern, and only further promotes anti-Asian bias in Ohio.

Tenth, regarding section 3345.88 of SB 1.

Similar to the analysis on point three regarding section 3345.0217, the requirements prohibiting the wide series of claims and statements have no basis in good educational policy, and are simply a rehashing of the list of "divisive concepts" originally included in SB 83 that were targeted for suppression, but now placed over an even wider series of activities, policies, and programs. In addition, it also adds a series of punitive actions which can now be taken if someone violates these arbitrary criteria.

As I have highlighted, SB 1 is a hodge podge of arbitrary legislative impositions, unfunded education mandates, and proposals antithetical to good classroom practices, all driven by a clear right-wing political agenda hiding behind the phrase "intellectual diversity." Therefore I urge you to immediately table this bill and let it die in committee, sending it to the same shameful grave that SB 83 went to previously. This bill is bad for Ohio, and bad for education.

Thank you for your time and consideration.

Dr. Chris Crews