



**Ohio Conference of the American Association of University Professors**

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Testimony of David Jackson, PhD  
Ohio Conference of the American Association of University Professors  
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 David Jackson, and I am a professor at Bowling Green State University and the president of the BGSU Faculty Association, a proud affiliate of the American Association of University Professors (AAUP). I am here today to provide opponent testimony on Senate Bill 1 on behalf of the Ohio Conference AAUP, which represents more than 7,000 professors at both public and private institutions of higher education.

Our core mission is to promote and defend academic freedom, shared governance, and job security for faculty. The AAUP has established the guidelines and norms that are followed by virtually every college and university in the country. The American higher education system is the envy of the world—and has become the model for higher education in many other parts of the world—in large part because of the AAUP's standards.

While we disagree with many of the premises that underlie SB 1, we can still be partners to ensure that the foundational principles of our association are not undermined and that Ohio's public system of higher education can thrive in the years ahead. To that end, last week, we sent a list of suggested amendments to the bill's sponsor and the other members of this committee. Those amendments are attached to this testimony.

We have legitimate concerns about how the bill in its current form would strip faculty of fundamental collective bargaining *rights*, erode academic freedom, destabilize our institutions, fail to attract and retain the best and brightest minds, and create costly mandates. We believe that our amendments maintain the aims of the bill while addressing the following issues:

- 1) It's a union-busting bill. It would prohibit faculty unions from bargaining over fundamental terms and conditions of employment and also would ban the right to withhold labor due to unfair treatment.
- 2) It effectively ends tenure in Ohio, meaning that professors won't be protected to teach, to conduct research, and to write freely. It suppresses the unfettered pursuit of knowledge and allows professors to be fired at any time. This lack of job security will severely damage recruitment and retention of faculty in Ohio.

3) It gives carte blanche authority to administrations to shut down academic programs and layoff faculty at whim. Beyond being another erosion of faculty job security, this undercutting of shared governance will destabilize higher education and create uncertainty for students.

4) It tries to dictate how faculty conduct classroom discussions and implies that faculty would have to accept unsupported information for the sake of "intellectual diversity."

5) It requires course syllabi to be posted online with details such as faculty's teaching schedules, contact information, and the dates when specific topics will be covered. This mandate serves no clear purpose, but it will facilitate the intimidation and harassment of faculty and students. Moreover, detailed syllabi are the intellectual property of faculty.

6) It completely eliminates all diversity, equity, and inclusion, including scholarships and programs that help underrepresented students—veterans, people with disabilities, racial and ethnic minorities, first-generation students, and others.

7) It includes more than 100 new unfunded mandates for public institutions and the chancellor. Many of the mandates attempt to dictate—in very specific ways—policies that institutions already have in place. The cost to comply with all of the mandates has been projected in the millions. These are costs that students will end up bearing.

We listened to proponents of the bill during the last hearing. Their testimonies almost exclusively focused on a single issue within the bill, one that is already being addressed through court decisions and executive orders. Ohioans simply aren't clamoring for gutting workers' rights, effectively making all faculty at-will employees, or putting qualifiers on academic freedom.

Our institutions need to have strong faculties. As presidents come and go, as students come and graduate, it is the faculty who provide stability. This reality explains why shared governance became a foundational principle in American higher education, and why a top-down managerial system is not suitable for our sector.

Ohio's faculty are proud of the work that we do in educating students—helping them to develop critical thinking and communications skills, which are essential no matter which profession they choose. We invite you to come to our classrooms and witness the growth of our students. The institutions that we serve and the graduates that our institutions produce are vital to local economies and to Ohio's overall workforce and economic success.

We hope that the sponsor and committee will work with us to achieve a bill that we all can live with, since the best legislation involves stakeholder input and compromise. I would be glad to answer any questions about this testimony and our proposed amendments. Thank you for your time.



## **Senate Bill 1 Proposed Amendments**

### **COLLECTIVE BARGAINING & RETRENCHMENT**

- 1) -Delete section 3345.455 (*Lines 1053-1063*)
  
- 2) -Delete retrenchment definition (*Lines 1023-1029*)  
-Delete section 3345.456 (retrenchment bargaining carve-out) (*Lines 1064-1084*)
  
- 3) -Delete strike ban (*all references to ORC 4117*)

*Explanation: These provisions will silence faculty over their working conditions, which are student learning conditions. They would prevent faculty from fighting for the academic missions of their institutions. The retrenchment definition is too broad and opens the door to immediate program closures based on whims and political pressures, which will lead to instability and ultimately hurt students enrolled in these programs. We need to have strong faculties and shared governance to ensure integrity and stability.*

### **FACULTY EVALUATIONS**

- Delete: Sections 3345.451 and 3345.452 (*Lines 900-967*)
- Replace with: Each state institution of higher education shall adopt a policy which establishes a system of faculty evaluations to be conducted on an annual basis for each full-time faculty member, including tenured faculty, who it directly compensates. The evaluation shall be comprehensive and include standardized, objective, and measurable performance metrics regarding teaching, research, service and other categories as determined by the state institution of higher education.

*Explanation: This would replace the detailed parameters with language requiring institutions to conduct annual evaluations of all full-time faculty, including tenured faculty (which also means there would be post-tenure review). This will allow institutions flexibility to maintain and/or modify their current evaluation systems.*

### **POST-TENURE REVIEW**

- Delete: All of Sec. 3345.453. (*Lines 968-1016*)

*Explanation: This section of the bill as currently written would allow for the easy termination of tenured faculty, as it allows for certain administrators to call for post-tenure review (PTR) at any time, which could lead to termination without due process. This is not real tenure. PTR would be covered under the faculty evaluation section, because all faculty, including tenured faculty, would be subject to an annual evaluation.*

## **ACADEMIC FREEDOM**

1) -Revise: (2) "Intellectual diversity" means multiple, divergent, and varied perspectives on an extensive range of public policy issues. *(Lines 605-607) to read: "Intellectual diversity" means multiple, divergent, and varied perspectives."*

2) -Revise: (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; *(Lines 672-675) to read: "Affirm and declare that faculty shall allow and encourage students to reach their own conclusions about any matter of which there is not disciplinary expert consensus."*

3) -Delete: unless that exercise is misused to constrict intellectual diversity. *(Lines 683-684)*

4) -Revise: Divisions (B)(6) and (7) of this section do not apply to the exercise of professional judgement about whether to endorse the consensus or foundational beliefs of an academic discipline, unless that exercise is misused to take an action prohibited in division (B)(6) of this section. *(Lines 702-706) to read: "Division (7) of this section does not apply to the exercise of professional judgement about whether to endorse the consensus or foundational beliefs of an academic discipline."*

5) -Delete: and any other requirement that applicants describe their commitment to a specified concept, specified ideology, any other ideology, principle, concept, or formulation that requires commitment to any controversial belief or policy; *(Lines 709-712)*

*Explanation: We suggest revisions and removal of elements that are too ambiguous and still pose threats to academic freedom, such as references to constricting intellectual diversity.*

## **SYLLABI REQUIREMENTS**

-Delete: Section 3345.029 *(Lines 491-573)*

-Replace with: To the extent practicable, each state institution of higher education shall ensure that a general course description for each undergraduate course it offers for college credit is posted on the state institution's website.

*Explanation: A general course description should be sufficient to satisfy any public curiosity of course content. Providing details such as locations and times opens up faculty and their students to be intimidated and harassed. Our members have expressed alarm at this provision and the threat it poses to their physical safety and that of their students. In addition, detailed syllabi are the intellectual property of the faculty member and/or institution and should be protected.*

## **AMERICAN CIVIC LITERACY**

-Delete Lines 802-819, 832-834

-Revise Sec. 3345.382 (Lines 795-804) to read: (B) The chancellor of higher education shall direct state institutions of higher education to develop a course with not fewer than three credit hours in the subject area of American civic literacy. 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.

(C) Beginning with students who graduate from a state institution of higher education in the spring semester, or equivalent quarter, of the 2029-2030 academic year, no state institution of higher education shall grant a bachelor's degree to any student unless the student completes a course described in division (B) of this section.

*Explanation: These changes would ensure that faculty have greater control over the curriculum of such a course, which is necessary for accreditation. Although we appreciate the goal of increasing students' civic literacy, we do not believe a precedent should be set for legislators to dictate the specific content of courses taught at institutions of higher learning.*

### **FACULTY WORKLOAD**

-Delete: Lines 878-899

*Explanation: This section of the bill is unnecessary, because boards of trustees already have authority over workload in the ORC. This would maintain the language requiring an update of workload policies every five years, but delete the unnecessary specificity that follows. It would allow boards of trustees the continued flexibility to establish policies that suit their institutions.*

### **DEGREE PROGRAM ELIMINATION**

-Delete: Lines 1037-1052

-Replace with: In consultation with state institutions of higher education, the Department of Higher Education shall conduct a study regarding the conditions required to initiate the elimination of undergraduate degree programs. Not later than one year after the effective date of this section, the Department shall submit to the General Assembly a report about the study's findings.

*Explanation: We need a careful study of this issue that takes into account national and regional benchmarks, what other activities the faculty in these programs are engaged in besides producing undergraduate majors, and what eliminating these majors would actually save.*

### **DIVERSITY, EQUITY, & INCLUSION**

1) -Delete: Current DEI ban exception (*Lines 644-656*)

-Replace with: Each state institution of higher education may provide training courses regarding diversity, equity, and inclusion in order to: (a) Comply with state and federal laws or regulations; (b) Comply with professional licensure requirements; (c) Obtain or retain accreditation; (d) Secure or retain grants or cooperative agreements.

*Explanation: We need to ensure that there is compliance with federal law, licensure and accreditation requirements (especially necessary for health and human services fields), as well as grant requirements.*

2) -Delete: Disciplinary sanctions for engaging in training. (*Lines 1247-1251*)

*Explanation: Institutions shouldn't be able to discipline employees who receive training outside of the university setting. Instructors may be required to receive training for a position or other obligations outside of their university employment.*

3) -Delete Lines 638-643

*Explanation: This kind of blanket prohibition will undoubtedly produce unintended consequences. Institutions often have disability services, veterans' services, as well as student success programs under their DEI umbrellas.*