

Testimony of Christopher Nichols, Ph.D.  
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 Christopher Nichols, and I am a professor of history and national security studies, and Woody Hayes Chair in National Security Studies, at The Ohio State University. Several years ago, I was recently recruited to come to Ohio State after ten years teaching on the west coast at another flagship land grant university and another several years teaching and working at a range of public and private universities and colleges. I do not represent The Ohio State University, but rather am submitting my testimony as a private citizen in opposition to Senate Bill 1 (SB1).

I write in strong opposition to Senate Bill 1 and its companion bill in the Ohio House. As I begin my testimony, I would like to remind this body just how widespread opposition to this bill is from across the state and around the nation. Numerous non-higher ed unions across the state stand in opposition. Faculty groups and faculty, staff, and student unions oppose SB1. As with SB83, student groups in opposition, including elected student body leaders, are inspiring and represent virtually every Ohio university and college, as I understand it. We should listen to them, since this bill purportedly about best serving the students of Ohio. In addition, the Ohio Chapter of the American Association of University Professors and the Ohio Academy of History have come out against this bill. An op-ed was just published against the bill co-written by the President of the Organization of American Historians (the largest group of U.S. historians in the world), and on and on. There simply is not much support in the state of Ohio from those actually involved in Ohio public higher education today – not students, not faculty, not staff.

There is much to dissect in the bill, a few positives, and many areas of significant concern. I'd like to first suggest that this process has been too rapid; it would be useful to hold more hearings, talk to more stakeholders, and include some meaningful amendments and changes before any final votes happen. The following comments of mine are broken down by subject area:

I will begin with one on my main areas of specialty:

**China, U.S Foreign Policy, and National Security**

The China provisions in SB1 are better than those in SB83, in my view, but remain problematic. First and foremost, in the U.S. and particularly abroad, this bill and these strictures are likely to be understood as explicitly anti-Chinese and xenophobic. No other nations are listed in this bill, China is singled out and Chinese officials, citizens, and students will very likely see it that way. This is a problem because meaningful programs and engagement not just related to China are impacted here: consider East Asian Studies program at OSU and other universities or conferences such as the Asian Studies Association annual conference, which is coming to Columbus for the first time in the coming year (and fills the convention center, bringing thousands of visitors and contributing to the economy in all the obvious ways), to name just two.

In an era of recent anti-Asian violence as well as rising anti-Semitism, Islamophobia, and racism, adding fuel to the fire by singling out a single country like this and in this way with strictures and prohibitions, is very likely to do more harm than good. No matter what the result, there can be no doubt it will add to our current moment of polarization, hate, and worse.

The very reasonable issue at stake here is protecting intellectual property developed in Ohio from being illegally accessed or stolen by People's Republic of China agents or affiliates. Poor security protocols have been a concern and remain an issue. So why not have that be the one and only injunction of this part of the bill? In fact, it should likely be extended to other nations in terms of IP agreements with public entities.

Why? Because national security studies suggest that U.S. allies and not China are the most frequent usurpers with and hackers of U.S. intellectual property. I would humbly submit, then, that the bill be revised to prevent critiques of an attack on China and more meaningfully tighten intellectual property agreements on all "international agreements and programs" activities (we can work up the best language quickly) across the board—allies and adversaries alike. If these strictures do not operate with a broader net, it won't work; what is more, to emphasize again: the narrow rendering in this bill simply reinforces the sense that this is about attacking China. Such perceptions of the bill, even if misplaced, are not good for U.S. national security or foreign policy.

If taking a very hard line against China truly is the goal, then more targeted and specific acts may be appropriate. The rest should be left up to the State Department and President, they have far more tools and more ability to negotiate and see at higher level than we do in the state.

In addition, as I have noted in past testimony, and we see again now, the vague language of the bill this seems to include—or might apply to—an astonishingly wide range of international exchanges and partnerships. Prohibiting institutions from accepting gifts, donations, or contributions from China of any kind, and any organization acting on behalf of China, is far too broad. There is no doubt relations between the U.S. and China are strained. And there is no doubt some PRC entities are problematic in their propagandizing efforts. Ohio can deal with them on a case-by-case basis. In the larger view, however, scholarship and past precedents are clear, to enhance relations the state and the nation should be encouraging more exchange and interchange; science and business collaboration; more students and scholars crossing borders; more partnerships and collaborations from the sciences to the arts and humanities.

### **Damage Being Done-Harm of this Bill, SB83, SB117**

I'd like to also dispel an assertion that has been made and to explain that Ohio Higher Education is now less competitive than it was before SB83, SB117, and SB1.

It has been alleged that there's been no damage by this bill and others such as SB83 and SB117, by sponsors and proponents in hearings and interviews in recent months. This is simply not the case. Please talk to a large cross-section of faculty, students, and staff to come to your own conclusions. But what I can say definitively as someone working hard to recruit superb graduate students to Ohio from across the U.S. and around the world – they ask about this and the state climate, and they turn us down. So, too, with prospective faculty we are interviewing for jobs

AND prospective staff. They are aware of these bills, they worry, and they see that the state seems keen to reach into micromanage higher education institutions that are the envy of the U.S. and the world. There are not enormous problems in the state in higher education, as any interviewee doing their homework will recognize.

As I mentioned in previous testimony, we lost the highest ranked PhD graduate student admitted into the history graduate program a year ago, whom we were very much trying to recruit into our diplomatic history field, and to whom OSU had offered a top-level fellowship for graduate studies. In making his decision this admitted, highly recruited student mentioned these laws and what he perceived and worried about as possible hostility, coercion, and constraints being imposed by the state legislature on academic and personal freedom and higher education in Ohio as a significant part of his decision not to attend OSU, despite it being his preferred program. New faculty and staff interviewees and prospective applicants frequently cite the state climate “against” higher education as a concern of theirs. And I know faculty currently looking for jobs to leave the state. As I have said, had it been clear to me and to my family quite how precarious it would be to become a faculty member in Ohio we might have had more concerns before arriving here after a long recruitment some years ago with high hopes of joining such an august university, with such exceptional colleagues and students as Ohio State.

Look at the drop in rankings and in the rise of toxic issues and bad press in states like Florida and North Carolina when recent efforts like SB1 have passed and the micromanagement of higher education has begun in earnest. I know those examples might seem like models to some here, but in my experience in terms of recruiting top faculty, staff, and students, in applying and interviewing, and in know people on the ground there, in reputation and in outcomes as well as in from maintaining the highest standards of teaching and research they really are not.

### **Controversial Beliefs and Intellectual Diversity**

This issue is back again. The bill’s proponents do not seem to fully appreciate the contractions at work here. Either the bill is for unalloyed and absolute freedom of speech OR it is about restricting speech. Doing both, as it does, is likely to create innumerable problems of interpretation along with chilling effects and in the longer term is likely to diminish quality education and research by limiting what can be discussed.

It is deeply problematic that a bill purportedly designed to safeguard “intellectual diversity” and to “enhance” freedom of speech with views across the board, then sets out a broad, vague area of “controversial subjects” that can and must be more greatly scrutinized and are subject to potential punishments. Which is it?

The bill defines controversial belief or policy 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,” expansive topic areas that we teach in most history and humanities courses, for example, but also across a number of hard sciences, geography, psychology, public policy, and more. This will be policed, the bill states, by having complaints responded to (how, by whom, in what ways?), and requiring non-indoctrination by faculty and students being able to come to their own opinions.

The bill then goes on to argue for protections for and inclusion of intellectual diversity, defined as “multiple, divergent, and varied perspectives on an extensive range of public policy issues,” also policed by responses to complaints and system whereby all expressions should be seemingly equally allowed and in all settings. As is often referenced but still has not been well explained by proponents, what does this mean for Holocaust denial? Flat earthers? Creationists? They exist, attend, classes, and attend other campus activities.

I appreciate the new intellectual diversity caveat that specifies that this does not apply to “professional judgment” about how to accomplish intellectual diversity within an academic discipline or professional judgment about whether to endorse consensus or foundational beliefs of an academic discipline. However, it qualifies that with “unless that exercise is misused to constrict intellectual diversity” – and again we are back to a murky place of constraining speech to permit it and vice versa.

### **Civics Requirement**

This bill is not without merits, so I will include one positive here. Honestly, as a U.S. historian and dedicated civics teacher for over two decades, I commend the authors for seeking to have all college students in Ohio take at least one course to better understand the history of the United States. While I might not agree about the root causes of the current need for a revitalization of understanding U.S. history and the nation’s civic traditions, I am all for requiring history and civics for Ohio’s college graduates. This is essential education for the citizens of the next generation and in preparing for being engaged members of whatever community our graduates reside in for the 21<sup>st</sup> century. The required documents are ones that we teach regularly, I could add more or mention how there is a clear mismatch between some of the “controversial subjects” and the documents, such as King’s letter from a Birmingham jail, and the need to closely analyze issues such as the systemic racism that King describes and the outcome of which was his being jailed for nonviolent civil rights actions. The proposed class lacks sufficient justification, clear approaches to learning outcomes, or a thematic through-line to constitute a robust historical and civics curriculum. But ultimately if campus disciplinary experts such as those of us in history and politics disciplines and departments are involved, I am confident that this sort of class can be developed to be insightful for students learning at the college level and for graduating a new generation of those more knowledgeable about U.S. history, democracy, the economy, and civic traditions.

My main concern, to be blunt, is first to empower the experts on each campus to develop the classes, and second to make this truly required. I propose that the language about exemptions be tightened. As we’ve often seen in education, it is well meaning but problematic if the imperatives for speed or ease triumph over those for depth and breadth. Instead of adding more AP and other testing options to exempt out of this requirement, I suggest the final version of SB1 make American Civic literacy mandatory for all students.

### **Duplication, Reviews and Syllabi, Speakers and Complaints**

Post-tenure review already happens. Every year we have annual reports and meet with our chair. There are very rigorous reviews through promotion from associate to full professor as well. And there are already procedures in place to assess, advise, reward, or reprimand faculty who are or are not doing their jobs.

Syllabi are already saved and available. This is a department and college rule at most universities and colleges. Instructor credentials are available online (or should be). In my experience faculty and staff are eager to share syllabi with students – we want them in our classes! If syllabi and credentials aren't updated it is likely not about university policy but more about the people and technology. If SB1 made updating these materials a funded mandate, there might be more traction in those places where these efforts might be lagging.

Speakers' fees are often set at the unit-level and a quick message will result in information, and if not they are one FOIA request away. Complaints about events are infrequent, but when they come up in my experience faculty and staff organizers take them very seriously already.

As I go through this bill, these are superb examples of how more faculty and staff need to be consulted. So much here is not necessary and will just create more, rather than less, bureaucracy that distracts us from our essential mission of teaching the next generation along with research and knowledge production.

### **Retrenchment**

In brief, the overly broad language about possible retrenchment of departments and majors and minors based on just a few years of graduates is a mistake. Take for example the need to train students in languages, which is essential for meeting the challenges of the globalized world and the needs of employers and jobs from the Peace Corps to Intel and from engineering to banking to humanitarian work. We would not want to eradicate language teaching at our universities and colleges simply because in a given period not enough majors or minors graduated, right? This example epitomizes some of the thinking behind this bill that really needs to be interrogated deeply.

Public universities have a service mission that cannot be reduced to a metric of degrees and vocations. The very goal of the mandated civics course suggest as much. There are areas of learning that are in the best of interests of the state and the nation that go far beyond narrow vocational orientations. This project is bigger and grander. Ohio universities are and will be exceptional in as far as they teach and produce knowledge as broadly as possible—from astronomy and chemistry to economics, and from philosophy and religious studies to computer science, arts, languages, histories, and laws. These are nonprofit public service institutions after all. Having a quick path to eradicating whole fields is short-sighted, as some of the universities across the nation that did away with humanities fields in the past decade are already finding out (it is leading to further losses of student enrollments, recruiting and retaining faculty and staff, and overall undermining of mission).

### **Faculty Bargaining, Mistaken View of Student-Faculty-University Relationship**

I am not directly a part of a faculty union at Ohio State but I support my colleagues at other universities and colleges who are. The ability to strike, an extreme effort that is rarely used by unions, remains one of the most important elements of leverage for collective bargaining. It is for that reason that so many unions across Ohio opposed SB83 and oppose SB1.

Historically faculty strikes in Ohio have been very rare. So why push this policy? Beyond simplistic answers such as depriving faculty of bargaining power or undercutting union activities, one root of the problem related to prohibiting faculty strikes that we have seen in

sponsor and proponent testimony, lies with a mistaken view of the student-faculty-university relationship, one that echoes the issues in the bill regarding retrenchment. At essence the problem is contained in the analogies SB1's proponents often use – students as consumers, the university as business. There are superficial ways that this is apt – yes, students pay tuition, and often room and board, and sure, universities are like other large institutions with obligations to personnel and stakeholders of all sorts and certainly should manage funds well, all the more so since we are talking about public universities and colleges.

That said, the “students as consumers” model is a mistake to continue using for establishing best practices. First, students are often being challenged, even graded harshly as they learn new skills. Student surveys often suggest classes in which they are graded harshly are deemed less worthy. All the more so for required core educational classes. And yet, anecdotally, when one speaks to graduates many years out those very same “hard” professors and classes were the ones that stood out to students, often positively, for pushing them in new directions. \*This is among the many reasons why faculty and course evaluations completed simply at the end of a semester are so flawed.

Second, related, the “students as consumers” model then not only recognizes the reality of the university in the role of catering to consumers but reifies. In many ways we've seen this in the market as colleges and universities compete to recruit students with all sorts of campus amenities, which in turn tend to increase costs (from food to recreation, all of these amenities require staff and facilities). But by reifying the university role as “catering” to students we move closer and closer to the problematic area of stripping out core requirements, dumbing down classes (more rather than less “customer”-driven grade inflation), making degree credentials bought rather than earned, and thus not adhering to the highest goals and standards of a comprehensive university or college education.

Third, in terms of faculty, if they are best understood as the employees operating somewhere between the university administration business and the students as customers then actually such a schematization should mean the employees have every right to collectively bargain. If public higher ed faculty are to be added to public service employees who can't strike then the right metaphor would be working for the people as constituents rather than students as consumers. And if that is the case, then faculty should have all the benefits of public sector employees such as police officers and firefighters.

### **Diversity, Equity, and Inclusion Bans**

I oppose SB1's one-size-fits-all view of “DEI” for many reasons. It lacks nuance and complexity to attack “DEI” as if it is one thing and one thing only, some sort of racial quota/litmus test system. But diversity, equity, and inclusion programs of numerous types, disciplines, community centers, onboarding programs, study centers, are the products of over three decades of development and advocacy that stretches back at least seventy years.

One of the most poignant moments in S83 testimony was an individual who testified that they had never felt welcome and the pride center at their campus was the first place they had truly been able to be welcome and themselves, indeed, they asserted, tearfully as I recall, that they had considered suicide before finding such a place on campus. This bill seemingly seeks to end all such places and initiatives. The bill lumps together to castigate all diversity, equity, and inclusion

activities, including those for students with disabilities and veterans, as commensurate with racism and a pernicious form of discrimination. As disability rights activists like to say, diversity is simply a fact, but inclusion is a choice. Is a center for testing and community for students with disabilities “unequal” and “segregation” as prohibited in the bill? Is housing or scholarships for veterans “unequal” and “segregation” as prohibited in the bill? Are Ag scholarships for rural students “unequal” as prohibited in the bill? What about special privileges given to athletes and only athletes, does that constitute “unequal” “segregation”? Fraternities and sororities? You can see the problem...

By eliminating these are other programs that help to make students, staff, faculty and community welcome and included, taking into account varied needs, backgrounds, and abilities, this bill makes our universities and colleges less inclusive, less just, and less humane. Special treatment for students with special needs is simply the right thing to do. If you just open your eyes and approach you just might see how similar scholarships and programs for rural, special needs, Black, queer, or veteran students are. As I read the bill, all sorts of targeted programs like this could be subject to vague language here. Proponents have noted that they can't imagine all of these programs going away but this bill signals that they should, but it contains far too little specificity to make certain that the universities and colleges rushing to comply won't just wholesale end a great deal that is so positive in diversity, equity, and inclusion programming. Reasonable people can disagree about how useful some DEI training and specific efforts like diversity statements are (I am fine with them and have found them valuable), and prohibit or change those policies and programs, narrowly (which SB1 does), but in my view reasonable and caring people should not want to or seek to cancel targeted scholarships and community activities and centers, which are basically unallowed positives for students and families, staff, faculty, and communities. This element of the bill is the most likely to have bad and unintended consequences. In addition to everything else I have mentioned, accrediting agencies for nurses, engineers, and other professions require diversity training and coursework; so, too, many grants and funders require DEI training and activities, and on and on. Ohio students, professions, and research and development all will have to suffer due to this vague, blanket ban on DEI.

### **On Indoctrination, the Classroom, and Intellectual Diversity**

I also want to address head-on an assertion by SB1 proponents – as before with SB 83 and related bills -- that has been the primary public rationale for the bill, though it only appears in the text of the bill: indoctrination. I'd like to push back by expositing two related conflations:

1. ***Conflation I: Liberal-identified faculty means punishment of students.*** NO. While surveys do show self-reported “liberals” are far more prevalent in the ranks of university faculty, particularly in the humanities (and we must note that this varies quite a bit by discipline). Proponents of the bill argue, from vary scant evidence, that this means stifling of speech in class and imply that there must be punishments of students who don't tow the “party line.” Yet there is not a single rigorous peer-reviewed study that shows that professorial “liberal” stances as self-reported translate into bad grades and punishment of students who do not hold such views – across the U.S. or in Ohio. Not. One. Study. As far as every study that has been conducted can tell, a professor's bias does NOT translate to grading.
2. ***Conflation II: Student self-censorship means faculty are at fault.*** NO. While students do report self-censoring inside and outside of class, and that is worrisome a close look at

survey data on this subject would make the case that this has been going on in significant numbers since the 1990s. It is not new and it is not about instructors. Virtually every study of students suggests that students primary “self-censor” not because of faculty opprobrium but, rather, they worry about their peers. They do self-censor, as I did to some extent in college and I gather my own parents did as well. Students worry about how other students will perceive them and particularly in our heightened culture of polarization and politicization. This bill does nothing to undercut the peer perception issues nor the charged culture in which student and collective self-censorship happens.

If we dispense with these two conflation then there is little reason for most measures contained in SB1.

What do we do in class? Please come visit. First, most classes and events are not “political” or deal virtually at all with “controversial subjects.” But second, and no matter the content, speaking only for myself, I deeply value and wholeheartedly believe in evidence-based arguments and often discuss in class thinking “360 degrees” around every issue. I would not have come to The Ohio State University – or any other university or college for that matter – if it were a place known for indoctrinating and forcing views on students, faculty, staff, or others. I can say clearly and definitively that there is little to no indoctrination going on at Ohio State or in my experience anywhere else that I have taught. I am—and my colleagues are, to a person—committed to freedom of expression and thought. We seek and promote this already in the classroom and across campus. I have never once encountered an “ideological litmus test” in over two decades of working and teaching, hiring, promoting, reviewing, and evaluating, at multiple large institutions of higher education in Ohio and across the United States.

Are there are exceedingly rare examples of some faculty, staff, or others going too far in their statements or actions? Yes. Is that common? No.

Of the inflammatory and justifying incidents noted by proponents of this and its predecessor bill, virtually all happened outside the state – shouting down of guests at law schools at Yale and Stanford. Only one such incident of any significance, at least for national media, has happened in Ohio. While at Ohio State we regularly having events and speakers from across the positive spectrum. This simply is not an Ohio problem. It is not a systemic problem for the U.S. either. It is not at all common in my twenty-years of higher ed experience or those of many I know across academic fields.

In short, these rare moments of faculty or staff overreach have been overblown and sensationalized by the press or provocateurs, often for political reasons and/or to generate clicks or sell papers. In fact, such infrequent speech bias issues as do arise, in my view, tend to be handled capably and internally by university leaders and administrators, often out of public view.

In my opinion, uncommon, uncharacteristic events against free speech provide an exceedingly poor reason or rationale for passing sweeping, transformational legislation. This is backed up by years of empirical research regarding what scholars call the “indoctrination myth.” Research strongly supports the insight that from pedagogy to hiring political, religious, and other biases play a remarkably small role in the actions of faculty and staff in higher education. [See: E.



Burmila, “Liberal Bias in the College Classroom: A Review of the Evidence (or Lack Thereof)” *PS: Political Science & Politics*, 54(3) (2021), 598-602.]

As Cornell University Historian Glenn Altschuler and Hamilton College President David Wippman explain, “All education involves imparting information “from someone’s point of view.” It is not indoctrination, for example, for a biology professor to teach evolution while rejecting creationism. Nor is it indoctrination to cite Jim Crow laws, segregation of schools and public transportation, grandfather clauses for voting, and the complicity of public officials in violent acts of intimidation against Black [people] as evidence of systemic racism in the post-Civil War South.” [On the meaning of “point of view” bias, see: Glenn Altschuler and David Wippman, “The myth of ‘woke’ indoctrination of students,” *The Hill*, April 9, 2023]

As an historian who specializes in teaching and researching the domestic and foreign policies of the United States, especially during the Gilded Age and Progressive Era, the (1880-1920) period which witnessed the development and deepening of legal and extra-legal segregation policies and practices, I’d like to add that it will be exceedingly hard to square teaching that history with proposed “intellectual diversity” efforts include the bill’s prohibitions against “controversial beliefs” such as “electoral politics,” “diversity, equity, and inclusion,” “marriage,” “abortion,” and “immigration policy.” And as an expert in the controversial topic of “foreign policy,” well, everything that I teach will come under that umbrella.

As someone who has taught thousands of students over many years, I also know that students see the contemporary relevance of topics such as Jim Crow and eugenics laws. These are essential parts of the complex rise of modern America in foreign relations and domestic politics, in business, law, and society, in reform and regulation, in centralized state power, and in critical questions about citizenship and crisis. Suffice it to say, students tend to be open to learning about these developments and this history. It is, after all, what has profoundly shaped the world we all live in and the challenges we confront today.

As I have said and will say again, on a wide range of difficult historical and other topics that I teach and know well, at their best, today’s students are skeptical, they are hard to persuade, and they do their own research (for better and worse, but they do). At their lowest, they barely do the assignments, they do not pay much attention, and we struggle to get them to dive deeply into readings, lectures, and discussions in the classes we work so hard to make successful. At their best, they read everything with a critical eye and go far beyond the assignments in their thinking and research to reach conclusions of their own and in ways we as instructors did not anticipate and come to applaud.

### **Trust Students. Trust Faculty.**

In my view, we should trust college-aged students. We should not treat students like they cannot decide and cannot learn for themselves—or are unable to speak up for themselves and somehow being brainwashed and indoctrinated. And we should trust faculty experts to design courses and teach effectively. We should protect and nurture student, faculty, and staff academic freedom.

I urge you to vote no on this bill--and instead trust faculty to teach based on what they are trained and credentialed to do and trust students to learn and come to their own conclusions without intervention by the state. Since only one student has testified as a proponent of SB1 (and that

student does not attend a public university in the state), it is hard to believe that there is a deep need or an enormous outcry for a bill as sweeping and significant as this to be passed. Further reinforcing that point, very few faculty or staff in state have supported this bill.

In conclusion, I have dedicated my life to higher education and to teaching students to come to their own conclusions. Beyond everything I have laid out here I worry most about the unintended consequences of this rushed bill. Thank you for reading my lengthy written testimony. Despite all this analysis there is a great deal more in this bill worthy of staunch opposition. I fully recognize that the majority can rush this bill to a speedy vote and likely to passage. But should our Ohio elected representatives do so on something as complicated and important as the major proposed changes to such an enormous part of the state's life and economy, all of public higher education in the state of Ohio?

I hope that you will allow constituents and interested parties whom this bill will most impact and who know the most about how it is likely function once passed to speak, propose amendments, and help to shape a better bill. And I hope that you will consult with more of those with experience in higher education.

I ask you to please consider my testimony and vote NO on this potentially and already harmful bill. Thank you for the opportunity to testify. I am happy to answer any questions that you may have.

Yours sincerely,  
-Christopher Nichols