



Senator Andrew O. Brenner – 19th District
Senator Robert McColley – 1st District
Senate Education Committee
February 27, 2019
Senate Bill 40 – Sponsor Testimony

Chair Lehner, Vice Chair Terhar, Ranking Member Sykes and members of the Senate Education Committee, thank you for hearing sponsor testimony on Senate Bill 40. As some of you might know, Senate Bill 40 is a redraft of House Bill 758 from the 132nd General Assembly. Today, I am grateful to have Senator McColley as my joint sponsor on this bill and look forward to working with him on this issue.

Institutions of higher education have long been considered the keepers of our most treasured academic philosophies. When we walk through the campuses of our alma maters, we are reminded that it is here our eyes were opened, our views were challenged, and our character strengthened. The idea that conservatives are waging a war on higher education is misplaced. In recent years, the rigor with which opposing views have been presented has lessened on college campuses. Our students are being taught what to think instead of how to think. In particular, it has been conservative ideologies that have been stifled by the administrations of colleges and universities due to bias, fear, or both.

Senate Bill 40 has four key components that we think will benefit not only conservative student groups, but all student groups by strengthening their rights to freely express their views. Those four components are;

1. Protect expressive activities (lawful speech, written, audio-visual, or electronic communications) to communicate ideas at public institutions of higher education. This also includes peaceful assembly, protests, speeches, literature distribution, petition circulation, sign display, and guest speakers.
2. Bar the development of expressive speech-restricting “free speech zones” on public campuses. Reasonable and narrowly-tailored time, place, and manner restrictions that are viewpoint-neutral and allow for alternative means of expression may be permitted. Lawful student expression that does not materially and substantially disrupt the functioning of the institution is protected.
3. Expressly reject enabling conduct that intentionally, materially, and substantially disrupts another individual or group’s lawful expression (heckler’s veto) if the lawful expression is being engaged in at a campus location reserved for the activity for that group.
4. Allow a civil action by individuals or student organizations against the violations of this Act’s protections, which can ask for injunctive relief, monetary damages, reasonable attorney’s fees, and court costs. An individual or student organization may assert a

violation of the Act's provisions as a defense against disciplinary action or administrative proceeding against such individual or organization.

Our higher education institutions are integral to shaping the minds and talents of our workforce, and we believe Senate Bill 40 only serves to strengthen this population. By giving students the tools to appropriately and freely, not only share their opinions, but also hear the opinions that challenge their own, it will only broaden their perspectives and give them the confidence to express themselves. These are qualities we all should aspire to instill in our upcoming workers in Ohio. To give them the respectful challenge environments will bode to curating a higher level of talent in these individuals.

Mr. Chairman, members of the committee, thank you for the opportunity to provide sponsor testimony on Senate Bill 40 and my joint sponsor and I would be happy to answer any questions you have at this time.