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October 15, 2019

To: Chairwoman Peggy Lehner
Ranking Member Teresa Fedor
Senate Education Committee Committee

From: Aaron Baer
President, Citizens for Community Values

Re: Support of the Substitute Bill to SB 40, The Forming Open and Robust University Minds (FORUM) Act

Chairwoman Lehner, Ranking Member Fedor and Committee Members:

My name is Aaron Baer and I am the president of Citizens for Community Values, Ohio's Family Policy Council. Our organization is committed to defending First Amendment freedoms, including the freedom of religion, association, and speech.

We are grateful for the committee considering the Forming Open and Robust University Minds Act or FORUM Act, and we, along with some of the top First Amendment attorneys in the country are supportive of the Sub Bill.

Briefly, I will recap what the bill does, before getting to the changes in the Sub Bill.

The FORUM ACT will protect free speech on Ohio's 14 public university campuses, 24 public regional branch campuses, and 23 public community colleges.

The bill:

1. Protects peaceful assemblies, protests, speakers, and displays on campus.
2. Prohibits so-called "Free Speech Zones" on college campuses, which unconstitutionally limit free speech to small segments of public spaces.
3. Prohibits the ability of protestors or opposition to shut down events or other expression via a "Heckler's Veto."
4. Requires colleges and universities to have a free speech policy, and report violations of speech on campus to the General Assembly.

Let me also make clear what the bill will NOT do. It is not a license to riot, or make violent threats. It's also not a permission slip for students to disrupt classroom activities. Most importantly, the FORUM Act doesn't show favoritism to any one type of speech or message. CCV isn't backing this bill to ensure conservatives or pro-lifers get special treatment on campus



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– in fact, the core purpose of the bill is to ensure universities are a level playing field for all ideas.

As for the sub bill, there are 2 key changes.

First, it expands the definition of harassment for this section. The law has classically recognized two forms of harassment – when a person in power leverages their position to coerce an individual to conform to their will, and when a peer inflicts pain of some sort to prohibit you from exercising your individual liberty.

This expanded definition simply clarifies that both forms of harassment are covered.

And Second, and probably most important, the sub bill clarifies that student fees cannot be used as a backdoor maneuver to stifle speech. This has become the most common way we have seen universities attempt deny free speech on campuses: by charging exorbitant “security fees” based on the content of the speaker of the expected reaction. This subjective standard is unconstitutional, and this amendment provides clarity.

At a time when division in our nation is at an all time high, it is essential that our university campuses remain a place where open, honest, and tough discussions can still happen.

The FORUM Act is an aid to Ohio’s universities and community colleges as they endeavor to cultivate this environment on their campuses. It sets a clear baseline of the speech protections that must be provided to every student.

This is why countless nonpartisan organizations support this bill that defend First Amendment Freedoms like the Heritage Foundation, the American Legislative Exchange Commission, the Foundation for Individual Rights in Education, and Alliance Defending Freedom. All of these organizations agree to changes in the Sub Bill.

Thank you for your time and consideration.

Citizens for Community Values (CCV) is a non-profit, non-partisan organization that endeavors to create an Ohio where God’s blessings of life, family, and religious freedom are treasured, respected, and protected.

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