



Ohio Conference of the American Association of University Professors
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Testimony of Martin Kich, PhD
Ohio Conference of the American Association of University Professors
Before the House Higher Education and Career Readiness Committee
Representative Laura Lanese, Chair
April 5, 2022

Chair Lanese, Vice Chair Young, Ranking Member Ingram, and Members of the Higher Education and Career Readiness Committee:

My name is Martin Kich. I am President of the Ohio Conference of the American Association of University Professors (AAUP), which represents more than 6,000 college and university faculty across the state at both public and private institutions.

First, I want to commend Sen. Cirino and Chair Lanese for their openness in engaging in conversations with many stakeholder groups, including ours, about this legislation. The current version of the bill represents a resolution of some of the major concerns that we had, and we appreciate the efforts to ensure that Ohio faculty will continue to enjoy uninhibited academic freedom—the founding principle of American higher education and the AAUP.

Academic freedom is rooted in the ideas of freedom of speech and faculty expertise. The AAUP's views on campus free speech align quite a bit with those of the bill sponsor. Our national organization's 1992 statement *On Freedom of Expression and Campus Speech Codes* reads, "On a campus that is free and open, no idea can be banned or forbidden. No viewpoint or message may be deemed so hateful or disturbing that it may not be expressed." However, as we did with the FORUM Act (Senate Bill 40 from the previous General Assembly), we have to question whether the language in SB 135 that addresses free speech is necessary.

Several high profile incidents that have taken place outside of Ohio have unnecessarily sounded alarm bells that free speech is being inhibited on campuses, and we have heard some anecdotes of situations on Ohio college campuses. But we know that anecdotes are not necessarily indicative of widespread problems, and we believe the legislature should show restraint in creating law, bureaucracy, and mandates where they aren't needed.

During his comments to this committee, Sen. Cirino indicated that he wants institutions of higher education to be beacons of free speech, and we couldn't agree with him more. We believe that our institutions of higher education have been and still are beacons of free speech, and that the language in the bill regarding free speech is unnecessary. The bureaucracies the bill would force institutions of higher education to implement to address alleged free speech infringements

would be redundant to channels that exist already and potentially invite more controversy than they could hope to solve.

While we believe the sections of this bill that address free speech aren't needed, because they largely mirror the existing practices of Ohio colleges and create avoidable bureaucracy, we must point out that passing SB 135 would affirm the House's unequivocal commitment to the marketplace of ideas on campuses. Members of the House should therefore reject another piece of legislation being considered by this chamber: House Bill 327. HB 327 aims to limit the content and manner in which certain topics can be discussed at our institutions of higher education, which directly conflicts with the language in SB 135 (relevant portions below in *italics*). Does this legislature want to promote free speech, or does it want to suppress free speech?

A state institution of higher education shall be committed to maintaining a campus as a marketplace of ideas for all students and all faculty in which the free exchange of ideas is not to be suppressed because the ideas put forth are thought by some or even by most members of the institution's community to be offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.

It is for a state institution of higher education's individual students and faculty to make judgments about ideas for themselves, and to act on those judgments not by seeking to suppress free speech, but by openly and vigorously contesting the ideas that they oppose.

It is not the proper role of a state institution of higher education to attempt to shield individuals from free speech, including ideas and opinions they find offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.

While we may not support SB 135 as a whole, we can appreciate the conversations that it has generated. We believe that, in all discussions of higher education, the focus should be on how to support the instructional missions of our institutions and promote access, affordability, and quality. Faculty-student interaction is the essence of higher education and its success. Ohio's faculty are proud of the role that we play in preparing students to enter the workforce and to be good citizens. Thank you for your time and consideration.