

Testimony of Gretchen L. McNamara, D.M.A.  
Before the House Higher Education Committee  
Rep. Tom Young, Chair  
May 14, 2023

Chair Young, Ranking Member Miller, and Members of the Higher Education Committee:

My name is Dr. Gretchen McNamara, and I am a professor of music at Wright State University where I have taught for 16 years. I do not represent Wright State University but, rather, am submitting testimony as a private citizen in opposition to House Bill 151. I question the extent to which this bill should be allowed to change the law around collective bargaining outside of ORC 4117 which, as you know, outlines the legality of collective bargaining including the right to strike. Additionally, this bill demonstrates a complete lack of understanding by its proponents that faculty working conditions are student learning conditions. It diverts resources away from the academic mission of universities and toward intensive bureaucratic oversight, as well as devalues faculty by attempting to play havoc with their working conditions and to undermine the value of their expertise in their disciplines. If HB 151 becomes law, its provisions will ultimately undermine student learning and be in direct conflict with current labor law.

It is quite clear that the intent of this bill is to break unions and to limit their power. Working under the legally protected right to be unionized has no weight without the legal right to go on strike. There is tremendous value that comes from the work of collective bargaining for BOTH university administrations and faculty unions. First, the best way to resolve conflict is through respectful discussions between management and labor, to try to come to the best solution agreeable to both sides. Second, fair and favorable working conditions ultimately impact student success through the tremendous value in working together to meet the needs of the university. Additionally, good faith collective bargaining increases trust between administration and faculty, improves the learning conditions of students, and ultimately increases student success. Favorable working conditions will also continue to attract high-caliber faculty to Ohio who will invest their careers in the lives of students, again increasing the probability of student success inside and outside the classroom. The provision of this bill prohibiting employees of Ohio public institutions of higher education from striking will do the exact opposite--weakening the relationships between faculty and administration, increasing distrust, disrupting working conditions and making a mockery of shared governance, and diminishing the value of a college education here in Ohio. If Ohio wants to show that we can compete with the best universities anywhere in the country, we must treat our faculty and students with dignity and respect. Giving faculty voice and doing everything possible to avoid strikes, by having true collaboration and partnership between workers and university officials, is the best policy.

The intricate nature by which workload, annual evaluations, faculty rights and responsibilities, post tenure review, retrenchment, compensation, merit pay, and many other provisions interact with one another in collective bargaining agreements would make it extremely difficult to extract the targeted subjects of this bill (retrenchment, post-tenure review, and annual evaluations). Weighting student course evaluations at 50% of a faculty member's annual review is an

inappropriate use of student feedback, not to mention that student feedback is flawed at its inception. First, numerous studies have shown that it is highly subjective. Second, the rate of return on student evaluations tends to be very low. Third, students who fill them out tend to be either disgruntled or extremely engaged. Fourth, low student performance is not synonymous with poor faculty performance. Finally, the data collected is not definitively indicative of actual teaching efficacy, as students are not qualified evaluators. To be honest, administrators are not necessarily qualified, either. Trained educators with an understanding in pedagogical best practice and the utilization of an assessment tool designed by social scientists that limits subjectivity, might produce a picture that is close to what is happening in the classroom. But that is not typically how student evaluation tools are developed. Student evaluations should be limited to formative assessment, informal and ongoing, as courses unfold during the term and help inform faculty during reflective practice as shifts in the course take place and/or as the course is developed for subsequent semesters, not as the overriding factor of assessing teaching. Judging faculty performance by student evaluations is the equivalent of judging legislators' performance by letters to the editor or social media posts.

The workload provision of HB 151 demonstrates a complete lack of understanding of how credit hours are designated in different disciplines. It also ignores that credit hours for courses are based on best and historical practice as well as policies that are governed by accrediting bodies. There is no such thing as a one-size-fits-all workload state-wide, let alone within any one campus.

Faculty are hired based on a set of professional credentials. To require faculty to include qualifications in their syllabi implies that students do not trust administrations to make quality hires in the first place. It does nothing to assist students in selecting courses, as syllabi are given to students at the start of a course long after they have registered. It is also insulting for faculty to need constantly to justify themselves and their expertise to avoid potentially breaking the law. The provision for faculty syllabi to be public facing and searchable will only open the door for faculty work to be plagiarized, criticized, scrutinized, and undermined by people who will likely have little to no expertise in their fields of study. It also begs the question of oversight. The resources required to oversee this provision, and many others of this bill, is a gross misuse of resources that takes money away from what matters most--the educational mission of the university and student learning.

Faculty are trained experts in their fields and need to be trusted to stay current in their field, to impart knowledge, to inspire critical thinking, and to engage in thoughtful discourse with students in their classrooms. This is what we have been hired to do. The implication that faculty are indoctrinating students into narrow thinking couldn't be farther from the truth.

As a citizen of Ohio and a faculty member at a state institution who know how negatively this bill will impact students, faculty, and ultimately Ohio's economic development, I staunchly oppose HB 151.