

Testimony of Lori I. Kidd, PhD, RN, CNS
Before the House Higher Education Committee
Rep. Tom Young, Chair
May 16, 2023

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

My name is Lori Kidd, and I am an associate professor of nursing at The University of Akron. I do not represent The University of Akron, but rather am submitting testimony as a private citizen in opposition to Substitute House Bill 151. In addition to 25 years at The University of Akron, I have been a nurse for 39 years, of which 34 included the education of future nurses. As a nurse, I pledged to uphold a code of ethical principles. Whether in nursing practice, or in my classrooms and clinicals teaching mental health and medical-surgical nursing, I attempt to translate and role model four key ethical principles germane to both professions-- beneficence, nonmaleficence, autonomy, and justice. In my written testimony, I will explain how these nursing principles have critical relevance for post-secondary educators and their stakeholders (students, families and communities of the state of Ohio) and how passage of Sub HB 151 threatens to violate these core ethical principles.

1. Beneficence: Educators act to promote the welfare of their students first and foremost and attempt to act in their best interests. What is in the best interest of one student may not be the best interest of another. Over regulation and codified insistence on conformity in academic faculty will benefit no one. Pulling away the right for faculty to determine their accredited curriculum without having to answer to yet another governing body will benefit no one. Taking away faculty rights to self-determination, undermining their security with threats of post-tenure reviews for any innocent effort to encourage diversity of discourse and individual expression that benefits 99 students, but offends one benefits no one. As conservative thought has traditionally railed against government overreach, it is surprising that so many new rules will be developed to prescribe behavior of college and university professors.

New rules proposed by HB 151 will only serve to stifle the intellectual curiosity and integrity, creativity, tolerance and understanding faculty must offer to every student. Both conservative and liberal professors will be harmed by the new rules such as 50% weight of student evaluation in determining faculty evaluation. In my experience, evaluations are completed by students who are very satisfied or very dissatisfied; as in our current political environment in the U.S., voices of those in the middle are largely absent. Students want to be able to freely express their own diversity, ask hard questions and receive honest answers. They expect and desire discussion of diversity, yet HB 151 seeks to establish strict conditions under which DEI discussions are allowable. These rules will benefit no one.

2. Nonmaleficence: Educators strive to do no harm to their students, but the realities of the workplace and communities in which their students live can be harsh. Demographic data shows us that the typical student of today faces increased challenges of isolation, anxiety, depression, violence, and many other types of trauma. A balance must be maintained in the academic setting to encourage open discussion of certain harsh realities of the past, the present and the future to help students develop perspective, understanding and resiliency for what they will encounter beyond the classroom. Censoring those conversations goes against the long American history to freedom of expression and thought and is another example of government overreach. Censorship and penalties have the potential to affect both

conservative and liberal educators; in my experience, I have listened to more complaints from my young students about instructors moralizing or being judgmental about particular clients or groups than complaints that instructors were too tolerant and nonjudgmental.

3. **Autonomy:** Educators support each student's right to form and maintain their own opinions about what they are learning, and to use their education accordingly. Nurses understand the patient has the right to state what they will accept or refuse, but the nurse does not have the right to refuse to care for anyone or treat one person differently than another based on whether they agree with them or like them. Similarly, educators value each individual and their opinions and values, regardless of agreement or disagreement. Individual faculty thus require autonomy to make decisions about curricular content (based on evidence and agreed upon professional standards and accreditation criteria), and the conduct of their personal classroom. Weakening tenure will destroy faculty governance, upon which the success of the educational mission depends. Ohio's educational institutions will be downgraded and will lose quality faculty members and research funding opportunities. Inevitable consequences will likely include continued flight of the youth demographic from the state, resulting in further scarcity of supply to meet the economic demands of a flourishing economy.

4. **Justice:** Fair, equitable and appropriate treatment of persons within the health care system is a key ethical principle. In nursing, seeking justice for the underserved, the vulnerable and helpless is foundational. Empathy and compassion for those in need-no matter the circumstances creating that need-is the heart of nursing practice. Likewise, placing a priority on just and equitable treatment is a tenet of a healthy democracy. Fair, equitable and appropriate treatment of persons is an important value for many millennials and Gen Z students entering our higher educational institutions. Accomplishing justice requires careful, critical analysis of areas of strength and deficiencies of a democratic society, not censorship and tacit or obvious approval of biased perspectives. Deemphasizing justice and equity could result in inequitable admissions and usage of educational institutions and may discourage many promising young persons from enrolling.

In summary, I have pointed out ways in which Sub HB 151 violates key ethical principles common to both education and nursing. I urge you to reject this bill and I thank you for your attention to my testimony.