

Testimony of Athena Salaba, Ph.D.
Before the Senate Workforce and Higher Education Committee
Senator Jerry Cirino, Chair
May 15, 2023

Chair Cirino, Vice Chair Rulli, Ranking Member Ingram, and Members of the Workforce and Higher Education Committee: My name is Athena Salaba, and I am a professor at Kent State University, where I have taught for more than 19 years. I am submitting testimony as a private citizen in opposition to Senate Bill 83.

The revised Senate Bill 83 harms faculty, students, and Ohio higher education.

SB 83 references “universities” and “faculty” as separate entities but it is hard to define a “university” without including its elements, such as programs, courses, instructors, researchers, and students.

Although the bill presents itself as a bill promoting free speech and intellectual diversity, it contains provisions (even in the substitute version) that would **explicitly censor the University’s speech** (lines 744-748, 752, 754, and 795-797).

- The bill would explicitly prohibit a university from opposing systematic racism, sexism, and/or discrimination based on LGBTQ+ status.
- It would explicitly prohibit a university from endorsing the notion of allyship, social justice, diversity, equity, or inclusion.
- It would explicitly prohibit a university from endorsing any climate policies, or even the idea of a sustainable future.

As a faculty member, I care deeply about students and their intellectual growth. The bill as written will prevent faculty from supporting students:

Although substitute SB 83 contains a provision (lines 892-895) that makes clear that it would not violate the law for a faculty expert to present content that involved a controversial belief or policy, specified concepts, or specified ideologies, the bill would still have a **chilling effect on the academic freedom of faculty**. Similarly, it will have the **same censorship effect**, which it claims it is protecting, for faculty and **students**.

- Students will not feel free to study or discuss the so-called by this bill controversial topics.

One of the benefits of higher education is to provide opportunities for young people to be confronted with and learn about challenging content, complicated concepts, and ideologies that are different from their own – and about how to **critically evaluate** such content. They should be able to have access to all aspects of topics, true facts, different theories, and the historical contexts, and learn the valuable lessons of assessing this information and make decisions on their own. Limiting academic freedom means that faculty cannot teach students to be critical and independent thinkers who are capable of forming their own opinions, and of **making decisions for themselves** – skills they will need in their adult lives.

Work and Workloads:

The Sub-section (D.1.b of Sec. 3345.45) on workload policies (lines 1016-1024) has been revised in such a way that in a way would consider 9-month faculty not as full time. In academia, it is the norm for a faculty member to be in a 9-month **full-time** position. The current language of

the bill may have a negative effect on how full-time workloads are defined, determined, and assigned.

Although there is no disagreement that if the tenure and promotion criteria assess faculty on teaching, research, service, administrative tasks, and other activities, then they should all be reflected in the workload statements. Current practice does not reflect all that full-time tenured and tenure-track faculty do, which benefits the university, its community, and the State of Ohio.

Although their contracts are for 9 months, the nature and demands of their work requires a 12-month engagement. There is no way for a faculty member to prepare for fall classes, complete their research, attend and present at conferences, or engage in service with different communities if they stop working during this period. It is this unrecognized and unpaid period that affords them the time to improve their teaching, review and revise their course and teaching materials, write grant applications, and do all that is required of a full time tenured and tenure-track faculty member.

In addition, the revised bill is a threat to the collective bargaining rights of faculty:

- It would eliminate the right to collectively bargain important terms and conditions of faculty employment including annual performance review of full-time faculty, tenure, post tenure review, and retrenchment.
- The inclusion of the new **Sec. 3345.455** (lines 1163-1173) into the ORC creates the framework for excluding more and more aspects of the terms of conditions of employment of faculty from collective bargaining over time.
- In these regards, it resembles 2011's infamous SB 5 that was ultimately repealed in a citizens' veto referendum.

Collective bargaining agreements are contracts between the faculty and the university, and as a result protect both the university and the individual faculty.

Thank you for the consideration.