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Ohio Senate Workforce and Higher Education Committee
Scott DiMauro – President, Ohio Education Association
Senate Bill 83 Opponent Testimony
April 19, 2023

Chair Cirino, Ranking Member Ingram, and members of the Senate Workforce and Higher Education Committee, my name is Scott DiMauro. I am a high school social studies teacher from Worthington with 16 years of classroom teaching experience and currently serve as President of the Ohio Education Association. On behalf of approximately 1,400 higher education members from both four- and two-year colleges and universities, thank you for this opportunity to provide testimony to express our unequivocal opposition to Senate Bill 83.

Senate Bill 83 proposes to make extensive changes to practices and policies at Ohio’s higher education institutions. The bill proposes to micromanage state institutions of higher education by usurping the authority of boards of trustees and administrators who oversee the daily operations of these institutions by requiring changes to mission statements, faculty workload policies, and syllabi requirements. It also proposes state-mandated performance reviews and evaluation requirements. Additionally, SB 83 includes a new graduation requirement that higher education students take three credit hours in American government or American history and enumerates a specific list of documents that must be included in instruction, documents which are all already covered in Ohio high schools.

The abovementioned provisions take away institutional flexibility to meet the needs of students enrolled in various education programs in favor of government one-size-fits-all state mandates. OEA believes that these topics are best addressed at the local level with institutions determining systems that work for their students and campuses.

Diversity, Equity, and Inclusion (DEI), Academic Freedom, Free Speech

Senate Bill 83 proposes numerous changes to Diversity, Equity, and Inclusion (DEI) efforts, academic freedom, and free speech at institutions of higher education including, but not limited to, banning mandatory programming or training courses on DEI, preventing colleges from using diversity statements, withholding public funding unless institutions declare that they will not require students, faculty, or staff to take part in diversity training, prohibiting colleges and universities from commenting on any current public controversies, and requiring “intellectual diversity” rubrics for course approvals.

DEI programming is important in higher education because it helps nurture a learning environment in which students experience a sense of belonging which results in better student outcomes. OEA believes college students deserve a diverse and reflective education. Understanding the multiple perspectives and experiences that have shaped the country and world to this point, and building skills



that include the acceptance of differences and recognition of commonalities within those differences, are some of the best tools we can give adult learners to prepare them to be productive citizens and contributors to the global society.

Provisions in SB 83 stand in stark opposition to the goals of business. The U.S. Chamber of Commerce states the following: “We believe diversity, equity, and inclusion (DEI) is a business imperative.” Intel, which is set to invest \$20 billion in chip factories that will create thousands of Ohio jobs states this in its policy on inclusivity: “We [Intel] are advancing diversity, equity and accessibility, and inclusion in our global workforce, and advocating for public policies and laws that combat discrimination and inequities impacting our employees and our communities.”

Through adopted local policies, Ohio’s public colleges and universities currently have a strong commitment to protecting freedom of speech that creates an academic environment of open discourse and rigorous inquiry. Differing viewpoints are encouraged, and not silenced. The bill offers conflicting ideas regarding freedom of speech which will undoubtedly lead to cases of campus censorship. The proposed legislation claims to promote intellectual diversity while dictating the content and manner in which certain topics can be discussed.

Faculty Evaluations and Post-Tenure Review Policies

OEA opposes state mandated standardized faculty evaluations that include questions about whether a faculty member creates a “classroom atmosphere free of bias.” This proposal would produce vague and dangerously subjective data that is highly prone to misinterpretation and misuse by all audiences. Further, requiring institutions to publicly post on their website each faculty member’s “average annual numerical score from student evaluations” regarding a “classroom atmosphere free of bias” will mandate public dissemination of an unknown and out-of-context metric invented by the bill. Using bad information threatens to misinform the public, mislead parents, confuse students, and libel faculty.

OEA also opposes mandates that would require institutions to annually provide the state with faculty performance/evaluation policies and include specific elements in faculty workload policies. In the alternative, OEA recommends deference to the good faith efforts of each institution’s president, board of trustees, and faculty to reach consensus on such matters that best serve the interests of the Ohioans they serve.

Right to Strike

OEA opposes the proposal in SB 83 to eliminate the right to strike for employees of state institutions of higher education. The right to strike is a final dispute resolution process expressly authorized under Ohio’s longstanding public employee collective bargaining law.

The purpose of the right to strike is to ensure hard working, dedicated public employees have a meaningful voice in negotiating fair compensation and working conditions that help them provide high-quality services to Ohioans. However, the actual occurrence of strikes is extremely rare due to the well-balanced bargaining framework and dispute resolution structure in Ohio’s collective bargaining law. For

example, only one strike has occurred in the last decade at public institutions of higher education with employees represented by OEA. Further, Ohio law has strict limits on how and when a strike can be authorized. For example, a strike may only occur after a collective bargaining contract has expired, the parties have completed extended periods of negotiation without resolution, formal mediation services have been exhausted, and preliminary notice of a possible strike is provided, followed by a vote where at least a majority of union members authorize a strike. In addition to protecting the voice of union members, the right to strike also protects the freedom to advocate for the support public employees need to best serve the public.

Accreditation and Fiscal Concerns

OEA believes provisions of Senate Bill 83 could also impact accreditation for fields of study and higher education institutions. The Higher Learning Commission (HLC) accreditation criteria, which appears to be in conflict with the bill, states the following:

- The institution's mission was developed through a process suited to the context of the institution;
- The institution's processes and activities demonstrate inclusive and equitable treatment of diverse populations;
- The governing board of the institution is autonomous to make decisions in the best interest of the institution; and
- The education offered by the institution recognizes the human and cultural diversity and provides students with growth opportunities and lifelong skills to live and work in a multicultural world.

According to the fiscal note from the Legislative Service Commission (LSC), when the provisions of Senate Bill 83 are taken as a package, "administrative costs may increase significantly, potentially resulting in the need to hire additional staff to handle the increased workload." Simply put, the bill will take money away from academic programs to meet the administrative burdens of the bill while risking the loss of grant and other funding sources. Students and families will also have to bear the expense of the proposed three credit hour course in American government or history as a condition for graduation.

College students deserve to be respected as adults and be offered a wealth of learning opportunities and not be sheltered from challenging or differing ideas. These overreaching mandates could have a chilling effect on attracting students to Ohio. The provisions will also exacerbate the enrollment decline of diverse and qualified students enrolling in Ohio's teacher preparation programs.

Those who have dedicated their lives to serving Ohio's higher education students likewise deserve respect and support. Senate Bill 83 would undermine academic freedom, drive wedges of distrust between students and faculty, and impose burdensome government mandates on Ohio's colleges and universities. To grow our economy and keep our system of higher education strong, Ohio must do all it can to attract and retain qualified and committed faculty in all academic disciplines. Senate Bill 83

would instead send an unmistakable message to talented individuals looking to advance their careers: go somewhere else.

OEA opposes Senate Bill 83 as it will cause irreparable harm to higher education students, colleges and universities, and Ohio's workforce and economy. This concludes my testimony. I will be happy to answer any questions you may have.