



Joint Statement from Faculty Senate and AAUP Chapters (CSU & Law)

S.B. 83 Ohio Higher Education Enhancement Act

Approved by Faculty Senate on April 12, 2023

WHEREAS, SB 83 was introduced on March 14, 2023, and is based on fundamental misunderstandings of how American universities in general are, and Cleveland State University in particular is, governed and accredited; of the current state of free speech on Cleveland State University's campus; of how crucial free speech is to academic freedom; and of how limiting freedom of speech would impede teaching, learning, and scholarly discovery;

WHEREAS, a condition of CSU's accreditation is that it be governed by an independent board free of political interference, with a mission statement developed by the University and adopted by the board, but SB 83 would mandate that CSU and other state institutions adopt specific statements as parts of their mission statements;¹

WHEREAS, the agencies and commissions that accredit various CSU colleges and programs require training on diversity, equity or inclusion, but SB 83 would prohibit requiring programs and training on diversity, equity or inclusion, thereby limiting the opportunity of students to pursue education in accredited programs and careers in these fields;²

WHEREAS, scholars at CSU and other public institutions engage in research that seeks to understand and remediate conditions that disparately affect people of different social categories (e.g., diseases that differentially affect persons of particular races or ethnicities; infant and maternal mortality that vary by race or ethnicity), but SB 83 would prohibit providing an advantage or disadvantage on the basis or membership in groups defined by characteristics such as race or ethnicity in any program, policy or activity, thereby limiting the opportunity of faculty and students to pursue cutting-edge scholarship;

WHEREAS, CSU's Faculty Personnel Policies, which are part of the Ohio Administrative Code, and its collective bargaining agreements with faculty affirm the importance of academic freedom to the proper functioning of universities, and cite the American Association of University Professors' 1940 Statement of Principles of Academic Freedom (which itself is incorporated into the Faculty Personnel Policies), but SB 83, if enacted, would contradict these principles by limiting discussion

¹Criterion 2, Higher Learning Commission, <https://www.hlcommission.org/Policies/criteria-and-core-components.html>

² For example, the American Bar Association, the accrediting agency for all law schools in the State of Ohio, requires law schools to "provide education to law students on bias, cross-cultural competency, and racism: (1) at the start of the program of legal education, and (2) at least once again before graduation." ABA Standard 304.

https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2022-2023/22-23-standard-ch3.pdf

of such issues as climate change, electoral politics, foreign policy, diversity, equity, and inclusion programs, immigration policy, marriage, or abortion;

WHEREAS, CSU has a robust free speech environment, articulated in a resolution jointly endorsed by the Faculty Senate and the Administration,³ and a green light rating for campus free speech from the nonprofit Foundation for Individual Rights and Expression in Education,⁴ but SB 83, if enacted, would in practice have a chilling effect on free speech on CSU's campus;

WHEREAS, CSU provides students in every course with the opportunity to evaluate instruction even though the faculty and Administration recognize that student response rates are low, that the psychometric properties of the instrument used are questionable; and that numerous professional organizations have expressed concerns about the use of such instruments in evaluating faculty performance;⁵ but SB 83 would redundantly mandate that state institutions conduct such evaluations of teaching, publish results on their websites; mandate that such evaluations include a question about political bias in the classroom, a question which has undergone no psychometric evaluation and which itself reveals bias; and would mandate that these student evaluations constitute at least 50 percent of the evaluation of any faculty members' performance in the area of teaching; and

WHEREAS, faculty performance is evaluated annually as part of assignment of professional responsibilities, and the collective bargaining agreements (CBA) between the CSU Administration and its faculty specify conditions and procedures for faculty sanction and dismissal, SB 83, if enacted, would intrude on management prerogatives and institutional procedures by mandating a review under various conditions which, if prescribed by law, would limit the enjoyment by faculty members of the guarantees of academic freedom.

NOW, THEREFORE, BE IT RESOLVED that the Cleveland State University Faculty Senate and the Cleveland State University AAUP Chapters urge the Ohio General Assembly to reject SB 83 because enactment of this bill would

- A) result in the University's having to violate the accreditation standards of various Colleges and educational programs within the University, which would harm both current and future students and be detrimental to Ohio's economic future;
- B) limit freedom of speech, academic freedom, and the ability of students to be exposed to and think about ideas; and
- C) interfere with independent management of the University by its Board of Trustees.

³ <https://www.csuohio.edu/about-csu/csu-free-speech-on-campus>

⁴ https://www.csuohio.edu/sites/default/files/Free_Speech_Expressive_Activity_Report.pdf

⁵ American Sociological Association. (2019, September; Updated 2020, February). *Statement on Student Evaluations of Teaching*. www.asanet.org/wp-content/uploads/asa_statement_on_student_evaluations_of_teaching_feb132020.pdf; (endorsed by 21 additional organizations as of February, 2020)