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Senate Bill 1 was overwhelmingly opposed in public testimony. Why did it pass? | Opinion

Deborah C. Smith Professor, Kent State University

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Senate Bill 1, dubbed “The Advance Ohio Higher Education Act,” is overwhelmingly opposed by professors and students at Ohio’s public colleges and universities. More than 800 concerned citizens submitted formal testimony in opposition to SB 1 prior to the Feb. 12 hearing by the Senate Higher Education Committee. By contrast, only 14 individuals submitted testimony in favor of the bill.

Despite the overwhelming opposition, the bill was voted out of committee and approved by the full Senate the very next day. But what is SB 1?

Although touted as a bill enhancing free speech on the campuses of Ohio’s public colleges and universities, SB 1 would have the opposite effect. It explicitly censors the speech of Ohio’s public institutions of higher education and would severely chill the freedom of expression of individual faculty and administrators.

While corporations, nonprofit organizations, private colleges and universities, and a wide range of government agencies enjoy freedom of expression, Ohio’s public colleges and universities would be prohibited from taking positions on any “controversial belief or policy.” The bill defines a “controversial belief or policy” as “any belief or policy that is the subject of political controversy” and lists examples such as “climate policies, electoral politics, foreign policy, diversity, equity, and inclusion programs, immigration policy, marriage, or abortion.”

Strangely, the bill specifies that an institution may “endorse the congress of the United States when it establishes a state of armed hostility against a foreign power,” even though such an action would inevitably be subject to political controversy. The fact that the bill would allow institutions to take a specific stance with respect to one type of controversial policy suggests that the aim of

the bill is not to promote free expression in general, but to censor the speech higher education institutions with respect to the beliefs and policies explicitly listed.

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Not only would SB 1 ban mandatory diversity, equity, and inclusion training for faculty, students and staff, but also it would prohibit public colleges and universities from providing any form of student support that promotes the goals of diversity, equity, and/or inclusion.

This aspect of the bill will harm a wide range of students including students of all races, genders, and sexual orientations who are the first in their families to attend college, who have disabilities or who are veterans. It will ensure that those who have historically had privileged access to higher education retain that advantage and that those who lack such historical privilege will continue to struggle feeling that they truly belong. This in no way promotes the “intellectual diversity” the bill claims to champion. Again, it does quite the opposite.

SB 1 also contains provisions wholly intended to weaken faculty unions. It would radically undermine the right of unionized faculty to collectively bargain important terms and conditions of employment, including annual performance reviews, tenure, post-tenure review, and retrenchment (the process by which tenured faculty are laid off when an institution faces significant financial challenges or in other extraordinary circumstances).

In this regard, SB 1 closely resembles the infamous 2011 Senate Bill 5 that was passed into law during the 129th General Assembly but ultimately repealed in a citizens’ veto referendum. However, SB 1 goes even farther by completely eliminating a faculty union’s right to strike. Members of other public sector unions should take note. SB 1 is likely just the first in a string of anti-union legislation to come out of this General Assembly.

Senate Bill 1 is a sprawling omnibus that represents a significant government overreach into and micromanagement of Ohio’s diverse institutions of higher education. Despite the harmful consequences of the bill and the overwhelming opposition it faces, it is expected that the House of Representatives will similarly rush the bill through committee and to a vote on the House floor.

Individuals who value higher education are well advised to contact Gov. Mike DeWine and urge him to veto SB 1 should it reach his desk. Let him know that if this dangerous bill becomes law, it will degrade the quality of Ohio’s institutions of higher education and exacerbate the brain drain the state is already facing.

Deborah C. Smith is president of the Kent State United Faculty Association, the union representing Kent State’s over 1100 full-time faculty. She has been employed as a professor of philosophy at Kent State University since 1997. Her views do not represent those of Kent State University.