

OEA Senate Bill 83 “Ohio Higher Education Enhancement Act” Bill Summary

Status: Introduced on March 14, 2023. Primary sponsor is Senator Jerry Cirino (R-Kirtland) and the bill has seven co-sponsors. The bill is pending referral to Senate committee.

Prohibits Striking

- Prohibits employees of any state institutions of higher education from striking.

Mission Statements

- Requires state institutions of higher education to incorporate the following statements into their mission statements:
 - The institution affirms that it will educate students by means of free, open, and rigorous intellectual inquiry to seek the truth.
 - The institution affirms that its duty is to equip students with the intellectual skills they need to reach their own, informed conclusions on matters of social and political importance.
 - The institution affirms that its duty is to ensure that no aspect of life at the institution, within or outside the classroom, requires, favors, disfavors, or prohibits speech or action to support any political, social, or religious belief.
 - The institution affirms it is committed to create a community dedicated to an ethic of civil and free inquiry, which respects the autonomy of each member, supports individual capacities for growth, and tolerates the differences in opinion that naturally occur in a public higher education community.
 - The institution affirms that its duty is to treat all faculty, staff, and students as individuals, to hold them to equal standards, and to provide them equality of opportunity.

Prohibits Discrimination Based on “Membership”

- Requires institutions to affirm and guarantee that all students, faculty, and staff are to be held to equal standards and provided equality of opportunity, and will not discriminate based on membership groups such as race, ethnicity, religion, sex, sexual orientation, gender identity, or gender expression.
- Prohibits advantaging or disadvantaging based on membership groups for admissions, hiring, promotion, tenuring, workplace conditions, or any other program, policy, or activity.
- Prohibits training on concepts related to being advantaged or disadvantaged based on race and sex.
- Prohibits hiring employees to provide instruction on these concepts.
- Requires institutions to implement a range of disciplinary sanctions for anyone who authorizes or engages in such training.

- Requires institutions to issue an annual report regarding violations and associated sanctions, as well as statistics on the academic qualifications of accepted and matriculating students, disaggregated by race and sex. The statistics shall include information correlating students' academic qualifications and retention rates, disaggregated by race and sex. Requires institutions to publish the report on their website, available through the main page by no more than three links.
- Prohibits policies designed explicitly to segregate faculty, staff, or students by group identities such as race, sex, gender identity, or gender expression, including in orientations, majors, financial awards, residential housing, administrative employment, faculty employment, student training, extracurricular activities, and graduations.

Intellectual Diversity and Controversial Matters/Specified Concepts at Public Institutions

- Requires state institutions, within 90 days of the bill's effective date, to adopt a policy requiring the institution to prohibit mandatory diversity, equity, and inclusion (DEI) programs/trainings; affirm and guarantee that its primary function is to practice, or support the practice, discovery, improvement, transmission, and dissemination of knowledge by means of research, teaching, discussion, and debate; that it will ensure intellectual diversity; affirm and guarantee that faculty and staff will allow and encourage students to form their own conclusions about "controversial matters" and will not inculcate any social, religious, or political viewpoint; establish and implement intellectual diversity rubrics for course approval, approval of courses to satisfy general education requirements, student course evaluations, common reading programs, annual reviews, strategic goals for each department, and student learning outcomes. These requirements do not apply to professional judgment about how to accomplish intellectual diversity within an academic discipline.
- The policy must also affirm and guarantee that public colleges and universities will not make statements as institutions regarding public policy controversies or any ideology, principle, concept; and that it also will not place requirements or restrictions on students, faculty, or administrators to publicly express an ideology, political stance, or viewpoint. Institutions are prohibited from requiring any adherence to an ideology in order to obtain a degree, and are prohibited from engaging in boycotts, disinvestments, or sanctions. These requirements do not apply to the exercise of professional judgment about endorsing consensus or foundational beliefs of an academic discipline.
- Prohibits political and ideological litmus tests in hiring and promotion, including use of diversity statements, and prohibits institutions from requiring students, faculty, and administrators from being forced to assent to an ideology for purposes of hiring, promotion, or admissions.
- The policy must affirm and guarantee diversity in invited speakers and requires institutions to post speaker fees in excess of \$500 on the institution's website, accessible from the main page by no more than three links.

- Requires institutions to implement a range of disciplinary measures for interference with “intellectual diversity rights,” and to inform all students and employees of the protections under these policies.
- Requires institutions to issue an annual report on any violations of “intellectual diversity rights,” and post the information on their website, accessible from the main page by no more than three links.

Student and Peer Evaluations of Faculty

- Requires the chancellor of the Ohio Department of Higher Education to develop a minimum set of standard questions for state institutions to use in student evaluation of faculty. The following question is required: *“Does the faculty member create a classroom atmosphere free of political, racial, gender, and religious bias?”*
- Requires institutions to establish a written system of faculty evaluations by students with a focus on teaching effectiveness and student learning.
- Requires institutions to publish on their websites the “average annual numerical score” from the student evaluations for each faculty member beginning August 1, 2024, and the same date annually.
- Requires each institution to establish a written peer evaluation system for faculty with emphasis on professional development regarding teaching responsibilities.

Faculty Annual Performance Evaluation

- Requires boards of trustees to adopt a faculty annual performance policy and submit it to the chancellor by July 1, 2024, and update the policy every three years.
- Every faculty member compensated by an institution of higher education is subject to the annual evaluation.
- The evaluation is to include standardized, objective, and measurable performance metrics covering teaching, research, service, clinical care, administration, and other categories determined by the institution.
- The evaluation summaries must include the parameters: “exceeds performance expectations,” “meets performance expectations,” or “does not meet performance expectations.”
- Student evaluations in the above-mentioned section must account for at least 50% of the teaching area evaluation component.
- The evaluation establishes a projected work effort distribution for the faculty member for the following year which shall be used during the next year's evaluation.
- Evaluations shall be conducted by the department chairperson or equivalent administrator, reviewed and approved or disapproved by the dean, and submitted to the provost for review. If there is disagreement between the chairperson and dean, the provost shall have final decision authority.

Post-Tenure Review

- Requires boards of trustees to adopt a post-tenure review (PTR) policy and submit it to the chancellor by July 1, 2024, and update the policy every three years.
- Requires institutions to conduct a PTR if a tenured faculty member receives a “does not meet performance expectations” evaluation within the same evaluative category for a minimum of two of the past three consecutive years under the above-mentioned annual performance evaluation policy.
- Requires institutions to conduct an additional PTR on a faculty member who maintains tenure after a previous review that received an additional "does not meet performance expectations" assessment on any area of the faculty member's annual performance evaluation in the subsequent two years.
- Allows department chair, dean, or provost to call for immediate PTR for cause on a faculty member who has a documented and sustained record of significant underperformance outside of the faculty member's annual performance evaluation. For this purpose, for cause shall not be based on a faculty member's allowable expression of academic freedom as defined by the state institution of higher education or Ohio law.
- The PTR due process should not exceed six months, but the institution’s president can grant a one-time, two-month extension.
- Requires a provost to submit a recommended outcome of the PTR process to the academic affairs committee of the board of trustees. The academic affairs committee shall have final decision authority on the outcome of the PTR process.

Faculty Workload

- Requires each state institution of higher education to update its faculty workload policy, have it approved by the board of trustees, and submit it to the chancellor by July 1, 2024, and every three years after.
- Workload policy must contain the following elements: credit-hour-based teaching workload expectation; definition of all faculty workload elements in terms of credit hours with a full-time 12-month workload minimum equal to 30 credit hours; faculty not on 12-month appointments will have workload prorated based on 30 credit hour formula; definition of justifiable credit hour equivalents for activities other than teaching, including research, service and administration; administrative action (including termination) that an institution may take if a faculty member fails to comply.

Syllabi Requirements

- Requires syllabi to contain the following: instructor’s name and biographical information, description of course requirements and major assignments/exams, required and recommended reading, description of each lecture or discussion.

- Requires state institutions of higher education to make public the syllabus for each undergraduate course, accessible through the main page of the institution's website by use of no more than three links.
- Requires institutions of higher education to submit by January of each year an annual report to the chancellor detailing its compliance with these requirements. The chancellor must compile the reports and submit them to the governor, House Speaker, Senate President, and Chairs of Higher Education Committees.

Requires 3-credit American Government or History Course

- Beginning with the 2026-27 cohort, requires students to have three credit hours in American government or American history. The course requires students to read the Constitution, Declaration of Independence, at least five essays from the Federalist Papers (chosen by department chair), the Emancipation Proclamation, the Gettysburg Address, and the letter from Birmingham Jail by Dr. Martin Luther King, Jr.
- Requires students to pass a cumulative final exam.
- Institutional presidents or their designees can exempt students from the requirement if they've completed an equivalent course.

Five-Year Annual Costs Submission Requirement

- For each state operating budget and capital budget, requires state institutions of higher education to submit to the chancellor a five-year summary of its institutional costs (instructional, staff, maintenance, operating, etc.) to be considered by the general assembly during the budget process.
- Requires reporting on DEI spending and tallies of faculty, staff, and administration. The chancellor is to present this cumulative information (separating universities and community colleges) to the General Assembly.

Prohibitions on Academic Relationships with China

- Prohibits institutions from accepting gifts, donations, or contributions from the People's Republic of China or any organization or individual who may be acting on behalf of the People's Republic of China, including a student or a student's family member.
- Prohibits institutions from entering into any academic relationships (including study abroad programs) with an academic institution located in China or an academic institution that is located in another country and is associated with the People's Republic of China, and prohibits renewal of an existing agreement.

Educational Programs for Boards of Trustees

- Requires the chancellor, in consultation with institutions and boards of trustees, to develop and annually deliver educational programs (role, duties, responsibilities, current

higher education issues) to boards of trustees. Requires new trustees to participate in a program at least once in their first two years on a board.

Three-Year Bachelor's Degree Feasibility Study

- One year after the bill's effective date, the Ohio Department of Higher Education must furnish results of a study that investigates reducing requirements in a variety of fields of study to see if programs can be reduced to three years without impacting accreditation. CCP and other existing acceleration programs are not to be taken into account.