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## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Sen. Cirino

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### SUMMARY

#### STATE INSTITUTIONS OF HIGHER EDUCATION

#### **Diversity, equity, and inclusion (DEI), intellectual diversity, and other concepts**

##### **Policy**

- Requires state institutions of higher education to adopt a policy requiring the institution to:
  - Prohibit any mandatory programs or training courses regarding DEI;
  - Affirm and guarantee a primary function to the pursuit of knowledge;
  - Affirm and guarantee that the institution will ensure full intellectual diversity;
  - Establish and implement intellectual diversity rubrics for courses and evaluations;
  - Seek out intellectual diversity in invited speakers;
  - Post a complete list of all speaker fees, honoraria, and other emoluments in excess of \$500 prominently on its website.
- Requires each state institution's policy to affirm that the state institution will not:
  - Endorse, comment on, or take action as an institution on current public policy controversies or controversial beliefs or policies;
  - Influence or require students, faculty, or administrators to endorse or express a given ideology, political stance, or view of a social policy;
  - Require a student to endorse or express a given ideology, political stance, or view to obtain an undergraduate or post-graduate degree;
  - Aid or abet activities such as boycotts, disinvestments, or sanctions;

- Use political and ideological litmus tests in any hiring, promotion, and admissions decisions, including diversity statements and other requirements that applicants describe commitment to a specified concept, specified ideology, or controversial belief;
- Influence or require students, faculty, or administrators to endorse or express a given ideology, political stance, or view of a social policy in any hiring, promotion, or admissions process or decision;
- Use a diversity statement or any other assessment of an applicant's commitment to a specified concept in any hiring, promotions, or admissions process or decision;
- Influence or require students, faculty, or administrators to endorse or express a given ideology, political stance, or view of a social policy in any process or decision regulating conditions of work or study.

### **Intellectual diversity protections and disciplinary sanctions**

- Requires each state institution to do all of the following:
  - Implement a range of disciplinary sanctions for anyone under its jurisdiction who interferes with the intellectual diversity rights of another;
  - Inform all students and employees of their intellectual diversity protections and any applicable policies adopted by the state institution to put the protections into practice;
  - Issue and post to its website an annual report on any violations of intellectual diversity rights and resulting disciplinary sanctions.

### **Mission statements**

- Requires each state institution to incorporate statements into its mission statement affirming commitment to free and open intellectual inquiry, independence of thought, tolerance of differing viewpoints, and equality of opportunity.

### **Affirmations and policies on equal opportunity**

- Requires state institutions to affirm and guarantee that it will:
  - Treat all faculty, staff, and students as individuals, hold all individuals to equal standards, and provide every individual with equality of opportunity;
  - Affirm and guarantee that it will not treat differently any faculty, staff, or students based on membership in groups defined by characteristics such as race, ethnicity, religion, sex, sexual orientation, gender identity, or gender expression in any program, policy, or activity.

### **Prohibition on support and training for certain concepts**

- Prohibits state institutions from funding, facilitating, or providing any support to any position, material benefit, policy, program, and activity that advantages or disadvantages faculty, staff, or students based on any group identity.

- Prohibits state institutions from training any administrator, teacher, staff member, or employee to adopt or believe in, or from hiring any employee to instruct others in, certain listed concepts regarding race or sex.
- Requires state institutions to implement a range of disciplinary sanctions for anyone who authorizes or engages in a training that violates the above prohibitions.
- Requires state institutions to issue and post on their websites an annual report regarding violations of the above prohibitions, resulting disciplinary sanctions, and statistics on the academic qualifications of accepted and matriculating students, disaggregated by race and sex.

### **Segregation prohibition**

- Requires state institutions to prohibit all policies designed explicitly to segregate faculty, staff, or students based on group identities such as race, sex, gender identity, or gender expression.

### **Higher education employee strikes**

- Prohibits state institutions of higher education employees from striking and instead requires them to submit unresolved collective bargaining disputes to a final offer settlement procedure.

### **Faculty evaluations**

#### **Student and peer evaluations**

- Requires the Department of Higher Education (DHE) to develop a minimum set of standard questions to be used in student evaluations, including a question about whether a faculty member creates a classroom atmosphere free of bias.
- Requires each state institution to establish a written system of faculty evaluations completed by students that uses the questions developed by DHE.
- Requires state institutions to publish each faculty member's average annual numerical score from student evaluations on the institution's website by August 1, 2024, and annually thereafter.
- Requires state institutions to establish a written system of peer evaluations for faculty members with a focus on professional development regarding the faculty member's teaching responsibilities.

#### **Faculty annual performance evaluations**

- Requires state institutions to, by July 1, 2024, adopt and submit to the Chancellor of Higher Education a faculty annual performance evaluation policy.

### **Post-tenure review policies**

- Requires state institutions to, by July 1, 2024, adopt and submit to the Chancellor a post-tenure review policy.

## **Other changes**

### **Five-year institutional cost summaries**

- Requires state institutions to submit to the Chancellor a rolling five-year summary of institutional costs to be considered by the General Assembly when evaluating operating and capital project funding for each biennial main operating appropriations bill and capital appropriations bill.
- Requires the Chancellor to submit a report to the General Assembly including all state institutions' five-year institutional cost summaries.
- Requires that the president of each state institution or the Chancellor have the opportunity to present in the appropriate hearings conducted by committees considering higher education legislation regarding the institutions' five-year summaries.
- Requires the Chancellor to, prior to the enactment of each main operating appropriations and capital appropriations bill, create and present a report to the General Assembly including the total institutional costs for state universities and community colleges separately.

### **Faculty workload policy**

- Requires each state institution, by July 1, 2024, and every three years thereafter, to update its faculty workload policy.
- Requires each state institution to include in its faculty workload policy a teaching workload expectation based on credit hours, a definition of all faculty workload elements in terms of credit hours, justifiable credit hour equivalents, and any administrative action that the state institution may take if a faculty member fails to comply with the policy's requirements.

### **American government or history course requirement**

- Requires state institutions to implement a three credit hour American government or American history course requirement for all students seeking an associate's or bachelor's degree, beginning with students who graduate in the spring of 2027.
- Requires each state institution to include in its required American government or American history course mandatory reading assignments including the United States Constitution, Declaration of Independence, five essays from the Federalist Papers, the Emancipation Proclamation, Gettysburg Address, and Letter from Birmingham Jail by Dr. Martin Luther King, Jr.

### **Syllabus requirements**

- Requires each state institution to post a syllabus for each undergraduate course offered for college credit on its website.
- Requires each state institution and the Chancellor to prepare reports regarding state institution compliance with syllabus posting requirements.

## **Interactions with the People’s Republic of China**

- Prohibits state 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.
- Requires state institutions to report to the Chancellor any gifts, donations, contributions received from any Confucius institute, scholars association, or organization that is affiliated with, funded by, or supported by the People’s Republic of China in the five years preceding the bill’s effective date and any time following the bill’s effective date.
- Requires state institutions to report to the Chancellor all existing contracts, partnerships, affiliations, or financial transactions with such parties.
- Requires the Chancellor to make any reports made by state institutions regarding gifts received from or existing contracts with such parties available to members of the General Assembly upon request.
- Prohibits state institutions from entering into academic relationships with academic institutions located in China or academic institutions located in another country and associated with the People’s Republic of China.
- Prohibits state institutions from renewing any existing agreements between the institution and the People’s Republic of China upon the agreement’s expiration.

## **Board of trustees training**

- Requires the Chancellor to develop and provide annual training to the board of trustees of each state institution.

## **OTHER HIGHER EDUCATION PROVISIONS**

### **Private institutions of higher education**

- Prohibits the Chancellor from distributing state funds to a private institution of higher education for institutional purposes unless the private institution submits a statement affirming its commitment to intellectual diversity, free speech, and compliance with certain policies required of state institutions of higher education.

### **Three-year bachelor’s degree study**

- Requires the Department of Higher Education to conduct a study on the feasibility of implementing three-year bachelor’s degree programs in Ohio.

### **Act title**

- Entitles the bill the “Ohio Higher Education Enhancement Act.”

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## DETAILED ANALYSIS

### STATE INSTITUTIONS OF HIGHER EDUCATION

The bill makes several changes to higher education. It creates, among other things, new requirements for state institutions of higher education regarding diversity, equity, and inclusion policies and training, intellectual diversity, and faculty evaluations. It also prohibits higher education employees from striking and instead requires employees to submit unresolved collective bargaining disputes to a final offer settlement procedure.

Throughout the bill, “state institution of higher education” or “state institution” includes any state university or college, community college, state community college, university branch, or technical college. Further, when the bill requires that something be posted on a website, that posting must be: (1) accessible from the main page of the state institution’s website by using no more than three links, (2) searchable by keywords and phrases, and (3) accessible to the public without requiring any user registration.

## **Diversity, equity, and inclusion (DEI), intellectual diversity, and other concepts**

### **Policy**

The bill requires the board of trustees of each state institution of higher education to adopt a policy requiring the institution to do all of the following:

1. Prohibit any mandatory programs or training courses regarding diversity, equity, or inclusion;
2. Affirm and guarantee that its primary function is to practice, or support the practice of, discovery, improvement, transmission, and dissemination of knowledge by means of research, teaching, discussion, and debate;
3. Affirm and guarantee that the institution will ensure the fullest degree of intellectual diversity. Under the bill, “intellectual diversity” means multiple, divergent, and opposing perspectives on an extensive range of public policy issues widely discussed and debated in society at large, especially those perspectives that reflect the range of American opinion, but which are poorly represented on campus.<sup>1</sup>
4. Affirm and guarantee that faculty and staff will allow and encourage students to reach their own conclusions about all controversial matters and will not seek to inculcate any social, political, or religious point of view;
5. 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;
6. Affirm and guarantee that it will not endorse, oppose, comment, or take action, as an institution, on current public policy controversies, or any other ideology, principle, concept, or formulation that requires commitment to any controversial belief or policy, specified concept, or specified ideology, although it may endorse the United States Congress when it establishes a state of armed hostility against a foreign power. This does not include the recognition of national and state holidays, support for the Constitution and laws of the United States or Ohio, or the display of the American or Ohio flag.

Under the bill:

- a. A “controversial belief or policy” means any belief or policy that is the subject of political controversy, including issues such as climate change, electoral politics, foreign policy, diversity, equity, and inclusion programs, immigration policy, marriage, or abortion;

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<sup>1</sup> R.C. 3345.0217(A)(2) and 3345.0219(A)(1).

- b. A “specified concept” means a concept such as allyship, diversity, social justice, sustainability, systematic racism, gender identity, equity, or inclusion;
  - c. A “specified ideology” means any ideology that classifies individuals within identity groups, divides identity groups into oppressed and oppressors, and prescribes advantages, disadvantages, or segregation based on identity group.<sup>2</sup>
7. Affirm and guarantee that the institution will not encourage, discourage, require, or forbid students, faculty, or administrators to endorse, assent to, or publicly express a given ideology, political stance, or view of a social policy, nor will the institution require students to do any of those things to obtain an undergraduate or post-graduate degree;
  8. Prohibit the institution from engaging in or abetting activities such as boycotts, disinvestments, or sanctions;
  9. Prohibit political and ideological litmus tests in all hiring, promotion, and admissions decisions, including diversity statements and any other requirement that applicants describe their commitment to a specified concept, specified ideology, or any other ideology, principle, concept, or formulation that requires commitment to any controversial belief or policy;
  10. Affirm and guarantee that no hiring, promotion, or admissions process or decision shall encourage, discourage, require, or forbid students, faculty, or administrators to endorse, assent to, or publicly express a given ideology, political stance, or view of a social policy;
  11. Affirm and guarantee that the institution will not use a diversity statement or any other assessment of an applicant’s commitment to specified concepts in any hiring, promotions, or admissions process or decision;
  12. Affirm and guarantee that no process or decision regulating conditions of work or study, such as committee assignments, course scheduling, or workload adjustment policies, shall encourage, discourage, require, or forbid students, faculty, or administrators to endorse, assent to, or publicly express a given ideology, political stance, or view of a social policy;
  13. Affirm and guarantee that the institution will seek out intellectual diversity in invited speakers;
  14. Post prominently on its website a complete list of all speaker fees, honoraria, and other emoluments in excess of \$500.<sup>3</sup>

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<sup>2</sup> R.C. 3345.0217(A).

<sup>3</sup> R.C. 3345.0217(B)(1) to (14).

Under the bill, the second through fifth requirements in this list do not apply to the exercise of professional judgment about how to accomplish intellectual diversity within an academic discipline, unless that exercise is misused to constrict intellectual diversity.<sup>4</sup>

The sixth through eighth requirements do not apply to the exercise of professional judgment about whether to endorse the consensus or foundational beliefs of an academic discipline, unless that exercise is misused to take an action prohibited by the sixth requirement.<sup>5</sup>

Each institution must adopt this policy within 90 days of the bill's effective date.

### **Intellectual diversity protections and sanctions**

The bill requires each state institution of higher education to implement a range of disciplinary sanctions for anyone under its jurisdiction who interferes with the intellectual diversity rights of another individual.<sup>6</sup>

The bill also requires each state institution to inform its students and employees of the protections given to them under the bill and any policies adopted to put the protections into practice, including by providing the information to new employees and to students during any new student orientation. This information must be posted on the institution's website.<sup>7</sup>

Each state institution is also required to issue an annual report on any violations to the intellectual diversity rights prescribed under the bill by any individual under the state institution's jurisdiction and any consequent disciplinary sanctions issued for that violation. The institution must post this report on its website.<sup>8</sup>

### **Mission statements**

The bill requires each state institution to incorporate certain principles into its mission statement. In the statement, the institution must affirm all of the following:

1. It will educate students by means of free, open, and rigorous intellectual inquiry to seek the truth;
2. 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;
3. 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;

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<sup>4</sup> R.C. 3345.0217(B)(5).

<sup>5</sup> R.C. 3345.0217(B)(8).

<sup>6</sup> R.C. 3345.0219(B).

<sup>7</sup> R.C. 3345.0219.

<sup>8</sup> R.C. 3345.0219.

4. It is committed to creating 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;
5. 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.<sup>9</sup>

### **Affirmations and policies on equal opportunity**

The bill requires each state institution to affirm and guarantee that it will do both of the following:

1. Treat all faculty, staff, and students as individuals, hold every individual to equal standards, and provide every individual with equality of opportunity, and the institution shall not treat, advantage, disadvantage, or segregate any faculty, staff, or students by membership in groups defined by characteristics such as race, ethnicity, religion, sex, sexual orientation, gender identity, or gender expression; and
2. Provide no advantage or disadvantage on the basis of membership in groups defined by characteristics such as race, ethnicity, religion, sex, sexual orientation, gender identity, or gender expression in admissions, hiring, promotion, tenuring, workplace conditions, or any other program, policy, or activity.<sup>10</sup>

### **Prohibition on support and training for certain concepts**

The bill prohibits state institutions from funding, facilitating, or providing any support to any position, material benefit, policy, program, and activity that advantages or disadvantages faculty, staff, or students based on any group identity. However, state institutions are permitted to advantage citizens of Ohio or the United States.<sup>11</sup> The bill defines “position, material benefit, policy, program, and activity” to include all of the following:<sup>12</sup>

1. All forms of employment, including staff positions, internships, and work studies;
2. All material benefits, including fellowships, grants, loans, prizes, scholarships, and tuition remissions;
3. All policies, including mission statements, hiring policies, promotion policies, and tenure policies;
4. All programs and positions, including deanships, provostships, offices, programs presented by residence halls, and committees; and

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<sup>9</sup> R.C. 3345.0216.

<sup>10</sup> R.C. 3345.87(B).

<sup>11</sup> R.C. 3345.87(C).

<sup>12</sup> R.C. 3345.87(A).

5. All activities, including those conducted by the administrative units of orientation, first-year experience, student life, and residential life.

The bill also prohibits state institutions from training any administrator, teacher, staff member, or employee to adopt or belief in, or hiring an individual in any of these positions for the purpose of providing instruction in, any of the following concepts:<sup>13</sup>

1. One race or sex is inherently superior to another race or sex;
2. An individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
3. An individual should be discriminated against or receive adverse treatment solely or partly due to the individual's race;
4. Members of one race cannot or should not attempt to treat others without respect to race;
5. An individual's moral standing or worth is necessarily determined by the individual's race or sex;
6. An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;
7. An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race or sex;
8. Meritocracy or traits such as hard work ethic are racist or sexist, or were created by members of a particular race to oppress members of another race;
9. Fault, blame, or bias should be assigned to a race or sex, or to members of a race or sex because of their race or sex.

The bill requires each state institution to implement a range of disciplinary sanctions for anyone under its jurisdiction who authorizes or engages in a training prohibited above.<sup>14</sup>

Each state institution is required to issue an annual report including all violations of the above training prohibition with all consequent disciplinary sanctions and statistics on the academic qualifications of accepted and matriculating students, disaggregated by race and sex. The statistics must include information correlating students' academic qualifications and retention rates, disaggregated by race and sex. State institutions are required to post the reports in a prominent place on the state institution's website.<sup>15</sup>

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<sup>13</sup> R.C. 3345.87(D) and (E).

<sup>14</sup> R.C. 3345.87(F).

<sup>15</sup> R.C. 3345.87.

## Segregation prohibition

The bill requires state institutions to prohibit all policies explicitly designed to segregate faculty, staff, or students by group identities such as race, sex, gender identity, or gender expression. This prohibition includes orientations, majors, financial awards, residential housing, administrative employment, faculty employment, student training, extracurricular activities, and graduations.<sup>16</sup>

## Higher education employee strikes

The bill prohibits state institution of higher education employees from striking. Instead, those employees must submit to a final offer settlement procedure to settle unresolved collective bargaining disputes with their employers in accordance with continuing law.<sup>17</sup> In the event of a strike by these employees, the institution of higher education that employs them may seek an injunction against the strike in the court of common pleas of the county where the strike occurs.<sup>18</sup>

The Public Employees' Collective Bargaining Law<sup>19</sup> (PECBL) governs collective bargaining between public employees and public employers who are subject to that law. Under the PECBL, all matters related to wages, hours, or terms and other conditions of public employment are subject to collective bargaining between a public employer and the "employee organization" (essentially, a union) that represents the employer's public employees.<sup>20</sup> The PECBL establishes timelines and requirements for negotiating collective bargaining agreements. It also specifies procedures the parties must follow if they reach an impasse during negotiations, including submitting unresolved issues to a fact-finding panel. If the parties are unable to reach agreement within seven days after the publication of findings and recommendations from a fact-finding panel or if any existing collective bargaining agreement has expired, the public employees who are permitted to strike may do so in accordance with statutory procedures. Public employees who are not permitted to strike must follow a final offer settlement procedure to settle unresolved collective bargaining disputes with their employers.<sup>21</sup> In general, the PECBL currently prohibits peace officers, firefighters, corrections officers, public service dispatchers, employees of the State School for the Deaf and the State School for the Blind, and a limited number of public-sector healthcare workers from striking.<sup>22</sup>

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<sup>16</sup> R.C. 3345.87(l).

<sup>17</sup> R.C. 4117.14.

<sup>18</sup> R.C. 4117.15.

<sup>19</sup> R.C. Chapter 4117.

<sup>20</sup> R.C. 4117.08, not in the bill.

<sup>21</sup> R.C. 4117.14(A) to (C).

<sup>22</sup> R.C. 4117.14(D)(1).

Under continuing law, if public employees governed by the PECBL engage in a strike that is not authorized under the PECBL, the employees may be subject to discipline in accordance with the procedures specified in the PECBL.<sup>23</sup>

## **Faculty evaluations**

### **Student and peer evaluations**

The bill requires each state institution of higher education to establish a written system of faculty evaluations completed by students and focusing on teaching effectiveness and student learning. For this purpose, the Chancellor of Higher Education must develop a minimum set of standard questions that state institutions must include in student evaluations of faculty members. The set of questions must include the question, “Does the faculty member create a classroom atmosphere free of political, racial, gender, and religious bias?” By August 1, 2024, and annually on that date thereafter, state institutions must publish the average annual numerical score from student evaluations for each faculty member on a public portal on the state institution’s website.<sup>24</sup>

In addition to student evaluation of faculty members, the bill requires each state institution to establish a written system of peer evaluations for faculty members. The evaluations must place an emphasis on the faculty member’s professional development regarding the faculty member’s teaching responsibilities.<sup>25</sup>

### **Faculty annual performance evaluations**

The bill requires the board of trustees of each state institution, by July 1, 2024, to adopt and submit to the Chancellor a faculty annual performance evaluation policy. The board of trustees must review and update the policy every three years.<sup>26</sup>

Each state institution must conduct an annual evaluation for each faculty member it directly compensates.<sup>27</sup> Each evaluation conducted by a state university under its policy must meet all of the following:

1. The evaluation is comprehensive and includes standardized, objective, and measurable performance metrics;
2. The evaluation includes an assessment for each of the following areas that the faculty member has spent at least 5% of their annual work time on over the preceding year:
  - a. Teaching;

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<sup>23</sup> R.C. 4117.23, not in the bill.

<sup>24</sup> R.C. 3345.451.

<sup>25</sup> R.C. 3345.451(E).

<sup>26</sup> R.C. 3345.452(B).

<sup>27</sup> R.C. 3345.452(C).

- b. Research;
  - c. Service;
  - d. Clinical care;
  - e. Administration;
  - f. Other categories, as determined by the state institution.
3. The evaluation includes a summary assessment of the above performance areas that includes the parameters “exceeds performance expectations,” “meets performance expectations,” or “does not meet performance expectations;”
  4. Student evaluations conducted under the bill account for at least 50% of the teaching area component of the evaluation; and
  5. The evaluation establishes a projected work effort distribution for the faculty member which will be used for the next year’s evaluation. This distribution must be compliant with the state institution’s established workload policies and must be approved by the dean of faculty or the equivalent.

Evaluations must 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 the chairperson and dean disagree, the provost must have final decision authority.<sup>28</sup>

## **Post-tenure review policy**

The bill requires each state institution to adopt a post-tenure review policy and submit the policy to the Chancellor no later than July 1, 2024. Each state institution’s board of trustees must update the policy every three years.

Under the bill, a state institution must conduct a post-tenure review if a tenured faculty member receives a “does not meet performance expectations” evaluation within the same evaluative category for at least two of the past three consecutive years on the faculty member’s annual performance review.

If a faculty member maintains tenure after a post-tenure review and then receives an additional “does not meet performance expectations” assessment on any area of the faculty member’s annual performance evaluation in the subsequent two years, then the state institution must subject the faculty member to an additional post-tenure review.

If a faculty member has a documented and sustained record of significant underperformance outside of the faculty member’s annual performance evaluation, the department chairperson, dean of faculty, or provost of the state institution may require an immediate and for cause post-tenure review. For this purpose, for cause cannot be based on a

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<sup>28</sup> R.C. 3345.452.

faculty member's allowable expression of academic freedom as defined by the state institution or Ohio law.

A state institution's post-tenure review due process period cannot exceed six months, except that the state institution president may grant a one-time two-month extension.

At the conclusion of a post-tenure review, the state institution's provost must submit a recommended outcome of the post-tenure review process to the academic affairs committee of the state institution's board of trustees. The academic affairs committee has final decision authority on the outcome of the post-tenure review process.<sup>29</sup>

## **Other changes**

### **Five-year institutional cost summaries**

The bill requires each state institution of higher education, for each biennial main operating appropriations bill and capital appropriations bill, to prepare and submit to the Chancellor, by a date determined by the Chancellor, a rolling five-year summary of its institutional costs to be considered by the General Assembly when evaluating operating and capital project funding. The Chancellor is required to submit a report to the General Assembly including each state institution's five-year institutional cost summary.<sup>30</sup>

Each state institution's institutional cost summary must consist of the following categories:<sup>31</sup>

1. All costs related to student instruction, including instructor salaries, benefits, and related operating costs;
2. All general staff costs related to maintenance, grounds, utilities, food service, and other areas, as determined by the state institution; and
3. All other costs for staff, including academic administrators, counseling, financial aid assistance, healthcare services, and housing management.

For each of the above categories, a state institution's five-year institutional cost summary must include all of the following:<sup>32</sup>

1. A detailed breakdown of annual costs and employee headcounts;
2. A complete accounting of all spending on diversity, equity, and inclusion, or related subjects; and
3. An annual count of all faculty, administration, and employees.

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<sup>29</sup> R.C. 3345.453.

<sup>30</sup> R.C. 3345.80(B).

<sup>31</sup> R.C. 3345.80(C).

<sup>32</sup> R.C. 3345.80(D).

The bill requires the Chancellor to consult with state institutions of higher education to develop a standardized reporting format for the five-year institutional cost summaries and a uniform approach to completing the required categories.<sup>33</sup>

The bill also requires that during the General Assembly's consideration of the main operating appropriations and capital appropriations bills, the president of each state institution of higher education or the Chancellor has the opportunity to present in front of the General Assembly in the appropriate hearings conducted by committees that consider higher education legislation. The president or Chancellor may use the opportunity to provide commentary on trends, potential justifications, or other explanations regarding the state institution's five-year institutional cost summary.<sup>34</sup>

The Chancellor is required to create and present to the General Assembly, prior to the enactment of the main operating appropriations and capital appropriations bills, an aggregation report summarizing the total institutional costs for state universities and community colleges separately.<sup>35</sup>

### **Faculty workload policies**

The bill requires each state institution of higher education to, by July 1, 2024, and every three years thereafter, update its existing faculty workload policy and submit the revised policy to the Chancellor. The state institution's board of trustees must approve the policy each time the state institution submits an updated policy to the Chancellor.<sup>36</sup>

Each policy must include all of the following:

1. An objective and numerically defined teaching workload expectation based on credit hours as defined under federal law;
2. A definition of all faculty workload elements in terms of credit hours as defined under federal law, with a full-time 12-month workload minimum equal to 30 credit hours. Faculty working less than a 12-month per year work appointment will have their workload prorated based on the 30 credit hour formula;
3. A definition of justifiable credit hour equivalents for activities other than teaching, including research, clinical care, administration, service, and other activities as determined by the state institution;
4. Administrative action that a state institution may take if a faculty member fails to comply with the policy's requirements, including censure, remedial training, or for-cause termination, regardless of tenure status. Termination under these circumstances must

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<sup>33</sup> R.C. 3345.80(E).

<sup>34</sup> R.C. 3345.80(F).

<sup>35</sup> R.C. 3345.80(G).

<sup>36</sup> R.C. 3345.45(D)(1).

require the recommendation of the dean, provost, or equivalent official, concurrence of the state institution's president, and approval of the state institution's board of trustees.<sup>37</sup>

Under existing law, state universities have been required to have a formally adopted faculty workload policy since June 30, 1994. These existing policies were required to be based on standards developed by the Chancellor with state university input.<sup>38</sup>

### **American government or history requirement**

Beginning with students who graduate in the spring of 2027, the bill prohibits each state institution from granting an associate's or bachelor's degree to any student who has not completed a course with at least three credit hours in the subject area of American government or American history. Qualifying courses must include both of the following:<sup>39</sup>

1. A requirement that students read all of the following:
  - a. The entire United States Constitution;
  - b. The entire Declaration of Independence;
  - c. At least five essays in their entirety from the Federalist Papers, with essays being selected by the department chair;
  - d. The entire Emancipation Proclamation;
  - e. The entire Gettysburg Address;
  - f. The entire Letter from Birmingham Jail written by Martin Luther King Jr.
2. A requirement that students pass a cumulative final examination at the end of the course that assesses student proficiency on the required readings.

The president of a state university or the president's designee may exempt a student from the American government or history course requirement if the president or designee determines that the student has completed at least three credit hours, or the equivalent, in a course in the subject area of American history or American government.<sup>40</sup>

### **Syllabus requirements**

The bill requires each state institution of higher education to make a syllabus for each undergraduate course it offers for college credit available on the state institution's public website.<sup>41</sup>

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<sup>37</sup> R.C. 3345.45(D)(2).

<sup>38</sup> R.C. 3345.45(A) and (B).

<sup>39</sup> R.C. 3345.382(A).

<sup>40</sup> R.C. 3345.382(B).

<sup>41</sup> R.C. 3345.029(B).

Under the bill, a “syllabus” is a document produced for students by a course instructor that includes all of the following:

1. The name of the course instructor;
2. A brief description of each major course requirement, including each major assignment and examination;
3. A list of any required or recommended readings for the course;
4. A general description of the subject matter of each lecture or discussion in the course; and
5. Biographical information on the course instructor.<sup>42</sup>

State institutions must post each syllabus no later than the seventh day prior to the first day of classes for the academic semester or term in which the course is offered. Each posted syllabus must remain on the state institution’s website for at least two years after being posted for the first time, except that if a syllabus needs to be changed after being posted, the state institution must post an updated copy as soon as practicable.<sup>43</sup> The board of trustees of each state institution is required to designate an administrator to implement these requirements. The administrator is permitted to delegate the responsibilities to one or more administrative employees.<sup>44</sup>

The bill also requires all of the following to occur by the first day of January each year:

1. Each state institution submits a written report regarding its compliance with the syllabus posting requirements;
2. The Chancellor prepares a report including all of the syllabus compliance reports received from state institutions; and
3. The Chancellor submits the Chancellor’s report to the Governor, Speaker of the House of Representatives, President of the Senate, and chairpersons of the Senate and House of Representatives standing committees that consider higher education legislation.<sup>45</sup>

## **Interactions with the People’s Republic of China**

The bill prohibits state institutions of higher education from accepting gifts, donations, or contributions from the People’s Republic of China or any organizations or individuals who may be acting on behalf of the People’s Republic of China, including a student or a student’s family member. The bill defines the “People’s Republic of China” as the government of China,

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<sup>42</sup> R.C. 3345.029(A)(2).

<sup>43</sup> R.C. 3345.029(C).

<sup>44</sup> R.C. 3345.029(D).

<sup>45</sup> R.C. 3345.029(E).

the Chinese Communist Party, the People's Liberation Army, or any other extension of, or entity affiliated with, the government of China.

The bill also requires each state institution to report to the Chancellor all of the following:

1. All gifts, donations, or contributions received from any Confucius institute, scholars association, or other organization that is, directly or indirectly, affiliated with, funded by, or supported by the People's Republic of China, or any gifts, donations, or contributions the state institution receives from any of those parties on or after the bill's effective date. The bill defines a "Confucius institute" as a public education partnership that is established by an institution of higher education in China and an institution of higher education in a different country and that is funded and arranged by an entity affiliated with the People's Republic of China.

2. All existing contracts, partnerships, affiliations, or financial transactions with any of the above parties into which the state institution has entered; and

3. All gifts, donations, or contributions made to the state institution by the above parties in the five years immediately preceding the bill's effective date.

The bill also requires the Chancellor to make any of the information reported by state institutions available to any member of the General Assembly who requests it.

Under the bill, state institutions are prohibited from entering into any academic relationship with either (1) an academic institution located in China or (2) an academic institution located in another country that is associated with the People's Republic of China.

Finally, the bill prohibits state institutions from renewing an existing agreement between the state institution and the People's Republic of China upon its expiration.<sup>46</sup>

### **Board of trustees training**

The bill requires the Chancellor to develop and annually provide educational programs for the board of trustees of each state institution. The Chancellor must consult with state institutions and members of their boards of trustees as part of this process. The programs may be held online and be offered periodically. New members of a board of trustees must participate in the programs at least one time within their first two years in office. Current trustees are required to participate in continuing trustee training as determined by the Chancellor.<sup>47</sup>

The educational programs developed by the Chancellor must be designed to address the role, duties, and responsibilities of a trustee and may include in-service programs on current issues in higher education. The Chancellor may consider similar programs offered in other

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<sup>46</sup> R.C. 3345.591.

<sup>47</sup> R.C. 3333.0419.

states or through a recognized trustee group. The educational programs must include presentations and content related to all of the following:

1. Each board member's duty to the state of Ohio;
2. The committee structure and function of a board of trustees;
3. The duties of the executive committee of a board of trustees;
4. Professional accounting and reporting standards;
5. Methods for meeting the statutory, regulatory, and fiduciary obligations of a board of trustees;
6. Public records law requirements;
7. Institutional ethics and conflicts of interest;
8. Creating and implementing institution-wide rules and regulations;
9. Business operations, administration, budgeting, financing, financial reporting, and financial reserves, including a segment on endowment management;
10. Fixing student general and instructional fees, and other necessary changes, including a review of student debt trends;
11. Overseeing planning, construction, maintenance, expansion, and renovation projects that impact the state institution's consolidated infrastructure, physical facilities, and natural environment, including its lands, improvements, and capital equipment;
12. Workforce planning, strategy, and investment;
13. Institutional advancement, including philanthropic giving, fundraising initiatives, alumni programming, communications and media, government and public relations, and community affairs;
14. Student welfare issues, including academic studies, curriculum, residence life, student governance and activities, and the general physical and psychological well-being of undergraduate and graduate students;
15. Current national and state issues in higher education; and
16. Future national and state issues in higher education.<sup>48</sup>

## **OTHER HIGHER EDUCATION PROVISIONS**

### **Private institutions of higher education**

The bill prohibits the Chancellor from distributing any state funds to a nonprofit private institution of higher education for institutional purposes unless the institution submits a statement affirming that the institution is or does all of the following:

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<sup>48</sup> R.C. 3333.0419(A) to (P).

1. Is committed to intellectual diversity;
2. Is committed to free speech protection for students, staff, and faculty;
3. Does not require diversity, equity, and inclusion (DEI) courses or training for students, staff, or faculty;
4. Complies with syllabus requirements as if it were a state institution of higher education; and
5. Complies with the prohibition of political and ideological litmus tests in hiring or promotion policies as if it were a state institution.<sup>49</sup>

The bill also requires the Chancellor to develop an affirmation document for institutions to submit with requests for state funding.

If the Chancellor receives credible information indicating that a private institution of higher education made false affirmations, then the Chancellor must provide the institution with written notice of this information. An institution who receives this notice is required to return any state funds it has received.

The affirmation statement requirement applies only to requests for institutional funding and does not affect the Chancellor's ability to distribute state financial aid for students enrolled in private institutions of higher education, including the Ohio College Opportunity Grant Program.<sup>50</sup>

### **Three-year bachelor's degree study**

The bill requires the Department of Higher Education to complete a feasibility study regarding the implementation of bachelor's degree programs in the state that require three years to complete. The study must investigate a variety of fields of study and determine the feasibility of reducing specific course requirements, quantity of electives, and total credit hours required for graduation. The study cannot include the use of College Credit Plus or any other current programs used to accelerate degree programs. The study must also present and evaluate potential issues related to accreditation. The bill requires the Department to submit a report to the General Assembly regarding the study's findings within one year of the bill's effective date.<sup>51</sup>

Under continuing law, the Chancellor, as a condition of reauthorization for certification of each baccalaureate program the state institution offers, must require all state institutions that offer baccalaureate degrees to submit a statement describing how each major may be completed within three academic years.<sup>52</sup> Under this requirement, state institutions are

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<sup>49</sup> R.C. 1713.57(B).

<sup>50</sup> R.C. 1713.57; see also R.C. 3333.122, not in the bill.

<sup>51</sup> Section 3 of the bill.

<sup>52</sup> R.C. 3333.43(A), not in the bill.

permitted to include advanced placement credits, international baccalaureate program credits, and College Credit Plus credits.<sup>53</sup>

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## HISTORY

Action	Date
Introduced	03-14-23

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ANSB0083IN-135/ts

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<sup>53</sup> R.C. 3333.43(B), not in the bill.