



TESTIMONY

THE ADVANCE OHIO HIGHER EDUCATION ACT

Senate Bill 1

January 29, 2025

TESTIMONY BEFORE

OHIO SENATE
Committee on Higher Education

TESTIMONY BY

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It is a privilege to provide testimony to the Ohio Senate Committee on Higher Education. Thank you, Chairman Roegner, Vice Chair Cirino, Ranking Member Ingram, and members of the Committee.

The America First Policy Institute (AFPI) is a 501(c)(3) nonprofit, nonpartisan research institute. Our guiding principles are liberty, free enterprise, foreign-policy engagement in the American interest, freedom of conscience, and the primacy of American workers, families, and communities. To this end, AFPI affirms and celebrates the American experiment and works to promulgate American values in our educational institutions, public policy, and culture.

As a Senior Policy Analyst for AFPI's Higher Education Reform Initiative, I work on issues related to Diversity, Equity, and Inclusion (DEI), gender ideology, and antisemitism. Prior to joining AFPI, I worked as a research analyst for the Defense Health Board, a Department of Defense Federal Advisory Board. Prior to that, I co-authored the book *Black Eye for America: How Critical Race Theory is Burning Down the House* (2020) with Dr. Carol Swain.

I am writing to register AFPI's support for Senate Bill 1, and to comment on provisions prohibiting faculty members and staff from striking during collective bargaining negotiations. AFPI previously provided testimony in support of this bill's predecessor (HB 151 / SB 83) on November 29, 2023.¹

Senate Bill 1 implements several needed higher education reforms. One of the most important is eliminating racially divisive DEI offices and programs. DEI promotes racial exclusion and race essentialism, sowing resentment and animosity along racial and ethnic lines by sorting people into crude "oppressor" and "oppressed" categories. Ohio students, faculty, and staff ought not be subjected to any ideology that violates core American values, including freedom of speech and freedom from discrimination.

¹ *Higher Education Enhancement Act, Ohio House of Representatives Committee on Higher Education*, (2023). (testimony of Jonathan Pidluzny). <https://americafirstpolicy.com/issues/testimony-oh-hb-151-re-dei>.



These divisive and bigoted programs contributed to last year’s antisemitic protests and encampments at elite universities. Antisemitic mobs targeted Jewish Americans for harassment on the grounds that Jews are an “oppressor” class that unfairly benefits from holding a “privileged” position in American society.² These are core Critical Race Theory claims (e.g., “intersectionality”) – the very claims institutionalized in Ohio colleges and universities by DEI policies and programs.³

DEI additionally undermines merit and academic rigor, and degrades campus climates. Students, faculty, and staff should be evaluated based on their aptitudes, performance, initiative, and diligence. By eschewing merit in favor of extraneous identity considerations, DEI pushes academic standards down⁴ and elevates mediocre individuals to positions of leadership.⁵ As confirmed by repeated campus climate surveys, this toxic brew of social tension and incompetence harms the entire university community, including minority students.⁶

It is our judgement that DEI, as currently practiced at many Ohio institutions of higher education, violates Ohioans’ constitutional rights and longstanding Congressional statutes like the Civil Rights Act of 1964. The American Dream is that any person, of any skin color, can expect to participate in a fair and colorblind meritocracy with equal treatment under the law. For this reason, President Trump recently took several executive actions to prohibit DEI in the

² *The Campus Antisemitism Complex at Elite U.S. Universities*, U.S. House Committee on Ways and Means, 118th Cong. (2024). (testimony of Jonathan Pidluzny). <https://waysandmeans.house.gov/wp-content/uploads/2024/06/Pidluzny-Testimony.pdf>.

³ Swain, C., & Schorr, C. (2021). *Black Eye for America, How Critical Race Theory is Burning Down the House*. Be The People Books.

⁴ Calarco, J. (2022, October 7). The N.Y.U. Chemistry Students Shouldn’t Have Needed that Petition. *The New York Times*. <https://www.nytimes.com/2022/10/07/opinion/nyu-professor-fired-maitland-jones.html>.

⁵ Swain, C. *The Gay Affair*. (2024). Be The People Books.

⁶ Greene, J. & Paul, J. (2021, July 27). *Diversity University: DEI Bloat in the Academy*. The Heritage Foundation. https://www.heritage.org/sites/default/files/2021-07/BG3641_0.pdf;

Chavous, T., Wade-Golden, K., & Webb, F. (2023, March 5). DEI 1.0 Evaluation Report: Supplemental Appendix Reports. University of Michigan.

<https://web.archive.org/web/20230305074745/https://report.dei.umich.edu/wp-content/uploads/2023/01/supplemental-appendix-reports.pdf>;

Yenor, S. (2023, February). *How Texas A&M Went Woke*. The Claremont Institute.

<https://dc.claremont.org/wp-content/uploads/2023/02/How-Texas-AM-Went-Woke-Single-Page-Format.pdf>.



federal government.⁷ The President has tasked the Attorney General and Secretary of Education to investigate DEI-related violations of federal civil rights law and failures to comply with the Supreme Court’s invalidation of racial discrimination in higher education in *Students for Fair Admissions v. Harvard*, 2023.⁸

Senate Bill 1 will help to safeguard the rights and dignity of Ohio students, faculty, and staff, while also reducing the exposure of Ohio colleges and universities to civil rights lawsuits and investigations. Key provisions include:

- Prohibiting DEI training.
- Prohibiting new DEI requirements for scholarships and grants.
- Committing to treating all faculty, staff, and students equally, and as individuals.
- Prohibiting ideological litmus tests (“diversity statements”) in admission, hiring, and promotion.
- Affirming the importance of free thought and inquiry, and intellectual diversity, and that the pursuit of truth and dissemination of knowledge is the purpose of higher education.
- Committing to institutional neutrality on matters of public dispute.

⁷ The White House (2025, January 20). Executive Order. Initial Rescissions of Harmful Executive Orders and Actions. <https://www.whitehouse.gov/presidential-actions/2025/01/initial-rescissions-of-harmful-executive-orders-and-actions/>;

The White House (2025, January 20). Executive Order. Reforming the Federal Hiring Process and Restoring Merit to Government Service. <https://www.whitehouse.gov/presidential-actions/2025/01/reforming-the-federal-hiring-process-and-restoring-merit-to-government-service/>;

The White House (2025, January 20). Executive Order. Ending Radical And Wasteful Government DEI Programs And Preferencing. <https://www.whitehouse.gov/presidential-actions/2025/01/ending-radical-and-wasteful-government-dei-programs-and-preferencing/>;

The White House (2025, January 21). Executive Order. Ending Illegal Discrimination and Restoring Merit-based Opportunity. <https://www.whitehouse.gov/presidential-actions/2025/01/ending-illegal-discrimination-and-restoring-merit-based-opportunity/>;

The White House (2025, January 27). Restoring America’s Fighting Force. <https://www.whitehouse.gov/presidential-actions/2025/01/restoring-americas-fighting-force/>.

⁸ The White House (2025, January 21). Executive Order. Ending Illegal Discrimination and Restoring Merit-based Opportunity. <https://www.whitehouse.gov/presidential-actions/2025/01/ending-illegal-discrimination-and-restoring-merit-based-opportunity/>.



These last three provisions correspond to the gold standard (the “Chicago Trifecta”) for public universities.⁹ Formally embracing this high standard will further elevate the profile and prestige of Ohio colleges and universities.

Senate Bill 1 contains additional, important provisions to enhance higher education in Ohio. These include:

- Requiring annual faculty reviews and post-tenure reviews.
- Reducing the terms for college trustees from nine to six years.
- Creating a new American history course requirement.
- Restricting influence operations by the People’s Republic of China on Ohio campuses.
- Prohibiting strikes by faculty and first responders.

Prohibiting strikes during collective bargaining negotiations is reasonable in the context of public institutions of higher education. It is appropriate for faculty and staff to negotiate salaries, benefits, and other considerations. Senate Bill 1 does not prohibit them from doing so. However, it is important to remember that Ohio public colleges and universities are not private-sector institutions. They do not produce profits for shareholders; rather, they return value in the form of an educated workforce and citizenry to “stakeholders” consisting of tuition-paying students and parents, and the broader (especially, tax-paying) public.

It is not appropriate to hold this investment hostage during collective bargaining negotiations. Strikes in the education sector can severely disrupt student learning. These disruptions can be particularly damaging during critical exams and other major academic milestones. Preventing such interruptions serves the public's interest. The goal of ensuring school stability should take precedence over enabling disruptive negotiating tactics. The education and – where emergency personnel are concerned, safety – of Ohio students should not be a bargaining chip.

⁹ George, R. (2022, November 27). *Perspective: How Universities Can Restore Academic Freedom and Free Speech*. Deseret.com. <https://www.deseret.com/2022/11/27/23471569/woke-universities-academic-freedom-chicago-trifecta/#:~:text=Non-sectarian%20universities>.



Senate Bill 1's anti-striking provisions are a small but important part of this needed education reform package, and AFPI supports their inclusion in it.

