



A Call to Action in Response to Ohio State's New "Free Speech" Policy

March 21, 2023

To the Ohio State University community:

As faculty committed to rigorous academic inquiry, we at AAUP-OSU write to express alarm about the [Ohio State University's new proposed "free speech" policy](#), which risks inhibiting academic freedom and harming faculty and students alike. We are committed to fostering an open environment where all students can engage with new ideas and thrive. We ask you to be alert to threats to this basic premise of education.

We urge everyone in the Ohio State University community to provide comments on the "free speech" draft policy during the comment period. You can submit comments [here](#) until April 2, 2023.

Below we offer contexts and perspectives that we invite you to consider as you review the policy.

Recently, a *Lantern* article reported that in the period 2018-2021, there were more [hate crimes at the Ohio State University than at any other university in the Big Ten](#). Also recently, a new legislative bill in Florida has spotlighted [unprecedented efforts](#) to place strict state controls on university hiring, teaching, curriculum, and programming in order to limit attention to diversity and inclusion. Besides requiring the elimination of many equity-based projects, the bill would eliminate all majors and minors devoted to race or gender and sexuality. According to Irene Mulvey, president of the national AAUP, the Florida bill "will be a gut punch to anyone who cares about public education in a democracy or academic freedom or the fact that our system of higher education is the envy of the world" (quoted at link above; see also the national AAUP's [press release on the Florida bill](#)).

And as of this writing, [Ohio Senate Bill 83](#) has just been introduced. This bill brings the worst elements of the Florida bill home to our own university. Under the cover of the language of "free speech" and "intellectual diversity," the Ohio legislation in fact seeks to curtail these academic and democratic values, censoring speech and undermining faculty governance. (See a summary of the bill on our website [here](#).)

We are dismayed, in this context, that the Ohio State University Board of Trustees has adopted a "Campus Free Speech" policy that purports to protect free speech but that in fact seeks to regulate speech, and that threatens to erode educational values and community respect. This policy emerged in response to a new legislative overreach into higher education, found in [Ohio Revised Code 3345.0215](#) (updated in June 2022). Moreover, this "free speech" policy represents a turn back from the Board of Trustees' own stated commitment, since 1965, to academic freedom. The Board's [bylaws](#) hold that academic freedom is "essential to attain the goal of the free search for truth and its free exposition" and "essential to the preservation of a free society." Furthermore, the bylaws uphold faculty's rights to "[d]iscuss in classrooms, in their own manner, any material that is relevant to the subject matter as defined in the course syllabus."

We are concerned that this new policy will be particularly harmful to instructors from historically marginalized groups or who teach in fields that address historically marginalized populations, such as ethnic studies, gender and sexuality studies, and disability studies. We are also concerned that it will be harmful to instructors who are not tenured or tenure-line—one- or few-year contract faculty and graduate students.

Additionally, in its current draft form, this policy contains major flaws of design and implementation.

- (1) While stating that complaints can only be made by Ohio State students or faculty, the draft policy makes it possible to lodge a complaint through an anonymous reporting mechanism. In effect, this means that potentially anyone from inside or outside the university could report a supposed violation and not be fact-checked. Ohio State is internationally renowned for its excellent standards in research and learning. Yet this possibility of anonymity fails the most basic standard of evidence, in that it allows for non-sourcing and hearsay. In the draft policy, all anonymous reports warrant a “preliminary assessment.” To regard all reports received anonymously as automatically worthy of assessment would be to lay open Ohio State University employees to spurious claims. Besides being a waste of University resources, it would entail a great deal of stress for any accused employee.
- (2) The draft policy puts the entire investigation in the hands of [Office of University Integrity and Compliance](#), an administrative office with no links to shared governance or academic due process. This potentially means, again, having academic concerns decided by those who do not know and understand our educational communities best—faculty, students, and educational staff. Such a procedure would, moreover, be out of step with other University protocols regarding academic integrity, such as investigations undertaken by the Committee on Academic Misconduct: those procedures are overseen by a committee in University Senate and involve faculty and students themselves.
- (3) We are concerned that reporting under this “free speech” policy could lead to a reckless use of the [“04” rule](#), a rule that can lead to the termination of either tenured or non-tenured faculty. This rule penalizes egregious instructor violations. At Ohio State, we rightly have these and other actionable rules to ensure that all students and employees are treated fairly and respectfully. But given ambiguities in the “free speech” policy itself as currently written, what kind of assurances do we have that it will be applied fairly and that respect will be maintained for all in our community?

As academics, we are strongly committed to free speech, but we know a wolf in sheep’s clothing when we see one. A premier research university must be inclusive for all. This proposed policy, echoing efforts at other state colleges and universities, rolls back safeguards that ensure accurate instruction and limits programs that deliberately include historically excluded communities. It risks creating classrooms that leave some students feeling as if their voices don’t matter, risks turning classrooms into places of inhibited learning, and risks curtailing instructors’ ability to teach their areas of expertise. This violation of academic freedom, academic integrity, and inclusive culture severely compromises Ohio State’s reputation as a leading destination for faculty and students.

We stand in opposition to efforts to degrade the work of this university and the learning environment and the safety of its students, faculty, and staff.

Sincerely,

Executive Board, AAUP-OSU (American Association of University Professors - Ohio State chapter)