



## **FACULTY SENATE—SPECIAL MEETING MINUTES**

**April 12, 2023, Fully Remote Meeting  
3:30pm**

**PRESENT: Faculty Senate Officers** A. Kumar, A. Smith, and D. Hubbard; **Faculty Senators** J. Ausherman, E. Avram, B. Browning, D.J. Choi, P. Daiker-Middaugh, D. Davisson, G. Dyer, K. Fuller, J. Gatica, T. Greer-Medley, K. Gulshan, D. Hamilton, C. Heyward, Y. Hung, W. Kellogg, K. Keptner, J. Kilbane, S. Kumar, K.H. Mansour; J. Marino, W. Matcham, B. McClain, P. McGinty, A. O'Connor, C. Olszewski, T. Paoletta, H. Pearson, J. Plecnik, T. Porter, A. Price, R. Raimer, A. Severson, D. Smith, J. Sola, A. Sonstegard, R. Whitbred, W. Zhao; **Corresponding Members** L. Bloomberg, N. Sridhar, R. Anglin, M. Bond, S. Brooks, R. Carnell, S. Zachariah, K. Neuendorf; C. Hansman, R. Schoephoerster, N. Faisal, and C. Orahoske; **Ex Officio Limited Members** A. Haynie, J. Jenkins, M.G. Pershey, L. Quinn,

### **OTHERS**

**PRESENT:** Zoom indicated a peak of 92 participants.

#### I. Approval of the Agenda for the April 12, 2023 Special Meeting

Senate President Kumar called the meeting to order at 3:33pm. and the agenda was approved.

#### II. Report of the Senate President.

Senate President Kumar explained that the special meeting was called to address one item and he appreciates the efforts of the working group to jointly draft the document.

He noted that similar efforts are being undertaken at other public universities in Ohio and by the Faculty Congress of Ohio.

#### III. Working Group on SB 83 Resolution—Carole Heyward, Dana Hubbard, and Albert F. Smith

The working group explained that the resolution was drafted within a tight timeframe, together with members of the CSU and Law AAUP Chapters. The proposed resolution was included in the meeting materials that were distributed prior to the meeting.

Senator Marino moved the approval of the Joint Statement; Senator Heyward seconded the motion.

The following statement was approved unanimously by voice vote.

Senate President Kumar asked that the statement be posted to the Faculty Senate [website](#) and sent to the CSU offices of the Provost, Board of Trustees, and Government Affairs for appropriate routing.

Joint Statement from Faculty Senate and AAUP Chapters (CSU & Law)

S.B. 83 Ohio Higher Education Enhancement Act

WHEREAS, SB 83 was introduced on March 14, 2023, and is based on fundamental misunderstandings of how American universities in general are, and Cleveland State University in particular is, governed and accredited; of the current state of free speech on Cleveland State University's campus; of how crucial free speech is to academic freedom; and of how limiting freedom of speech would impede teaching, learning, and scholarly discovery;

WHEREAS, a condition of CSU's accreditation is that it be governed by an independent board free of political interference, with a mission statement developed by the University and adopted by the board, but SB 83 would mandate that CSU and other state institutions adopt specific statements as parts of their mission statements;<sup>1</sup>

WHEREAS, the agencies and commissions that accredit various CSU colleges and programs require training on diversity, equity or inclusion, but SB 83 would prohibit requiring programs and training on diversity, equity or inclusion, thereby limiting the opportunity of students to pursue education in accredited programs and careers in these fields;<sup>2</sup>

WHEREAS, scholars at CSU and other public institutions engage in research that seeks to understand and remediate conditions that disparately affect people of different social categories (e.g., diseases that differentially affect persons of particular races or ethnicities; infant and maternal mortality that vary by race or ethnicity), but SB 83 would prohibit providing an advantage or disadvantage on the basis or membership in groups defined by characteristics such as race or ethnicity in any program, policy or activity, thereby limiting the opportunity of faculty and students to pursue cutting-edge scholarship;

WHEREAS, CSU's Faculty Personnel Policies, which are part of the Ohio Administrative Code, and its collective bargaining agreements with faculty affirm the importance of academic freedom to the proper functioning of universities, and cite the American Association of University Professors' 1940 Statement of Principles of Academic Freedom (which itself is incorporated into the Faculty Personnel Policies), but SB 83, if enacted, would contradict these principles by limiting discussion of such issues as climate change, electoral politics, foreign policy, diversity, equity, and inclusion programs, immigration policy, marriage, or abortion;

WHEREAS, CSU has a robust free speech environment, articulated in a resolution jointly endorsed by the Faculty Senate and the Administration,<sup>3</sup> and a green light rating for campus free speech from the nonprofit Foundation for Individual Rights and Expression in Education,<sup>4</sup> but SB 83, if enacted, would in practice have a chilling effect on free speech on CSU's campus;

WHEREAS, CSU provides students in every course with the opportunity to evaluate instruction even though the faculty and Administration recognize that student response rates are low, that the psychometric properties of the instrument used are questionable; and that numerous professional organizations have expressed concerns about the use of such instruments in evaluating faculty performance;<sup>5</sup> but SB 83 would

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<sup>1</sup>Criterion 2, Higher Learning Commission, <https://www.hlcommission.org/Policies/criteria-and-core-components.html>

<sup>2</sup> For example, the American Bar Association, the accrediting agency for all law schools in the State of Ohio, requires law schools to "provide education to law students on bias, cross-cultural competency, and racism: (1) at the start of the program of legal education, and (2) at least once again before graduation." ABA Standard 304. [https://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admission\\_s\\_to\\_the\\_bar/standards/2022-2023/22-23-standard-ch3.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admission_s_to_the_bar/standards/2022-2023/22-23-standard-ch3.pdf)

<sup>3</sup> <https://www.csuohio.edu/about-csu/csu-free-speech-on-campus>

<sup>4</sup> [https://www.csuohio.edu/sites/default/files/Free\\_Speech\\_Expressive\\_Activity\\_Report.pdf](https://www.csuohio.edu/sites/default/files/Free_Speech_Expressive_Activity_Report.pdf)

<sup>5</sup> American Sociological Association. (2019, September; Updated 2020, February). *Statement on Student Evaluations of Teaching*. [www.asanet.org/wp-content/uploads/asa\\_statement\\_on\\_student\\_evaluations\\_of\\_teaching\\_feb132020.pdf](http://www.asanet.org/wp-content/uploads/asa_statement_on_student_evaluations_of_teaching_feb132020.pdf); (endorsed by 21 additional organizations as of February, 2020)

redundantly mandate that state institutions conduct such evaluations of teaching, publish results on their websites; mandate that such evaluations include a question about political bias in the classroom, a question which has undergone no psychometric evaluation and which itself reveals bias; and would mandate that these student evaluations constitute at least 50 percent of the evaluation of any faculty members' performance in the area of teaching; and

WHEREAS, faculty performance is evaluated annually as part of assignment of professional responsibilities, and the collective bargaining agreements (CBA) between the CSU Administration and its faculty specify conditions and procedures for faculty sanction and dismissal, SB 83, if enacted, would intrude on management prerogatives and institutional procedures by mandating a review under various conditions which, if prescribed by law, would limit the enjoyment by faculty members of the guarantees of academic freedom.

NOW, THEREFORE, BE IT RESOLVED that the Cleveland State University Faculty Senate and the Cleveland State University AAUP Chapters urge the Ohio General Assembly to reject SB 83 because enactment of this bill would

- A) result in the University's having to violate the accreditation standards of various Colleges and educational programs within the University, which would harm both current and future students and be detrimental to Ohio's economic future;
- B) limit freedom of speech, academic freedom, and the ability of students to be exposed to and think about ideas; and
- C) interfere with independent management of the University by its Board of Trustees.

#### IV. Report of the Provost and Chief Academic Officer

Provost Sridhar acknowledged the efforts of the working group on the joint statement; he outlined ongoing efforts by the administration to engage with Senate Cirino and address the issues contained in the proposed Senate Bill 86.

#### V. Question Time

Questions came forth on proposed next steps and asking for details on scheduled testimonies on the Senate Bill.

#### VI. Adjournment

There being no further business, the meeting adjourned at 4:20pm.

Respectfully Submitted,

**APPROVED ON APRIL 26, 2023**  
Dana Hubbard, Faculty Senate Secretary

(Corrected administrative errors regarding numbering and included the notation that this was a special meeting—11-1-2023)