

Michael Poliakoff:

Welcome to Higher Ed Now. I'm Michael Poliakoff, the President of the American Council of Trustees and Alumni, and today we have the privilege and the honor of interviewing Senator Jerry Cirino from the 18th Ohio Senate District of Ohio. Senator Cirino entered the Senate in 2020 with 60% of the vote and was returned just this last November to the Senate. He's been a very active member of the Senate, a Vice Chair of the Senate Finance Committee, and has introduced some legislation of great importance for higher education, an example around the nation.

He brings to his political work the experience of a long and successful career in business. He was the founding CEO of SourceOne Healthcare Technologies with sales in excess of \$1 billion, brought many jobs to Lake County. And his devotion to service has been clear throughout his entire career, Chairman of the Board of Trustees of Lakeland Community College, a board member of Lake Health Systems, and of Lake Erie College.

With that experience within the last year, he did some things that are models for the nation that ACTA was very proud to support, first getting five independent institutes of civic education funded and started in the state of Ohio. I might even tell a little joke about that. When the storied filmmaker, Cecil B. DeMille was doing his great epic film on the life of Christ, DeMille was not always quite so perceptive about history. And he said to his assistant, "Who are those guys?" And the assistant said, "Oh sir, they're the Twelve Apostles," to which Cecil B. DeMille said, "Make them 50."

So the reason I'm telling this story is that Senator Cirino heard about the independent institutes that had started in Tennessee and in Florida and in Arizona. And seeing how important having this kind of commitment to the history of our nation and the understanding of its government is, immediately thought, "This is something that has to be done at scale in Ohio." And we have now the Salmon Chase Institute up and running at Ohio State University and four more rapidly coming online. This is a great gift to the people of Ohio and an example to the nation.

And we also had the privilege of giving testimony and support of Senate Bill 83 last year, an omnibus bill that got to the very heart of some of the biggest gaps and problems in higher education, the absence of an American history requirement for all undergraduate students. And that appeared in Senate Bill 83 with very clear prescriptions about what had to be in the bill, and a real serious clear agenda to move the misplaced efforts of diversity, equity, and inclusion to the thing that matters the most, namely intellectual diversity and fairness to all students. And rumor has it that we're going to see this bill come back. And with that, I want to turn this over to Senator Cirino to tell us more about what's going to happen.

Senator Jerry Cirino:

Well, thank you Michael. It's great to be with you. And I guess we were introduced about three years ago by a mutual friend, and it has been great to work with you, to get your viewpoints and that of ACTA in general to help us navigate through some of the higher education reform that we are attempting to get completed here in Ohio.

The five independent centers that you mentioned a moment ago are really very critical. And we are the only state in the United States to have, I think, more than two. We're certainly the only state to have five of these. And they are fully funded in a special line item in the legislature, and they will be funded again in the next biennial budget. And we are very excited about the progress that we're making, particularly at the Salmon Chase Center at Ohio State, which is the furthest along. And we'll soon be offering courses and hiring faculty and really getting off to a good start.

Senate Bill 83, as you know, was introduced about six months into the last General Assembly, and it passed the Senate in June of '23. It went over to the House, and it took till the following December for the House to pass the bill out of their committee, but then it did not get a floor vote for any number of reasons. But let's just say there was not support at the leadership level to get that bill on the floor. And so, our General Assembly expired this past December, and so we have to now reintroduce the bill. So I am planning to reintroduce it in a matter of days. We don't have a number for it yet. That will happen shortly, but it'll be indicative of the importance of this bill.

And it will be the same bill that passed out of the House committee, which was the "dash 11" version, which reflected many changes I made, but with some things added back to it that the Senate passed previously to make the bill stronger, particularly in the areas of not allowing faculty to strike, which would be an unfair interruption of the delivery of student instruction and the banning, with some exceptions, of DEI expenditures, offices, titles, et cetera. In our public universities and community colleges. It's very exciting. It is going to be a landmark higher education reform bill, and I am quite excited to get the process started here.

Michael Poliakoff:

I actually want to start by looking at what you have done for what President Reagan called informed patriotism, starting institutes that are independent of the departments within the university so that they have their own hiring authority, their own mission, their particular commitment to intellectual freedom to debate and discourse. All of that was in the enabling legislation.

And also, within this bill that will be the revival of Senate Bill 83, a recognition that every undergraduate needs a firm foundation in the core principles of America, the American story. And so, you've specified within the bill that every student will need to read and understand the Declaration, the Constitution, some Federalist papers, the Emancipation Proclamation, the letter from Birmingham Jail. And that is in and of itself, I'm sorry to say, revolutionary in this country.

ACTA has, as you know, tracked core curriculum requirements for some years, and only 19% of the 1,100 colleges and universities that we track have a single requirement for American history and government. And you are introducing legislation that will make this part of the education and afterwards the lives of thousands and thousands of students in Ohio. That's an extraordinary contribution and a model to the nation. I wanted to get your thoughts and understand what brought you to this, your motivations for doing this really quite remarkable legislation.

Senator Jerry Cirino:

Well, the requirement for three hours minimum in order to get a bachelor's degree at one of the public institutions really came from my view and talking with young people, mostly Millennials, who simply in casual conversation about the basics of our country's history, our founding, the documents as you mentioned, I just found it quite amazing how very little exposure these young people have had to those concepts. And when we see statistics about the embracing of socialism by our young people, we sit back and we wonder why. Well, we have not schooled them on the free market capitalism. We have not schooled them on the historical massive problems that socialism, when it has been experimented with, has resulted in.

And so, this was a small thing in the bill that again, if you are in a university or college today, and unless you're majoring in history or political science or some government related major, and even then it's not even guaranteed. But if you are not majoring in any of those things, the chances of you ever being

exposed to any of the concepts you described and that we have described in the bill, it would be extremely, extremely low. Okay?

But the irony of this, Michael, that really I find kind of interesting is that there was a great article published recently in the Chronicle of Higher Education, written by a professor from Case Western Reserve University who was complaining that and pointing out that the universities around the country today, that they have allowed and actually fostered every subject to become politicized.

So on the one hand, we have our students who might be majoring in architecture or medicine, a non-social study type of major, being politicized because their faculty members have seen fit to do that. And at the same time, they are not being exposed to what we might consider the counter-arguments of American history and civics and the founding documents and so on.

And I'm talking about knowledge about our country, the good, the bad, and the ugly. This is not a sterilized version of American history that we're talking about propagating. We're talking about everything that we've done right, everything we've done wrong, policies that worked, policies that didn't work, et cetera. And I think this is so very important. And if we can't figure out how to require a three-hour course in civics engagement, then our educational system is truly failing.

Michael Poliakoff:

You are very much on the cutting edge, Senator. I was thinking with real optimism that we're seeing growing bipartisan support for this kind of requirement, although some people on the left will dismiss it as simply a right-wing initiative, which is totally inappropriate. More reasonable thinkers have recognized that whether we're Democrats or Republicans, liberals or conservatives, the only way forward is to understand the American story, the dialogue, the debates. And that becomes the basis for making prudent decisions about the future.

It was really quite dispiriting to read right after the Russians invaded Ukraine in a survey that was done by Quinnipiac University that only 45% of the young Americans said they would stay and fight if Russia invaded us. And where does that come from? It comes from abysmal ignorance of what has transpired in this country. Yes, the failures, there are plenty of those, and a good course will acknowledge them, but also recognize them in the context of a people striving for great things, striving for that more perfect union. And so, I am very grateful, I'm sure the country is very grateful that you are doing something at scale for your state.

I want to come back though to something that you just mentioned in passing, the issue of misrepresentation in courses that have in many ways nothing to do with social or political history. And in this omnibus bill, you have a very, very wise provision that in those student evaluations, which are done for better or worse, but speaking as a former professor I say for better, that one of the criteria would be the fairness and objectivity with which the professor presents material; that it doesn't become an echo chamber. And I'm very glad to see that. What are your thoughts on that?

Senator Jerry Cirino:

Well, it's interesting. That was in my original version as well, and it has survived the various amendments to the bill, to 83 over the course of the last year and a half. And it was amazing. During the hearings that we had, and we had extensive hearings, one of my hearings as you may remember, lasted seven and a half hours. The vast majority, 99% was opposition testimony. And that's okay. I wanted to hear from everybody and give everybody a chance to speak.

But they were very vocal on the subject of faculty evaluations. And I couldn't figure it out, because I came from the business environment that you mentioned earlier. And evaluations have been, they've

been doing 360 evaluations in private businesses for a very, very long time. And I couldn't figure out why they were so particularly concerned about student evaluations. The students are the customers. Could you imagine Costco not surveying customers periodically to see what their level of satisfaction is? Or any such example, I could bring up dozens of them.

The fact of the matter is, and we did the weighting of the evaluations very carefully so that a student who just doesn't like a professor is not going to be able to do them in with unfair commentary or evaluation. So in the bill, there are six measures, six components, of which teaching is one of them. And within that teaching component, within that one-sixth component, 25% of that evaluation comes from student evaluations. Okay?

And I added this because I heard so much from the faculties. I added an appeals process so that if a faculty member feels that they have been unfairly characterized by a student or a group of students that got together to try to undo the professor's career, that they would have an appeal process through the dean and the provost and so on.

So I think it's a very fair measure. It's appropriate. And again, if your focus is on the students and you think of the students as customers, you can have no credible reasonable objection to these kinds of evaluations.

Michael Poliakoff:

Well said. And obviously, there are many measures that go into judging the contributions, the competence of any member of the academic community, but the students really do matter. And ACTA does quite a lot of surveys of students, and we find all too often that students say they feel that they have to agree with the professor to get a good grade. That's outrageous.

Senator Jerry Cirino:

It is.

Michael Poliakoff:

And transparency, sunshine, these are things that Senate Bill 83 proposed to do. It won't be a silver bullet, but it sure will be something that might, to change the metaphor, give us a little bit of antiseptic against what's really unprofessional practice.

Senator Jerry Cirino:

And there's another bit of irony here in that again, some of the same people who testified or wrote to me objecting to this were also the same people who were declaring that this bill is anti-free speech. Well, what about the speech of the students who have a right to be heard by people in authority about the quality of the instruction that they're receiving?

Michael Poliakoff:

And to put a historical slant on this, it was in Germany that those terms for academic freedom first came to light. One of them was *Lehrfreiheit*, the freedom to teach, and the other was *Lernfreiheit* the freedom to learn. And there is no freedom to learn if the lecture is simply an indoctrination session.

Senator Jerry Cirino:

Correct.

Michael Poliakoff:

And in fact, it can be even more demoralizing for the student to be browbeaten, to be embarrassed, and will ultimately really destroy the dialogue that's so important for education. You have been very brave in opposing the excesses of diversity, equity, and inclusion, DEI, which has done quite a lot of damage. And of course, it's a sign of how out of step so many universities are with the nation.

Americans believe in what Dorian Abbot, a professor from University of Chicago, whom you met at one point in that wonderful summit that you held for the trustees. Dorian said, "Let's replace DEI with merit, equality, fairness." And that's what Americans typically believe in. Where did we ever get the idea that meritocracy was somehow a repressive kind of mindset? It's what catapulted this nation forward to be able to come up with innovative ideas, to make money from those innovative ideas, to be rewarded for them. And yet, we have universities that have asked for essentially loyalty oaths, using DEI screenings for faculty hires, thumb on the scales for admissions even now after the Supreme Court has ruled that kind of thing illegal. Still there are end runs that are being attempted around it. I'd love to get your further thoughts and really know about the fire in your belly that has created within Senate Bill 83 some very, very firm provisions to make sure that we move back to merit, fairness, equality.

Senator Jerry Cirino:

Well, we never should have left there in the first place, but be that as it may, that's where we are, particularly in the last five or six years. Look, I've said this before, that for the state of Ohio, we want a system that is set up so that every student has the chance to make whatever post-secondary educational decisions they would like to make. We need to have access to institutions, geographically and physically. We have 14 public universities and 22 community colleges and probably over 55 private colleges and universities in Ohio. So access is important.

We have to address the cost issue because it is still too costly for a university or college degree. But we want to make it available to everybody, because we all know that all the many factors that impact what your future is going to be, particularly economically, that education is the best ticket to improve your economic standing. Okay? It's not a guarantee. You and I both know a lot of highly educated people that we would never hire for anything. But it certainly increases your odds of success. Right?

So we want to make that available to everybody. We want them to get the kind of education that we should be giving them, and that is not indoctrination, but teaching them the skills of analysis, of doing how to do research, how to look at different sides of issues so that they can make up their own minds. And they need a faculty that's cooperating with that. And when you have a faculty that sees life through a specific prism, generally that is what they're going to convey to the students, and they're selling the students far short of what they should be getting for the amount of time and money that they're putting into their education.

So yeah, I'm passionate about this because I tell you, I've talked with lots of faculty and students who were afraid to come in and testify at my various committee hearings, whether it was Senate Bill 135, which four years ago was my first higher ed bill or Senate Bill 83. They come and talk to me, they call me and they say, "Look, here's what's going on. I have to self-censor all the time. If I'm a faculty member, I'm afraid I'll be ostracized. I won't get invited to the cocktail parties. I won't get promoted. If I'm seeking tenure, I'm not going to get tenure."

All of those things, and there's a real fear in the minds of these people. I never, Michael, press them hard to come in and testify because I would not want to jeopardize somebody's job in a faculty case or jeopardize a student getting a failing grade. But what they do is they simply self-censor and let the other side get away with what they're doing. And that has got to stop. We have got to get to true intellectual

diversity in our universities, and that means that the boards of trustees, who are the governing bodies of our institutions, have to in my bill, they have to make a firm public commitment to intellectual diversity in their institutions in all the policies and decisions that follow with that in order to justify their existence.

Michael Poliakoff:

It is one of those sad ironies that people who ought to know the cost of repressing intellectual diversity and intellectual freedom are sometimes the ones who are the most eager to repress it. We can go all the way from Galileo through Semmelweis on into our century. Einstein never got a Nobel Prize for relativity because the Nobel Committee, really with a terrible prejudice, dismissed it as Jewish science. He got his Nobel for the photoelectric effect, which was certainly a very important breakthrough.

Senator Jerry Cirino:

Right.

Michael Poliakoff:

But this breakthrough that was so important for all 20th and 21st century science was never recognized. And when we come to the modern university, there are way too many faculty members whose careers really went right onto the rocks because they opposed the fashions of the day. And I'm so glad that you have built into legislation things that will at very least make those faculty and administrators who want to do that kind of bad behavior think twice that they're actually going to be breaking the law.

Senator Jerry Cirino:

Right. And we're actually seeing in the work that's being done to set up the five centers, the independent centers, now there's a lot of recruiting going on and discussions with potential faculty members. A lot of these individuals who have in the past felt self-censored or discriminated against are coming out and finding one of these centers as a friendly place to be. And I think that's going to only increase.

I think, Michael, if you look at what is the rationale for these folks who supposedly protect free speech and academic freedom to at the same time suppress it? I think it's because of an egalitarian viewpoint on life, that they are the guardians of what is right and wrong. They know better, and therefore it is okay ethically for them to foist their views on the rest of us who are not quite egalitarian. Right? That's sort of the justification, I think, that many of these folks, whether it's conscious or not, I think that's the rationale that they use to support what is clearly a case of misunderstanding of the concepts.

Michael Poliakoff:

And getting back to merit, equality, and fairness will be the way that we move forward with real understanding, with mutual support, and with our eye on the future. What have I missed, Senator, in that big omnibus bill that we ought to bring to the public's attention?

Senator Jerry Cirino:

Well, I'm glad you referred to it that way, because it is big and it has about what I would call 13 major components to it. We've talked about a bunch of them today. If I can, I can quickly run through a few others that I think are important and related.

One of them is a no-strike provision by faculty. This was in the original bill passed by the Senate in Senate Bill 83 in the last General Assembly. And here's my rationale for this. It's really quite simple and quite legal, that in cases where there are unionized faculty, not every university or community college has that.

But I look at it this way, when a student signs up for a semester of coursework, they pay in advance. That becomes a contract between the student and the institution, and because these are public institutions, therefore the state as well. Okay? So it's proper language for a contract. There is consideration. Right? And there is performance, which are standards for contractual arrangements in our legal system. Why should we allow a third party, a labor organization on a campus, for example, to actually step in as a third party and do something that is going to interrupt the delivery of the services that were a part of that contract just because they want a better dental plan or they want fewer working hours or whatever. Okay? There are other means for them to negotiate those kinds of issues if they have them, and they have a right to organize and to do that. I'm not anti-union. But they should not be using the students as pawns.

Think of what would happen if a faculty union decided that they were going to strike in March right before graduation, before a semester is completed, and/or that they would actually do that or that they were threatened to do that in order to extract benefits from management. Right? We simply can't have that. We can't have that. That's an important part of this.

Post-tenure review of faculty, these are lifetime jobs, as you know. And nobody should have a job for life no matter what. Annual faculty performance reviews, again, I don't understand why anybody would ever object to that except a poor performer. Businesses have been doing that for decades. Okay? Retrenchment in faculty workload. We're also going to be giving the presidents and the boards of trustees more authority to make unilateral decisions about that because programs change, workforce demands are changing, the student demographics are changing. And we can't take three or four years to figure out how to work it out under a shared governance model. So syllabus transparency and asking the chancellor to come back to us with recommendations for how we can have more three-year bachelor degrees.

That's a quick rundown of what's in the bill. They are all related to higher education, certainly, and all focused with the student's best interest in mind. And that's why this bill is so important to Ohio.

Michael Poliakoff:

It's important for the nation. One of the things that I fear is often neglected when we see the university focusing on the things that the faculty might want is the face of the students. The students who themselves or with their families, and certainly with taxpayer funds, have come there with their aspirations, who put themselves into their academic work. I shouldn't speak in the first person. This is ACTA. We see the faces of the students, and we see the faces of the students as they become contributing citizens to the nation. And that's where the focus has to be.

Senator Jerry Cirino:

Right.

Michael Poliakoff:

And you expressed that so very, very well.

Senator Jerry Cirino:

Michael, what of the most disheartening things I experienced during the hearings on Senate Bill 83 was when students came in to testify, and it was crystal clear to me that they have been put up to do this by their faculty. I'm pretty certain none of them read the bill. Okay? They were given some notes and some words to use and so on, but they were put up to testify against this bill, which was really for them by their faculty. Many of the faculty who didn't want to come in and testify got their students to do it for them.

I think that's just egregious. And obviously, anybody can come in and testify certainly, and so I would welcome students to come in. But it would be nice to know that they are actually there to testify on things that are important to them, not because they're going to get extra points from their faculty member, from their class for coming in and showing that they are against this legislation. It was very disheartening to see. I suspect we'll see some more of it, but we're going to work on behalf of the students whether they realize it or not.

Michael Poliakoff:

That's so well said. Senator, thank you. Thank you so much for what you're doing. And I am not a resident of Ohio, although I quite love the state. But speaking for the nation, you're doing something that will be a paradigm for others to follow. And I wish you all success with this venture, and ACTA will be celebrating those sorts of breakthroughs that are going to guarantee for the students real preparation for meaningful career, service to their community, and informed and engaged citizenship. That's what we hope that all political effort will be directed towards.

Senator Jerry Cirino:

Absolutely. Well, that's great. And again, I appreciate Michael ACTA's support and your personal support and wisdom as we've gone through these several years now. We are going to get there. It's going to be maybe a bit of a slog, but we are going to get there. We're not going to give up.

Michael Poliakoff:

Thank you for that. And I will look forward to seeing you I hope before too very long, and to celebrate your achievements.

Senator Jerry Cirino:

Thank you, Michael.