SB 83 Changes Summary

- **Private Institutions (pgs. 1)**
  - Deletes entire section

- **Endowment Funds (pgs. 2-8)**
  - Clarifies existing law pertaining to enforcement of charitable endowments by removing uncertainty about whether a benefactor has the right to enforce his or her own endowment agreement when it has been breached.
  - Prohibits the benefactor or their representative/estate from seeking damages or reclaiming any of the donor provided funds.

- **Trustee Training (pgs. 8-10)**
  - Takes 3333.0419 of the ‘As Introduced’ and merges it with current law (3333.045)
    - Current law requires the chancellor’s office to develop a training program, but does not require the office to deliver the training. SB 83 would place specific topics for training into law, as well as require the chancellor’s office to administer the program.

- **Trustee Term Limits (pgs. 10-23 & 49-81)**
  - Changes the length of term for governor appointed boards of trustees at all state higher education institutions from nine years to four years.
  - Removes the requirement for a four-year wait period between reappointment.
  - Exempts student trustees from the four year term requirement.

- **Syllabus Transparency (pgs. 23-26)**
  - Provides the option for state institutions of higher education to allow individual professors to upload their publicly available syllabus to their own websites.
  - Changes the timeline for uploading the syllabus to “no later than the first day of classes,” from “seven days prior”.
  - Changes the requirement for institutions to keep public old syllabi for two years and instead requires the professor to share old syllabi for up to two years, upon request.
  - Exempts the publishing of information and syllabi for CCP teachers who teach outside of the college grounds.

- **Section 3345.0216 (pg. 26)**
  - Changes “affirms” to “declares” in each division.
  - A couple language changes in the following mission statement additions:
    - (B) The institution declares that its duty is to **equip students with the opportunity to develop intellectual skills** they need to reach their own informed conclusions; **rather than “equip students with intellectual skills.”**
    - (C) The institution declares that its duty is to ensure that within or outside the classroom, the institution will not require, favor, disfavor, or prohibit speech or lawful assembly; **rather than “no aspect of life at the institution.”**

- **Intellectual Diversity (pgs. 26-32) - These changes were made to ensure that no topic or concept was barred from being discussed and debated in the classroom, but to ultimately ensure that multiple viewpoints are discussed and a student’s own decisions can be made. Changes also ensure that institutions can celebrate heritages, events, etc. (ex. Black History Month) and ensures the administrations and government affairs teams can participate in**
legislative discussions. In addition, works to clarify that mandatory DEI training programs that would affect accreditation, grants, etc. will be allowed to continue.

- Changes “climate change” to “climate policies.”
- Clarifies the definition of intellectual diversity as “multiple, divergent, and varied perspectives on an extensive range of public policy issues.”
- Removes the prohibition on boycotts, disinvestments, or sanctions.
- Replaces “guarantee” with “declare” throughout the section.
- Provides exemptions for the prohibition on mandatory DEI training courses if compliance is needed for: with state and federal laws, regulations, or professional licensure requirements; for obtaining or retaining accreditation; for securing or retaining grants or cooperative agreements.
  - Requires each state institution, prior to the initial offering of a diversity, equity, and inclusion program to request from the chancellor an exemption for the program under (B)(1). The request shall include:
    - (a) The specific law, licensure requirement, accreditation, grant, or cooperative agreement at issue;
    - (b) The specific language in the law, licensure requirement accreditation, grant, or cooperative agreement that requires the training;
    - (c) A detailed description of the diversity, equity, and inclusion program or training to be taught, including any materials that will be used;
    - (d) The specific population of individuals who will be mandated to take the training;
    - (e) The number of times the training is expected to be offered on a six-month basis;
    - (f) An estimate of the cost of the program or training;
    - (g) In the case of an exemption sought for an accreditation, proof that alternative accreditation has been researched and evaluated. An alternative accreditation is an accreditation that would obtain the same or similar results for the institution while not requiring a diversity, equity, and inclusion program or training.
  - Requires a new request of approval if a change to the program is required.
  - Requires the chancellor’s office to prepare a report every six months that summarizes all exemptions sought, as well as how many were approved or rejected. The report will be shared with the chairpersons of the standing committees for higher education issues.
- Unifies the definition of terms throughout the section to provide clarity.
  - Ex. “Controversial matters” to “controversial beliefs or policy”
- Deletes “comment” or “take action” as prohibited activities an institution can partake in on controversial policies or beliefs, specified concepts or ideologies.
- Inserts a new division that states, “Nothing in this section prohibits faculty or students from classroom instruction, discussion, or debate, so long as the faculty remains committed to expressing intellectual diversity and allowing intellectual diversity to be expressed.”
• American History Requirement (pgs. 33-35)
  o Requires the chancellor’s office to create the American government or history course under the Ohio Transfer 36 program, which allows for possible exemption.
  o Requires the chancellor’s office to develop a test for individuals to test out of the course requirement, which allows for possible exemption.
  o Clarifies that the course requirement is only for bachelor’s degree programs.
  o Changes date of implementation from 2026-2027 to the 2028-2029 academic year.
• Faculty Workload (pgs. 35-37)
  o Changes the review and updating of tenure policies from three to five years.
  o Removes the full time workload “twelve-month per year” requirement.
  o Removes the requirement for the annual numerical score from student evaluations to be published publicly.
  o Clarifies these sections only apply to those with a current tenure policy.
  o Takes effect July 1, 2024.
• A NEW SECTION – Tenure & Retrenchment Policies - (pg.39-41)
  o Requires each board of trustees to develop policies on tenure and retrenchment, in addition to those in 3345.45-453, and submit these to the chancellor’s office every five years.
• A NEW SECTION – Collective Bargaining – (pg. 41)
  o Prohibits policies in 3345.45-453 from being included in collective bargaining and states that these policies prevail over any conflicting collective bargaining agreement provisions.
  o Clarifies these sections only apply to those with a current tenure policy.
  o Takes effect July 1, 2024.
• Chinese Relations (pgs. 42-44)- These changes were made to clarify the intent that students from China are still permitted and encouraged to attend our state institutions of higher education, and the respective students tuition and fees were not included in prohibited gifts and donations. In addition, the changes work to establish a process for new and renewed programs while adhering to federal law in reporting.
  o Clarifies that prohibited monies from the People’s Republic of China, and its other entities, do not include payments from Chinese citizens related to tuition, cost of instruction, or donations from alumni.
  o Replaces the “As introduced” reporting requirement with current federal law (20 U.S.C 1011) for incoming donations and gifts from the People’s Republic of China.
  o Requires all state institutions of higher education entering into new, or renewed, academic relationships in China to maintain sufficient structural safeguard to protect intellectual property and national security interests. Also requires the chancellor’s office, in consultation with the attorney general’s office, to approve/disapprove requests for new programs, which is determined by satisfaction with the above safeguard policies.
  o Requires the auditor’s office to now include a review of China policies and donations/gifts in its periodic audits of state institutions of higher education.
• Nondiscrimination Section (pgs. 46-49) - These changes were made to ensure scholarship dollars were not disrupted. Changes were made to clarify that same-sex dormitories, sports,
ROTC programs, clubs etc. were not included in the prohibitions and the intent was classroom settings.

- Removes “material benefit” from the definitions.
  - This removal was made in order to ensure scholarships, such as need-based, were not affected.
- Removes and changes language throughout this section to ensure that prohibitions on segregating faculty, staff, and students is limited to credit-earning class settings, formal orientation ceremonies, or formal graduation ceremonies.
  - This still includes current language regarding the prohibition of segregation of faculty, staff, and students in admissions, hiring, promotions, tenuring and workplace conditions.
- Deletes ambiguous language regarding the prohibition on hiring of faculty or staff to provide instruction on certain specified concepts; instead clarifies that no state institution of higher education shall train or require training that advocates or promotes certain concepts.