

Report to Senate via Faculty Council

Committee on Academic Freedom and Responsibility

The Ohio State University

5 October 2026

The Salmon P. Chase Center for Civics, Culture, and Society (hereafter the Chase Center) promises to provide campus programming in a way that, its leadership claims, will expand the diversity of voices on our campus. By law, its first mandate is to “educate students by means of free, open, and rigorous intellectual inquiry to seek the truth.”¹ The bill further states that the Chase Center is responsible for “offering university-wide programming related to the values of free speech and civil discourse” and “expanding the intellectual diversity of the university’s academic community”. On its face, therefore, the establishment of the Chase Center would seem to *expand* academic freedom by diversifying opportunities. On what grounds, therefore, could a claim be made that the establishment of the Chase Center establishes “conditions which may [negatively] affect the academic freedom or responsibility of the faculty of the university”?

Here, we identify one basis for concern. This basis combines two worrying features of the Center: (1) the unusual and largely unaccountable power vested in the director of the Center, and (2) The nature of its mission. We introduce the two features, and then explain why their combination poses a credible threat to academic freedom.

CAFR’s mandate

The Committee on Academic Freedom and Responsibility (hereafter CAFR) is charged to “study all conditions which may affect the academic freedom or responsibility of the faculty of the university.”² If the committee finds “that any such condition or proposed change adversely affects academic freedom, responsibility, or tenure, it shall report that find promptly to the [University S]enate for its review.” This document constitutes such a report.

CAFR understands academic freedom as the freedom of all those engaged in research and teaching for Ohio State University to research, to seek to publish and otherwise disseminate their research, and to teach, as they judge is appropriate. This freedom is secure only when:

- its exercise is promoted and protected by both the stated content and actual application of university policy;
- its exercise is not threatened, in policy or effect, by the broader politics and policies that surround the university.

¹ Ohio Revised Code Section 3335.39, “Salmon P. Chase center for civics, culture, and society”, §A.1.a:
<https://codes.ohio.gov/ohio-revised-code/section-3335.39>

² Ohio State Rule 3335-5-48.9, Committee on Academic Freedom and Responsibility, §B.1.

[1] The powers of the Center's director

Ordinarily, the creation of a new center at the University (or the expansion of an existing center or department with the hiring of a significant number of faculty) would require the presentation of a proposal that would be approved by OAA, the University Senate, and the University Trustees.³ Uniquely, the Chase Center was created directly by state legislation.⁴

The legislation that created the Center guarantees it an unusual degree of autonomy from other parts of the university and vests extraordinary power in the director of the Center, for example, to:

manage the recruitment and hiring process and to extend offers for employment for all faculty and staff, and to terminate employment of all staff. The director shall oversee, develop, and approve the center's curriculum, including approval of the center's courses that meet the university's general education requirements.⁵

These legislatively-mandated powers supersede the rules contained, for example, in the Center's Appointments, Promotion, and Tenure (APT) document. The Chase Center's APT document states that "nothing herein contained shall be construed or interpreted or utilized to conflict with or alter the Director's authority."⁶

The powers vested in the director by this legislation includes many powers which are in all other cases subject to review by college committees. In short, the Center stands outside of regular mechanisms of university self-governance.

The powers vested in the director include powers which CAFR takes to directly infringe upon faculty academic freedom. For example, part of academic freedom is the freedom to propose, on the basis of one's expertise, novel curriculum to teach, subject to oversight by appropriate university committees. However, by the quoted legislation, the Center director has complete curricular control over courses taught at the Center.⁷

³ In January 2025, the Center's director brought a proposal to the University Senate—essentially to grant permission for the Center to exist—which failed to pass. By the time of the Senate vote, the Center had been mandated legislatively and a director and core staff had been hired. In effect, the Center sought an ex post facto endorsement from Senate. Since the vote against the Center's proposal, the Center has not brought a revised proposal to Senate.

⁴ Ohio House Bill 33 was enacted 3 October 2023 by the 135th General Assembly and amended by House Bill 96 on 30 September 2025. See <https://codes.ohio.gov/ohio-revised-code/section-3335.39>

⁵ <https://codes.ohio.gov/assets/laws/revised-code/authenticated/33/3335/3335.39/9-30-2025/3335.39-9-30-2025.pdf>

⁶ <https://oaa.osu.edu/sites/default/files/documents/Chase-Center-APT.pdf>, §IIIA.

⁷ We note that SB461, which was introduced but has not currently passed into law, would extend the powers of the Center director in ways that would dramatically exacerbate the academic freedom concerns raised here. For example, this legislation states that: "The director's authority includes determining the salary, tenure, and rank of faculty", and that "The director shall have the sole, exclusive, and unlimited authority to oversee, develop, and approve the center's curriculum, including which of the center's courses the director, in the director's sole and exclusive discretion, determines meet the university's general education requirements." (https://search-prod.lis.state.oh.us/api/v2/general_assembly_136/legislation/sb461/00_IN/pdf lines 258-266).

[2] The Center's origin and mission

We take the extraordinary powers of the Center's director to themselves constitute threats to academic freedom. However, we take these threats to be aggravated by the ideological nature of the Center's *de facto* mission.

The stated mission of the Center is to expand the "intellectual diversity of the university's academic community."⁸ This mission statement should be understood in the political context of its creation. The Chase Center was created by legislation that received votes only from members of one party.⁹ This legislation was motivated by a diagnosis, popular in some circles in American politics, that Universities are in the grip of "leftist" ideologies, causing students to become hostile to Republican ideas.¹⁰ In response to this diagnosis, the center's mission *de facto* centrally involves promoting voices who are perceived as friendly to contemporary "conservative" politics. And its track record of hiring appears to answer to this *de facto* mission. In short, both the mission of the center and its execution can reasonably be described as politically mandated affirmative action for those with a specific range of political views.

Implications for academic freedom

These features of the Chase Center create two conditions which threaten to erode academic freedom at Ohio State:

1. The faculty in the Chase Center are (and can reasonably believe that they are) subject to the largely unaccountable power of the director of the Center, and
2. the *de facto* mission of the Center is ideological in nature, seeking to promote ideas deemed friendly to conservatives.

Under these conditions, two things are true. First, the director of the Center has unusual and unaccountable power over faculty. By itself, this inhibits academic freedom. Second, in light of the combination of this power, and the ideological nature of the Center's *de facto* mission, faculty in the Center have powerful incentives to ensure that their research and teaching promote ideas congenial to contemporary "conservatives", regardless of their own assessment of the evidence for and against those ideas.¹¹ In short, it is reasonable to conclude that faculty in the Center lack robust academic freedom.

⁸ Chase Center Mission: <https://chasecenter.osu.edu/about/mission>

⁹ Record of votes: <https://www.legislature.ohio.gov/legislation/135/hb33/votes>

¹⁰ As the bill's principle sponsor, Jerry Cirino, elaborated in a press statement to explain the purpose of the legislation:

Senate Bill 117 is historic because it establishes independent academic centers at five of Ohio's public universities. That is unique because there is nothing like it, at this scale, in any other state. *The bill is needed because ideology is replacing the lessons of history on campus. ... Students [are] not becoming versed in America's founding principles of free speech and liberty, they are punished for exercising those rights when they violate leftist ideology.*

Source: Jerry Cirino (2023) Special Commentary by Senator Cirino on Landmark Higher Education Reform, July 7, 2023, <https://www.ohiosenate.gov/members/jerry-c-cirino/news/special-commentary-by-senator-cirino-on-landmark-higher-education-reform>

¹¹ This is true even if the director of the Center has not ever in fact wielded their unaccountable power in ways that reward or punish ideological conformity. It is a widely respected principle that academic freedom may be threatened

The existence of a Center whose faculty lack robust academic freedoms threatens academic freedom at The Ohio State University more generally. If academic freedom is not robustly protected for all faculty, it becomes a privilege, not a right. Put otherwise, the very existence of a unit with weak protections for academic freedom weakens the confidence in academic freedom enjoyed by all faculty. This threat is reinforced if the status quo at the Chase Center is interpreted as being institutionally compatible with the University's policies and norms concerning on academic freedom.

Findings

1. CAFR finds that the combination of the unaccountable power of the director of the Chase Center, together with the ideological nature of the Center's de facto mandate, create conditions that deprive the Center's faculty of robust academic freedom.
2. CAFR finds that this deprivation threatens the academic freedom of the broader University community.
3. CAFR issues this report to the University Senate with the recommendation that the Senate constitute an ad hoc committee with the mandate to
 - a) clarify the standing University policy on the academic freedom of the faculty of the Chase Center;
 - b) clarify to the Senate the standing policies of the Chase Center, and how those policies protect the academic freedom of their faculty. For example, it would be helpful for the Chase Center to affirm that all of the University's rules which protect academic freedom apply to faculty in Chase (or clarify where the Center itself understands that such rules do not apply to its faculty).
 - c) make recommendations concerning these policies to the University Senate in light of CAFR's findings concerning academic freedom.
4. Recognizing that the Chase Center is the only Center or Institute on campus which lacks a formal mandate from University Senate, CAFR recommends that the University Senate formally request a revised proposal from the Chase Center with includes assurances for the protection of the academic freedom of its faculty.

by the mere expectation that expressing certain views will cause difficulties: the *locus classicus* is Felix Frankfurter's concurrence in US Supreme Court case *Sweezy v. New Hampshire*, 354 U.S. 234 (1957), where he writes:

Progress in the natural sciences is not remotely confined to findings made in the laboratory. Insights into the mysteries of nature are born of hypothesis and speculation. The more so is this true in the pursuit of understanding in the groping endeavors of what are called the social sciences, the concern of which is man and society. ... For society's good—if understanding be an essential need of society—inquiries into these problems, speculations about them, stimulation in others of reflection upon them, must be left as unfettered as possible. Political power must abstain from intrusion into this activity of freedom, pursued in the interest of wise government and the people's wellbeing, except for reasons that are exigent and obviously compelling. ... This means the exclusion of governmental intervention in the intellectual life of a university.

Cf. David Rabban (2024) *Academic Freedom: From Professional Norm to First Amendment Right* (Harvard); Keith Wittington (2024) *You Can't Teach That: The Battle Over University Classrooms* (Polity).