

Report to University Senate via Faculty Council
Committee on Academic Freedom and Responsibility

The Ohio State University

22 December 2025
Revised 27 February 2026

The Advance Ohio Higher Education Law, enacted from Ohio Senate Bill 1 (SB 1), imposes new restrictions on institutional DEI infrastructure and compelled ideological practices at public universities in Ohio. However, contrary to an interpretation circulating at The Ohio State University, SB 1 does not prohibit faculty from participating in professional service related to diversity, equity, and inclusion (hereafter DEI), nor does it require the exclusion of such service from promotion, retention, and tenure (PRT) evaluations.

The statute targets institutional structures, such as mandatory DEI offices, trainings, and diversity statements, not discipline-based faculty activities. Within SB 1's boundaries, scholars and academic units retain discretion to recognize DEI-related activities when evaluated using content-neutral criteria like effort, impact, and leadership.

To ensure compliance while preserving academic freedom and scholarly integrity, The Ohio State University should adopt discipline-level governance for service evaluation, align funding and language with statutory prohibitions, and issue clear guidance affirming that DEI-related activities may be counted in PRT. In keeping with discipline-level governance, leadership roles in professional organizations and other outside academic activities should be recognized as service when evaluated against content-neutral criteria.

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”. 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.

The legitimate obligations of academic responsibility are justified by the same basis that justifies academic freedom: the promotion and protection of “the free search for truth, and its exposition,” the paramount goals of our university. This shared basis illuminates when and why appeal to academic responsibility can legitimately be used to restrict academic freedom. Academic

freedom may be legitimately restricted when and because its unrestricted pursuit would fail to protect and promote the free search for truth, and its exposition: for example, legitimately restricted behavior includes negligence in teaching and dishonest reporting of research. By contrast, academic responsibility does not require one to conduct or disseminate research in ways that prevent offense, or which are convenient or politically expedient for one's institution.

What SB 1 generally does and does not prohibit

It is CAFR's interpretation that SB 1's statutory provisions require public universities in Ohio to prohibit DEI orientations and trainings, the creation or continuation of DEI offices or departments, the use of DEI language in job descriptions, and contracting that promotes hiring or admissions based on protected-class status. It also prohibits diversity or ideological statements in academic human resources processes and mandates intellectual diversity policies and reporting. Institutions must avoid endorsing or opposing controversial beliefs and must demonstrate intellectual diversity in their operations.

In CAFR's reading of the statute, SB 1 does not require Ohio State to exclude DEI-related faculty activities from PRT evaluations. The law's prohibitions apply to institutional structures and compelled HR practices. The law does not prohibit voluntary professional service evaluated under neutral criteria. Ohio State faculty may engage in DEI-related service, provided that it is not part of a prohibited institutional function and is assessed using discipline-appropriate standards. This includes faculty leadership in professional associations, service on committees, and other outside academic activities that align with disciplinary norms. When DEI-related activities are appropriately documented (and do not form part of a specifically prohibited institutional function), they may be evaluated in PRT using content-neutral standards. Neither SB 1 nor the University's Outside Activities and Conflicts policy requires the categorical exclusion of DEI-related professional service from annual review, promotion, retention, or tenure evaluations. Activities undertaken as approved outside engagements may be recognized when they are germane to a faculty member's disciplinary expertise and assessed using content-neutral criteria (see Addendum).

What The Ohio State University presently prohibits

The University's Office of University Compliance and Integrity provides official updates on adherence to and implementation of SB 1 through an online implementation guide, which states (15 December 2025):

- Memberships and participation in external organizations, institutions and societies that have academic, research or professional missions in a relevant field or area of expertise are permitted, and university funds may be used to pay for membership fees, even if those organizations include a committee that may constitute a DEI committee as long as the organization's primary purpose is a non-DEI related purpose. If university funds are being used for the membership and the organization includes a committee that may constitute a DEI committee, faculty and staff cannot participate in that particular committee.
- Faculty, staff and students may be nominated for DEI Awards coordinated by third parties, though university funds should not be used for entry fees or award sponsorships.

- DEI Awards that are conferred by the university or college/department/unit must be discontinued, including removing DEI-related criteria from any other awards.
- DEI committees in academic or administrative units, including committees that are run by volunteers, must be discontinued.¹

It is CAFR’s view that this interpretation introduces an important distinction: faculty may maintain memberships in professional organizations with DEI committees, but are prohibited from serving on those committees if university funds are used for membership or travel to the meeting. While intended to ensure statutory compliance, this restriction implementation extends beyond SB 1’s original scope. The guidance effectively limits faculty engagement in national professional governance when no such prohibition exists. This overreach inadvertently constrains legitimate scholarly and professional activity conducted within disciplinary norms.

Outside activities, workload, and PRT evaluation

The interpretation treats all such activities as de facto outside activity.² At The Ohio State University, outside activities are governed under the “Outside Activities and Conflicts” policy, which classifies them as pursuits undertaken beyond one’s university workload. Such activities typically fall outside the metrics used in annual reviews and promotion and tenure evaluations. Classification as an “outside activity” governs disclosure and workload allocation; it does not mandate exclusion from evaluative consideration where the activity constitutes legitimate professional service within disciplinary norms. PRT decisions, however, are shaped by disciplinary norms and expectations concerning professional engagement. Professional activities—e.g., editorial service, conference leadership, advising a student or civic organization, holding a leadership role in a scholarly association—are routinely evaluated by internal and external reviewers as evidence of scholarly contributions. Such forms of engagement are fundamental to the professional life of faculty.

CAFR understands that participation in such activities may now be considered off-duty and therefore excluded from a faculty member’s evaluative workload. Yet professional activities feed from and directly contribute to the dissemination of knowledge as well as Ohio State’s institutional reputation. Treating such activities as categorically outside the scope of review risks undervaluing legitimate professional service long central to faculty evaluation. To avoid misinterpretation, APT guidance should clarify that professional activities completed as approved outside engagements may be included in evaluation materials when germane to disciplinary expertise and assessed under content-neutral standards.

Inconsistency with University research and service interpretations

Strategic policy implementation requires coherence across institutional practices. It is CAFR’s understanding that SB 1 does not prevent faculty from serving on DEI committees or contributing to DEI-relevant expertise in scholarly venues. Such a service should be considered in PRT evaluations if assessed using content-neutral rubrics and if it does not involve prohibited institutional functions or funding mechanisms.

¹ <https://compliance.osu.edu/focus-areas/sb1/sb1-implementation-guide>

² Consistent with the university’s outside activities policy, outside activities are permitted on university bios and dossiers so long as it is clear that the work is not affiliated with the university or supported by university resources.

The Ohio State University has long supported and benefitted from externally-funded DEI-related research. Faculty engaged in such grant-funded projects have historically produced legitimate scholarly work that advances the University's mission and contributes to institutional overhead and college budgets. Applying a stricter standard to DEI-related service, particularly when it aligns with disciplinary norms, creates a clear policy inconsistency. To date, no justification has been provided for why the University maintains distinct implementation standards for research and service, resulting in confusion among faculty and staff. Recognizing DEI-related research while excluding comparable service undermines fair evaluation practices and is not required by SB 1.³

Conclusions

1. CAFR finds that SB 1 prohibits compelled ideological conformity, but excluding DEI-related activities from recognition and evaluation (using neutral criteria) constitutes a form of ideological discrimination;
2. CAFR finds that the present interpretation of SB 1 is causing faculty to avoid certain professional activities out of fear that their activities will be at best disregarded, if not penalized;
3. CAFR finds that the present interpretation of SB 1 therefore threatens to undermine the very intellectual diversity that the SB 1 aims to protect;
4. CAFR finds that the present interpretation of SB 1 constitutes a “condition ... [that] adversely affects academic freedom, responsibility, or tenure” at The Ohio State University;
5. CAFR thus issues this “report ... to the [University S]enate for its review”;
6. CAFR advises that body to revise governance documents and APT guidance to ensure that legitimate DEI-related professional activities (when germane to disciplinary expertise and evaluated under content-neutral criteria) are not categorically excluded by SB 1 nor by the Outside Activities and Conflicts policy.

³ Many DEI-related research and service initiatives are supported through independent, philanthropic, or overhead sources, not state or federal allocations. Restricting faculty engagement on the assumption that all DEI-related work is tied to state funding could misrepresent the financial realities of academic work and constrain faculty participation and institutional competitiveness.

Addendum. On 23 February 2026, CAFR received the following clarifications from Helen Malone, Vice-Provost of OAA:

Neither OAA nor the Outside Activities and Conflicts policy require the exclusion of material conducted as an outside activity to be excluded from faculty evaluation reviews.

- a. As we discussed in our meeting last week, I would be happy to include language indicating that these activities can be included.
- b. There is language in the APT guidance document noting that professional service *not germane to the faculty member's expertise* should not be included. We can update to clarify that activities that are germane to the faculty member's expertise completed as an outside activity can be included and recognized.