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Substitute Bill Comparative Synopsis

Sub. S.B. 83

135th General Assembly

House Higher Education

Mike Niemi, Research Analyst

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Passed by the Senate)	Latest Version (I_135_0330-11)
State institution of higher education board of trustees terms	
<p>Reduces from nine to four years the length of the terms of office for each nonstudent state university board of trustee member appointed on and after January 1, 2024 (<i>R.C. 3335.02, 3337.01, 3339.01, 3341.02, 3343.02, 3344.01, 3350.10, 3352.01, 3356.01, 3359.01, 3361.01, 3362.01, and 3364.01</i>).</p> <p>Reduces from five to four years the length of the terms of office for each community college board of trustees member appointed by the Governor on and after January 1, 2024 (<i>R.C. 3354.05 and 3354.24</i>).</p>	<p>Same, but instead reduces the terms of office to six years and applies to appointments made on and after July 1, 2024 (<i>R.C. 3335.02, 3337.01, 3339.01, 3341.02, 3343.02, 3344.01, 3350.10, 3352.01, 3356.01, 3359.01, 3361.01, 3362.01, and 3364.01</i>).</p> <p>No provision.</p>

Previous Version (As Passed by the Senate)	Latest Version (I_135_0330-11)
<p>Increases from three to four years the length of the terms of office for each technical college board of trustees member appointed by the Governor on and after January 1, 2024 (<i>R.C. 3357.022 and 3357.05</i>).</p> <p>Reduces from six to four years the length of the terms of office for each state community college board of trustees member appointed on and after January 1, 2024 (<i>R.C. 3358.03</i>).</p>	<p>No provision.</p> <p>No provision.</p>
Syllabus posting requirement	
<p>Defines a “syllabus” as a document produced for students by a course instructor that includes:</p> <ol style="list-style-type: none"> 1. The course instructor’s name; 2. A calendar for the course outlining what materials and topics will be covered and when they will be covered during the course; 3. A list of any required or recommended readings for the course; and 4. The course instructor’s professional qualifications (<i>R.C. 3345.029(A)(2)</i>). <p>No provision.</p>	<p>Same, but changes the term from “syllabus” to “course syllabus” (<i>R.C. 3345.029(A)(1)</i>).</p> <p>Defines a “general syllabus” as a document produced for students by a community college regarding a course that includes:</p> <ol style="list-style-type: none"> 1. A calendar for the course outlining what materials and topics will be covered and when they will be covered during the course; and 2. A list of any required or recommended readings for the course (<i>R.C. 3345.029(A)(3)</i>).

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<p>Requires a state institution of higher education to make a syllabus for each undergraduate course it offers for college credit publicly available by either:</p> <ol style="list-style-type: none"> 1. Ensuring each course instructor posts on a publicly accessible website that includes specified information about the instructor; or 2. Posting the syllabus on the institution’s publicly accessible website (<i>R.C. 3345.029(B)</i>). 3. No provision. <p>Requires a state institution to submit a written report of its compliance with syllabus posting requirements to the Chancellor and the Chancellor to collate submitted reports into a report submitted to the Governor, Speaker of the House of Representatives, Senate President, and the chairpersons of the standing committees that consider higher education legislation by January 1 of each year (<i>R.C. 3345.029(F)</i>).</p>	<p>Same, but with the following changes:</p> <ol style="list-style-type: none"> 1. Same, but only applies to a course syllabus; 2. Same, only applies to a course syllabus; or 3. If the institution is a community, state community, or technical college, posting a general syllabus for a course on the college’s publicly available website (<i>R.C. 3345.029(B)</i>). <p>Requires a state institution to prepare the report in accordance with guidelines established by the Chancellor of Higher Education (<i>R.C. 3345.029(F)</i>).</p>
Mission statement requirement	
<p>Requires each state institution of higher education to include specified statements into the institution’s mission statement (<i>R.C. 3345.0216</i>).</p> <p>Requires a state institution’s mission statement to include a declaration 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 (<i>R.C. 3345.0216(C)</i>).</p>	<p>Same, but requires the specified statements to be included into a <i>statement of commitment</i> (<i>R.C. 3345.0216</i>).</p> <p>Requires a state institution’s statement of commitments to include a declaration that it is committed to not requiring, favoring, disfavoring, or prohibiting speech or lawful assembly (<i>R.C. 3345.0216(C)</i>).</p>

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Policy on DEI programs, intellectual diversity, and other concepts	
<p>Defines “specified concept” as a concept such as allyship, diversity, social justice, sustainability, systematic racism, gender identity, equity, or inclusion (<i>R.C. 3345.0217(A)(3)</i>).</p>	<p>No provision.</p>
<p>Defines “specified ideology” as any ideology that classifies individuals within identity groups, divides identity groups into oppressed and oppressors, and prescribes advantages, disadvantages, or segregation based upon identity group membership (<i>R.C. 3345.0217(A)(4)</i>).</p>	<p>No provision.</p>
<p>Requires state institutions to adopt a policy on DEI, intellectual diversity, and other concepts that includes, among other requirements, the following:</p> <ol style="list-style-type: none"> 1. A declaration that the institution will not endorse or oppose, as an institution, any controversial belief or policy, specified concept, or specified ideology, although it may endorse the U.S. Congress when it establishes a state of armed hostility against a foreign power (<i>R.C. 3345.0217(B)(6)</i>); 2. Affirmations and declarations that faculty and staff will allow and encourage students to reach their own conclusions about controversial beliefs or policies and will not seek to inculcate any social, political, or religious point of view (<i>R.C. 3345.0217(B)(4)</i>); and 3. A prohibition on the use of political and ideological litmus tests in all hiring, promotion, and admissions decisions, including diversity statements and any other requirement that applicants describe their commitment to a specified concept, specified ideology, or any other ideology, principle, 	<p>Same, but:</p> <ol style="list-style-type: none"> 1. Removes the references to specified concepts and specified ideologies and creates an exception for matters that directly impact the institution’s funding or mission of discovery, improvement, and dissemination of knowledge (<i>R.C. 3345.0217(B)(6)</i>); 2. Replaces <i>inculcate</i> with <i>indoctrinate</i> (<i>R.C. 3345.0217(B)(4)</i>); and 3. Removes the references to specified concepts and specified ideologies (<i>R.C. 3345.0217(B)(8)</i>).

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<p>concept, or formulation that requires commitment to any controversial belief or policy <i>(R.C. 3345.0217(B)(8))</i>.</p> <p>Requires a state institution’s policy on DEI, intellectual diversity, and other concepts to prohibit any mandatory programs or training courses regarding diversity, equity, and inclusion (DEI), unless the institution receives an exemption from the Chancellor of Higher Education because the program or course is required to do any of the following:</p> <ol style="list-style-type: none"> 1. Comply with state and federal laws or regulations; 2. Comply with professional licensure requirements; 3. Obtain or retain accreditation; and 4. Secure or retain grants or cooperative agreements <i>(R.C. 3345.0217(B)(1))</i>. 5. No provision. 	<p>Requires a state institution’s policy on DEI, intellectual diversity, and other concepts to prohibit any mandatory orientations or training courses regarding DEI, unless the institution determines the orientation or course qualifies for an exemption from that prohibition because the orientation or course is required to do any of the following:</p> <ol style="list-style-type: none"> 1. Same; 2. Same; 3. Same; 4. Same; and 5. Apply the state institution’s policies regarding employee or student discipline <i>(R.C. 3345.0217(B)(1))</i>.
<p>Requires a state institution, prior to offering a DEI program or course, to request from the Chancellor an exemption from the prohibition against mandatory DEI programs and courses <i>(R.C. 3345.0217(C)(1))</i>.</p>	<p>No provision.</p>
<p>Requires the Chancellor to approve a request for an exemption from the prohibition on a mandatory DEI program and courses if the Chancellor determines the requested exemption satisfies at least one of the conditions for receiving an exemption <i>(R.C. 3345.0217(C)(2))</i>.</p>	<p>No provision.</p>

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<p>Requires a state institution, if it makes changes to a DEI program or course that has received an approved exemption, to submit a new request for approval to the Chancellor (<i>R.C. 3345.0217(C)(3)</i>).</p> <p>Requires the Chancellor, at least once every six months, to prepare a report summarizing all the exemptions sought during that time period, including how many exemptions were rejected (<i>R.C. 3345.0217(D)</i>).</p> <p>No provision.</p> <p>Requires state institutions of higher education to implement a range of disciplinary sanctions for any administrator, faculty member, staff, or student who interferes with the intellectual diversity rights of another (<i>R.C. 3345.0218(B)</i>).</p> <p>Requires state institutions of higher education to post information on intellectual diversity protections online and issue an annual report of violations of such rights (<i>R.C. 3345.0218(D) and (E)</i>).</p>	<p>No provision.</p> <p>Requires a state institution to provide a written report to the Chancellor summarizing all mandatory diversity, equity, and inclusion programming and training at the state institution in accordance with guidelines established by the Chancellor (<i>R.C. 3345.0217(C)</i>).</p> <p>Requires each state institution to respond to complaints from any student, student group, or faculty member about an alleged violation of the prohibitions and requirements included in a state institution's policy using the same complaint process as is used for complaints regarding a state institution's free speech policy (<i>R.C. 3345.0217(D)</i>).</p> <p>Requires state institutions to respond to complaints regarding any administrator, faculty member, staff, or student who interferes with the intellectual diversity rights of another using the same complaint process as is used for complaints regarding a state institution's free speech policy (<i>R.C. 3345.0218(B)</i>).</p> <p>Requires state institutions to comply with any reporting guidelines prescribed by the Chancellor for any violations of intellectual diversity rights and consequent disciplinary sanctions (<i>R.C. 3345.0218(D)</i>).</p>
Evaluation of faculty members	
<p>No provision.</p>	<p>Requires a state institution's faculty annual performance evaluation policy to contain an appeals process for faculty to appeal a final evaluation (<i>R.C. 3345.452(B)</i>).</p>

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Requires student evaluations to account for at least 50% of the teaching area component of a faculty member’s annual performance evaluation (<i>R.C. 3345.452(D)(4)</i>).	Lowers how much student evaluations account for to at least 25% of the teaching area component (<i>R.C. 3345.452(D)(4)</i>).
Post-tenure review policy	
No provision.	Requires each state institution’s post-tenure review policy to contain an appeals process for tenured faculty whose post-tenure review process results in a recommendation for administrative action (<i>R.C. 3345.453(B)</i>).
Policies on tenure and retrenchment	
Requires state institutions to develop policies on tenure and retrenchment.	Same, but defines “retrenchment” as a process by which a state institution reduces programs or services, thus resulting in a temporary suspension or permanent separation of one or more institution faculty, to account for a reduction in student population or overall funding, a change to institutional missions or programs, or other fiscal pressures or emergencies facing the institution (<i>R.C. 3345.454(A)(2)</i>).
Provisions related to the People’s Republic of China	
Prohibits a state institution from accepting gifts, donations, or contributions from the People’s Republic of China (PRC) or any organization it reasonably suspects is acting on behalf of the PRC, but specifies that does not prohibit accepting payments from Chinese citizens related to tuition, fees, cost of instruction, or educational expenses or alumni donations (<i>R.C. 3345.591(B)</i>).	Same, but also specifies that the provision does not prohibit a state institution from receiving philanthropic or unrestricted grants if it maintains prescribed structural safeguards (<i>R.C. 3345.591(B)</i>).
Permits a state institution, subject to the Chancellor’s approval, to enter into a new or renewed academic partnership with an academic or research institution located in China only if it maintains sufficient	Same, but removes the Chancellor’s approval requirement (<i>R.C. 3345.591(E)</i>).

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<p>structural safeguards to protect the state institution’s intellectual property, the security of Ohio, and the national security interests of the United States (<i>R.C. 3345.591(E)</i>).</p> <p>No provision.</p> <p>Requires the Chancellor to approve a state institution’s partnership only if the Chancellor, in consultation with the Attorney General, determines the partnership meets prescribed safeguard requirements (<i>R.C. 3345.591(E)</i>).</p>	<p>Requires a state institution to notify the Chancellor of any new or renewed partnership (<i>R.C. 3345.591(E)</i>).</p> <p>No provision.</p>
Requirements regarding equal opportunity, prohibition on certain concepts, and segregation prohibition	
<p>Requires each state institution, with respect to every position, policy, program, and activity, to:</p> <ol style="list-style-type: none"> 1. Treat all faculty, staff, and students as individuals, hold every individual to equal standards, and provide individuals with equality of opportunity with regard to race, ethnicity, religion, sex, sexual orientation, gender identity, or gender expression; and 2. Provide no advantage or disadvantage to faculty, staff, or students on the basis of race, ethnicity, religion, sex, sexual orientation, gender identity, or gender expression in admissions, hiring, promotion, tenuring, or workplace conditions (<i>R.C. 3345.87(B)</i>). <p>Prohibits a state institution from providing or requiring training for any administrator, teacher, staff member, or employee that advocates or promotes any prescribed concept (<i>R.C. 3345.87(C)</i>).</p>	<p>Same, but removes references to sexual orientation, gender identity, or gender expression (<i>R.C. 3345.87(B)</i>).</p> <p>Same, but specifies the prohibition cannot be construed to preclude a state institution from providing or facilitating continuing education to public safety officers if that continuing education is compliant with the prohibition (<i>R.C. 3345.87(C)</i>).</p>

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<p>Requires a state institution to issue an annual report containing violations of the section’s prohibitions and statistics of the academic qualifications of students and to post the reports on the state institution’s website <i>(R.C. 3345.87(E) and (F))</i>.</p> <p>Requires a state institution to prohibit all policies designed to explicitly segregate faculty, staff, or students based on race, ethnicity, religion, sex, sexual orientation, gender identity, or gender expression in credit-earning classroom settings, formal orientation ceremonies, and formal graduation ceremonies <i>(R.C. 3345.87(G))</i>.</p> <p>No provision.</p>	<p>Requires a state institution to issue the report in accordance with guidelines established by the Chancellor <i>(R.C. 3345.87(E))</i>.</p> <p>Same, but removes references to sexual orientation, gender identity, or gender expression <i>(R.C. 3345.87(F))</i>.</p> <p>Requires each state institution to:</p> <ol style="list-style-type: none"> 1. Establish a complaint process about an alleged violation of any requirements or prohibitions included in the provision and requires the process to: <ol style="list-style-type: none"> a. Comply with standards adopted by the Chancellor; b. Require the state institution to investigate the alleged violation and conduct a fair and impartial hearing regarding the violation. 2. If the hearing determines that a violation has occurred, determine a resolution to address the violation and prevent further violations of the policy <i>(R.C. 3345.87(G))</i>.
Uniform Prudent Management of Institutional Funds Act	
<p>Defines “benefactor representative” to include the administrator or executor of a person’s estate <i>(R.C. 1715.551(A)(1)(a)(i))</i>.</p>	<p>Same, but replaces “a person’s estate” with the estate of a person who signed a qualified endowment agreement as donor <i>(R.C. 1715.551(A)(1)(a)(i); conforming change in R.C. 1715.551(A)(1)(c))</i>.</p>

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<p>Applies the bill’s changes to the following:</p> <ul style="list-style-type: none"> ▪ State institution of higher education endowment funds established on and after the one hundred twentieth day following the effective date of the provision; ▪ State institution of higher education endowment funds established before that date, but only with respect to breaches of the related endowment agreements that occur on or after that date (<i>R.C. 1715.551(J)(1) and (2)</i>). 	<p>Instead limits application of the bill’s changes to “qualified endowment agreements,” signed prior to the effective date of the provision and that transfer property having an aggregate value of at least \$3 million; and only with respect to breaches that occur on or after that effective date (<i>R.C. 1715.551(A)(2) and (J)</i>).</p>
<p>No provision.</p>	<p>Defines “aggregate value” to include the full value of all property transferred by the donor pursuant to the gift instrument, regardless of whether the state institution of higher education holds and administers such property as one endowment fund or divides the property into multiple endowment funds (<i>R.C. 1715.551(A)(3)</i>); <i>conforming change in R.C. 1715.551(A)(4)</i>.</p>
<p>Applies the bill’s changes to endowment agreements with a “state institution of higher education” (<i>R.C. 1715.551(A)(3)</i>).</p>	<p>Extends application to qualified endowment agreements with foundations, the corporate purpose of which is solely to benefit an identified state institution of higher education, and that receive, hold, or administer charitable transfers of property for that state institution of higher education (<i>R.C. 1715.551(A)(4)</i>).</p>
<p>Permits a person who transferred property to the state institution of higher education under an endowment agreement, or their benefactor representative, to notify the charitable law section of the office of the Attorney General if the state institution of higher education violates a restriction contained in the endowment agreement on the management, investment, spending, or purpose of the endowment fund (<i>R.C. 1715.551(B)</i>).</p>	<p>Same, but replaces “the person who transferred property to the state institution of higher education” with the person who signed the qualified endowment agreement as donor (<i>R.C. 1715.551(B)</i>); <i>conforming changes in R.C. 1715.551(F)(3), (G), (H), and (I)</i>).</p>

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<p>Requires the Attorney General or state institution of higher education to name as parties each person who transferred property under the agreement or the benefactor representative of each such person if the persons or benefactor representatives can be located and identified after diligent inquiry, if the Attorney General or state institution files the complaint within 50 years after the effective date of the endowment agreement <i>(R.C. 1715.551(F)(3))</i>.</p> <p>Permits a person who transferred property under an endowment agreement, or their benefactor representative, to file a complaint within six years after the discovery of the accrual of the cause of action, but prohibits that person from filing a complaint more than 50 years after the effective date of the endowment agreement <i>(R.C. 1715.551(I)(1))</i>.</p>	<p>Reduces the filing deadline to within 25 years after the first transfer of property under the qualified endowment agreement <i>(R.C. 1715.551(F)(3))</i>.</p> <p>Further limits the filing period to within 25 years after the first transfer of property under the qualified endowment agreement <i>(R.C. 1715.551(I)(1))</i>.</p>
Collective bargaining	
<p>Prohibits state institutions of higher education employees from striking and instead requires them to submit unresolved collective bargaining disputes to a final offer settlement procedure <i>(R.C. 4117.14 and 4117.15)</i>.</p> <p>Prohibits employees of a state institution of higher education from collectively bargaining with the state institution regarding faculty workload policies, faculty evaluation systems and policies, post-tenure review policies, policies on tenure and retrenchment, and specifies the systems and policies prevail over any conflicting provision of a collective bargaining agreement entered into on or after July 1, 2024 <i>(R.C. 3345.45 and 3345.455 and Section 4)</i>.</p>	<p>No provision.</p> <p>Adds an exception to the proposed prohibition against collectively bargaining on retrenchment policies to allow a state institution of higher education that has a collective bargaining agreement in effect on the bill's effective date containing a provision on retrenchment to continue to bargain over retrenchment policies for new or renewed agreements, but only with respect to institution faculty who have between 30 and 35 years of service in a public retirement system at the time of a retrenchment determination. Eliminates the proposed delayed effective date, thus applying the prohibitions and</p>

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	requirements related to collective bargaining to any agreement entered into on or after the bill's regular effective date. (<i>R.C. 3345.45, 3345.455, and 3345.456.</i>)
Effective date for faculty policy changes	
Delays the effective date for changes made by the bill regarding faculty workload policies, student and faculty peer evaluations, annual faculty performance reviews, post-tenure reviews, and policies on tenure and retrenchment to July 1, 2024 (<i>Section 4; affecting R.C. 3345.45, 3345.451, 3345.452, 3345.453, and 3345.454.</i>)	No provision.
American history and government requirement	
<p>Requires the Chancellor of Higher Education to develop a course with no fewer than three credit hours in American history or government that:</p> <ol style="list-style-type: none"> 1. Complies with the transfer and articulation system prescribed under continuing law; 2. May be offered through the College Credit Plus Program; and 3. Requires students to read specified historical documents (<i>R.C. 3345.382(B)</i>). <p>No provision.</p> <p>No provision.</p>	<p>Same, but removes the Chancellor's responsibility to develop the course and, instead, requires a state institution of higher education to develop a course that meets those criteria (<i>R.C. 3345.382(B)</i>).</p> <p>Requires the board of trustees of each state institution of higher education to adopt a resolution approving a plan to offer such a course and submit the plan to the Chancellor (<i>R.C. 3345.382(B)</i>).</p> <p>Requires the Chancellor to review and approve each plan and permits the Chancellor to require a state institution to revise its plan and course prior to approval (<i>R.C. 3345.382(B)</i>).</p>

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Five-year institutional cost summary	
Requires each state institution of higher education to prepare a rolling five-year summary of its institutional costs for each biennial main operating appropriations bill and capital appropriations bill <i>(R.C. 3345.80(B))</i> .	Requires state institutions to prepare the institutional cost summary in accordance with guidelines established by the Chancellor <i>(R.C. 3345.80(B))</i> .
Policy and report guidelines	
No provision.	Requires the Chancellor of Higher Education to establish guidelines that address the form and manner by which state institutions shall submit specified required policies or reports <i>(R.C. 3345.0219)</i> .
No provision.	Requires the Chancellor to post received policies and reports on the Chancellor's website <i>(R.C. 3345.0219)</i> .