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April 21, 2025

Via Hand Delivery

The Honorable Dave Yost
Ohio Attorney General
30 East Broad Street, 14th Floor
Columbus, OH 43215

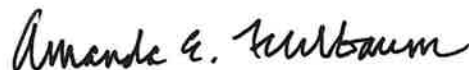
Re: Preliminary Petition for Amended Substitute Senate Bill 1

Dear Attorney General Yost:

Pursuant to R.C. § 3519.01(B), I am hereby filing a copy of a petition containing signatures in excess of 1000 qualified electors who seek to file a referendum petition against Amended Substitute Senate Bill 1 of the 136th Ohio General Assembly. The petition is composed of part-petitions. The original has been filed with the Ohio Secretary of State. I would appreciate your office reviewing the summary set forth on the petition against the text of the law and issuing a certification under the statute as expeditiously as possible.

If you should have any questions, please do not hesitate to contact me by telephone or email: 330-423-6531 or ohsb1petition@gmail.com.

Sincerely,



Amanda E. Fehlbaum

Encls.

REFERENDUM PETITION
To be submitted to the electors for their approval or rejection

To the Secretary of State and Attorney General of Ohio: Pursuant to Ohio Revised Code § 3519.01 (B), the undersigned electors of the State of Ohio, numbering in excess of one thousand, hereby submit to each of you the full text of the Amended Substitute Senate Bill Number 1 of the 136th General Assembly (the “Act”) and a summary of the same.

TITLE

A referendum petition on Amended Substitute Senate Bill Number 1 passed by the 136th General Assembly (the “Act”), the title and legislative history of the Act being:

AN ACT

To amend sections 3335.02, 3335.09, 3337.01, 3339.01, 3341.02, 3343.02, 3344.01, 3345.45, 3350.10, 3352.01, 3356.01, 3356.01, 3359.01, 3361.01, 3362.01, 3364.01, 4117.14, and 4117.15; to enact new section 3333.045 and sections 3345.029, 3345.0216, 3345.0217, 3345.0218, 3345.0219, 3345.382, 3345.451, 3345.452, 3345.453, 3345.454, 3345.455, 3345.456, 3345.591, 3345.80, and 3345.88; and to repeal section 3345.045 of the Revised Code to enact the Advance Higher Education Act regarding the operation of state institutions of higher education.

Legislative History:

Introduced on 01/22/2025 as Senate Bill 1; Substitute bill reported by the Senate Higher Education Committee on 02/12/2025; Substitute bill amended and passed by Senate on 02/12/2025; introduced in the House of Representatives on 02/18/2025; Substitute bill reported by the House Workforce and Higher Education Committee on 03/19/2025; Substitute bill amended and passed by House on 03/19/2025; Senate concurrence on 03/26/2025; Signed into law by the Governor on 03/28/2025.

SUMMARY

Am. Sub. S. B. No. 1 repeals and revises existing and enacts new provisions of the Ohio Revised Code relating to laws concerning higher education, including new requirements regarding diversity, equity, and inclusion (DEI) policies and training, intellectual diversity, faculty evaluations, and collective bargaining, including, but not limited to the following:

- Requires the chancellor of higher education and board of trustees to develop annual educational programs that address the role, duties, and responsibilities of boards of trustee members.
- Reduces the term of board of trustee members from nine years to six years.
- Requires community college course instructors to include all of the following in their syllabi: instructor name, course calendar, details of when topics will be covered, required and recommended readings, and instructor’s qualifications.
- Allows community colleges to have a general syllabus for purposes of meeting public posting requirements.
- Requires university course instructors to post syllabi on publicly accessible websites that must also include instructor’s qualifications, instructor’s contact information, instructor’s course schedule, and course syllabus for each course an instructor is teaching.
- Requires universities to post course syllabi for every course on institutions’ public websites, accessible within three clicks and searchable by keywords and phrases.
- Requires instructors to furnish, upon request, any syllabus no longer used but used within the last two years after the syllabus was posted.
- Requires institutions to designate an administrator to implement the syllabi and credential posting responsibilities.

- Requires institutions to prepare written compliance reports to the chancellor regarding syllabi and credential posting responsibilities.
- Requires institutions to develop a “statement of commitment” to be included in any location where the institution’s mission statement appears, in any solicitations and admission offers to prospective students, and in any offers to employment to faculty.
- Requires “statement of commitment” to include specific content: declaration to educate students by means of free, open, and rigorous intellectual inquiry to seek the truth; declaration to equip students with opportunity to develop intellectual skills to reach their own informed conclusions; commitment to not requiring, favoring, disfavoring, or prohibiting lawful speech or assembly; commitment to create a community dedicated to an ethic of civil and free inquiry; commitment to treat all faculty, staff, and students as individuals, held to equal standards, provided with equal opportunity.
- Defines controversial belief or policy as “any belief or policy that is the subject of political controversy, including issues such as climate policies, electoral politics, foreign policy, diversity, equity, and inclusion programs, immigration policy, marriage, or abortion.”
- Requires institutions to affirm and declare that faculty and staff will allow students to “reach their own conclusions about all controversial beliefs or policies and shall not seek to indoctrinate any social, political, or religious point of view.”
- Prohibits institutions from endorsing or opposing any controversial belief or policy with the exception of matters impacting the institution’s funding or mission.
- Requires institutions to respond to complaints from any student, student group, or faculty member about any alleged violations of prohibitions on endorsing or opposing controversial beliefs or policies.
- Defines intellectual diversity as “multiple, divergent, and varied perspectives on an extensive range of public policy issues.”
- Requires intellectual diversity to be demonstrated in order to gain course approval.
- Specifies that affirmations about commitments to intellectual diversity and demonstrations of intellectual diversity for course approval do not apply to “the exercise of professional judgment about how to accomplish intellectual diversity within an academic discipline, unless that exercise is used to constrict intellectual diversity.”
- Requires institutional to respond to complaints about any administrator, faculty member, staff, or student who interferes with intellectual diversity rights.
- Specifies that faculty or students are not prohibited from any classroom instruction, discussion, or debate “so long as faculty members remain committed to expressing intellectual diversity and allowing intellectual diversity to be expressed.”
- Prohibits any diversity, equity, and inclusion (DEI), including orientations, training, offices or departments, contracts with third parties to promote DEI, scholarships, or replacing any of the aforementioned with other things that serve similar purposes.
- Allows for DEI exceptions in order to receive grant funding, but requires approval from the chancellor.
- Requires any DEI “or related subjects” spending to be reported as part of five-year cost study.
- Requires institutions to respond to complaints from any student, student group, or faculty member about any alleged violations of DEI prohibitions.

- Requires institutions to implement a range of disciplinary sanctions for any employee who authorizes or engages in DEI training.
- Prohibits political and ideological litmus tests in all hiring, promotion, and admissions decisions.
- Prohibits the use of diversity statements or other assessments of an applicant's political or ideological views in any hiring, promotions, or admissions process or decision.
- Requires institutions to respond to complaints from any student, student group, or faculty member about any alleged violations of prohibitions on litmus tests or diversity statements.
- Requires institutions to affirm and declare that they will seek out invited speakers who have diverse ideological or political views.
- Requires institutions to prominently post on its website a complete list of all speaker fees, honoraria, and other emoluments in excess of \$500.
- Requires institutions to respond to complaints from any student, student group, or faculty member about any alleged violations of prohibitions on speakers and speaker fees.
- States that the general assembly may withhold or reduce state share of instruction (SSI), capital money, or other state appropriations if it deems an institution has violated the requirements and prohibitions regarding controversial beliefs or practices, intellectual diversity, DEI, litmus tests, diversity statements, speakers, and/or speaker fees.
- Requires institutions to comply with any reporting guidelines established by the chancellor for the policies and issues within the act, including violations of intellectual diversity rights.
- Requires the chancellor to publish online any policies and reports they receive from institutions.
- Requires institutions to develop a three-credit course on "American civic literacy" to include a "study of the American economic system and capitalism."
- Requires students enrolled in the "American civic literacy" course to read certain texts: Constitution, Declaration of Independence, five or more essays from the Federalist Papers (selected by department chair), Emancipation Proclamation, Gettysburg Address, Letter from Birmingham Jail, writings of Adam Smith, including The Wealth of Nations.
- Requires institutions to update its faculty workload policy at least once every five years and submit the policy to the chancellor.
- Requires that workload policy include defined workload expectations based on credit hours, a minimum full-time standard workload, justifiable credit hour equivalents for activities other than teaching (e.g., research, service).
- Requires that workload policy must include disciplinary action for faculty who fail to comply with the workload requirements.
- Requires board of trustees to adopt a faculty annual performance evaluation policy and submit it to the chancellor. The policy must contain an appeals process for faculty to appeal the final evaluation.
- Requires institutions to conduct an annual evaluation for each full-time faculty member it compensates.
- Requires that evaluations must include assessments of teaching, research, service, clinical care, administration, or other categories, if the faculty member spent at least 5% of their annual work time in these areas.

- Requires the chancellor to develop a minimum set of standard questions for institutions to use in student evaluation of faculty members and for student evaluations to account for at least 25% of the teaching area component of the annual evaluation.
- Requires student evaluations to include the question: “Does the faculty member create a classroom atmosphere free of political, racial, gender, and religious bias?”
- Requires institutions to develop a written system of peer evaluations with emphasis placed on faculty’s professional development and teaching responsibilities.
- Requires evaluation outcomes to be “exceeds performance expectations,” “meets performance expectations,” or “does not meet performance expectation.”
- Requires the evaluation to establish a projected work effort distribution for the faculty member for the next year and which shall be used in the next year’s evaluation.
- Requires evaluations to be conducted by department chair or equivalent administrator, reviewed and approved by the dean, and submitted to the provost for review. The provost has final decision authority.
- Requires institutions that have tenured faculty to adopt a post-tenure review (PTR) policy and submit it to the chancellor. The policy must include an appeals process for tenured faculty who face administrative action.
- Requires PTR policies to be updated every five years.
- Requires PTR if a faculty received a “does not meet performance expectations” evaluation within the same evaluative category for 2 of the last 3 years of annual performance evaluations.
- Requires a faculty member who receives an additional “does not meet performance expectations” in the 2 years after undergoing PTR to be subject to an additional PTR.
- Allows a department chair, dean of faculty, or provost to call for PTR at any time and for cause for a faculty member who has a documented and sustained record of significant underperformance. For cause is not to be based “on a faculty members’ allowable expression of academic freedom.”
- Defines retrenchment as “a process by which a state institution of higher education 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.”
- Requires institutions to develop policies on tenure and retrenchment and submit them to the chancellor. These policies must be updated every 5 years.
- Requires institutions to eliminate undergraduate degree programs if the institution confers an average of fewer than five degrees in that program annually over any three-year period.
- Prohibits workload, evaluation, tenure, and retrenchment as collective bargaining subjects.
- Allows bargaining on retrenchment for faculty that have at least 30 years of service but not more than 35 years of service.
- Prohibits institutions from accepting gifts, donations, or contributions from China or any organization acting on behalf of China.

- Requires institutions to notify the chancellor of any new or renewed academic partnerships with China and for the maintenance of sufficient structural safeguards in said partnerships to protect the security of intellectual property, state of Ohio, and the United States.
- Requires each institution to submit a rolling five-year summary of institutional costs for each biennial main operating budget and capital appropriations bills.
- Requires complete accounting of all DEI spending in cost summary reports.
- Requires the president of each state university and the chancellor of higher education to present five-year cost summaries before the legislature if requested by the chair of the higher education committee.
- Requires institutions to treat everyone equally and provide no advantage or disadvantage with regard to race, ethnicity, religion, sex, sexual orientation, gender identity, or gender expression with respect to all positions, policies, programs, and activities.
- Prohibits trainings that promote any of the following concepts:
 - One race or sex is inherently superior to another race or sex.
 - An individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.
 - An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race.
 - Members of one race cannot or should not attempt to treat others without respect to race.
 - An individual's moral standing or worth is necessarily determined by the individual's race or sex.
 - An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex.
 - An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex.
 - Meritocracy or traits such as hard work ethic are racist or sexist or were created by members of a particular race to oppress members of another race.
 - Fault, blame, or bias should be assigned to a race or sex, or to members of a race or sex because of their race or sex.
- Prohibits policies designed to segregate faculty, staff, or students based on race, ethnicity, religion, sex, sexual orientation, gender identity, or gender-expression in credit-earning classroom settings, orientation ceremonies, or graduation ceremonies.
- Requires institutions to respond to complaints from any student, student group, or faculty member about any alleged violations of prohibitions on policies designed to segregate.
- Prohibits full-time faculty members from striking.
- Requires the Ohio Department of Higher Education to conduct a feasibility study about implementing bachelor's degree programs that require three years to complete.

If a majority of the voters vote to not approve the Act, then enacted changes will not take effect and the prior version of the affected laws will remain in effect.

COMMITTEE TO REPRESENT THE PETITIONERS

The following persons are designated as a committee to represent the petitioners in all matters relating to the petition or its circulation:

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power on the board. Student members shall not be considered as members of the board in determining whether a quorum is present. Student members shall not be entitled to attend executive sessions of the board. The student members of the board shall be appointed by the governor, with the advice and consent of the senate, from a group of five candidates selected pursuant to a procedure adopted by the university's student governments and approved by the university's board of trustees. The initial term of office of one of the student members shall commence on July 2, 1989, and shall expire on July 1, 1991, and the initial term of office of the other student members shall commence on July 2, 1988, and shall expire on July 1, 1990. Thereafter, terms of office of student members shall be for two years, each term ending on the same month of the year as the term it succeeds. In the event that a student member cannot fulfill a two-year term, a replacement shall be selected to fill the unexpired term in the same manner used to make the original selection.

Sec. 3361.01 (A) There is hereby created a state university to be known as the "University of Cincinnati." The government of the university of Cincinnati is vested in a board of eleven trustees who shall be appointed by the governor with the advice and consent of the senate. Two of the trustees shall be students at the university of Cincinnati, and their selection and terms shall be as provided in division (B) of this section. The terms of the first nine members of the board of trustees shall commence upon the effective date of the transfer of assets of the state-affiliated university of Cincinnati to the university of Cincinnati hereby created. One of two trustees shall be appointed for a term ending on the first day of January occurring at least twelve months after such date of transfer, and each of the other trustees shall be appointed for respective terms ending on each succeeding first day of January, so that one term will expire on each first day of January after expiration of the shorter term. ~~However, the trustees appointed prior to July 1, 2023, except for the two student trustees, each successor trustee shall be appointed for a term ending on the first day of January, every year from the expiration date of the term of the trustee succeeds, except that any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term. The trustee appointed on or after July 1, 2023, except for the two student trustees, each trustee shall be appointed for a term ending on the first day of January, six years from the expiration date of the term of the trustee succeeds, except that any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term.~~

Any trustee shall continue in office subsequent to the expiration date of the trustee's term until the trustee's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. The person who has served a full six-year term or longer or more than the term of such term shall be eligible for reappointment to a period of four years less elapsed since the last day of the term for which the person previously served.

The trustee shall receive no compensation for their services but shall be paid their reasonable necessary expenses while engaged in the discharge of their official duties. A majority of the board constitutes a quorum.

(B) The student members of the board of trustees of the university of Cincinnati have no voting power on the board. Student members shall not be considered as members of the board in determining whether a quorum is present. Student members shall not be entitled to attend executive sessions of the board. The student members of the board shall be appointed by the governor, with the advice and consent of the senate, from a group of five candidates selected pursuant to a procedure adopted by the university's student governments and approved by the university's board of trustees. The initial term of office of one of the student members shall commence on May 14, 1988, and shall expire on May 13, 1990, and the initial term of office of the other student members shall commence on May 14, 1989, and shall expire on May 13, 1991. Thereafter, terms of office of student members shall be for two years, each term ending on the same day of the same month of the year as the term it succeeds. In the event that a student member cannot fulfill a two-year term, a replacement shall be selected to fill the unexpired term in the same manner used to make the original selection.

Sec. 3362.01 (A) There is hereby created a state university to be known as "Shawnee state university." The government of Shawnee state university is vested in a board of eleven trustees who shall be appointed by the governor with the advice and consent of the senate. Two of the trustees shall be students at Shawnee state university, and their selection and terms shall be as provided in division (B) of this section. The remaining trustees shall be appointed as follows: one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, one for a term of six years, one for a term of seven years, one for a term of eight years, and one for a term of nine years. Thereafter, the trustees appointed prior to July 1, 2023, terms shall be for nine years, and the trustees appointed on or after July 1, 2023, terms shall be for six years. All terms of office shall commence on the first day of July and end on the thirtieth day of June.

Each trustee shall hold office from the date of appointment until the end of the term for which the trustee was appointed. Any trustee appointed to fill a vacancy occurring prior to the expiration of the term for which the trustee's predecessor was appointed shall hold office for the remainder of that term. Any trustee shall continue in office subsequent to the expiration date of the trustee's term until the trustee's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. ~~Any person who has served a full six-year term or more than six years of such a term shall be eligible for reappointment to a period of five years less elapsed since the last day of the term for which the person previously served.~~

The trustee shall receive no compensation for their services but shall be paid their reasonable and necessary expenses while engaged in the discharge of their official duties.

A majority of the board constitutes a quorum.

(B) The student members of the board of trustees of Shawnee state university have no voting power on the board. Student members shall not be considered as members of the board in determining whether a quorum is present. Student members shall not be entitled to attend executive sessions of the board. The student members of the board shall be appointed by the governor, with the

advice and consent of the senate, from a group of five candidates selected pursuant to a procedure adopted by the university's student governments and approved by the university's board of trustees. The initial term of office of one of the student members shall commence on July 1, 1989, and shall expire on June 30, 1990, and the initial term of office of the other student members shall commence on July 1, 1988, and shall expire on June 30, 1991. Thereafter, terms of office of student members shall be for two years, each term ending on the same day of the same month of the year as the term it succeeds. In the event a student member cannot fulfill a two-year term, a replacement shall be selected to fill the unexpired term in the same manner used to make the original selection.

Sec. 3364.01 (A) The university of Toledo, as authorized under former Chapter 3360, of the Revised Code, and the medical university of Ohio at Toledo, as authorized under former sections 3350.01 to 3350.05 of the Revised Code, shall be combined as one state university to be known as the "University of Toledo."

(B)(1) The government of the combined university of Toledo is vested in a board of trustees which, except as provided in division (B)(2) of this section, shall be appointed by the governor with the advice and consent of the senate. The initial board of trustees of the combined university shall be as provided in division (B)(2) of this section. After the commencement of office as prescribed in division (B)(2)(c) of this section, the board of trustees of the combined university shall consist of nine voting trustees, who, if appointed prior to July 1, 2023, shall serve for terms of nine years, one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, one for a term of six years, one for a term of seven years, one for a term of eight years, and one for a term of nine years. Thereafter, the trustees appointed prior to July 1, 2023, terms shall be for nine years, and the trustees appointed on or after July 1, 2023, terms shall be for six years. All terms of office shall commence on the second day of July and end on the last day of June.

(2) The initial board of trustees of the combined university shall consist of seventeen voting trustees who are the eight members who exist on the board of trustees of the medical university of Ohio at Toledo prior to July 1, 2006, under former section 3350.01 of the Revised Code, and whom there would require under that section after July 1, 2006; the eight voting members who made up the board of trustees of the university of Toledo, under former section 3360.01 of the Revised Code, and whom there would require under that section after July 1, 2006; and one additional trustee appointed by the governor with the advice and consent of the senate. The terms of office, including the expiration of office, and the selection of the trustee who shall be appointed to fill a vacancy shall be as prescribed in division (B)(2)(c) of this section. The initial board shall consist of two non-voting members who are students of the combined university, as prescribed in division (B)(2)(c) of this section.

(3) The terms of office of the voting member of the initial board of trustees of the combined university who was not formerly a member of either the board of trustees of the medical university of Ohio at Toledo or the board of trustees of the university of Toledo shall be for nine years, beginning on July 2, 2006, and ending on July 1, 2015.

The terms of office of the sixteen other voting members of the initial board of trustees shall

expire on July 1 of the year they otherwise would expire under former section 3350.01 or 3360.01 of the Revised Code.

The office of one voting member whose term expires on July 1, 2007, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine-year term beginning on July 2, 2007.

The office of one voting member whose term expires on July 1, 2008, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine-year term beginning on July 2, 2008.

The office of one voting member whose term expires on July 1, 2009, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine-year term beginning on July 2, 2009.

The office of one voting member whose term expires on July 1, 2010, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine-year term beginning on July 2, 2010.

The office of one voting member whose term expires on July 1, 2011, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine-year term beginning on July 2, 2011.

The office of one voting member whose term expires on July 1, 2012, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine-year term beginning on July 2, 2012.

The office of one voting member whose term expires on July 1, 2013, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine-year term beginning on July 2, 2013.

The office of one voting member whose term expires on July 1, 2014, shall be abolished on that date. The governor, with the advice and consent of the senate, shall appoint a successor to the office of the other voting member whose term expires on that date to a nine-year term beginning on July 2, 2014.

The governor, with the advice and consent of the senate, shall appoint a successor to the office of the voting member whose term expires on July 1, 2015, to a nine-year term beginning on July 2, 2015.

Thereafter the terms of office of all subsequent voting members of the board of trustees shall

expire on July 1, 2023, shall be for nine years beginning on the second day of July and ending on the first day of July. The terms of office of the voting members of the board of trustees who are appointed on or after July 1, 2023, shall be for six years beginning on the second day of July and ending on the first day of July.

(C) One of the student members of the initial board of trustees shall be the student member of the former university of Toledo board of trustees, appointed under former section 3360.01 of the Revised Code, whose term would expire under that section on July 1, 2007. The term of that student member shall expire on July 1, 2007. The other student member shall be a new appointee, representing the portion of the combined university that made up the former cardinal university of Ohio at Toledo, appointed to a two-year term beginning on July 2, 2006, and ending on July 1, 2008. That student trustee shall be appointed by the governor, with the advice and consent of the senate, from a group of three candidates selected pursuant to a procedure adopted by the university's student governments and approved by the university's board of trustees. Terms of office of student members shall be for two years, each term ending on the same day of the same month of the year as the term it succeeds. In the event that a student member cannot fulfill a two-year term, a replacement shall be selected to fill the unexpired term in the same manner used to make the original selection.

(D) Each trustee shall hold office from the date of appointment until the end of the term for which the trustee was appointed. Any trustee appointed to fill a vacancy occurring prior to the expiration of the term for which the trustee's predecessor was appointed shall hold office for the remainder of that term. Any trustee shall continue in office subsequent to the expiration date of the trustee's term until the trustee's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. ~~Any person who has served as a voting member of the board of trustees for a full six-year term or more than six years of such a term and no person who served on the board of trustees of the former medical university of Ohio at Toledo, as authorized under former sections 3360.01 to 3360.05 of the Revised Code, for a full six-year term or more than six years of such a term shall be eligible for reappointment to a period of four years less elapsed since the last day of the term for which the person previously served.~~

The person who has served as a voting member of the board of trustees for a full six-year term or more than six years of such a term and no person who served on the board of trustees of the former medical university of Ohio at Toledo, as authorized under former sections 3360.01 to 3360.05 of the Revised Code, for a full six-year term or more than six years of such a term shall be eligible for reappointment to a period of four years less elapsed since the last day of the term for which the person previously served.

(4) Upon receipt of the notice, the parties shall enter into collective bargaining.

(5) In the event the parties are unable to reach an agreement, they may submit, at any time prior to forty-five days before the expiration date of the collective bargaining agreement, the issue in dispute to any mutually agreed upon dispute settlement procedure which reproduces the procedures contained in this section.

- (1) The procedure may include:
 - (a) Arbitration of all unsettled issues;
 - (b) Arbitration confined to a choice between the last offer of each party to the agreement as a single package;
 - (c) Arbitration confined to a choice of the last offer of each party to the agreement on each issue submitted;
 - (d) The procedure described in division (C)(7)(a), (b), or (c) of this section and including among the choices for the arbitrator, the recommendations of the fact-finding panel, if there are recommendations, either as a single package or on each issue submitted;
 - (e) Settlement by a neutral conciliation person composed of three trustees within the jurisdiction of the public employer. The public employer shall select one member and the employees organization shall select one member. The two members selected shall select the third member who shall chair the council. If the two members cannot agree upon a third member within five days after their appointment, the board shall appoint the third member. Once appointed, the trustee shall make a fact settlement of the issues submitted to it pursuant to division (C) of this section.
- (2) Any other dispute settlement procedures mutually agreed to by the parties.

(3) If, fifty days before the expiration date of the collective bargaining agreement, the parties are unable to reach an agreement, any party may request the state employment relations board to intervene. The request shall set forth the names and addresses of the parties, the issues involved, and, if applicable, the expiration date of any agreement.

The board shall investigate and investigate the dispute to determine whether the parties have engaged in collective bargaining.

If an impasse exists or thirty-five days before the expiration date of the collective bargaining agreement if one exists, the board shall appoint a mediator to assist the parties in the collective bargaining process.

(4) Any time after the appointment of a mediator, either party may request the appointment of a fact-finding panel. Within fifteen days after receipt of a request for a fact-finding panel, the board shall appoint a fact-finding panel of not more than three members who have been selected by the parties in accordance with rules established by the board. From a list of qualified persons maintained by the board.

(5) The fact-finding panel shall, in accordance with rules and procedures established by the board that include the regulation of costs and expenses of fact-finding, gather facts and make recommendations for the resolution of the matter. The board shall by its rules require each party to

specify in writing the unresolved issues and its position on each issue in the fact-finding panel. The fact-finding panel shall make fact recommendations on all the unresolved issues.

(6) The board may continue mediation, or the parties to engage in collective bargaining until the expiration date of the agreement, or best.

(7) The following guidelines apply to fact-finding:

- (a) The fact-finding panel may establish terms and places of hearings which shall be, where feasible, in the jurisdiction of the state.
- (b) The fact-finding panel shall conduct the hearing pursuant to rules established by the board.
- (c) Upon request of the fact-finding panel, the board shall issue subpoenas for hearings conducted by the panel.
- (d) The fact-finding panel may subpoena records.
- (e) The board shall prescribe guidelines for the fact-finding panel to follow in making findings. In making its recommendations, the fact-finding panel shall take into consideration the factors listed in division (C)(7)(a) to (f) of this section.
- (f) The fact-finding panel may attempt conciliation at any time during the fact-finding process. From time to time until the fact-finding panel makes a final recommendation, it shall meet through the recommendations for settlement of the dispute with parties other than the direct parties to the dispute.
- (g) The fact-finding panel, acting by a majority of the members, shall transmit its findings of fact and recommendations to the nonvoting trustee of the public employer and employees organization involved and to the board no later than thirty days after the appointment of the fact-finding panel, unless the parties mutually agree to an extension. The public employer shall submit the report of the fact-finding panel to a mediator agreed to by the parties.
- (h) Not later than seven days after the findings and recommendations are sent, the legislative body, by a three-fifths vote of its total membership, and in the case of the public employer organization, the membership, by a three-fifths vote of its total membership, may reject the recommendations, if either rejects the recommendations, the recommendations shall be deemed agreed upon as the final resolution of the issues submitted and a collective bargaining agreement shall be executed between the parties, including the fact-finding panel's recommendations, except as otherwise modified by the parties by mutual agreement. If either the legislative body or the public employer organization rejects the recommendations, the board shall publish the findings of fact and recommendations of the fact-finding panel. The board shall adopt rules governing the procedures and methods for public employees to vote on the recommendations of the fact-finding panel.
- (i) As used in division (C)(7)(h) of this section, "legislative body" means the controlling board when the state or any of its agencies, authorities, commissions, boards, or other branch of public employment is a party to the fact-finding process.

(D) If the parties are unable to reach agreement within seven days after the publication of findings and recommendations from the fact-finding panel or the collective bargaining agreement, if one exists, the board, then:

- (1) Public employees, who are members of a police or fire department, members of the state highway patrol, deputy sheriff, dispatchers employed by a police, fire, or sheriff's department or an sheriff's department or detention facilities employed by a public employer other than a police, fire, or sheriff's department or detention facilities, or members of a law enforcement security force that is established and maintained exclusively by a board of county commissioners and whose members are employed by that board, provided from striking such divisions shall perform the matter to a final offer settlement procedure pursuant to a board order issued forthwith to the parties to the collective bargaining agreement; the parties may request a conciliator from the board a list of five qualified conciliators and the parties shall select a single conciliator from the list by alternate rotating names. If the parties cannot agree upon a conciliator within five days after the board order, the board shall the next day after it selects a conciliator from a list of qualified persons submitted by the board or shall request a list of qualified conciliators from the American Arbitration Association and appoint therefrom.
- (2) The following public employees shall not strike:
 - (a) Members of a police or fire department;
 - (b) Members of the state highway patrol;
 - (c) Deputy sheriffs;
 - (d) Dispatchers employed by a police, fire, or sheriff's department of the state highway patrol or detention facilities; or members of a law enforcement security force that is established and maintained exclusively by a board of county commissioners and whose members are employed by that board, provided from striking such divisions shall perform the matter to a final offer settlement procedure pursuant to a board order issued forthwith to the parties to the collective bargaining agreement; the parties may request a conciliator from the board a list of five qualified conciliators and the parties shall select a single conciliator from the list by alternate rotating names. If the parties cannot agree upon a conciliator within five days after the board order, the board shall the next day after it selects a conciliator from a list of qualified persons submitted by the board or shall request a list of qualified conciliators from the American Arbitration Association and appoint therefrom.
 - (e) Members of a police or fire department;
 - (f) Members of the state highway patrol;
 - (g) Deputy sheriffs;
 - (h) Dispatchers employed by a police, fire, or sheriff's department of the state highway patrol or detention facilities; or members of a law enforcement security force that is established and maintained exclusively by a board of county commissioners and whose members are employed by that board, provided from striking such divisions shall perform the matter to a final offer settlement procedure pursuant to a board order issued forthwith to the parties to the collective bargaining agreement; the parties may request a conciliator from the board a list of five qualified conciliators and the parties shall select a single conciliator from the list by alternate rotating names. If the parties cannot agree upon a conciliator within five days after the board order, the board shall the next day after it selects a conciliator from a list of qualified persons submitted by the board or shall request a list of qualified conciliators from the American Arbitration Association and appoint therefrom.
 - (i) Members of a police or fire department;
 - (j) Members of the state highway patrol;
 - (k) Deputy sheriffs;
 - (l) Dispatchers employed by a police, fire, or sheriff's department of the state highway patrol or detention facilities; or members of a law enforcement security force that is established and maintained exclusively by a board of county commissioners and whose members are employed by that board, provided from striking such divisions shall perform the matter to a final offer settlement procedure pursuant to a board order issued forthwith to the parties to the collective bargaining agreement; the parties may request a conciliator from the board a list of five qualified conciliators and the parties shall select a single conciliator from the list by alternate rotating names. If the parties cannot agree upon a conciliator within five days after the board order, the board shall the next day after it selects a conciliator from a list of qualified persons submitted by the board or shall request a list of qualified conciliators from the American Arbitration Association and appoint therefrom.
 - (m) Members of a police or fire department;
 - (n) Members of the state highway patrol;
 - (o) Deputy sheriffs;
 - (p) Dispatchers employed by a police, fire, or sheriff's department of the state highway patrol or detention facilities; or members of a law enforcement security force that is established and maintained exclusively by a board of county commissioners and whose members are employed by that board, provided from striking such divisions shall perform the matter to a final offer settlement procedure pursuant to a board order issued forthwith to the parties to the collective bargaining agreement; the parties may request a conciliator from the board a list of five qualified conciliators and the parties shall select a single conciliator from the list by alternate rotating names. If the parties cannot agree upon a conciliator within five days after the board order, the board shall the next day after it selects a conciliator from a list of qualified persons submitted by the board or shall request a list of qualified conciliators from the American Arbitration Association and appoint therefrom.
 - (q) Members of a police or fire department;
 - (r) Members of the state highway patrol;
 - (s) Deputy sheriffs;
 - (t) Dispatchers employed by a police, fire, or sheriff's department of the state highway patrol or detention facilities; or members of a law enforcement security force that is established and maintained exclusively by a board of county commissioners and whose members are employed by that board, provided from striking such divisions shall perform the matter to a final offer settlement procedure pursuant to a board order issued forthwith to the parties to the collective bargaining agreement; the parties may request a conciliator from the board a list of five qualified conciliators and the parties shall select a single conciliator from the list by alternate rotating names. If the parties cannot agree upon a conciliator within five days after the board order, the board shall the next day after it selects a conciliator from a list of qualified persons submitted by the board or shall request a list of qualified conciliators from the American Arbitration Association and appoint therefrom.

(m) Members of a law enforcement agency shall be established and maintained exclusively by a board of elected commissioners and advisory members as employed by that board.

(n) Public safety members of state institutions of higher education.

(o) Public employees other than those listed in division (2)(k) of this section have the right to strike under Chapter 4117 of the Revised Code provided that the employee organization representing the employees has given a sixty-day prior written notice of an intent to strike to the public employer and to the board, and further provided that the strike is in full, consecutive work days and the beginning date of the strike is at least ten work days after the ending date of the most recent prior strike involving the same bargaining unit; however, the board, at its discretion, may exempt negotiation at any time.

(p) Nothing in this section shall be construed to prohibit the parties, at any time, from voluntarily agreeing to submit any or all of the issues in dispute to any other alternative dispute settlement procedure. An agreement or statutory requirement to arbitrate or to settle a dispute pursuant to a final offer settlement procedure and the award issued in accordance with the agreement or statutory requirements is enforceable in the same manner as specified in division (2) of section 4117.09 of the Revised Code.

(q) Nothing in this section shall be construed to prohibit a party from seeking enforcement of a collective bargaining agreement or a conciliator's award as specified in division (3) of section 4117.09 of the Revised Code.

(r) The following guidelines apply to final offer settlement proceedings under division (2) (1) of this section:

(1) The parties shall submit to final offer settlement those issues that are subject to collective bargaining as provided by section 4117.08 of the Revised Code and upon which the parties have not reached agreement and offer matters mutually agreed to by the public employer and the employee representative, except that the conciliator may attempt mediation at any time.

(2) The conciliator shall hold a hearing within thirty days of the board's order to submit to a final offer settlement procedure, or as soon thereafter as is practicable.

(3) The conciliator shall conduct the hearing pursuant to rules developed by the board. The conciliator shall establish the hearing time and place, but it shall be, where feasible, within the jurisdiction of the state. Not less than five calendar days before the hearing, each of the parties shall submit to the conciliator, to the opposing party, and to the board, a written report summarizing the unresolved issues, the party's final offer as to the issues, and the rationale for that position.

(4) Upon the request by the conciliator, the board shall issue subpoenas for the hearing.

(5) The conciliator may administer oaths.

(6) The conciliator shall hear testimony from the parties and provide for a written record to be made of all statements at the hearing. The board shall submit the record and for consideration by the conciliator the written report and recommendation of the fact-finders.

(7) After hearing, the conciliator shall resolve the dispute between the parties by selecting

on an issue-by-issue basis from between each of the party's final settlement offers, taking into consideration the following:

(a) Past collectively bargained agreements, if any, between the parties;

(b) Comparison of the issues submitted to final offer settlement relative to the employees in the bargaining unit involved with those issues related to other public and private employees doing comparable work, giving consideration to factors peculiar to the unit and classification involved;

(c) The interests and welfare of the public, the ability of the public employer to finance and administer the issues proposed, and the effect of the adjustments on the normal standard of public services;

(d) The lawful authority of the public employer;

(e) The stipulations of the parties;

(f) Such other factors, not included in those listed in this section, which are normally or traditionally taken into consideration in the determination of the issues submitted to final offer settlement through voluntary collective bargaining, mediation, fact-finding, or other impartial resolution procedures in the public services or in private employment;

(g) Final offer settlement awards made under Chapter 4117 of the Revised Code are subject to Chapter 2111 of the Revised Code.

(8) If more than one conciliator is used, the determination must be by majority vote.

(9) The conciliator shall make written findings of fact and promulgate a written opinion and order upon the issues presented to the conciliator, and upon the record made before the conciliator and shall mail or otherwise deliver a true copy thereof to the parties and the board.

(10) Increases in rates of compensation and other matters with cost implications awarded by the conciliator may be effective only at the start of the fiscal year next commencing after the date of the final offer settlement award, provided that if a new fiscal year has commenced since the issuance of the board order to submit to a final offer settlement procedure, the awarded increases may be retroactive to the commencement of the new fiscal year. The parties may, at any time, amend or modify a conciliator's award or order by mutual agreement.

(11) The parties shall bear equally the cost of the final offer settlement procedure.

(12) Conciliators appointed pursuant to this section shall be residents of the state.

(13) All final offer settlement awards and orders of the conciliator made pursuant to Chapter 4117 of the Revised Code are subject to review by the court of common pleas having jurisdiction over the public employer as provided in Chapter 2711 of the Revised Code. If the public employer is located in more than one court of common pleas district, the court of common pleas in which the principal office of the chief executive is located has jurisdiction.

(14) The issuance of a final offer settlement award constitutes a binding mandate to the public employer and the exclusive representative to take whatever actions are necessary to implement the award.

Sec. 4117.15 (A) Whenever a strike by members of a police or fire department, members of

the state highway patrol, deputy sheriff, dispatcher employed by a police, fire, or sheriff's department or the state highway patrol or sheriff's dispatcher employed by a public employer other than a police, fire, or sheriff's department to dispatch police, fire, sheriff's department, or emergency medical or rescue personnel and units, an exclusive contract unit, employees of Ohio state and kind education services, employees of any public employer retirement system, corrections officers, guards at penal or mental institutions, or special police officers appointed in accordance with section 3119.08 and 3123.13 of the Revised Code, psychiatric technicians employed at mental health services facilities, youth leaders employed at juvenile correctional facilities, or members of a law enforcement agency shall be established and maintained exclusively by a board of county commissioners and where necessary are employed by that board public employees who are prohibited from striking under division (2)(2) of section 4117.15 of the Revised Code, a strike by other public employees during the pendency of the settlement procedure set forth in section 4117.14 of the Revised Code, or a strike during the term or extended term of a collective bargaining agreement occurs, the public employer may seek an injunction against the strike in the court of common pleas of the county in which the strike is located.

(10) An unfair labor practice by a public employer is not a defense to the injunction proceeding noted in division (A) of this section. Allegations of unfair labor practices during the settlement procedure set forth in section 4117.14 of the Revised Code shall receive priority by the state employment relations board.

(11) No public employer is entitled to pay or compensation from the public employer for the period engaged in any strike.

Section 2. That existing sections 3335 02, 3335 03, 3337 01, 3339 01, 3341 02, 3343 02, 3344 01, 3345 45, 3350 10, 3352 01, 3356 01, 3359 01, 3361 01, 3362 01, 3364 01, 4117 14, and 4117 15 of the Revised Code are hereby repealed.

Section 3. That section 3333 04 05 of the Revised Code is hereby repealed.

Section 4. The Department of Higher Education shall conduct a feasibility study about implementing a bachelor's degree program that requires three years to complete in this state. The study shall investigate a variety of fields of study and determine the feasibility of reducing specific course requirements, quantity of credits, and total credit hours required for graduation. However, the study shall not include the use of Challenge Credit Plan or any other current programs used to accelerate degree programs. Finally, the study shall present and evaluate potential issues related to accreditation.

Not later than one year after the effective date of this section, the Department shall submit to the General Assembly, in accordance with section 101 08 of the Revised Code, a report about the

study's findings.

Section 5. This act shall be known as The Advance Ohio Higher Education Act.

 Speaker _____ of the House of Representatives.

 President _____ of the Senate.

Printed _____ 20____

Approved _____, 20____

 Governor

The section number(s) of law of a general and permanent nature is complete and is conforming with the Revised Code.

 Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the _____ day of _____, A. D. 20____.

 Secretary of State.

File No. _____ Effective Date _____

NOTICE

Whoever knowingly signs this petition more than once; except as provided in section 3501.382 of the Revised Code, signs a name other than one's own on this petition; or signs this petition when not a qualified voter, is liable to prosecution.

MUST USE MOST RECENT ADDRESS ON FILE WITH BOARD OF ELECTIONS

(Sign with ink. Your name, residence, and date of signing must be given.)

| Signature | County | Township | Rural Route or other Post-office Address | Month Day Year |
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(Voters who do not live in a municipal corporation should fill in the information called for by headings printed above.
Voters who reside in municipal corporations should fill in the information called for by headings printed below.)

| Signature | County | City or Village | Street and Number | Ward Precinct | Month Day Year |
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| Print: 1 Sign: | | | | | |
| Print: 2 Sign: | | | | | |
| Print: 3 Sign: | | | | | |
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| Print: 10 Sign: | | | | | |

MUST USE MOST RECENT ADDRESS ON FILE WITH BOARD OF ELECTIONS

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| Signature | County | Township | Rural Route or other Post-office Address | Month Day Year |
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Voters who reside in municipal corporations should fill in the information called for by headings printed below.)

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MUST USE MOST RECENT ADDRESS ON FILE WITH BOARD OF ELECTIONS

(Sign with ink. Your name, residence, and date of signing must be given.)

| Signature | County | Township | Rural Route or other Post-office Address | Month Day Year |
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(Voters who do not live in a municipal corporation should fill in the information called for by headings printed above.

Voters who reside in municipal corporations should fill in the information called for by headings printed below.)

| Signature | County | City or Village | Street and Number | Ward Precinct | Month Day Year |
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| Print: 23 Sign: | | | | | |
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MUST USE MOST RECENT ADDRESS ON FILE WITH BOARD OF ELECTIONS

(Sign with ink. Your name, residence, and date of signing must be given.)

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(Voters who do not live in a municipal corporation should fill in the information called for by headings printed above.

Voters who reside in municipal corporations should fill in the information called for by headings printed below.)

| Signature | County | City or Village | Street and Number | Ward Precinct | Month Day Year |
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| Print: 35 Sign: | | | | | |
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| Print: 37 Sign: | | | | | |
| Print: 38 Sign: | | | | | |
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| Print: 43 Sign: | | | | | |
| Print: 44 Sign: | | | | | |
| Print: 45 Sign: | | | | | |
| Print: 46 Sign: | | | | | |

STATEMENT OF CIRCULATOR

I, _____, declare under penalty of election falsification that I am the circulator of the foregoing petition paper containing the signatures of _____ electors, that the signatures appended hereto were made and appended in my presence on the date set opposite each respective name, and are the signatures of the persons whose names they purport to be or of attorneys in fact acting pursuant to section 3501.382 of the Revised Code, and that the electors signing this petition did so with the knowledge of the contents of same. I am employed to circulate this petition by _____ (Name and address of employer). (The preceding sentence shall be completed as required by section 3501.38 of the Revised Code if the circulator is being employed to circulate the petition.).

I further declare under penalty of election falsification that I witnessed the affixing of every signature to the foregoing petition paper, that all signers were to the best of my knowledge and belief qualified to sign, and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

Signed

(Address of circulator's permanent residence
in this state) Number and Street, Road or
Rural Route

City, Village, or Township

State

Zip Code

**WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY
OF A FELONY OF THE FIFTH DEGREE.**