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March 23, 2021

The Honorable Mike DeWine  
Governor, State of Ohio  
77 South High Street  
Columbus, Ohio 43215

Dear Governor DeWine:

Senate Bill 22, as passed by the Ohio House and Senate, includes language that affects Ohio's public universities and causes concern. Specifically, there is a provision authorizing a person to challenge an order or rule adopted by, among others, a state agency, or statewide elected officer in response to a public health state of emergency. (Section 107.43)

We are concerned that SB 22 establishes a new legal and financial liability on the university by creating a new cause of action against universities that may have issued health related orders or rules – orders that were issued in the best interest of our students, with their health and safety foremost in mind. Senate Bill 22 opens the way for potentially overly litigious individuals to take advantage of a new opportunity to sue – in this case, a state university because of the perceived deep pockets – and recover damages, even though we believe what we have done and the orders we may have issued are reasonable.

University legal counsel's review of the language confirms the provisions of SB22 allow the person challenging the order or rule to bring a civil action for damages or other relief in a court located in the county where the person's residence or business is located -- rather than in the Ohio Court of Claims. If a person successfully challenges an order or rule, then the defendant is required to pay the person's attorney's fees and court costs. This is an unusual legal remedy, creating a significant incentive and advantage for trial lawyers to sue public institutions.

We request the House, Senate, and Governor work together towards a compromise to eliminate this increased liability and potential financial burden on Ohio's public universities and our students.

Sincerely,

Bruce Johnson  
President & CEO  
Inter-University Council of Ohio

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**The Public Universities of Ohio**

The University of Akron  
University of Cincinnati  
Miami University  
Ohio University  
Wright State University

Bowling Green State University  
Cleveland State University  
Northeast Ohio Medical University  
Shawnee State University  
Youngstown State University

Central State University  
Kent State University  
The Ohio State University  
The University of Toledo