

Statement on
Student and Faculty Academic Freedom in Postsecondary Education
(HB 837; SB 2126)

The so-called “academic bill of rights” drafted by self-proclaimed “conservative” activist David Horowitz is a template for legislation that attacks free inquiry and endangers academic freedom in the name of defending academic freedom in universities and colleges. It steals the language academic organizations have used for decades to articulate and defend academic freedom and uses this language to mask an attack on intellectual freedom that holds the potential for limiting what can legitimately be discussed in the classroom and mandating what must be discussed. In Florida two legislators, Rep. Dennis Baxley and Sen. Stephen Wise, have used this template as the text for HB 837 and SB 2126 (“An act relating to student and faculty academic freedom in postsecondary education”).

The right-wing forces behind this legislation want the world to see life the way they see it – where everything is right vs. left, and power should be shifted their way on every occasion. They need to use language deceptively to make their agenda seem palatable.

But inside the shiny apple they are handing to us are three razor blades that will cut into free speech if we bite on their proposal. These dangerous provisions have to do with controversial issues in the classroom, the requirement of “balance,” and litigation over grievances.

1. Controversial issues need to be discussed in classrooms, and it is dangerous to draw boundaries in the law over how and when they should be introduced. The Legislature should not become involved in defining or shaping what is controversial, or for that matter whether it should be heard or how it should be handled. This violates constitutional rights and undermines one of the main functions of the academy, namely, to explore and investigate freely and make public the results -- without political sanctions limiting what is permissible.
2. The “balance” requirement, which demands opposing sides of every controversial issue in the classroom be heard and given equal time, reduces all discussion of controversial issues to a debate over stereotypical versions of extreme alternatives, a debate required and enforced by the Legislature. This will, if written into law, cause a dumbing down of the mental life of students to the cartoon version of intelligence we find on right-wing talk shows where everything controversial is broken into categories such as conservative vs. liberal, religious vs. secular humanist, or American vs. communist. It forces classrooms to waste time giving equal time to aberrant opinions when there could be a developed discussion of alternatives that are viable from an academic point of view. The legislation has the effect of undermining mature discussion; in other words, it has the effect of undermining academic freedom while claiming to promote academic freedom.

3. Insisting that the legislature use its powers to make rules for academic freedom is a serious mistake. The effect of this legislation, with its requirement of a grievance procedure that enforces a laundry list of expectations of what life will be like for the student, is that litigation proliferates. A mandated grievance procedure at each institution will become enforceable by appeal to state courts. This will create enormous expense and aggravation at the same time that it has a chilling effect on speech by faculty in the classroom. Previously each institution had its own mission and way of handling student complaints about unfair behavior in grading or in the way discussions are conducted. Now a crude requirement from a centralized source, defined in state law and enforced by courts, simultaneously politicizes higher education and introduces a one-size-fits-all approach – to be tested and developed in the courts and to be amplified and expanded upon by future legislatures. Approaches already in existence at the university and college level allow us to handle problems discreetly and subtly – without the collateral damage inflicted on academic freedom by this legislation.

I am glad to see this legislation is not making much headway in other states. At the same time I am not glad to see that the Florida House has been moving it forward and that this alien invasion into academic life actually has a chance of becoming a reality here.

This legislation jeopardizes all that faculty have done in recruiting efforts to build their universities and colleges into viable institutions. This political clampdown on intellectual freedom will kill our recruiting efforts, accelerate the exodus of faculty that is already occurring due to salary conditions, and destroy the quality of academic life in our state.

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