

# HOW FREE IS FLORIDA?

## ***Governor Ron DeSantis and Florida Republican Legislators Reimagine Public Universities—and Not for the Better.***

Florida Governor Ron DeSantis often uses the word “freedom” in his speeches, but in reality, he spends a lot of time dictating what Floridians CAN’T do. Central to the concept of freedom is the liberty to choose a public liberal arts education.

In early January 2023, Florida Governor Ron DeSantis began dismantling the public New College in Sarasota, Florida and reshaping it to mirror the structure and function of Hillsdale College, a private conservative Christian school in Michigan. In the New College overhaul, DeSantis appointed new trustees (five live outside the state and are considered right wing political activists), former administrators were fired or forced to resign, and a handpicked president, with no higher education experience but strong political ties to DeSantis, filled the presidential position. The new administration quickly denied tenure to five qualified faculty, eliminated diversity, equity and inclusion (DEI) programs, and designed a new core curriculum with no faculty input. This blueprint made clear the plan for public Florida universities and colleges and the goal was achieved in the recently completed Florida legislative session (May 2023) with the passage of HB 999 and SB 266.

HB 999 and SB 266 include six major features: 1) defunding DEI programs at Florida colleges and universities while prohibiting accrediting agencies from compelling universities to violate state law (requiring DEI initiatives for accreditation), 2) final approval requirements for General Education courses/ curriculum by the Board of Governors, 3) implementation of a five year post-tenure review for faculty, 4) authorization of hiring decisions by university administration with no provision for faculty input, 5) elimination of academic programs deemed to be controversial and not “fact based” and 6) modification/ establishment of three university “civics” institutes including the Hamilton Center for Classical and Civic Education at the University of Florida with curriculum, goals, and purpose as imposed by the Florida legislature. During discussion of the house bill, Democratic legislators offered 14 different amendments in a last ditch effort to modify the bills, yet all were rejected by the supermajority.

Let’s take a closer look at the particulars of the newest pieces of higher education legislation and their realized and potential impact on Florida colleges and universities.

### **1. Defunding of DEI programs.**

Ron DeSantis called DEI programs at universities a relatively new concept that took off “post BLM rioting”. He labeled DEI as “a veneer to impose an ideological agenda”, adding that it’s better described as “discrimination, exclusion and indoctrination.” He is **incorrect** on all points. DEI initiatives have their origins in the civil rights movement of the 1960’s, with programs expanding during the Obama administration from 2008-2016 (3,5). Data suggests that these programs increase enrollment and retention of under-represented groups (including disabled students and veterans) and contribute to student success following graduation (6,15). Defunding DEI programs may subject universities to litigation involving both equal access and opportunity (4).

Federal, foundation, or industry grants to universities usually require applicants to show a commitment to DEI. This legislation purposefully places Florida university faculty at a competitive disadvantage regarding timely application for large grants. Given the governor’s stated opinion of DEI programs and this

intentional legislative act, any granting agency would be naive to believe Florida institutions are committed to any aspect of diversity, equity, and inclusion.

## II. Approval of general education courses/curriculum by the Board of Governors

General education courses are designed to stimulate thought and encourage students to think critically about unfamiliar content. These lower division courses are outside of the students chosen major and provide knowledge and skills that can be applied across a range of disciplines. Most importantly, general education courses encourage students to become familiar with and learn to adapt to different social and cultural communities (7,14). However, HB 999 and SB 266 dictate that general education courses may NOT address systemic racism, sexism, oppression, and/or privilege. Although university faculty are best positioned and trained to design and teach general education courses, these bills place final design and approval in the hands of the Florida Board of Governors, a group of 15 citizens appointed by the governor, none of whom appear to have higher education training or experience in course design (12). It is perplexing how legislative restrictions regarding course design and content and input from untrained political appointees can produce curricula of significant academic complexity and rigor that one would expect at any university.

Faculty are concerned that they will be subject to disciplinary action if they promote or allow class discussion in general education courses that leads to "forbidden" topic areas. Conflicts over faculty "free speech rights" have previously been heard before the United States Supreme Court (Gil Garcetti, et al., Petitioners v. Richard Ceballos, 547 U.S. 410 [2006]), with the Court carving out an exception for faculty who, although public employees, do not have restricted first amendment rights as do other public employees (10). HB 999 and SB 266, contain vague, weak, and undefined verbiage related to free speech and will certainly result in costly litigation for the state (4).

Historically Black Colleges and Universities (HBCUs) offer a variety of general education courses, many of which address racism, sexism, and privilege. For example, Florida A&M University (FAMU) offers AFA 3104, the African American experience. This course's description notes a focus on the "political and historical movements of African Americans since the beginning of the slave trade"(9). How does one teach AFA 3104 without mentioning slavery, racism, oppression and (lack of) privilege? Must this course be eliminated in the name of legislative compliance?

FAMU's mission statement refers to the plan to continue "its rich legacy and historic mission of educating African Americans and embraces all dimensions of diversity." The values statement goes on to say, "Florida A&M University is committed to the values of accountability, inclusion, innovation, and integrity." Yet how will FAMU uphold its values and mission when black culture and community traditions are ignored or forbidden by myopic political agendas that adversely impact courses and curriculum?

## III. Post tenure review of faculty every 5 years,

These bills call for post-tenure review, an assault on the foundation of academic freedom. Tenure provides faculty with an assurance that they will neither be disciplined nor fired based upon their research agenda or teaching approaches. Tenure provides a firewall against undue influence by politicians and others who might promote extremist anti-academic policies (1,2,10) Faculty are experts in their fields—they write curriculum/content, assist with the hiring of qualified colleagues, and make tenure recommendations. Administrators and education board members are not experts in specific research/academic fields and are appointed by political entities that have agendas unrelated to academic excellence. An additional concern: who will take on the workload of reviewing post-tenured faculty? Personnel decisions must be thoughtful and thorough—and this is no small task given the large number of faculty at state institutions.

## IV. Hiring decisions made by university administration with no regard for faculty input.

In a speech at New College, Sarasota, Florida (May 15, 2023), Ron DeSantis stated that Florida universities were controlled by "a cabal of faculty." A quick look at the UF organizational scheme reveals

that faculty “cabals” do not exist and that administrators (currently and prior to bill implication) exert ultimate control over university policy, programs, and personnel actions (13). And while “shared governance” ensures faculty have a part in the discussion, “cabals” of faculty neither exist nor do these phantasms dictate the actions of administrators.

Administrators and state education board members are not experts in specific research/academic fields and are appointed by political entities that have agendas unrelated to academic excellence. On the other hand, university faculty are experts capable of evaluating/judging and choosing colleagues and peers. They are uniquely qualified to evaluate the quality of the applicant’s publications, significance of grant awards, and quality of service obligations. Faculty are also part of an important network that assists in the recruitment of established or emerging scholars to a university. Yet faculty are cut out of the hiring process because of this legislation.

HB 999/SB 266 will have a chilling effect on hiring established and emerging scholars and negatively impact faculty and student recruitment and retention. Anecdotal information suggests that this exodus is already happening at New College and other Florida institutions (1).

#### **V. Elimination of academic programs deemed to be controversial and not “fact based.”**

LGBTQ theory, Women’s Studies, African American History/Studies were named in a previous version of the bill but taken out of the final bill with expectation that citizens would not notice. These study areas are integrative (a good thing) and borrow from a variety of subjects (psychology, sociology, economics, history, and others) to produce a scholarly framework. Scholars in these fields could easily produce discipline related “facts” if anyone asked. But again, unqualified Florida legislators have taken up the mantle to eliminate topics that they find personally offensive.

#### **VI. Establishing state university institutes including the Hamilton Center for Classical and Civic Education at the University of Florida with curriculum, goals, and purpose imposed by the Florida legislature, will result in government-controlled education.**

These centers have been renamed or newly named to include the word “Civics.” Apparently, this magical word will better convey the rationale for either their modification or establishment. The Hamilton Center’s focus will be to promote civil discourse—civil discourse, as commonly defined, includes the mutual airing of views without rancor about highly debatable issues. This discourse requires talking and listening to different points of view all while sharing one’s beliefs and perspectives (8,16). Will these broad discussions take place or be controlled again by politicians? An academic discussion of “civics” issues should always include some mention of community awareness and social justice. Yet considering legislative stipulations in these bills, those topics may be left out for fear of making someone feel “uncomfortable.”

The Hamilton Center (UF) is described in the bills as promoting programs based upon the “great books” (whatever those are) of only western civilizations. In today’s global environment, these centers will encourage a very narrow worldview regarding history, global conflicts, early democracies, and the rise and fall of various great civilizations.

### **CONCLUSION**

Suggesting that these bills promote any semblance of “freedom” is naïve at best but most likely disingenuous. HB 999 and SB 266 were intentionally designed to stifle academic freedom and exert control over academicians who threaten the governor’s “anti-woke” agenda by embracing the free exchange of ideas and the pursuit of truth through an unbiased lens.

According to Jeff McCullers; a Fort Myers educational activist who spent 35 years as a teacher and administrator, “It is dismaying that so much effort has been put into making our state colleges and universities less accessible, less diverse, less fair, less equitable, and less academically sound than they have been in our lifetime” (11) Florida’s universities have indeed been reimagined, and not in a good way.

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