



General Assembly

January Session, 2019

Raised Bill No. 840

LCO No. 3775



Referred to Committee on HIGHER EDUCATION AND
EMPLOYMENT ADVANCEMENT

Introduced by:
(HED)

***AN ACT CONCERNING ACADEMIC FREEDOM AT PUBLIC
INSTITUTIONS OF HIGHER EDUCATION.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2019*) (a) As used in this section
2 and section 2 of this act:

3 (1) "Faculty member" means any person who provides scholarship,
4 conducts research or teaches at a public institution of higher education,
5 including professors who are tenured, nontenured or adjunct, visiting
6 lecturers and graduate student instructors. "Faculty member" does not
7 mean any administrative staff or faculty; and

8 (2) "Adverse personnel action" means any action that would have a
9 negative impact on a faculty member's eligibility for promotion or
10 tenure, compensation, ability to provide scholarship, conduct research
11 or teach, or that results in transfer, termination, suspension or other
12 discipline of the faculty member.

13 (b) Not later than October 1, 2019, the Board of Regents for Higher

14 Education, in accordance with subparagraph (B) of subdivision (1) of
15 subsection (b) of section 10a-6 of the general statutes, and the Board of
16 Trustees of The University of Connecticut, in accordance with
17 subdivision (4) of subsection (b) of section 10a-72 of the general
18 statutes, shall each establish a policy to protect academic freedom and
19 the content of course and degree programs for public institutions of
20 higher education within their jurisdiction. Except as provided in
21 subsection (c) of this section, such policy shall (1) protect faculty
22 members from adverse personnel action resulting from such faculty
23 member's public or private expression related to (A) his or her
24 scholarship, academic research or teaching, or (B) any matter of public
25 concern, including, but not limited to, matters of political, social, or
26 economic significance or critical of institutional policy or
27 administration, and (2) provide (A) a process for faculty members to
28 challenge adverse personnel actions on the grounds of violation of
29 academic freedom, and (B) a list of objective criteria to determine
30 whether an adverse personnel action violates a faculty member's right
31 to academic freedom.

32 (c) Notwithstanding the policies to protect academic freedom
33 established at public institutions of higher education pursuant to
34 subsection (b) of this section, any faculty member may be subject to
35 adverse personnel action for an expression that (1) is disruptive of the
36 academic and instructional purpose of the institution to an extent that
37 would outweigh such faculty member's right to academic freedom, (2)
38 is false or demonstrates unprofessional conduct, (3) substantially or
39 materially interferes with the faculty member's bona fide job
40 performance, or (4) is not reasonably germane to such faculty
41 member's subject area.

42 (d) Not later than January 1, 2020, the Board of Regents for Higher
43 Education and the Board of Trustees of The University of Connecticut
44 shall each submit a report, in accordance with the provisions of section
45 11-4a of the general statutes, to the joint standing committee of the
46 General Assembly having cognizance of matters relating to higher
47 education on its academic freedom policy established pursuant to

48 subsection (b) of this section.

49 Sec. 2. (NEW) (*Effective July 1, 2019*) Any faculty member who
50 believes his or her academic freedom was violated by an adverse
51 personnel action of the public institution of higher education in which
52 he or she provides scholarship, conducts academic research or teaches,
53 may pursue the process provided in the policy to protect academic
54 freedom established at such institution, pursuant to subsection (b) of
55 section 1 of this act, or may seek damages from such institution in
56 accordance with section 31-51q of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	New section
Sec. 2	<i>July 1, 2019</i>	New section

Statement of Purpose:

To protect the freedom of expression of faculty members at public institutions of higher education in their scholarship, research and teaching and regarding matters of public interest.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]