



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 administrative faculty member; and

8 (2) "Adverse personnel action" means any action that has a negative
9 impact on a faculty member's eligibility for promotion or tenure,
10 compensation, ability to provide scholarship, conduct research or
11 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 and the Board of Trustees of The University of Connecticut
15 shall ensure that the policies adopted by said boards to protect
16 academic freedom in accordance with subparagraph (B) of subdivision
17 (1) of subsection (b) of section 10a-6 of the general statutes and
18 subdivision (4) of subsection (b) of section 10a-72 of the general

19 statutes, include protections for the content of course and degree
20 programs for public institutions of higher education within their
21 jurisdiction. Except as provided in subsection (c) of this section, such
22 policies shall (1) protect faculty members from adverse personnel
23 action resulting from such faculty member's public or private
24 expression related to (A) his or her scholarship, academic research or
25 teaching, or (B) any matter of public concern, including, but not
26 limited to, matters of political, social, or economic significance or
27 critical of institutional policy or administration, and (2) provide (A) a
28 process for faculty members to challenge adverse personnel actions on
29 the grounds of violation of academic freedom, and (B) a list of
30 objective criteria to determine whether an adverse personnel action
31 violates a faculty member's right to academic freedom.

32 (c) Notwithstanding the policies to protect academic freedom
33 established at public institutions of higher education, any faculty
34 member may be subject to adverse personnel action for an expression
35 that (1) is disruptive of the academic and instructional purpose of the
36 institution to an extent that would outweigh the faculty member's right
37 to academic freedom, (2) constitutes plagiarism, fraud or misconduct
38 in the context of such faculty member's academic research, (3)
39 substantially or materially interferes with the faculty member's bona
40 fide job performance, or (4) deliberately misrepresents the faculty
41 member's academic expertise.

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 and the protections included
48 in such policy regarding the content of course and degree programs
49 pursuant to subsection (b) of this section.

50 Sec. 2. (NEW) (*Effective July 1, 2019*) Any faculty member who
51 believes his or her academic freedom was violated by an adverse

52 personnel action of the public institution of higher education in which
53 he or she provides scholarship, conducts academic research or teaches,
54 may pursue the process provided in the policy to protect academic
55 freedom established at such institution pursuant to subsection (b) of
56 section 1 of this act or may seek damages from such institution in
57 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

HED *Joint Favorable Subst.*