



Sen. Graciela Guzmán

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1 AMENDMENT TO SENATE BILL 2202

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2202 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Public Higher Education Act is amended by  
5 adding Section 8 as follows:

6 (110 ILCS 167/8 new)

7 Sec. 8. Academic freedom.

8 (a) The General Assembly finds that public institutions of  
9 higher education are a public good that foster the free search  
10 for truth, robust debate, and innovation that benefit this  
11 State. Academic freedom is indispensable to this mission and  
12 therefore warrants statutory protection.

13 (b) Every faculty member or accredited academic unit of a  
14 public institution of higher education has the right to all of  
15 the following:

16 (1) Freedom in teaching, including the right to select

1 pedagogical methods, course materials, and forms of  
2 assessment and to present subject matter according to the  
3 standards of the discipline.

4 (2) Freedom in research, including the right to  
5 pursue, produce, publish, and disseminate  
6 scholarship-related research without institutional or  
7 governmental interference, subject only to professional  
8 ethics and applicable laws.

9 (3) Freedom of expression on matters of public  
10 concern, including the right to comment on institutional,  
11 local, State, or federal policies, whether acting as a  
12 citizen or as a member of the academic community, without  
13 fear of direct or indirect retaliation. This freedom shall  
14 be exercised in a manner consistent with professional  
15 academic standards, institutional responsibilities, and  
16 applicable laws.

17 (c) Nothing in this Section may be construed to:

18 (1) prevent this State or a public institution of  
19 higher education from enacting generally applicable  
20 academic standards, degree requirements, or governance  
21 structures developed through established  
22 shared-governance processes;

23 (2) limit compliance with federal or State  
24 civil-rights, health and safety, or fiduciary laws; or

25 (3) supersede provisions of any valid  
26 collective-bargaining agreement that afford equal or

1 greater protection.

2 (d) No State officer or employee, member of a State  
3 governing or coordinating board, or institutional  
4 administrator may direct, coerce, or penalize any faculty  
5 member of a public institution of higher education concerning  
6 the specific content, viewpoint, or method of the faculty  
7 member's teaching or scholarship, except as permitted under  
8 subsection (c).

9 (e) The governing board of each public institution of  
10 higher education shall, within 12 months after the effective  
11 date of this amendatory Act of the 104th General Assembly,  
12 adopt or amend institutional policies to incorporate the  
13 rights and obligations set forth in this Section, in  
14 consultation with recognized faculty governance bodies and, if  
15 applicable, collective-bargaining representatives.

16 (f) A faculty member, academic unit, or recognized faculty  
17 organization aggrieved by a violation of this Section may  
18 bring a civil action in the circuit court of any county in  
19 which the public institution of higher education is located  
20 for injunctive relief, damages, reinstatement, or reasonable  
21 attorney's fees.

22 Section 10. The Board of Higher Education Act is amended  
23 by adding Sections 9.47 and 9.48 as follows:

24 (110 ILCS 205/9.47 new)

1       Sec. 9.47. Academic freedom of speech policies; public  
2 institutions. No later than one year after the effective date  
3 of this amendatory Act of the 104th General Assembly, to adopt  
4 rules requiring the Board of Trustees of the University of  
5 Illinois, the Board of Trustees of Southern Illinois  
6 University, the Board of Trustees of Chicago State University,  
7 the Board of Trustees of Eastern Illinois University, the  
8 Board of Trustees of Governors State University, the Board of  
9 Trustees of Illinois State University, the Board of Trustees  
10 of Northeastern Illinois University, the Board of Trustees of  
11 Northern Illinois University, and the Board of Trustees of  
12 Western Illinois University to adopt policies protecting  
13 academic freedom of speech. Such policies shall include, but  
14 not be limited to, all of the following:

15           (1) Provisions affording the right of faculty members  
16 and students to freely discuss the subject matter of  
17 teaching material without fear of discipline, up to and  
18 including termination of a faculty member.

19           (2) Provisions affording faculty members and students  
20 full freedom in research and in the publication of the  
21 results of that research without fear of discipline, up to  
22 and including termination of a faculty member.

23           (3) Provisions affirming the right of faculty members  
24 to publicly or privately express views on university  
25 policies, practices, governance, or administration without  
26 fear of discipline, up to and including termination.

1 Expression on such matters constitutes speech on issues of  
2 public concern, and public universities must not retaliate  
3 against faculty members for engaging in such speech as  
4 part of their role as public intellectuals, educators, or  
5 citizens.

6 (4) Provisions affirming the right of employees to (i)  
7 attend a political rally or public demonstration, as long  
8 as the employees are not on duty, or (ii) write or publicly  
9 comment on political issues or related topics, as long as  
10 the employees are not on duty, without fear of discipline,  
11 up to and including termination.

12 (110 ILCS 205/9.48 new)

13 Sec. 9.48. Academic freedom of speech plans; private  
14 institutions. No later than one year after the effective date  
15 of this amendatory Act of the 104th General Assembly, to adopt  
16 and enforce rules requiring private institutions of higher  
17 education to develop and implement plans related to academic  
18 freedom of speech within a reasonable deadline as established  
19 by the Board. Such plans shall include, but not be limited to,  
20 all of the following:

21 (1) Provisions affording the right of faculty members  
22 and students to freely discuss the subject matter of  
23 teaching material without fear of discipline, up to and  
24 including termination of a faculty member.

25 (2) Provisions affording faculty members and students

1 full freedom in research and in the publication of the  
2 results of that research without fear of discipline, up to  
3 and including termination of a faculty member.

4 (3) Provisions affirming the right of faculty members  
5 to publicly or privately express views on institutional  
6 policies, practices, governance, or administration without  
7 fear of discipline, up to and including termination.  
8 Expression on such matters constitutes speech on issues of  
9 public concern, and institutions must not retaliate  
10 against faculty members for engaging in such speech as  
11 part of their role as public intellectuals, educators, or  
12 citizens.

13 (4) Provisions affirming the right of employees to (i)  
14 attend a political rally or public demonstration, as long  
15 as the employees are not on duty, or (ii) write or publicly  
16 comment on political issues or related topics, as long as  
17 the employees are not on duty, without fear of discipline,  
18 up to and including termination.

19 Section 15. The Public Community College Act is amended by  
20 changing Section 2-12 and by adding Section 3-22.4 as follows:

21 (110 ILCS 805/2-12) (from Ch. 122, par. 102-12)

22 Sec. 2-12. The State Board shall have the power and it  
23 shall be its duty:

24 (a) To provide statewide planning for community

1 colleges as institutions of higher education and to  
2 coordinate the programs, services and activities of all  
3 community colleges in the State so as to encourage and  
4 establish a system of locally initiated and administered  
5 comprehensive community colleges.

6 (b) To organize and conduct feasibility surveys for  
7 new community colleges or for the inclusion of existing  
8 institutions as community colleges and the locating of new  
9 institutions.

10 (c) (Blank).

11 (c-5) In collaboration with the community colleges, to  
12 furnish information for State and federal accountability  
13 purposes, promote student and institutional improvement,  
14 and meet research needs.

15 (d) To cooperate with the community colleges in  
16 collecting and maintaining student characteristics,  
17 enrollment and completion data, faculty and staff  
18 characteristics, financial data, admission standards,  
19 facility data, and any other issues facing community  
20 colleges.

21 (e) To enter into contracts with other governmental  
22 agencies and eligible providers, such as local educational  
23 agencies, community-based organizations of demonstrated  
24 effectiveness, volunteer literacy organizations of  
25 demonstrated effectiveness, institutions of higher  
26 education, public and private nonprofit agencies,

1 libraries, and public housing authorities; to accept  
2 federal funds and to plan with other State agencies when  
3 appropriate for the allocation of such federal funds for  
4 instructional programs and student services including such  
5 funds for adult education and literacy, vocational and  
6 career and technical education, and retraining as may be  
7 allocated by state and federal agencies for the aid of  
8 community colleges. To receive, receipt for, hold in  
9 trust, expend and administer, for all purposes of this  
10 Act, funds and other aid made available by the federal  
11 government or by other agencies public or private, subject  
12 to appropriation by the General Assembly. The changes to  
13 this subdivision (e) made by Public Act 91-830 apply on  
14 and after July 1, 2001.

15 (f) To determine efficient and adequate standards for  
16 community colleges for the physical plant, heating,  
17 lighting, ventilation, sanitation, safety, equipment and  
18 supplies, instruction and teaching, curriculum, library,  
19 operation, maintenance, and administration and  
20 supervision.

21 (g) To determine the standards for establishment of  
22 community colleges and the proper location of the site in  
23 relation to existing institutions of higher education  
24 offering academic, occupational and technical training  
25 curricula, possible enrollment, assessed valuation,  
26 industrial, business, agricultural, and other conditions

1 reflecting educational needs in the area to be served;  
2 however, no community college may be considered as being  
3 recognized nor may the establishment of any community  
4 college be authorized in any district which shall be  
5 deemed inadequate for the maintenance, in accordance with  
6 the desirable standards thus determined, of a community  
7 college offering the basic subjects of general education  
8 and suitable vocational and semiprofessional and technical  
9 curricula.

10 (h) To approve or disapprove new units of instruction,  
11 research or public service as defined in Section 3-25.1 of  
12 this Act submitted by the boards of trustees of the  
13 respective community college districts of this State. The  
14 State Board may discontinue programs which fail to reflect  
15 the educational needs of the area being served. The  
16 community college district shall be granted 60 days  
17 following the State Board staff recommendation and prior  
18 to the State Board's action to respond to concerns  
19 regarding the program in question. If the State Board acts  
20 to abolish a community college program, the community  
21 college district has a right to appeal the decision in  
22 accordance with administrative rules promulgated by the  
23 State Board under the provisions of the Illinois  
24 Administrative Procedure Act.

25 (i) To review and approve or disapprove any contract  
26 or agreement that community colleges enter into with any

1 organization, association, educational institution, or  
2 government agency to provide educational services for  
3 academic credit. The State Board is authorized to monitor  
4 performance under any contract or agreement that is  
5 approved by the State Board. If the State Board does not  
6 approve a particular contract or agreement, the community  
7 college district has a right to appeal the decision in  
8 accordance with administrative rules promulgated by the  
9 State Board under the provisions of the Illinois  
10 Administrative Procedure Act. Nothing in this subdivision  
11 (i) shall be interpreted as applying to collective  
12 bargaining agreements with any labor organization.

13 (j) To establish guidelines regarding sabbatical  
14 leaves.

15 (k) (Blank).

16 (l) (Blank).

17 (m) (Blank).

18 (n) To create and participate in the conduct and  
19 operation of any corporation, joint venture, partnership,  
20 association, or other organizational entity that has the  
21 power: (i) to acquire land, buildings, and other capital  
22 equipment for the use and benefit of the community  
23 colleges or their students; (ii) to accept gifts and make  
24 grants for the use and benefit of the community colleges  
25 or their students; (iii) to aid in the instruction and  
26 education of students of community colleges; and (iv) to

1 promote activities to acquaint members of the community  
2 with the facilities of the various community colleges.

3 (o) To ensure the effective teaching of adult learners  
4 and to prepare them for success in employment and lifelong  
5 learning by administering a network of providers,  
6 programs, and services to provide classes for the  
7 instruction of those individuals who (i) are 16 years of  
8 age or older, are not enrolled or required to be enrolled  
9 in a secondary school under State law, and are  
10 basic-skills deficient, (ii) do not have a secondary  
11 school diploma or its recognized equivalent and have not  
12 achieved an equivalent level of education, or (iii) are an  
13 English language learner. Classes in adult education may  
14 include adult basic education, adult secondary and high  
15 school equivalency testing education, high school credit,  
16 literacy, English language acquisition, integrated  
17 education and training in coordination with vocational  
18 skills training, and any other instruction designed to  
19 prepare adult students to function successfully in society  
20 and to experience success in postsecondary education and  
21 employment.

22 (p) To supervise the administration of adult education  
23 and literacy programs, to establish the standards for such  
24 courses of instruction and supervise the administration  
25 thereof, to contract with other State and local agencies  
26 and eligible providers of demonstrated effectiveness, such

1 as local educational agencies, community-based  
2 organizations, volunteer literacy organizations,  
3 institutions of higher education, public and private  
4 nonprofit agencies, libraries, public housing authorities,  
5 and nonprofit institutions for the purpose of promoting  
6 and establishing classes for instruction under these  
7 programs, to contract with other State and local agencies  
8 to accept and expend appropriations for educational  
9 purposes to reimburse local eligible providers for the  
10 cost of these programs, and to establish an advisory  
11 council consisting of all categories of eligible  
12 providers; agency partners, such as the State Board of  
13 Education, the Department of Human Services, the  
14 Department of Employment Security, the Department of  
15 Commerce and Economic Opportunity, and the Secretary of  
16 State literacy program; and other stakeholders to  
17 identify, deliberate, and make recommendations to the  
18 State Board on adult education policy and priorities. The  
19 State Board shall support statewide geographic  
20 distribution; diversity of eligible providers; and the  
21 adequacy, stability, and predictability of funding so as  
22 not to disrupt or diminish, but rather to enhance, adult  
23 education and literacy services.

24 (q) No later than one year after the effective date of  
25 this amendatory Act of the 104th General Assembly, to  
26 adopt and enforce rules that ensure that all faculty

1 members of a community college are entitled to freedom in  
2 the classroom in discussing their subject, including  
3 ensuring that such faculty members have the right to  
4 introduce into their teaching matters related to the  
5 faculty members' subject or the education of their  
6 students in that subject within the discourse of the  
7 faculty members' discipline. Such freedom shall be  
8 extended within the confines of course outcomes, degree or  
9 program requirements, and accreditation requirements.

10 (r) No later than one year after the effective date of  
11 this amendatory Act of the 104th General Assembly, to  
12 adopt and enforce rules that ensure that faculty members  
13 and students at a community college are entitled to full  
14 freedom in research and in the publication of the results  
15 of that research.

16 (Source: P.A. 103-940, eff. 8-9-24.)

17 (110 ILCS 805/3-22.4 new)

18 Sec. 3-22.4. Academic freedom of speech. No later than one  
19 year after the effective date of this amendatory Act of the  
20 104th General Assembly, to adopt and enforce all necessary  
21 rules that are at least as stringent as those established by  
22 the State Board pursuant to subsections (q) and (r) of Section  
23 2-12 to ensure that:

24 (1) all faculty members are entitled to freedom in the  
25 classroom in discussing their subject, including ensuring

1       that such faculty members have the right to introduce into  
2       their teaching matters related to the faculty members'  
3       subject or the education of their students in that subject  
4       within the discourse of the faculty members' discipline;  
5       such freedom shall be extended within the confines of  
6       course outcomes, degree or program requirements, and  
7       accreditation requirements;

8           (2) all faculty members and students are entitled to  
9       full freedom in research and in the publication of the  
10       results of that research;

11           (3) all faculty members are entitled to publicly or  
12       privately express views on community college policies,  
13       practices, governance, or administration without fear of  
14       discipline, up to and including termination. Expression on  
15       such matters constitutes speech on issues of public  
16       concern, and community colleges must not retaliate against  
17       faculty members for engaging in such speech as part of  
18       their role as public intellectuals, educators, or  
19       citizens; and

20           (4) all employees are entitled to (i) attend a  
21       political rally or public demonstration, as long as the  
22       employees are not on duty, or (ii) write or publicly  
23       comment on political issues or related topics, as long as  
24       the employees are not on duty, without fear of discipline,  
25       up to and including termination."