



Sen. Graciela Guzmán

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10400SB2202sam002

LRB104 10374 LNS 35305 a

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) This Section may not 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 civil  
24 rights, health and safety, or fiduciary laws; or

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

1       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       (g) This Section does not prohibit the imposition of  
23 discipline for harassment, threats, or intimidation.

24       (h) This Section does not prohibit an institution from  
25 adopting rules that are designed to prevent hate or violence  
26 from being directed at students in a manner that denies them

1 their full participation in the educational process, so long  
2 as the rules conform to standards established by the First  
3 Amendment of the United States Constitution.

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

6 (110 ILCS 205/9.47 new)

7 Sec. 9.47. Academic freedom of speech policies; public  
8 institutions.

9 (a) No later than one year after the effective date of this  
10 amendatory Act of the 104th General Assembly, the Board shall  
11 adopt rules requiring the Board of Trustees of the University  
12 of Illinois, the Board of Trustees of Southern Illinois  
13 University, the Board of Trustees of Chicago State University,  
14 the Board of Trustees of Eastern Illinois University, the  
15 Board of Trustees of Governors State University, the Board of  
16 Trustees of Illinois State University, the Board of Trustees  
17 of Northeastern Illinois University, the Board of Trustees of  
18 Northern Illinois University, and the Board of Trustees of  
19 Western Illinois University to adopt policies protecting  
20 academic freedom of speech. Such policies shall include, but  
21 shall not be limited to, all of the following:

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

1 including termination of a faculty member.

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

6 (3) Provisions affirming the right of faculty members  
7 to publicly or privately express views on university  
8 policies, practices, governance, or administration without  
9 fear of discipline, up to and including termination.

10 Expression on such matters constitutes speech on issues of  
11 public concern, and public universities must not retaliate  
12 against faculty members for engaging in such speech as  
13 part of their role as public intellectuals, educators, or  
14 citizens.

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

21 (b) This Section does not prohibit the imposition of  
22 discipline for harassment, threats, or intimidation.

23 (c) This Section does not prohibit an institution from  
24 adopting rules that are designed to prevent hate or violence  
25 from being directed at students in a manner that denies them  
26 their full participation in the educational process, so long

1 as the rules conform to standards established by the First  
2 Amendment of the United States Constitution.

3 (110 ILCS 205/9.48 new)

4 Sec. 9.48. Academic freedom of speech plans; private  
5 institutions.

6 (a) No later than one year after the effective date of this  
7 amendatory Act of the 104th General Assembly, the Board shall  
8 adopt and enforce rules requiring private institutions of  
9 higher education to develop and implement plans related to  
10 academic freedom of speech within a reasonable deadline as  
11 established by the Board. Such plans shall include, but shall  
12 not be limited to, all of the following:

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

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

21 (3) Provisions affirming the right of faculty members  
22 to publicly or privately express views on institutional  
23 policies, practices, governance, or administration without  
24 fear of discipline, up to and including termination.  
25 Expression on such matters constitutes speech on issues of

1       public concern, and institutions must not retaliate  
2       against faculty members for engaging in such speech as  
3       part of their role as public intellectuals, educators, or  
4       citizens.

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

11       (b) This Section does not prohibit the imposition of  
12       discipline for harassment, threats, or intimidation.

13       (c) This Section does not prohibit an institution from  
14       adopting rules that are designed to prevent hate or violence  
15       from being directed at students in a manner that denies them  
16       their full participation in the educational process, so long  
17       as the rules conform to standards established by the First  
18       Amendment of the United States Constitution.

19       (d) This Section does not apply to a private postsecondary  
20       educational institution that is controlled by a religious  
21       organization to the extent that the application of this  
22       Section is inconsistent with the religious tenets of that  
23       organization.

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

1 (110 ILCS 805/2-12) (from Ch. 122, par. 102-12)

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

4 (a) To provide statewide planning for community  
5 colleges as institutions of higher education and to  
6 coordinate the programs, services and activities of all  
7 community colleges in the State so as to encourage and  
8 establish a system of locally initiated and administered  
9 comprehensive community colleges.

10 (b) To organize and conduct feasibility surveys for  
11 new community colleges or for the inclusion of existing  
12 institutions as community colleges and the locating of new  
13 institutions.

14 (c) (Blank).

15 (c-5) In collaboration with the community colleges, to  
16 furnish information for State and federal accountability  
17 purposes, promote student and institutional improvement,  
18 and meet research needs.

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

25 (e) To enter into contracts with other governmental

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

20 (f) To determine efficient and adequate standards for  
21 community colleges for the physical plant, heating,  
22 lighting, ventilation, sanitation, safety, equipment and  
23 supplies, instruction and teaching, curriculum, library,  
24 operation, maintenance, and administration and  
25 supervision.

26 (g) To determine the standards for establishment of

1 community colleges and the proper location of the site in  
2 relation to existing institutions of higher education  
3 offering academic, occupational and technical training  
4 curricula, possible enrollment, assessed valuation,  
5 industrial, business, agricultural, and other conditions  
6 reflecting educational needs in the area to be served;  
7 however, no community college may be considered as being  
8 recognized nor may the establishment of any community  
9 college be authorized in any district which shall be  
10 deemed inadequate for the maintenance, in accordance with  
11 the desirable standards thus determined, of a community  
12 college offering the basic subjects of general education  
13 and suitable vocational and semiprofessional and technical  
14 curricula.

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

1           accordance with administrative rules promulgated by the  
2           State Board under the provisions of the Illinois  
3           Administrative Procedure Act.

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

18          (j) To establish guidelines regarding sabbatical  
19          leaves.

20          (k) (Blank).

21          (l) (Blank).

22          (m) (Blank).

23          (n) To create and participate in the conduct and  
24          operation of any corporation, joint venture, partnership,  
25          association, or other organizational entity that has the  
26          power: (i) to acquire land, buildings, and other capital

1 equipment for the use and benefit of the community  
2 colleges or their students; (ii) to accept gifts and make  
3 grants for the use and benefit of the community colleges  
4 or their students; (iii) to aid in the instruction and  
5 education of students of community colleges; and (iv) to  
6 promote activities to acquaint members of the community  
7 with the facilities of the various community colleges.

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

1 (p) To supervise the administration of adult education  
2 and literacy programs, to establish the standards for such  
3 courses of instruction and supervise the administration  
4 thereof, to contract with other State and local agencies  
5 and eligible providers of demonstrated effectiveness, such  
6 as local educational agencies, community-based  
7 organizations, volunteer literacy organizations,  
8 institutions of higher education, public and private  
9 nonprofit agencies, libraries, public housing authorities,  
10 and nonprofit institutions for the purpose of promoting  
11 and establishing classes for instruction under these  
12 programs, to contract with other State and local agencies  
13 to accept and expend appropriations for educational  
14 purposes to reimburse local eligible providers for the  
15 cost of these programs, and to establish an advisory  
16 council consisting of all categories of eligible  
17 providers; agency partners, such as the State Board of  
18 Education, the Department of Human Services, the  
19 Department of Employment Security, the Department of  
20 Commerce and Economic Opportunity, and the Secretary of  
21 State literacy program; and other stakeholders to  
22 identify, deliberate, and make recommendations to the  
23 State Board on adult education policy and priorities. The  
24 State Board shall support statewide geographic  
25 distribution; diversity of eligible providers; and the  
26 adequacy, stability, and predictability of funding so as

1 not to disrupt or diminish, but rather to enhance, adult  
2 education and literacy services.

3 (g) No later than one year after the effective date of  
4 this amendatory Act of the 104th General Assembly, to  
5 adopt and enforce rules that ensure that all faculty  
6 members of a community college are entitled to freedom in  
7 the classroom in discussing their subject, including  
8 ensuring that such faculty members have the right to  
9 introduce into their teaching matters related to the  
10 faculty members' subject or the education of their  
11 students in that subject within the discourse of the  
12 faculty members' discipline. Such freedom shall be  
13 extended within the confines of course outcomes, degree or  
14 program requirements, and accreditation requirements.

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

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

22 (110 ILCS 805/3-22.4 new)

23 Sec. 3-22.4. Academic freedom of speech.

24 (a) No later than one year after the effective date of this  
25 amendatory Act of the 104th General Assembly, to adopt and

1 enforce all necessary rules that are at least as stringent as  
2 those established by the State Board pursuant to subsections  
3 (q) and (r) of Section 2-12 to ensure that:

4 (1) all faculty members are entitled to freedom in the  
5 classroom in discussing their subject, including ensuring  
6 that such faculty members have the right to introduce into  
7 their teaching matters related to the faculty members'  
8 subject or the education of their students in that subject  
9 within the discourse of the faculty members' discipline;  
10 such freedom shall be extended within the confines of  
11 course outcomes, degree or program requirements, and  
12 accreditation requirements;

13 (2) all faculty members and students are entitled to  
14 full freedom in research and in the publication of the  
15 results of that research;

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

25 (4) all employees are entitled to (i) attend a  
26 political rally or public demonstration, as long as the

1 employees are not on duty, or (ii) write or publicly  
2 comment on political issues or related topics, as long as  
3 the employees are not on duty, without fear of discipline,  
4 up to and including termination.

5 (b) This Section does not prohibit the imposition of  
6 discipline for harassment, threats, or intimidation.

7 (c) This Section does not prohibit an institution from  
8 adopting rules that are designed to prevent hate violence from  
9 being directed at students in a manner that denies them their  
10 full participation in the educational process, so long as the  
11 rules conform to standards established by the First Amendment  
12 of the United States Constitution."