



Sen. Graciela Guzmán

Filed: 5/28/2026

10400SB2202sam006

LRB104 10374 AAS 38462 a

1 AMENDMENT TO SENATE BILL 2202

2 AMENDMENT NO. _____. Amend Senate Bill 2202, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 1. References to Act. This Act may be referred to
6 as the Academic Freedom of Expression Act.

7 Section 3. Findings and encouragement.

8 (a) The General Assembly finds that:

9 (1) Institutions of higher education are essential
10 forums for the open exchange of ideas that foster the free
11 search for truth, robust debate, and innovation, which
12 benefits this State and supports the tenets of a thriving
13 democracy. Academic freedom is indispensable to this
14 mission and therefore warrants statutory protection.

15 (2) Academic freedom serves not only individual
16 interests but also the broader public interest by

1 safeguarding the independence and integrity of teaching,
2 learning, and scholarship, which are vital to the economic
3 and cultural well-being of the State.

4 (3) Students benefit when this State affirms core
5 principles, including free inquiry, content-neutral and
6 viewpoint-neutral access to programs and activities,
7 safety, nondiscrimination, and academic excellence.
8 Institutions of higher education benefit when this State
9 provides clear, workable standards that align with current
10 federal and State law and when institutions are not
11 subjected to expansive or uncertain liability due to their
12 good-faith efforts at substantial compliance.

13 (4) This State has an interest in ensuring the
14 exercise of academic freedom so that institutions of
15 higher education are not threatened through undue
16 influence by external pressures, including actions by
17 public officials or governmental bodies that seek to
18 influence or restrict teaching, research, or expression.
19 Such actions undermine the mission of higher education and
20 are contrary to the public interest.

21 (b) The General Assembly encourages the governing board of
22 each post-secondary educational institution, as defined in the
23 Private College Act, to adopt or amend institutional policies
24 that incorporate, at a minimum, the academic freedoms, rights,
25 and obligations for public institutions of higher education
26 set forth in Section 8 of the Public Higher Education Act. The

1 General Assembly further encourages each private
2 post-secondary educational institution to make the
3 institution's policies on academic freedom, if applicable,
4 publicly available on the institution's website.

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

7 (110 ILCS 167/8 new)

8 Sec. 8. Academic freedom.

9 (a) As used in this Section:

10 "Harassment" means unwelcome conduct based on a protected
11 category that is so severe, pervasive, and objectively
12 offensive that it effectively denies a person equal access to
13 a public institution of higher education's educational
14 programs or activities, consistent with applicable federal and
15 State law.

16 "Hate crime" has the meaning given to that term in Section
17 12-7.1 of the Criminal Code of 2012.

18 "Intimidation" means a course of conduct directed at a
19 particular individual or group that would cause a reasonable
20 person to fear for their physical safety or the physical
21 safety of others and that is not protected by the First
22 Amendment to the Constitution of the United States, consistent
23 with applicable federal and State law.

24 "Public institution of higher education" has the meaning

1 given to that term in Section 5 of this Act. "Public
2 institution of higher education" does not include laboratory
3 schools, as defined in Section 18-8.15 of the School Code.

4 "Retaliation" means intimidation, threats, coercion, or
5 discrimination against any person for the purpose of
6 interfering with any right under this Act or due to the person
7 reporting information, making a complaint, testifying,
8 assisting, participating, or refusing to participate in an
9 investigation, proceeding, or hearing regarding an alleged
10 violation of this Act, including in an informal resolution
11 process or in institutional grievance procedures.

12 "Threat" means a statement or course of conduct made with
13 knowledge or reckless disregard that a reasonable person would
14 interpret the statement or course of conduct as a serious
15 expression of intent to commit an act of unlawful violence
16 against a particular individual or group, consistent with
17 applicable federal and State law.

18 (b) Every faculty member of a public institution of higher
19 education has the right to all of the following, without fear
20 of retaliation by the institution or discipline up to and
21 including termination:

22 (1) Freedom in teaching, including the right to select
23 pedagogical methods, course materials, and forms of
24 assessment and to present and freely discuss the subject
25 matter of course material, as long as such methods,
26 materials, forms of assessment, and discussions are

1 reasonably germane to the faculty member's field or fields
2 of study or assigned instructional responsibilities and
3 conducted consistent with published lawful institutional
4 policies and standards of the discipline. Non-germane
5 speech must not comprise a substantial portion of
6 classroom instruction.

7 (2) Freedom in research, including the right to
8 pursue, produce, publish, and disseminate
9 scholarship-related research, subject only to professional
10 ethics standards, published lawful institutional policies,
11 institutional responsibilities, contractual obligations,
12 and applicable laws and regulatory requirements governing
13 research activities.

14 (3) Freedom of expression, where the faculty member is
15 acting in an individual capacity and does not purport to
16 represent the views of the institution unless the faculty
17 member is authorized to do so, on matters of public
18 concern, including the right to comment on institutional,
19 local, State, or federal policies, practices, governance,
20 or administration. This freedom shall be exercised in a
21 manner consistent with applicable federal and State law.

22 (4) Freedom to attend a political rally or public
23 demonstration, as long as the faculty member is not absent
24 from class or other official responsibilities, and to
25 write or publicly comment on political issues or related
26 topics, as long as the faculty member is acting in an

1 individual capacity outside the scope of their assigned
2 institutional duties and without the use of institutional
3 resources, consistent with applicable federal and State
4 law and published lawful institutional policies.

5 Nothing in this Section shall be construed to create an
6 inconsistent or unequal application of lawful institutional
7 policies governing expressive activity among faculty, staff,
8 or other employees of the public institution of higher
9 education, except as necessary to account for differences in
10 assigned institutional responsibilities.

11 (c) Every student of a public institution of higher
12 education has the freedom or right to all of the following,
13 without fear of retaliation by the institution or discipline:

14 (1) Freedom to freely discuss the subject matter of
15 teaching material in the classroom, as long as such
16 discussion is relevant to the course content, conducted
17 consistent with published lawful institutional policies,
18 and in conformity with the class management expectations
19 established for the applicable class.

20 (2) Freedom in research, including the right to
21 pursue, produce, publish, and disseminate
22 scholarship-related research, subject only to applicable
23 ethics standards, published lawful institutional policies,
24 contractual obligations, and laws and regulatory
25 requirements governing research activities.

26 (3) Freedom of expression on matters of public

1 concern, including the right to comment on institutional,
2 local, State, or federal policies, practices, governance,
3 or administration. This freedom shall be exercised in a
4 manner consistent with published lawful institutional
5 policies and applicable federal and State law.

6 (4) Freedom to attend a political rally or public
7 demonstration and to write or publicly comment on
8 political issues or related topics, consistent with
9 applicable federal and State law and published lawful
10 institutional policies.

11 (5) Freedom to engage in lawful, peaceful protest in
12 the generally accessible and open outdoor areas of campus,
13 subject to any reasonable content-neutral and
14 viewpoint-neutral time, place, and manner restrictions
15 that are in furtherance of a significant institutional
16 interest and that leave ample alternative means of
17 expression, including restrictions that prevent conduct
18 that is unlawful or conduct that intentionally,
19 materially, and substantially disrupts the functioning of
20 the institution.

21 (d) This Section may not be construed to:

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

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

3 (3) supersede any valid collective bargaining
4 agreement provisions that afford equal or greater
5 protection;

6 (4) limit the authority of an institution to regulate
7 the speech or expressive conduct of faculty, staff, or
8 students to the extent permitted under federal or State
9 law and published lawful institutional policies, including
10 through any reasonable content-neutral and
11 viewpoint-neutral time, place, and manner restrictions
12 that are in furtherance of a significant institutional
13 interest and that leave ample alternative means of
14 expression, and the regulation of speech in nonpublic
15 forums;

16 (5) restrict an institution's ability to clarify that
17 speech or expression by faculty, staff, or students is
18 undertaken in an individual capacity and does not
19 represent the views of the institution unless the faculty,
20 staff, or students were expressly authorized by the
21 institution to speak on the institution's behalf;

22 (6) prohibit an institution from adopting and
23 enforcing published policies addressing unlawful
24 harassment, discrimination, threats, intimidation, hate
25 crimes, or conduct that intentionally, materially, and
26 substantially disrupts the functioning of the institution

1 or that interferes with the rights of others to
2 participate in or benefit from institutional programs or
3 activities, consistent with federal and State law;

4 (7) limit an institution's ability to publicly comment
5 on any speech or expressive conduct of faculty, staff, or
6 students that is inconsistent with the institution's
7 mission or values; or

8 (8) impose obligations that would cause an institution
9 to violate applicable federal or State law, including any
10 federal civil rights requirements.

11 (e) No State officer or employee, member of a State
12 governing or coordinating board, or institutional
13 administrator may retaliate against or discipline any faculty
14 member of a public institution of higher education for the
15 specific content of, viewpoints presented in, or method of the
16 faculty member's teaching or scholarship, except as necessary
17 to ensure that a faculty member's teaching or scholarship is
18 reasonably germane to the faculty member's field or fields of
19 study or assigned instructional responsibilities and that
20 non-germane speech does not comprise a substantial portion of
21 classroom instruction or to comply with applicable federal or
22 State law.

23 (f) The governing board of each public institution of
24 higher education shall, by July 1, 2027, adopt or amend
25 institutional policies to incorporate, at a minimum, the
26 rights and obligations set forth in this amendatory Act of the

1 104th General Assembly, in consultation with recognized
2 faculty governing bodies and, if applicable, collective
3 bargaining representatives.

4 Each public institution of higher education shall make the
5 institution's policies on academic freedom publicly available
6 on the institution's website by July 1, 2027 and within 60 days
7 after any subsequent revisions to the policy.

8 Each public institution of higher education shall submit
9 the institution's policies on academic freedom to the Illinois
10 Community College Board or the Board of Higher Education,
11 whichever is applicable, by July 1, 2027 and within 60 days
12 after any subsequent revisions to the policy. The Illinois
13 Community College Board and the Board of Higher Education
14 shall make the policies received from each institution under
15 this subsection (f) publicly available on their respective
16 websites by January 1, 2028 and within 60 days after any
17 subsequent revisions to the policy. The Illinois Community
18 College Board and the Board of Higher Education shall each
19 submit to the General Assembly a report compiling the policies
20 received from each institution under this subsection (f) by
21 January 1, 2028.

22 (g) Alleged violations of this Section shall first be
23 addressed through a public institution of higher education's
24 established grievance or administrative review procedures or
25 applicable collective bargaining agreements. A faculty member
26 or student of an institution at the time that the institution

1 has made or enforced any rule in violation of this Section may
2 commence a civil action to obtain appropriate injunctive and
3 declaratory relief as determined by a court if the faculty
4 member or student has first exhausted applicable institutional
5 grievance or administrative review procedures or remedies
6 available under any applicable collective bargaining
7 agreement. Upon motion, the court may award reasonable
8 attorney's fees and costs, including expert witness fees and
9 other litigation expenses, to a prevailing plaintiff in a
10 civil action brought under this Section.

11 Nothing in this Section shall be construed to create a
12 private right of action for damages against an institution.

13 (h) The initiation of a disciplinary process or the filing
14 of a complaint against a person constitutes retaliation under
15 this Section only if the initiation or filing was done for the
16 purpose of interfering with the person's rights under this Act
17 or was due to the person reporting information, making a
18 complaint, testifying, assisting, or participating in an
19 investigation, proceeding, or hearing regarding an alleged
20 violation of this Act, and the institution lacks a reason for
21 the initiation or filing that is not a pretext for
22 retaliation.

23 An adverse action or adverse change in a faculty member's
24 employment status or the terms and conditions of the faculty
25 member's employment may constitute retaliation under this
26 Section when the adverse action or adverse change results from

1 the faculty member's protected activity under this Act. An
2 adverse action or adverse change in a faculty member's
3 employment status or the terms and conditions of the faculty
4 member's employment may include, but is not limited to, the
5 following:

- 6 (1) frequent and undesirable office changes;
- 7 (2) refusal to assign meaningful work;
- 8 (3) unsubstantiated letters of reprimand or
9 unsatisfactory performance evaluations;
- 10 (4) demotion;
- 11 (5) reduction in pay;
- 12 (6) denial of promotion;
- 13 (7) transfer or reassignment;
- 14 (8) suspension or dismissal; or
- 15 (9) other disciplinary actions made because of the
16 faculty member's protected activity under this Act.

17 An adverse action against a student may constitute
18 retaliation under this Section when the adverse action results
19 from the student's protected activity under this Act. An
20 adverse action against a student may include, but is not
21 limited to, the following:

- 22 (1) failing grades;
- 23 (2) prevention from participating in school
24 activities;
- 25 (3) expulsion or the threat of expulsion; or
- 26 (4) other disciplinary actions made because of the

1 student's protected activity under this Act.

2 Nothing in this Section prohibits a public institution of
3 higher education from requiring a person to participate as a
4 witness in, or otherwise assist with, an investigation,
5 proceeding, or hearing under this Act or applicable federal or
6 State law.

7 (i) This Section shall be construed in accordance with,
8 and not in conflict with, applicable federal and State law,
9 including, but not limited to, Title VI of the federal Civil
10 Rights Act of 1964, Title IX of the federal Education
11 Amendments of 1972, the federal Jeanne Clery Disclosure of
12 Campus Security Policy and Campus Crime Statistics Act, the
13 federal Family Educational Rights and Privacy Act of 1974, the
14 federal Americans with Disabilities Act of 1990, Section 504
15 of the federal Rehabilitation Act of 1973, and the Illinois
16 Human Rights Act.

17 Section 15. The Public Community College Act is amended by
18 changing Section 2-15 as follows:

19 (110 ILCS 805/2-15) (from Ch. 122, par. 102-15)

20 Sec. 2-15. Recognition. The State Board shall grant
21 recognition to community colleges which maintain equipment,
22 courses of study, standards of scholarship and other
23 requirements set by the State Board. Application for
24 recognition shall be made to the State Board. The State Board

1 shall set the criteria by which the community colleges shall
2 be judged and through the executive officer of the State Board
3 shall arrange for an official evaluation of the community
4 colleges and shall grant recognition of such community
5 colleges as may meet the required standards.

6 Recognition shall include a review of a community
7 college's compliance with Section 8 of the Public Higher
8 Education Act. Recognition shall also include a review of
9 compliance with Section 3-65 of this Act and other applicable
10 State and federal laws regarding employment contracts and
11 compensation. Annually, the State Board shall convene an
12 advisory committee to review the findings and make
13 recommendations for changes or additions to the laws or the
14 review procedures.

15 If a community college district fails to meet the
16 recognition standards set by the State Board, and if the
17 district, in accordance with: (a) generally accepted
18 Government Auditing Standards issued by the Comptroller
19 General of the United States, (b) auditing standards
20 established by the American Institute of Certified Public
21 Accountants, or (c) other applicable State and federal
22 standards, is found by the district's auditor or the State
23 Board working in cooperation with the district's auditor to
24 have material deficiencies in the design or operation of
25 financial control structures that could adversely affect the
26 district's financial integrity and stability, or is found to

1 have misused State or federal funds and jeopardized its
2 participation in State or federal programs, the State Board
3 may, notwithstanding any laws to the contrary, implement one
4 or more of the following emergency powers:

5 (1) To direct the district to develop and implement a
6 plan that addresses the budgetary, programmatic, and other
7 relevant factors contributing to the need to implement
8 emergency measures. The State Board shall assist in the
9 development and shall have final approval of the plan.

10 (2) To direct the district to contract for educational
11 services in accordance with Section 3-40. The State Board
12 shall assist in the development and shall have final
13 approval of any such contractual agreements.

14 (3) To approve and require revisions of the district's
15 budget.

16 (4) To appoint a Financial Administrator to exercise
17 oversight and control over the district's budget. The
18 Financial Administrator shall serve at the pleasure of the
19 State Board and may be an individual, partnership,
20 corporation, including an accounting firm, or other entity
21 determined by the State Board to be qualified to serve,
22 and shall be entitled to compensation. Such compensation
23 shall be provided through specific appropriations made to
24 the State Board for that express purpose.

25 (5) To develop and implement a plan providing for the
26 dissolution or reorganization of the district if in the

1 judgment of the State Board the circumstances so require.
2 All local funds under the control of the State Board as a
3 result of the dissolution or reorganization of the
4 district shall be expended by the State Board for purposes
5 of providing educational services in the territory from
6 which those local funds were acquired.
7 (Source: P.A. 103-940, eff. 8-9-24.)".