

LEHMAN COLLEGE
ACADEMIC FREEDOM COMMITTEE
Minutes of the committee meeting
10 Mar 2023

Present: Diane Auslander, Stefanie Brijmohan, Duran Fiack, Oluwatimilehin Ibidapo, Kevin Johnson, David Manier (chair)

1. A quorum having been established, and minutes of the preceding meeting having been approved via email, the (online) meeting was called to order by Prof. Manier at 1:30 p.m.
2. We discussed and unanimously passed the attached two resolutions.
3. There being no further business, the meeting was adjourned. [Some follow-up discussions will occur by email, subsequent to this meeting.]

Respectfully submitted,
David Manier, Assoc. Professor
Chair and Secretary Pro Tempore

Cc: Sophia Diamantis-Fry

Academic Freedom Committee
Lehman College
Resolution on Florida House Bill 999
March 12, 2023

Be it resolved that the President of the Lehman Senate shall convey to the American Historical Association¹ (AHA) that the Lehman Senate has voted to sign on to the following statement:

AHA Statement Opposing Florida House Bill 999

Approved by AHA Council, March 3, 2023

HB 999, filed in the Florida House of Representatives on February 21, 2023, merits attention and comment.

The American Historical Association has been monitoring the genre of legislation commonly referred to as “divisive concepts” bills for two years. Normally we do not engage with what gets fed into the hopper; we wait until legislation is viable, generally when a bill emerges from committee. But HB 999 is different, and we consider it imperative to speak out immediately and forcefully. What has previously best been characterized as unwarranted political intervention into public education has now escalated to an attempt at a hostile takeover of a state’s system of higher education.

We express horror (not our usual “concern”) at the assumptions that lie at the heart of this bill and its blatant and frontal attack on principles of academic freedom and shared governance central to higher education in the United States. Florida’s legislature has on its agenda a dagger to the heart of an American institutional framework that has long been the envy of the world (and a source of billions of dollars in revenue from international students).

What would implementation of this legislation look like? Consider history education.

HB 999 allows political appointees unprecedented oversight of day-to-day educational decisions. Universities and departments will face consequences should unelected partisan actors decide that any “general education core courses” somehow “suppress or distort significant historical events.” All history teachers “suppress” some events; everything has a history, and no course can include all histories. It is up to the teacher, within reasonable state guidelines, to select what is most important and most useful to students in a particular class. All else is “suppressed.”

The bill also gives to boards of trustees the authority to determine if and when teachers of a mandated set of core courses have “define[d] American history as contrary to the creation of a new nation based on the universal principles stated in the Declaration of Independence.” Is it illegal for a faculty member to suggest that the US Constitution, rather than the Declaration of Independence, created the political framework for the new nation? Given that HB 999 would empower boards of regents to review the tenure status of any faculty member, such legitimate

¹ American Historical Association, 400 A Street SE, Washington, DC 20003, Phone: 202.544.2422, Email: info@historians.org

(and pedagogically useful) interpretive disagreements could have dire implications for all instructors, even faculty best protected by traditional norms of governance and procedure.

This is not merely an escalation of the “history wars” that have ebbed and flowed across the American landscape—and indeed, in other nations as well; the United States is hardly exceptional in this regard. Like the proponents of more conventional “divisive concepts” legislation, advocates of this particular assault especially fear the implications of the state’s youth learning that slavery and racism have enduring legacies. The idea that racism is a central aspect of American historical development—and its enduring presence in institutions, cultures, and practices—is well within the mainstream of historical scholarship, however much we might disagree about dynamics, relationships, and models of change. Notably, HB 999 mentions “critical race theory” more often than the words “democracy,” “freedom,” and “liberty” combined. This legislation aims to incite and divide, rather than to establish a healthy foundation for civic understanding.

The AHA does not disagree with HB 999’s premise that the mission of the state university system should be “education for citizenship of the constitutional republic [and] . . . the state’s existing and emerging workforce needs.” Employers look for applicants who have learned how to think, rather than what to think. Using evidence and deciding what facts matter is vital to being a successful engineer, doctor, or teacher. Would we want heart surgeons whose coursework or choice of tools had been dictated by political appointees? As for the viability of our constitutional republic, it is neither possible nor desirable to forge unity by refusing to acknowledge and understand division; instead, the very language of this legislation sows and perpetuates division. An informed citizenry requires the skills of historical literacy and the ability to test ideas, which is the core of history education.

This is not only about Florida. It is about the heart and soul of public higher education in the United States and about the role of history, historians, and historical thinking in the lives of the next generation of Americans.

**Academic Freedom Committee
Lehman College
Resolution on Collaboration and Exigency
March 12, 2023**

Whereas, in recent years, American institutions of higher education have sometimes cut faculty and staff, even leading to the closure of programs that should be part of any serious educational institution's curricular portfolio, and have implemented policies that erode the ranks of faculty and staff and the principles of shared governance,

Now therefore be it resolved that, to preserve shared governance and consultation, stakeholders represented in the Lehman Senate (students, staff, and faculty) must be involved in consultation and deliberation at every stage of such decisions, beginning with a determination that a state of financial exigency exists; and

Be it further resolved that before any proposals for program discontinuance on financial grounds are made or entertained, the Lehman Senate should have the opportunity to render an assessment on the institution's financial condition; and

Be it further resolved that the Senate should have access to, at minimum, five years of audited financial statements, current and following-year budgets, and detailed cashflow estimates for future years; and

Be it further resolved that, in order to make informed proposals about the financial impact of cuts and program closures, the Senate needs access to detailed program, department, and administrative-unit budgets; and

Be it further resolved that the Senate should determine whether all feasible alternatives to cuts and closures have been pursued, including (*inter alia*) expenditure of one-time money or reserves as bridge funding, deferral of nonessential capital expenditures, and cuts to noneducational programs and services, including expenses for administration; and

Be it further resolved that faculty and staff in a program being considered for discontinuance because of financial exigency should be informed in writing that it is being so considered and given at least thirty days in which to respond. Tenured, tenure-track, and contingent faculty members, as well as students and staff, should be involved.

And be it further resolved that a condition of financial exigency can legitimately be declared only when the determination of the institution's financial health is guided by generally accepted accounting principles. But financial exigency is not a plausible complaint in case the College has shifted resources from its primary missions of teaching and research toward the employment of increasing numbers of administrators or toward unnecessary capital expenditures. Programs may be cut in case of severe financial exigency, but only if the

Lehman Senate is involved in the decision-making process, beginning with the determination of whether the College is experiencing bona fide financial exigency.