



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2202

Introduced 2/7/2025, by Sen. Graciela Guzmán

SYNOPSIS AS INTRODUCED:

New Act

110 ILCS 205/9.45 new

110 ILCS 205/9.46 new

110 ILCS 205/9.47 new

110 ILCS 805/2-12

from Ch. 122, par. 102-12

110 ILCS 805/3-22.4 new

Creates the Academic Freedom of Expression Act. Prohibits a public institution of higher education or private institution of higher education from making or enforcing a rule subjecting a student to disciplinary sanctions solely on the basis of conduct that is speech or other communication that, when engaged in outside the campus or facility of the institution, is protected from governmental restriction by the First Amendment of the United States Constitution. Allows a student enrolled in a private postsecondary institution at the time that the institution has made or enforced any rule violating the Act to commence a civil action to obtain appropriate injunctive and declaratory relief as determined by the court. Sets forth exceptions. Amends the Board of Higher Education Act. Grants the following powers to the Board of Higher Education: the power to adopt policies protecting academic freedom of speech; the power to support the Illinois Community College Board in developing its academic freedom of speech policies; and the power to establish and enforce rules requiring private institutions of higher education to develop and implement plans related to academic freedom of speech within a reasonable deadline. Amends the Public Community College Act. Grants the following power to the Illinois Community College Board: the power to create and enforce rules which ensure that all faculty members are entitled to freedom in the classroom in discussing their subject where such freedom shall be extended within the confines of the course outcomes, degree or program requirements, and accreditation requirements; and the power to create and enforce rules which ensure that faculty members and students are entitled to full freedom in research and in the publication of the results.

LRB104 10374 LNS 20449 b

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Academic Freedom of Expression Act.

6 Section 5. Definitions. As used in this Act:

7 "Private institution of higher education" means Any
8 institution of higher education that is subject to the Private
9 College Act or the Academic Degree Act.

10 "Public institutions of higher education" means the
11 University of Illinois, Southern Illinois University, Chicago
12 State University, Eastern Illinois University, Governors State
13 University, Illinois State University, Northeastern Illinois
14 University, Northern Illinois University, Western Illinois
15 University, the public community colleges of the State and any
16 other public universities, colleges, and community colleges
17 now or hereafter established or authorized by the General
18 Assembly.

19 Section 10. Academic freedom of expression. No public
20 institution of higher education or private institution of
21 higher education shall make or enforce a rule subjecting a
22 student to disciplinary sanctions solely on the basis of

1 conduct that is speech or other communication that, when
2 engaged in outside the campus or facility of the institution,
3 is protected from governmental restriction by the First
4 Amendment of the United States Constitution.

5 Section 15. Private right of action; attorney's fees. A
6 student enrolled in a private postsecondary institution at the
7 time that the institution has made or enforced any rule in
8 violation of Section 10 may commence a civil action to obtain
9 appropriate injunctive and declaratory relief as determined by
10 the court. Upon motion, a court may award attorney's fees to a
11 prevailing plaintiff in a civil action pursuant to this
12 Section.

13 Section 20. Exceptions.

14 (a) This Act does not apply to a private postsecondary
15 educational institution that is controlled by a religious
16 organization to the extent that the applications of this Act
17 would not be consistent with the religious tenets of that
18 organization.

19 (b) This Act does not prohibit the imposition of
20 discipline for harassment, threats, or intimidation.

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

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

3 Section 25. The Board of Higher Education Act is amended
4 by adding Sections 9.45, 9.46, and 9.47 as follows:

5 (110 ILCS 205/9.45 new)

6 Sec. 9.45. Academic freedom of speech policies in public
7 institutions of higher education. No later than one year after
8 the effective date of this amendatory Act of the 104th General
9 Assembly, to make rules requiring the Board of Trustees of the
10 University of Illinois, the Board of Trustees of Southern
11 Illinois University, the Board of Trustees of Chicago State
12 University, the Board of Trustees of Eastern Illinois
13 University, the Board of Trustees of Governors State
14 University, the Board of Trustees of Illinois State
15 University, the Board of Trustees of Northeastern Illinois
16 University, the Board of Trustees of Northern Illinois
17 University, and the Board of Trustees of Western Illinois
18 University to adopt policies protecting academic freedom of
19 speech. Such policies must include, but may not be limited to:

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

24 (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.

4 (110 ILCS 205/9.46 new)

5 Sec. 9.46. Support Illinois Community College Board. To
6 support the Illinois Community College Board in developing its
7 academic freedom of speech policies described in subsection
8 (q) and (r) of Section 2-1 of the Public Community College Act.

9 (110 ILCS 205/9.47 new)

10 Sec. 9.47. Academic freedom of speech plans in private
11 institutions of higher education. No later than one year after
12 the effective date of this amendatory Act of the 104th General
13 Assembly, to establish and enforce rules requiring private
14 institutions of higher education to develop and implement
15 plans related to academic freedom of speech within a
16 reasonable deadline as established by the Board. Such plans
17 shall include, but not be limited to:

18 (1) Provisions affording the right of faculty members
19 and students to freely discuss the subject matter of their
20 teaching material without fear of discipline, up to and
21 including termination.

22 (2) Provisions affording faculty members and students
23 full freedom in research and in the publication of the
24 results of that research without fear of discipline, up to

1 and including termination.

2 Section 30. The Public Community College Act is amended by
3 changing Section 2-12 and by adding Section 3-22.4 as follows:

4 (110 ILCS 805/2-12) (from Ch. 122, par. 102-12)

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

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

13 (b) To organize and conduct feasibility surveys for
14 new community colleges or for the inclusion of existing
15 institutions as community colleges and the locating of new
16 institutions.

17 (c) (Blank).

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

22 (d) To cooperate with the community colleges in
23 collecting and maintaining student characteristics,
24 enrollment and completion data, faculty and staff

1 characteristics, financial data, admission standards,
2 facility data, and any other issues facing community
3 colleges.

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

24 (f) To determine efficient and adequate standards for
25 community colleges for the physical plant, heating,
26 lighting, ventilation, sanitation, safety, equipment and

1 supplies, instruction and teaching, curriculum, library,
2 operation, maintenance, and administration and
3 supervision.

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

19 (h) To approve or disapprove new units of instruction,
20 research or public service as defined in Section 3-25.1 of
21 this Act submitted by the boards of trustees of the
22 respective community college districts of this State. The
23 State Board may discontinue programs which fail to reflect
24 the educational needs of the area being served. The
25 community college district shall be granted 60 days
26 following the State Board staff recommendation and prior

1 to the State Board's action to respond to concerns
2 regarding the program in question. If the State Board acts
3 to abolish a community college program, the community
4 college district has a right to appeal the decision in
5 accordance with administrative rules promulgated by the
6 State Board under the provisions of the Illinois
7 Administrative Procedure Act.

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

22 (j) To establish guidelines regarding sabbatical
23 leaves.

24 (k) (Blank).

25 (l) (Blank).

26 (m) (Blank).

1 (n) To create and participate in the conduct and
2 operation of any corporation, joint venture, partnership,
3 association, or other organizational entity that has the
4 power: (i) to acquire land, buildings, and other capital
5 equipment for the use and benefit of the community
6 colleges or their students; (ii) to accept gifts and make
7 grants for the use and benefit of the community colleges
8 or their students; (iii) to aid in the instruction and
9 education of students of community colleges; and (iv) to
10 promote activities to acquaint members of the community
11 with the facilities of the various community colleges.

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

1 skills training, and any other instruction designed to
2 prepare adult students to function successfully in society
3 and to experience success in postsecondary education and
4 employment.

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

1 State Board on adult education policy and priorities. The
2 State Board shall support statewide geographic
3 distribution; diversity of eligible providers; and the
4 adequacy, stability, and predictability of funding so as
5 not to disrupt or diminish, but rather to enhance, adult
6 education and literacy services.

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

19 (r) No later than one year after the effective date of
20 this amendatory Act of the 104th General Assembly, to
21 create and enforce rules which ensure that faculty members
22 and students are entitled to full freedom in research and
23 in the publication of the results.

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

25 (110 ILCS 805/3-22.4 new)

1 Sec. 3-22.4. Academic freedom of speech. No later than one
2 year after the effective date of this amendatory Act of the
3 104th General Assembly, to adopt and enforce all necessary
4 rules that are at least as stringent as those established by
5 the State Board pursuant to subsection (q) and (r) of the
6 Public Community College Act which ensures that:

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

16 (2) faculty members and students are entitled to full
17 freedom in research and in the publication of the results.