

To: UFF Members
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Subj: Classroom Guidance for UFF Members Regarding HB 7

HB 7: What All Faculty Need to Know

HB 7 became law on July 1, 2022. The first of its kind in the nation, the bill purports to “give businesses, employees, children and families tools to stand up against discrimination and woke indoctrination.”¹ This legislation prohibits faculty from “endorsing” certain positions in classrooms related to how individuals should feel regarding systemic racism, sexism’s impacts on society, and their relationship to it as a member of a race, gender, or potentially other categories.² You can read the full list of higher ed prohibitions [here, lines 222-262](#).

Many of HB7’s prohibitions derive from cartoonish representations of post-secondary instruction, meaning faculty can reasonably navigate them with an acceptable level of risk by using the strategies described below. Remember: the best solutions to HB 7 are political and collective actions, such as local demonstrations on campus or at a supporter of the law’s home office, and at the ballot box. Collectively, members should discuss and plan actions to push back and fight for our union’s principles.

Guidance

While the law lists a number of prohibitions (included in detail under the “Reasonable Risk” option below), HB 7 also states that its prohibitions (emphasis added) “**may not be construed to prohibit discussion** of the concepts listed therein as part of a larger course of training or instruction, provided such training or instruction is **given in an objective manner without endorsement of the concepts.**” This means that the law’s enforcement mechanisms are focused very much on *feelings* and *perceptions of objectivity*. Thus, individual members need to decide for themselves how much risk they are comfortable taking in the name of academic freedom. Presumably, student complaints will trigger investigation of HB 7 violations, which [will be investigated according to this new Board of Governor’s policy](#). As a first step to reducing or avoiding such complaints, we suggest that all faculty place the following disclaimer in their syllabi and display it prominently on online learning platforms:

Students are encouraged to employ critical thinking and to rely on data and verifiable sources to interrogate all assigned readings and subject matter in this course as a way of determining whether they agree with their classmates and/or their instructor. No lesson is intended to espouse, promote, advance, inculcate, or compel a particular feeling, perception, viewpoint or belief.

¹ <https://www.flgov.com/2022/04/22/governor-ron-desantis-signs-legislation-to-protect-floridians-from-discrimination-and-woke-indoctrination/>

² However, note that the legislation itself says it should not be construed to prevent discussion of the prohibited topics.

We also suggest that all faculty consider recording and maintaining copies of their lectures, but we strongly recommend it for faculty pursuing the “Reasonable” or “Higher” risk courses of action described below. Faculty should retain copies of the course recordings and should be prepared to turn those recordings over to administrators if requested to do so. Faculty must inform students in the syllabus that they should expect recordings of class lectures and discussion. Further advice below is grouped by risk level: Low Risk, Reasonable Risk, and Higher Risk.

Low Risk

- 1) Don't teach or address any of the topics prohibited in HB 7.
- 2) Remove all posters and art in your office that “endorse” positions prohibited by HB 7.
- 3) Don't speak to any of the topics addressed in HB 7 with any student groups you may sponsor.
- 4) Don't guest lecture on any Florida campus about any of the topics addressed in HB 7.

Reasonable Risk

The left column contains a prohibition from HB 7, while the right column contains UFF’s recommended approach to continue teaching these subjects in a way that produces moderate or reasonable risk for the instructor.

Prohibition or “Faculty may not endorse the concept that...”	Recommended Approach
1. Members of one race, color, national origin, or sex are morally superior to members of another race, color, national origin, or sex.	While we doubt this has ever come up, don't make this kind of statement in your classroom, ever.
2. A person, by virtue of his or her race, color, national origin, or sex is inherently racist, sexist, or oppressive, whether consciously or unconsciously.	Faculty can still 'suggest or assert' that a person, by simple virtue of his/her race, benefits from certain social structures. Underscore that this is not the same thing as claiming that an individual, in their heart of hearts, is racist, sexist, or otherwise oppressive.
3. A person's moral character or status as either privileged or oppressed is necessarily determined by his or her race, color, national origin, or sex.	Faculty should remind students that "benefits from" is not synonymous with "status as privileged" and "is harmed by" is not synonymous with "is oppressed."
4. Members of one race, color, national origin, or sex cannot and should not attempt to treat others without respect to race, color, national origin, or sex.	Faculty response will depend upon material under discussion, but consider: “If the goal of the policy is to minimize ‘X’ outcome, then adopting a ‘Y’ approach has been shown to achieve that end.”
5. A person, by virtue of his or her race, color, national origin, or sex bears responsibility for, or should be discriminated against or receive adverse treatment because of, actions committed in the past by other members of the same race, color, national origin, or sex.	Instructors can protect themselves by saying "I am not suggesting anyone bears individual responsibility or should feel guilt" about [X].

<p>6. A person, by virtue of his or her race, color, national origin, or sex should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion.</p>	<p>We imagine that this is supposed to stop discussions about affirmative action. Consider the following kind of phrasing: "An affirmative action policy says X, and here's the basis for it according to these scholars/articles. These policies tend to have Y effects on Z populations. If you believe that Y effects are desirable, approval of affirmative action policies might be the outcome."</p>
<p>7. A person, by virtue of his or her race, color, sex, or national origin, bears personal responsibility for and must feel guilt, anguish, or other forms of psychological distress because of actions, in which the person played no part, committed in past by other members of the same race, color, national origin, or sex.</p>	<p>Instructors can protect themselves by saying "I am not suggesting anyone bears individual responsibility or should feel guilt" about [X].</p>
<p>8. Such virtues as merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are racist or sexist, or were created by members of a particular race, color, national origin, or sex to oppress members of another race, color, national origin, or sex.</p>	<p>Consider: "Merit-based systems of (insert here) can aggravate racial/sex (etc.) inequalities," and "Those who imagined these systems probably did not have the intent of discriminating, but in practice these are the effects."</p>

Higher Risk

Change nothing and teach as you believe is best based on your scholarship and your expertise in your field. You can serve as a test case for potential litigation or organizing against this law if you are ever investigated or harmed. If you find yourself in this position, contact your chapter's grievance committee or the assigned UFF Labor Relations Specialist.

Final Thoughts

If you, as a UFF member, experience any discipline, harm, or other adverse action from your supervisor or institution in response to your attempts to navigate the prohibitions in HB 7, you should immediately contact your local union leaders for support. You should also encourage your colleagues to join UFF, as the collective power enforced by a strong local Collective Bargaining Agreement (CBA) is the best defense any faculty member can have against the overreaching, totalitarian authority represented in this law.

UFF supports honesty in education, accurate teaching of American history, and clear, thoughtful analyses of our country's governmental and social institutions for biases toward any group, all to build the public good in Florida and beyond. We will defend any member who is harmed for trying to teach the truth and to give their students the best education possible under the difficult circumstances imposed by this law.