Intellectual Freedom and Viewpoint Diversity:
Impacts of an Annual Assessment Law

**Abstract**

Educators and legislators in various states have debated whether faculty are indoctrinating students with certain perspectives and avoiding discussions of alternate viewpoints. This study explores the effects of a provision of a Florida law purporting to promote intellectual freedom and viewpoint diversity at public universities. This law requires universities to conduct annual assessments to explore the extent to which students, faculty, and staff feel free to express beliefs and the extent to which they feel competing ideas and perspectives are presented at the university. The researchers circulated an online survey with quantitative and qualitative questions to faculty at four public universities. A total of 187 faculty completed the survey. Most faculty believed the provision would have adverse effects on faculty morale and intellectual freedom at universities. Many faculty expressed concerns about the assessment’s validity and potential misuse of its findings against faculty members.

*Key words*: intellectual freedom, academic freedom, viewpoint diversity

**Intellectual Freedom and Viewpoint Diversity:
Impacts of an Annual Assessment Law**

In various regions of the United States, debate over the future of higher education has raised questions about the extent to which faculty members foster environments that support academic excellence, allowing students to learn and think critically rather than indoctrinating them with what to think (Zanheis, 2023). In 2021, Florida House Bill 233 (HB-233) was purportedly enacted to promote intellectual freedom and viewpoint diversity (IFVD) in Florida’s public universities. HB-233 defines IFVD as “the exposure of students, faculty, and staff to, and the encouragement of their exploration of, a variety of ideological and political perspectives.” HB-233 prohibits universities and faculty members from shielding students from IFVD. It also allows students to video or audio-record their classes, requires universities to create a student code of conduct, and creates a cause of action against faculty who violate the principles of IFVD (Authors, In Press). This study explores the perceived impact of HB-233’s provision that universities participate in an annual IFVD assessment. Specifically, this law requires the Florida Board of Governors of the state universities to:

select or create an objective, nonpartisan, and statistically valid survey to be used by each state university which considers the extent to which competing ideas and perspectives are presented and members of the university community… feel free to express their beliefs and viewpoints on campus and in the classroom.

The annual IFVD assessment developed by the Florida Board of Governors (2022) included Likert-style questions, inviting faculty to respond by indicating whether they strongly agree, agree, disagree, strongly disagree, or neither agree nor disagree with each of the following statements:

1. My institution provides an environment for free expression of ideas, opinions, and beliefs.
2. I see examples of free and welcomed expression (such as speeches, debates with other students or instructors, class assignments, etc.) on my campus regularly.
3. Students at my institution are encouraged to consider a wide variety of viewpoints and perspectives.
4. Students at my institution are not shielded from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive.
5. Employees at my institution are encouraged to consider a wide variety of viewpoints and perspectives.
6. Employees at my institution are not shielded from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive.
7. I have felt intimidated to share my ideas or political opinions because they were different from those of my colleagues.
8. My institution is equally tolerant and welcoming of both liberal and conservative ideas and beliefs.

Although HB-233’s proponents assert that it advances IFVD, others suggest that it stifles academic freedom, class discussions between faculty and students, and the exploration of controversial topics and ideas (Cohn, 2021). To delve into the effects of HB-233, this study invited faculty from four state universities to complete a survey on the perceived effects of the annual assessment provision of HB-233. This article begins with a literature review, exploring the concepts of intellectual freedom and viewpoint diversity. The methods section details the process used to conduct the survey, including how faculty were invited to participate. The findings section identifies the key themes that emerged when analyzing faculty’s responses to questions about the impact of the annual assessment. The limitations section identifies concerns that may limit the dependability and transferability of the findings. The discussion section concludes with key findings and proposes educational policies to promote intellectual freedom and viewpoint diversity.

**Literature Review**

Given that the fundamental roles of universities are to promote learning and inquiry (Knight Foundation, 2022), IFVD is a core guiding principle for their functioning. HB-233 defines IFVD as “the exposure of students, faculty, and staff to, and the encouragement of their exploration of, a variety of ideological and political perspectives.” Intellectual freedom refers to the freedom of thought, inquiry, and expression, without restriction from the government or others (Mann, 2017). Viewpoint diversity is the principle that people should have open access to various opinions, ideologies, and perspectives (Von Bergen & Bressler, 2017).

Although IFVD refers specifically to the rights and obligations of faculty and students in an educational context, it fits with the broader notion of free speech as enshrined in the First Amendment of the U.S. Constitution (1791). Beyond the U.S., free speech and political freedom are indeed considered cornerstones of free and democratic societies across the globe, contributing to an informed citizenry and the ability to engage in open discussion and debate about matters of significance to society (United Nations, 1966). Whereas free speech refers to the right to express oneself freely, IFVD includes both freedom of expression and the right to be exposed to various types of information and perspectives (Huang, 2020). As institutions of higher education, universities are not supposed to indoctrinate students with particular political views of beliefs, but rather, help students explore various beliefs, values, and perspectives. The notion of academic freedom means faculty and students should be able to seek and discuss truth without fear of censorship or retaliation (American Academy of University Professors, 1970).

In supporting HB-233, proponents suggested that universities are dominated by faculty with liberal ideologies who make it difficult for students with alternate views to express their opinions, fearing confrontations or retribution from faculty with different beliefs (Petit, 2021). They believe legislation is needed to ensure that all students may openly engage in classroom discussions, without fear of being shut down or punished. The Knight Foundation (2022) conducted surveys of American university students to explore the extent to which they felt their right to free speech was secure. The proportion of students indicating they felt their right to free speech was secure fell from 73 per cent in 2016 to 47 per cent in 2021. Students identifying as Republican were more likely than other students to report that campus climates were stifling free speech. Another survey study found that the United States had a higher percentage of liberal-leaning faculty when compared to the general population, with conservative-leaning faculty reporting stronger perceptions of feeling silenced (Norris, 2021). Although these findings support concerns expressed by HB-233’s proponents, the United Faculty of Florida (a union representing over 20,000 faculty members) suggests that concerns about IFVD are grossly exaggerated. The United Faculty of Florida believes HB-233 will have negative effects on IFVD, discouraging students and faculty from openly discussing issues that may be perceived as political or controversial (Cohn, 2021). Others see HB-233 as part of a series of government actions to exert control over universities regarding ideological issues, including diversity, equity, and inclusion (Diep & Pettit, 2023).

Although this research is specific to a Florida law and its impact on universities, other states have considered or implemented similar laws. Since 2021, at least 28 state legislatures have introduced laws purporting to address indoctrination at universities; critics suggest that the laws will have the effect of limiting discussion of certain topics (Myskow, 2022). Outside the United States, there are growing concerns about freedom of speech and IFVD, with similar legislation being proposed in the United Kingdom (Miheeva, 2021; Norris, 2021). In fact, the Academic Freedom Index recently reported that academic freedom has declined for over 50% of the world’s population, with 22 countries experiencing a significant decrease in academic freedom over the last decade (Kinzelbach, Linberg, Pelke, & Spannagel, 2023). Of concern, another global review on academic freedom concerns and legislation identified several countries (e.g., Turkey, Botswana, Uganda) are enacting such aggressive anti-academic legislation that scholar rescue programmes are being established to help safely relocate individuals impacted (Adebayo, 2022). While the severity of legislation varies across the globe, it is apparent that legislation related to academic or intellectual freedom continues to grow; accordingly, it is important to understand the impact of such laws, including the perspectives of faculty who teach in the institutions being affected. This study offers a glimpse into the impact of one such piece of legislation: HB-233’s provision for universities to conduct annual IFVD assessments.

**Methods**

To solicit the perspectives of faculty, faculty members from four public universities in different regions of Florida were invited to participate in an online survey. Between February and April 2022, each university circulated an email invitation to its faculty members, including tenure-line professors and non-tenure-line instructors, and adjunct faculty. The survey included closed-ended and open-ended questions. The closed-ended questions invited participants to identify whether the annual assessment provisions of HB-223 had positive or negative effects on IFVD, teaching, learning, and faculty morale. Open-ended questions invited participants to elaborate upon their answers and provide examples of the positive or negative effects of the annual assessment provision in HB-233.

Data were collected and analyzed through an online survey programme, Qualtrics (Provo, UT). For the quantitative questions, Qualtrics calculated frequencies. For the qualitative data, the researchers used thematic qualitative analysis using an inductive approach (Iphofen & Tolichm, 2018). The initial thematic analysis was conducted by the first and second authors, using word coding to identify patterns of words, phrases, and contexts in the qualitative responses. They then identified common themes and subthemes among various faculty (Denzin & Lincoln, 2017). To ensure the trustworthiness of the analysis, the third author conducted an independent audit of the transcripts, codes, and themes (Creswell & Miller, 2000). When the auditor identified alternate codes or themes, the three researchers discussed them to develop a consensus on the most accurate codes and themes to represent the data.

**Findings**

## Demographics

Among the faculty members who received invitations to participate in this research, 187 completed the online survey (4.6 per cent out of a total of 4,033 faculty members). Participants included 49 full professors (26.2), 41 associate professors (21.9per cent), 31 assistant professors (16.6 per cent), 29 instructors (15.5 per cent), and 9 adjunct professors (4.8 per cent). The rest of the participants identified as “other” (12 respondents, 6.4 per cent), or preferred not to answer (16, 8.6 per cent). Among the 187 participants, 166 identified as full-time university employees (88.8 per cent), 3 identified as half-time (1.6 per cent), 6 identified as less than half time (3.2 per cent), and 12 stated “other” or preferred not to answer (6.4 per cent). Most respondents were tenure-line and full-time faculty members.

## Annual Assessment

When asked about the impact of HB-233’s annual assessment requirement, 13 per cent said the assessment would have a very positive or moderately positive impact, 18 per cent foresaw no significant impact, 53 per cent anticipated a moderately negative or very negative impact, and 17 per cent said they did not know. Among the latter group, some said that they would need to see the assessment and how it would be used before they could comment. Upon analyzing the qualitative feedback regarding the impact of HB-233, 5 themes emerged: useful feedback, skepticism, undermining survey efforts, burdensome, and infringing on freedom. The following sections elucidate the participants’ perspectives on these themes.

***Useful feedback***

Some participants felt the annual assessment would provide helpful feedback. In particular, participants said this measure would be helpful to students and faculty with conservative viewpoints, giving them an opportunity to speak openly. As one participant stated, “I think it will be eye-opening to our liberal faculty to hear that conservative faculty feel constrained.” In describing the usefulness of the survey, another participant noted, “We need to understand whether certain viewpoints are being discouraged and eliminate such discouragement if that is happening.” Among those participants who thought the annual assessment would render useful results, some said they had no concerns about the assessment they wondered about resistance from their peers: “Honestly, what are they so afraid of if they aren’t doing anything wrong in the classroom?”

***Skepticism***

One of the more common themes emerging from the data was skepticism, specifically a lack of trust in why the government was mandating the annual assessment and how the results would be used. Concerns about the annual assessment included ill intent by the government, McCarthyism, and concerns about the assessment’s design and methodology.

Regarding ill-intent, some participants believed the government would use the assessment for improper purposes. As one participant suggested:

It is clearly a tool to target professors. I have no trust that the data collected will have any validity or will be used with transparency. A simple assessment of the questions shows that the entire process lacks any semblance of serious inquiry. It’s very existence, however, creates a climate of hostility toward faculty when in fact our personal political views have nothing to do with our work.

Several participants compared the annual assessment to political policing. Three participants specifically referred to the annual assessment as a McCarthy-era intimidation tactic against academics. They felt the assessment could be used to target particular people or departments. “A witch hunt is brewing.” Some participants referred to the annual assessment as “big brother.” They described concerns that the assessment was the first step toward more aggressive measures:

This is McCarthyism. I am very concerned about this political testing, and do not trust the results… They think professors are communists while most are moderate. The whole political spectrum has shifted rightward over the past few decades… When do the House Un-American Activities Committee hearings start?

Other participants expressed concerns that the annual assessment will be used to promote specific political ideology and control what content is taught in the classrooms. Some participants identified “double speak” or hypocrisy from the legislation, noting:

[Legislators] openly pass laws making it illegal to discuss issues such as race or gender in certain educational contexts. They are the ones censoring speech and ‘shielding’ people form topics that they are not comfortable with.”

In this and other instances, participants were referring not only to HB-233, but the combined effects of this law with other recent laws (e.g., Florida House Bill 7 [2022], the so-called Stop W.O.K.E. Act, which restricts discussions of systemic racism, sexism, and wokeness). Participants felt that liberal ideologies were under attack by a conservative administration. Their skepticism about how the assessment would be used was related to political divisiveness and other government actions affecting higher education.

While some participants expressed skepticism about how the results would be used, others questioned the rigor of the assessment and expressed concerns about the assessment’s research design and methods of analysis. Participants questioned the rigor of the assessment. Some faculty said the assessment had leading questions, unclear conceptualisations, and other biases. As one participant stated, “Whoever developed the annual assessment did not seem to request feedback from faculty across the state. The wording of the questions seems biased and unclear.” Others questioned the trustworthiness of the findings and how they would be analyzed and reported. “I expect the authors of this bill and their kind will cherry-pick responses to show that conservative voices are being stifled by the liberal culture of universities.” One participant noted that the assessment did not take into account that people’s viewpoints are not rigid and that they “may change over time as they encounter new ideas and new experiences.”

Some participants identified topics they wish had been included in the assessment such as perceptions of upper administration’s handling of intellectual freedom, or the concept of elitism and its impact on intellectual freedom. Participants noted that the assessment did not distinguish between beliefs backed by empirical research and beliefs without empirical support: “Individuals should not be deciding what is and is not acceptable knowledge. As long as the rules of science are followed, it doesn’t matter if certain ‘truths’ are upsetting.”

Given the concerns regarding the assessment’s methodology and the efforts to undermine or boycott the survey, participants described skepticism about the assessment’s results and interpretations. Participants described how they felt data would be “cherry picked” to suit different political agendas, regardless of how political discussions and beliefs may shift over time: **“**I feel as though the data that comes out of it is going to be presented in different ways—the same data presented differently to align with different agendas.”

Finally, participants described concerns regarding how the results would be used. One participant expressed concern that the state would implement quotas to make sure certain beliefs systems were included or excluded among faculty. This could lead to certain faculty being hired or not hired based on their political beliefs.

***Infringing on Freedom***

Some participants described how the annual assessment amounted to a type of monitoring that infringes academic freedom and the constitutional rights such as free speech. One participant said the assessment “would appear to be at odds with the very concept of academic freedom.” Another participant believed it infringed students’ right to learn:

Intellectual freedom and respect for it is part of the collegiate learning process and an essential tool for the building of critical thinking skills. Students will be rigid without it and not be able to navigate the business world in light of the global economy’s further division, prejudice, and discrimination. Additionally, professors know how to guide academic discourse since it is our business and do not need monitoring. Monitoring intellectual freedom and viewpoint diversity is an infraction of constitutional rights for both faculty and students.

***Undermine Survey Efforts***

Several participants described ways that they or colleagues felt hesitant about participating in the survey. As one participant indicated, “Many faculty members are weary of completing this survey because they think it may be used against faculty members and the university.” Among participants who were skeptical about the intent, methods, and use of the assessment, some described plans to undermine the efforts to conduct the assessment. Others reported that they heard other faculty, the faculty union, or other entities were working to undermine completion of the assessment.

Participants identified two ways to undermine the survey: not responding to it or completing it with false information. As one participant suggested, “I feel that most professors will ignore these ‘surveys’–unless they have an ax to grind, which can skew results.” Another participant said, “I absolutely do not want to report my political views to the state.” One participant suggested, “I do not plan to answer it unless my job depends on it.” HB-233 does not prescribe penalties for not completing the assessment so participants were not concerned about negative repercussions for not completing it.

In considering whether to complete the assessment, some questioned whether people would answer the assessment honestly and openly. Some participants considered how to answer the assessment questions falsely to “counter the perception of the legislators.” One participant questioned, “Is it better to put extreme right views in the survey to skew the results?” Another participant thought that people might provide responses that they thought the state’s board of governors or their university’s board of trustees would want to hear. Although some participants felt it was appropriate to respond to the assessment through nonparticipation or false answers, one participant described sadness that the results would be undermined due to these efforts.

***Burdensome***

Several participants said the annual assessment created logistical burdens. They commented on the time and money to create, distribute, and analyze survey results. In addition to the time burden to complete the survey, participants felt the assessment process was a wasteful effort and it would not lead to constructive change: “All sorts of assessments can be conducted, but again, this will have no bearing on what actually happens in the classroom. Why are we wasting state dollars, faculty time… collecting data and doing assessments which, at the end of the day, will not [affect] pedagogy.”

One participant questioned the need for annual assessments, calling them “a solution in search of a problem.” Another participant felt the assessments will be detrimental to faculty recruitment efforts, thus burdening search committees and remaining faculty with additional commitments.

# Limitations

The primary limitations of this study are related to the sample. Of the 12 public universities in the Florida state system, only four agreed to distribute the survey to their faculty members. Although the sample included universities from the north, central and south regions of Florida, the views expressed by participants may not be transferable to all 12 state universities (Denzin & Lincoln, 2017). The sample of 187 represents 4.3 per cent of all 4,033 instructional faculty at the four universities. Full-time faculty were overrepresented as compared to part-time faculty. Part-time faculty may not have felt as strongly (positively or negatively) about the impacts of HB-233. In the qualitative responses, some part-time faculty said they did not know a lot about this law or its impact.

Although survey data was gathered on an anonymous basis, the researchers received concerns from potential participants about the possibility of negative reactions from the government if they responded to this research. Accordingly, faculty with negative views of HB-233’s impact could be underrepresented. Faculty self-selected about whether to participate in this research. Given that this research is based on a non-random sample, caution is warranted regarding the extent to which the findings represent the views of all Florida faculty members (Denzin & Lincoln, 2017). The value of the qualitative research may be reflected in the richness of responses in understanding faculty perceptions of HB-233. The findings from this exploratory study could be used to inform follow-up studies into the impact of HB-233 and similar laws.

# Discussion

IFVD, academic freedom, and free speech include the rights of students and faculty to freely express diverse views and to have access to different sources of information (Huang 2020; Von Bergen & Bressler, 2017). These rights include freedom from government censorship or control (*Pernell v. Florida Board of Governors of the State University System,* 2022). Various universities across the United States have struggled with what forms of speech should be permitted and what forms should be prohibited, particularly with regard to topics that may be perceived as political, controversial, uncomfortable, or offensive (Knight Foundation, 2022). In the present study, some faculty believed that HB-233’s annual assessment would have positive impacts on IFVD; however, the majority believed that the primary effects of this provision would be harmful.

Many faculty were skeptical about the intentions of the government, suggesting that these initiatives were not intended to promote IFVD, contrary to the stated purposes of HB-233. Faculty expressed concerns that the annual IFVD assessment would be used to attack faculty or to pursue a political agenda advanced by the current government. A number of faculty expressed concerns not only about the wording of the questions, the methods, and the ways that the results would be used. Given these concerns, they noted that many faculty and the faculty union were suggesting that faculty should not complete the survey. In fact, of the 98,000 faculty and staff who received the survey, only 9.4 per cent responded; of the 386,00 students who received the survey, only 2.4 per cent responded (Nietzel, 2022; State University System of Florida, 2022). For future assessment surveys, if the government wants to garner support and higher responses rates from students, faculty, and staff, it may be prudent to:

* include faculty, students, and staff in the development of the assessment questions;
* employ best practices in research design (Pew Research Center 2023);
* ensure that the methods used to gather and analyze the data are scientifically rigorous; and
* clarify how the assessment findings will be used and ensure that they will not be used to punish or discriminate against particular faculty members, academic units, or universities.

The implications of HB-233’s annual assessment mandate should be contextualized within the broader landscape of legislative and executive actions. Since HB-233 was enacted, the Florida government enacted a law constraining faculty’s latitude in teaching topics related to race, sexual orientation, and gender (Florida House Bill 7, 2022). The government has also required universities to provide them with information about diversity, equity, and inclusion initiatives, including how many faculty and how much money is being spent on DEI committees and courses (Diep & Pettit, 2023). Additionally, Florida House Bill 256 (2023) poses challenges to faculty union’s collective bargaining strength and job security by prohibiting public employee unions from being deducted from employees’ paychecks and raising the bar for union certification from 50% to 60%. Faculty who opposed the annual assessment may have viewed the annual assessment as part of the “culture wars” underscoring the ideological divide between conservative and liberal groups, and perceived attacks on education by the government.

The concepts of intellectual freedom and viewpoint diversity are critical for fostering the free exchange of ideas, discussing controversial issues, and supporting the freedom to study concepts that may or may not align with the political views of the government in power. While universities do grapple with challenges in upholding these ideals—with instances where particular faculty or students may not be fully respecting or supporting IFVD—mandating an annual IFVD assessment might not be the best way to promote IFVD. In fact, this approach may run counter to IFVD to the extent that faculty and students feel that they are being used to target students or professors who express certain ideologies, or to enforce a certain type of ideology on universities.

To promote IFVD in an effective manner, government and universities could work together to design and implement strategies that enhance IFVD. Strategies to consider include:

* ensuring students have access to a broad range of textbooks, journal articles, and other scholarly readings that represent a variety of perspectives (Sturges, 2016);
* offering training to faculty to enhance their skills for creating supportive environments for student participation, and facilitating discussions about political and controversial issues in a manner that promotes IFVD, respect, and critical thinking (Lerner, 2020; Rocca, 2010);
* educating students about how to engage in critical thinking and dialogue, distinguishing facts from opinions, considering a range of perspectives and sources of information, and interacting with other students and faculty in a respectful manner (Dekker, 2020);
* developing student codes of conduct that support IFVD, distinguishing between students’ rights to freedom of speech and opinion from their responsibilities to express their opinions in class in a manner that is respectful and constructive (Khalid & Snyder, 2022); and
* developing better relationships between government and universities to enhance trust and understanding, and to develop a better understanding of the roles of each in ensuring IFVD and quality education for their constituents and communities.

Consensus among faculty respondents is clear: IFVD holds significant value in higher education. Although faculty with liberal, conservative, or other political leaning may differ about the best ways to nurture IFVD, there are many good-faith strategies that transcend political affiliations.

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